



MINUTES
SPECIAL CITY COUNCIL MEETING
INDUCTION CEREMONY
DECEMBER 2, 2014, AT 7:00 P.M.
CITY HALL, 116 FIRST STREET
NEPTUNE BEACH, FLORIDA

Pursuant to proper notice a Special Meeting of the City Council of the City of Neptune Beach was held December 2, 2014, at 7:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

The following Council members and staff were in attendance:

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

**Call to Order & Pledge
of Allegiance**

Mayor Pruette called the special meeting to order at 7:00 p.m. and led the Pledge of Allegiance.

Oaths of Office

OATHS OF OFFICE:

City Clerk Karla Strait administered the Oath of Office to Councilor Richard Arthur and Vice Mayor John Jolly, whereupon they each, respectively, reassumed the duties of their elected office.

**Presentation of
Certificate of Election**

PRESENTATION OF CERTIFICATE OF ELECTION: City Clerk Strait presented a Certificate of Election to Councilor Arthur for Seat 4 and Vice Mayor Jolly for Seat 5.

Council Comments

Vice Mayor Jolly stated it has been a pleasure to serve on the Council for the past four years. He is looking forward to continuing to serve the citizens of Neptune Beach for the next four years.

Councilor Tucker stated she has enjoyed working with the present Council and felt they have worked hard these past four years. She would like Council to continue to work hard for the citizens of Neptune Beach.

Councilor Arthur stated a lot has changed for him personally during the past four years which gives him a deeper prospective on serving the City and the community. He expressed this year's election process brought a lot of important community issues to the forefront which he felt was good for the City.

Councilor Wiley congratulated Vice Mayor Jolly and Councilor Arthur on their reelection. He stated it has been a pleasure to work with the Council, City Manager and City Attorney over the past four years. He also is looking forward to continuing to serve on the Council for the next four years.

Mayor Pruetto congratulated Vice Mayor Jolly and Councilor Arthur on their reelection. She stated she is also looking forward to working with this Council during her last two years serving as Mayor. She also thanked the City Manager and City Attorney for working well with the Council these past years. She felt Neptune Beach is a wonderful community and it takes the Council, City Attorney and City Manager working together to keep Neptune Beach a great place to live.

Appointment of
Vice- Mayor

ELECTION OF VICE-MAYOR: Pursuant to Section 2.04(b), City Charter, Mayor Pruetto opened the floor for nominations for Vice Mayor.

Vice Mayor Jolly stated he has enjoyed being Vice Mayor for the past two years but felt the title should be passed to Councilor Arthur. He nominated Councilor Arthur to serve as Vice Mayor. Councilor Arthur stated it would be an honor to serve as Vice Mayor and he accepted the nomination.

Councilor Tucker nominated Councilor Wiley to serve as Vice Mayor. Councilor Wiley also accepted the nomination to serve as Vice Mayor.

There being no further nominations, Mayor Pruetto asked City Clerk Strait for a roll call vote. She asked each council member to state who they choose to serve as Vice Mayor when their name was called.

Roll Call Vote:

Councilor Arthur	3 – Arthur, Jolly, Pruetto
Councilor Wiley	2 – Tucker, Wiley

Results: **COUNCILOR ARTHUR WILL SERVE AS VICE MAYOR.**

Vice Mayor Arthur thanked the Council for selecting him to serve as Vice Mayor.

Mayor Pruetto invited everyone to attend the reception immediately following adjournment of the meeting.

Adjournment

There being no further business, the meeting adjourned at 7:21 p.m.

Harriet Pruetto, Mayor

ATTEST:

Karla Strait, CMC, City Clerk

Approved: _____



MINUTES
WORKSHOP CITY COUNCIL MEETING
DECEMBER 1, 2014 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 December 1, 2014 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 John Jolly
Councilor Richard Arthur
Councilor Kara Tucker
Councilor Scott Wiley
City Attorney Patrick Krechowski
City Manager James Jarboe
City Clerk Karla Strait, CMC

Community Development Director Amanda Askew
Director of Public Safety David Sembach

**Call to Order &
Pledge of
Allegiance**

Mayor Pruette called the special meeting to order at 6:00 p.m. and asked Vice Mayor Jolly to lead the Pledge of Allegiance.

**Res. No. 2014-13
FDOT**

RESOLUTION NO. 2014-13: A RESOLUTION OF THE CITY OF NEPTUNE BEACH, FLORIDA REQUESTING THE FLORIDA DEPARTMENT OF TRANSPORTATION FUND A BEAUTIFICATION PROJECT ON STATE ROAD A1A (THIRD STREET) IN NEPTUNE BEACH.

Councilor Tucker explained she has been working with the Ish Brant Beautification Committee and State Representative Janet Adkins in regards to obtaining funding for the beautification of Third Street / A1A. The first stage of the process is for Council to adopt a Resolution agreeing to maintain the landscaping.

Mayor Pruette stated in the past when the City has requested funding from the State the City was required to have a plan in place to present to them.

City Manager Jarboe explained the Florida Department of Transportation funded a similar beautification project on Atlantic Boulevard for the Mayport Flyover about fifteen or twenty years ago. He felt the Ish Brant Beautification Committee and the City needed to find out how much it would cost for the maintenance of the landscaping, including the lighting before accepting the funding for the project.

Councilor Wiley asked how much funding was available and what the City would need to do to speed up the process.

Josh Messenger, 220 Hopkins Street, IBBC Member, explained the Ish Brant Beautification Committee has been in contact with State Representative Janet Adkins. Her office advised them in order to begin the process the City would need to adopt a Resolution showing intent. The Florida Department of Transportation would provide the cost analysis, the design and implementation of the project. The City would be required to maintain the improvements. It would be best for the City to adopt the Resolution before the first of the year, which is when the funding will become available.

Councilor Wiley asked if the City would have the opportunity to review and approve the plans for the project before making a commitment. Mr. Messenger replied "yes."

Councilor Arthur felt it was a great idea and asked when the grant would be available. Mr. Messenger advised the grant would become available the first of the year. He added that State Representative Adkins has a very positive outlook and felt the City has a good opportunity to obtain the funding.

Councilor Arthur asked if the City would need to fill out a grant application. Councilor Tucker replied it was her understanding if the City adopted the Resolution showing intent, Representative Adkins would move forward with it on behalf of the City.

Mayor Pruette stated she would support the Resolution.

Vice Mayor Jolly felt the Resolution for the grant was a great idea. He would like to find out more about the cost of maintenance before the City makes a commitment.

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

City Manager Jarboe advised an additional "whereas" should be added to the Resolution regarding the cost of maintenance.

City Manager
Evaluation

CITY MANAGER PERFORMANCE EVALUATION PROCESS: Councilor Tucker felt after having gone through the performance evaluation process for the City Clerk, Council should also conduct a performance evaluation on the City Manager. She understood according to the City Manager's contract that Council had to give the City Manager 180 days notice in order to amend his contract.

Mayor Pruette stated Council needed to decide whether or not they wanted to amend the City Manager's contract to add in a performance evaluation process. She asked City Attorney Krechowski to advise Council of their options.

City Attorney Krechowski advised Council had two options: 1) They could amend the contract if both parties agree, or 2) notify the City Manager that they did not want to extend the contract for an additional 180 days.

The current contract will automatically extend on January 16th. The language in the contract dated in February 2004, required Council to set up a performance evaluation process by a certain date, that did not happen and that provision of the contract is no longer valid. Back in July of this year Council discussed some goals and objectives for the City Manager which is still a valid part of the contract, but there is a question regarding a specific performance evaluation process.

Councilor Tucker stated she would prefer not to renew the current contract and instead draw up a new contract that would include a performance evaluation process.

Vice Mayor Jolly stated amending the contract was a negotiation process on both sides. He felt the contract has worked for a number of years. He would prefer Council identify goals and objectives they expect of the City Manager and evaluate him based on those achievements at the end of the year.

Councilor Arthur stated he would be interested in amending the contract to reinsert a performance evaluation process.

Councilor Arthur asked if the same performance evaluation process used for the City Clerk could be used for the City Manager. City Attorney Krechowski stated whatever process the Council decided to use, the contract would have to be amended and both parties would have to agree to the amendment.

Councilor Arthur stated he would be interested in amending the current contract to establish a performance evaluation or allowing the current contract to expire and inserting language to establish one into a new contract.

Councilor Wiley asked when the City Manager's contract expired. City Attorney Krechowski replied the contract was signed in 2004 and was originally valid for a five year period, but automatically extends every 180 days. The five year contract actually expired in 2009. Councilor Wiley asked when the current 180 day extension expires. City Attorney Krechowski replied the current 180 day extension will automatically renew again on January 16, 2015, if Council does not give notice to take action.

City Manager Jarboe stated the current 180 extension period actually expires in July because Council is required to give him 180 days notice before amending or not extending the contract.

City Attorney Krechowski advised he would recalculate the expiration date of the current 180 day period. Council is required to give 180 days notice prior to the extension of the contract if they want to amend it.

City Manager Jarboe recommended that he meet with the City Attorney and come up with an agreeable amendment to the contract.

Mayor Pruette stated Council needed to decide tonight if they want to mutually work with the City Manager to extend the contract for an additional 180 days, make an amendment, or not renew the contract at all.

Councilor Wiley stated if Council continued to allow the contract to renew for another 180 days it would allow them time to discuss an evaluation process. Mayor Pruette stated Council cannot conduct a performance evaluation without first amending the contract.

City Attorney Krechowski advised that is correct, under the current contract Council could not conduct a performance evaluation without an amendment. The paragraph of the contract that contained the language to conduct a performance evaluation was never complied with and therefore expired on February 16, 2009.

Mayor Pruette asked the City Manager if he would be willing to mutually agree to amend the contract to add a performance evaluation process. City Manager Jarboe suggested that he and the City Attorney meet and come up with something agreeable to bring to Council in January.

Mayor Pruette stated it is obvious Council would like to conduct a performance evaluation on the City Manager.

City Attorney Krechowski advised if Council wished to conduct a performance evaluation on the City Manager they would have to give the City Manager 180 days notice that they wanted to amend his contract to include the language. They would need to direct the City Manager and City Attorney work together to arrive at something agreeable to present to Council, or Council could give the City Manager 180 days notice that they did not want the contract to automatically extend.

Mayor Pruette asked each council member what they would like to do.

City Attorney Krechowski stated he was hearing a consensus that Council would like to include a performance evaluation component in the current contract.

Councilor Tucker, Councilor Wiley, and Councilor Arthur all agreed they would like to reinsert the performance evaluation language into the City Manager's contract. Councilor Arthur stated if it did not happen within the 180 days, he would not want to renew the contract.

Vice Mayor Jolly stated he was not in favor of amending the City Manager's contract. He would like to let the contract automatically renew, give the City Manager some objectives and evaluate him at the end of the year based on those objectives.

Consensus: **TO HAVE THE CITY ATTORNEY AND CITY MANAGER MEET AND BRING SOMETHING BACK TO THE COUNCIL IN JANUARY.**

Town Center
Christmas Tree
Lighting

TOWN CENTER CHRISTMAS TREE LIGHTING: City Manager Jarboe stated Town Center has hosted a Christmas Tree Lighting Event in previous years without approval from the City. He met with Kendra Robertson, Property Manager for 200 First Street, and she asked that Neptune Beach sponsor the event so it would be covered under the City's insurance. The City cannot indemnify another party or we would lose our sovereign immunity. He explained that normally when private events are held on City property the City requires the event host to indemnify the City. If Council chooses they can waive that requirement.

City Attorney Krechowski advised the City's insurance did not provide coverage for other parties. Council had the option of adding a separate rider to the City policy if they so chose.

City Manager Jarboe stated if the City added a separate rider we could lose our sovereign immunity.

Mayor Pruette asked City Manager Jarboe if he recommended allowing the Town Center event to occur the same as it has in the past. City Manager Jarboe replied "yes."

Mayor Pruette asked if Town Center had time to obtain and provide proof of insurance to the City before Saturday. Ms. Robertson replied possibly.

Councilor Arthur asked if Town Center was doing anything differently this year that they have not done in the past. Ms. Robertson replied the event will be the same. The only difference is that they were asking the City to officially sponsor the event. They have never asked the City for permission to host the event in the past. She felt it was automatically approved because the City of Atlantic Beach has traditionally coordinated the purchase, setting up and decorating of the tree, and makes arrangements for Santa, the sleigh, the hayride, and police patrol. The Mayport Middle School Band marches down the street followed by Santa. They have also previously worked with the Neptune Beach Public Services employees for set up and clean up. She was never aware they needed approval from the City.

City Manager Jarboe explained before today he was not even aware that our public services employees had been working the event. The supervisor must have taken it upon himself to allow the employees to work the overtime. He added that employee's do not have the authority to approve special events.

City Manager Jarboe stated if Council wishes to sponsor the event and make it an official City event, Town Center would still be required to provide insurance coverage.

Mayor Pruette voiced concern that the event was scheduled to take place in four days and this is just now coming before the Council. She felt this should have been brought to the attention of the City sooner. City Manager Jarboe replied he just found out about the event as well.

City Manager Jarboe explained normally when a private event is held on public property the City requires the responsible party to have an insurance rider that indemnifies the City. In this case it has slipped through in previous years.

City Manager Jarboe stated if Council wants the City to sponsor the event they must approve it. If Council did not want the City to sponsor the event he has the authority to approve it with the condition that they provide insurance indemnifying the City.

Vice Mayor Jolly voiced concern regarding the City not being notified of recent events until the last minute. He felt there needed to be better communication between the City and events hosts. Mayor Pruette suggested Town Center appoint a liaison to work with the City in the future.

Councilor Tucker felt the city needed to be consistent regarding insurance requirements for events.

PUBLIC COMMENTS / NONE

Adjournment

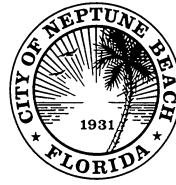
There being no further business, the meeting adjourned at 6:36 p.m.

Harriet Pruette, Mayor

ATTEST:

Karla Strait, CMC, City Clerk

Approved: _____



MINUTES
REGULAR CITY COUNCIL MEETING
DECEMBER 1, 2014, AT 6:36 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 December 1, 2014, at 6:36 p.m. in the City Hall Council Chambers, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

STAFF:

Mayor Harriet Pruette
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

Community Development Director Amanda Askew
Public Safety Director David Sembach

Order Call/Pledge Mayor Pruette called the meeting to order at 6:36 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:**

NOVEMBER 3, 2014, REGULAR CITY COUNCIL MEETING
NOVEMBER 17, 2014, WORKSHOP CITY COUNCIL MEETING
NOVEMBER 17, 2014, SPECIAL CITY COUNCIL MEETING

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Tucker, Wiley, Pruette

Noes: 0

MOTION CARRIED

COMMUNICATIONS & CORRESPONDENCE

Mayor Pruette asked Chief Sembach to give a brief report on the Pete's Bar Thanksgiving Day event. Chief Sembach reported the event began at 9:00 a.m. The ebb and flow was constant all day. He estimated the crowd was around 3,000 people. There were no incidents of drunks, arguing or fighting.

Mayor Pruette reminded everyone Christmas in the Park is this Friday, December 5th at 6:00 p.m.

Councilor Arthur asked what time the Thanksgiving Day event ended. Chief Sembach responded the streets were cleared and traffic was moving before 2:00 p.m. He suggested shutting down the event at 1:00 p.m. next year.

City Manager Jarboe stated parking for the event was overwhelming for some residential areas. All of the parking spaces in the parking lots were full as well as the parking spaces up and down the residential streets. Mayor Pruette added parking and traffic was really bad at Atlantic Boulevard and Third Street. Chief Sembach reported there was one complaint from a resident east of Third Street.

City Clerk Strait stated she is working on putting a new calendar on the website. She is also updating the webpage's for the City Clerk and Boards.

City Manager Jarboe stated revenue for building permits has increased 5% during the first two months of this fiscal year. The building department is busier than usual with plan reviews and inspections.

CITY MANAGER REPORT

City Manager Jarboe reported on the following:

- The Bal Harbour project was 70% complete.
- Water meters are on back order but they should all be changed out by the summer.

Councilor Arthur voiced concern regarding cracks in streets that have just recently been repaved. He asked if there was a warranty or guarantee from the contractor on the paving. City Manager Jarboe responded the streets in the Bal Harbour area are extremely low and it is difficult to keep water out. Councilor Arthur asked the City Manager to ensure that the vendor for the new paving process clearly defines the warranty and guarantees for the paving materials. He also asked the City Manager to ensure the City was receiving warranties for repairs. City Manager Jarboe stated the cracks can be sealed.

COMMENTS FROM THE PUBLIC

Chris Gidden, 220 Hopkins Street, Ish Brant Beautification Committee member, presented plans for the IBBC for 2015. Their main goal for the Butterfly Garden is to winterize it by covering everything up and planting some herbs that will add nutrients to the ground. In the spring the herbs will be removed and replaced with low maintenance plants. The committee will submit plans to Council in February.

The committee received permission from the Florida Department of Transportation to place a welcome sign on Atlantic Boulevard before the Mayport Flyover. Mr. Gidden thanked Mr. Kerry Chin for designing the sign. He will present the plan for the welcome sign to Council for approval before it is installed.

Mr. Gidden stated the committee is also working on a project to beautify the median at Seagate Avenue and Hopkins Street using their own money. They would like to add some low maintenance grass, palm trees, and install a new smaller welcome sign. Mayor Pruette asked Mr. Gidden to present the plans to the Council once they are completed.

CONSENT AGENDA

Speed Humps Speed Humps / Fifth Street

Food Trucks Food Trucks / Christmas in the Park

Moved by Tucker, seconded by Arthur.

Motion: **TO APPROVE THE CONSENT AGENDA.**

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Tucker, Wiley, Pruette

Noes: 0

MOTION CARRIED

VARIANCES

V14-13 V14-13, VARIANCE REQUEST / 1223 ATLANTIC BOULEVARD / PENMAN PLAZA
1223 Atlantic Blvd ASSOCIATES, LLLP: Mayor Pruette stated Penman Plaza Associates are requesting a total of nine variances for their development order. The Community Development Board approved variances 1 through 8 without conditions and variance 9 with conditions. She recommended Council approve variances 1 through 8 as recommended by the Board and discuss number 9 relating to the stormwater drainage.

Moved by Tucker, seconded by Jolly.

Motion: **TO APPROVE VARIANCE 2014-13 1 THROUGH 8 AS RECOMMENDED BY THE COMMUNITY DEVELOPMENT REVIEW BOARD.**

Roll Call Vote:

Ayes: 4 – Jolly, Tucker, Wiley, Pruette

Noes: 1 – Arthur

MOTION CARRIED

2014-13 V14-13, VARIANCE REQUEST # 9 / 1223 ATLANTIC BOULEVARD / PENMAN PLAZA
Variance Request ASSOCIATES, LLLP: Mayor Pruette stated the Community Development Review Board recommended approving variance request number 9, to Section 27-519(e)(f), with the following conditions:
#9

- 1) The new submittal for plans will be signed and sealed and on the front page shall have this statement: "The St. Johns River Water Management District and the City of Neptune Beach requirement as approved by this variance for drainage has been met as demonstrated by the calculations contained herein and thus meeting the requirement of Section 27-519(i)."
- 2) Within this plan they shall demonstrate calculations with the new site and show on the site plan that there is a net improvement for the stormwater attenuation and a net improvement for floodplain volume.

Mayor Pruetto opened the public hearing.

Paul Eakin, 599 Atlantic Boulevard, Suite 6, Atlantic Beach, Florida, Attorney for the owner of Penman Plaza, thanked the Community Development Board and Chairman Chin for their efforts to review and approve the plans. He added the plans and specs regarding the calculations for variance number 9, including the improvements for stormwater and a net improvement for flood plain volume have been submitted as requested by the Board. He understood because the plans were not submitted to the City until the Wednesday before the Thanksgiving Day holiday, the City was considering tabling the approval of variance number 9 until January to allow the staff time to review the calculations. He added if variance number 9 is deferred until January it would place his client and Mr. Proctor, at a disadvantage because he would not be able to close on the property and begin construction within the timeframe. He asked Council to take that into consideration. He stated the owner of the property and the engineers for the project were all present if Council had any questions.

Mayor Pruetto asked City Attorney Krechowski to give his opinion regarding variance number 9.

City Attorney Krechowski stated the language provided by the Community Development Board was very clear that the calculations for the stormwater was a fundamental part of this particular variance. He added that because the plans were not received until the Wednesday prior to the Thanksgiving Day holiday, staff has not had the time to review them. He advised Council, if they wanted to approve variance number 9, to include instructions in the motion that no construction of the pond commence until the calculations are reviewed and approved by the city staff.

Community Development Director Askew added that staff needed time to review the calculations and to ensure they have met the requirements for the net improvement for the stormwater and floodplain volume as required by the Community Development Board.

Mayor Pruetto asked how long it would take staff to review the plans and report back to Council with an answer regarding the calculations.

Mrs. Askew replied the city engineer is also having a third party engineer review the plans. They should be finished by this coming Wednesday. City Manager Jarboe added if the engineers began reviewing them today, we should have an answer before Friday.

Councilor Tucker stated she would support approval of the variance request, with the condition that no work begin on the pond until after the calculations were approved by the engineers.

Vice Mayor Jolly stated he supported the Board recommendation.

Councilor Arthur also agreed with the Board. He had an issue regarding the property having a hardship because the property had a lot of space. He was also concerned that approving the variance would place a hardship on other businesses.

Councilor Wiley stated he attended the Community Development Board meeting. He felt the Board covered a lot of areas and did a good job reviewing the plans. Councilor Wiley asked if the variance was approved with the condition that no work begin on the pond, would the owner be required to come back before Council for approval.

Mayor Pruette stated it was her understanding if Council approved the variance with the condition it would not place a burden on the developer. City Manager Jarboe agreed it would not.

City Manager Jarboe stated if Council approves the Development Order the owner could close on the property. He was concerned, what would happen, if the engineer did not approve the calculations. City Attorney Krechowski advised Council needs to decide what they would like staff to do if the calculations do not meet the requirements of the Board.

Vice Mayor Jolly asked Community Development Director Askew if plans were submitted for the project at an earlier date that did not require a variance. Mrs. Askew replied "yes" the plans for the preliminary development order showed the pond at a size that would not require a variance.

Vice Mayor Jolly stated he would like to defer approval of variance number 9 and hold a special meeting to approve it once the calculations were approved by staff.

Steve Proctor, 2312 Pine Island Court, explained if the variance is not approved it would cause complications with his financing because he cannot get financing without the survey which showed the size of the pond. If he cannot get financing he cannot begin construction. He was concerned that if the construction did not begin soon he would not be able to move to the property before his current lease expired. He was concerned about the location and size of the pond due to the loading and unloading of freight. He explained he would like to close on the property this Friday.

Mayor Pruette closed the public hearing.

City Attorney Krechowski advised the motion should be "to approve the recommendation of the Board as stated including that no work commence on the pond until staff verifies the calculations submitted satisfies the terms of the Community Development Board recommendation."

City Manager Jarboe suggested holding a special meeting next Monday, if staff did not approve of the calculations

For the Record Councilor Arthur asked Community Development Director Askew, for the record, if it is going to be difficult for staff to review the calculations. Mrs. Askew replied the engineers need to approve that the plans meet the requirements of the Board and that they are signed and sealed by the engineer.

Councilor Arthur asked Mrs. Askew what has changed regarding Hopkins Creek and water retention. Mrs. Askew explained Council recently passed a new stormwater ordinance that was created to help new developments and not burden existing stormwater pathways and retention areas.

Vice Mayor Jolly asked if this variance requirement would meet the requirements of the ordinance recently passed. Mrs. Askew replied if the plans show the correct calculations and that no water is leaving the site, it should meet the requirements of the new ordinance.

Vice Mayor Jolly asked if there is currently a pond on the site. Mrs. Askew replied "yes" there is an existing pond on the site. Vice Mayor Jolly asked if this variance is passed, would the existing pond be larger or smaller. Mrs. Askew replied if the variance is passed the pond will remain the same size, if the variance is not passed the pond will need to be larger.

Moved by Tucker, seconded by Wiley.

Motion: **TO APPROVE THE RECOMMENDATION OF THE COMMUNITY DEVELOPMENT BOARD AS TO VARIANCE NUMBER 9 INCLUDING THAT NO WORK COMMENCE ON THE SUBJECT POND UNTIL STAFF VERIFIES THE CALCULATIONS AS SUBMITTED BY THE APPLICANT SATISFIES THE TERMS AND REQUIREMENTS OF THE COMMUNITY DEVELOPMENT BOARD RECOMMENDATION STATED IN THEIR MOTION AS TO V14-13 # 9.**

Roll Call Vote:

Ayes: 4 – Arthur, Tucker, Wiley, Pruette

Noes: 1 – Jolly

MOTION CARRIED

Mayor Pruette stated if the calculations are not approved by the city staff she would call a special meeting next week.

ORDINANCES / NONE

OLD BUSINESS / NONE

NEW BUSINESS

CDB14-06 CDB14-06 / DEVELOPMENT ORDER / 1223 ATLANTIC BOULEVARD / PENMAN
1223 Atlantic Blvd PLAZA ASSOCIATES, LLLP: Mayor Pruette asked if there was a motion to approve the
development order.

Moved by Tucker, seconded by Jolly.

Motion: **TO APPROVE CDB14-06, DEVELOPMENT ORDER FOR 1223 ATLANTIC BOULEVARD, PENMAN PLAZA ASSOCIATES.**

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Tucker, Wiley, Pruette

Noes: 0

MOTION CARRIED

Res. No. 2014-13 **RESOLUTION 2014-13: A RESOLUTION OF THE CITY OF NEPTUNE BEACH, FLORIDA REQUESTING THE FLORIDA DEPARTMENT OF TRANSPORTATION FUND A BEAUTIFICATION PROJECT ON STATE ROAD A1A (THIRD STREET) IN NEPTUNE BEACH.**

Moved by Tucker, seconded by Wiley.

Motion: **TO APPROVE RESOLUTION NO. 2014-13**

Aye: 5 – Arthur, Jolly, Tucker, Wiley, Pruette

Noes: 0

MOTION CARRIED

Town Center
Tree Lighting

TOWN CENTER CHRISTMAS TREE LIGHTING: City Manager Jarboe stated Council did not need to approve the event unless they wanted to sponsor it and make it an official city event.

Consensus: **NO COUNCIL ACTION NECESSARY.**

COUNCIL COMMENTS

Councilor Arthur asked City Clerk Strait to create a list of events approved by the Council for 2014, and locate the contact telephone number of the sponsor. He felt the City should reach out to event coordinators for communications prior to events.

Councilor Arthur asked City Manager Jarboe if there was option for flex time in the Building Department. City Manager Jarboe responded the department has a licensed building inspector to help with inspections. He added any extra revenue from building permits had to stay within the building department and could not be used for zoning or anything else per State law.

Councilor Wiley asked when the new part time code enforcement officer would be hired. City Manager Jarboe stated he would introduce the new code enforcement officer to the Council in January.

Adjournment

There being no further business, the meeting adjourned at 7:29 p.m.

Harriet Pruetten, Mayor

ATTEST:

Karla Strait, CMC, City Clerk

Approved:



MINUTES
WORKSHOP CITY COUNCIL MEETING
NOVEMBER 17, 2014 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 November 17, 2014, at 6:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

STAFF:

Mayor Harriet Pruette
Councilor Richard Arthur
Councilor Kara Tucker
Councilor Scott Wiley
City Attorney Patrick Krechowski
City Manager James Jarboe
Acting City Clerk Karla Strait, CMC

Director of Public Safety David Sembach
Assistant Chief Tony Carrillo

ABSENT:

Vice Mayor John Jolly

Call to Order/Roll
Call

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

PRESENTATIONS / NONE

COMMITTEE REPORTS / NONE

CITY MANAGER'S ACTION LIST

City Manager Jarboe reported on the following:

- A really bad storm took down approximately 15 trees this week. He received a number of telephone calls from citizens thanking the public works department for their assistance in cleaning up and removing the fallen trees and debris.
- Using the new repaving process will allow the city to repave almost seven miles of roads which is more than double of what the normal process would allow. The first step of the new process is sealing all the existing cracks in the roadways, once that has time to settle the overlay and sealing process will begin. After the roads have been sealed the new coating will be placed on top.

Councilor Arthur questioned if this new road paving process had been done in Duval County or anywhere locally. City Manager Jarboe responded the process has been done in Clay County and St. Johns County as well as a number of other places throughout the State. Some of the streets in Queens Harbour subdivision of Jacksonville have also been repaved using this process.

Councilor Wiley asked if the City Manager had heard anything from the City of Jacksonville regarding tipping fees. City Manager Jarboe responded he has not heard from the City of Jacksonville. Mayor Pruette stated she spoke with City of Jacksonville Mayor Brown at the Veterans Day event and he did not relay any information to her at that time. City Attorney Krechowski added he sent a letter to the City of Jacksonville General Counsel four weeks ago and has not heard back.

CITY CLERK'S CONSENSUS LIST

Acting City Clerk Strait stated the only unfinished business on the consensus list is "nonconforming lots" and "nonconforming signs." The list was created by former City Clerk Volpe to help keep track of upcoming agenda items. Ms. Strait stated she has been keeping track of agenda items using "meeting recaps" which she felt was easier for her. She asked Council if they would like for her to continue using the consensus list or begin using the recaps to help keep track of agenda items.

Mayor Pruette stated she felt the "meeting recaps" were easier to read because it showed Council actions all on one page and made it simple to understand. She would support it over the consensus list. Her concern was being able to keep track of agenda items without them being left off or forgotten.

Councilor Tucker also liked the "meeting recaps." She would still like to maintain something similar to the consensus list that would keep track of all Council actions completed throughout the year. She felt using both systems would be good a cross reference.

Councilor Wiley also felt both sources were sufficient. He added he would be placing nonconforming signs on the January workshop meeting.

Councilor Arthur stated he was okay with a system that showed all open action items as well as completed actions.

Consensus: **CONTINUE USING BOTH SYSTEMS FOR KEEPING TRACK OF OPEN AGENDA ITEMS AND COMPLETED ACTIONS.**

PUBLIC COMMENTS

Jere Geis, 1603 First Street, opposed relocating parking spaces from the west side of First Street to the east side. She voiced concern in regard to drivers pulling onto First Street out of the alleyways not being able to see pedestrians, bicyclists, and skateboarders around the parked cars. She felt the safety of residents outweighed the need for a few more parking spaces.

Rory Diamond, 120 Davis Street, agreed with Ms. Geis's comments about how moving the parking from the west side to the east side would affect drivers coming out of the alleyways onto First Street. He was also concerned about strangers parking in front of houses that had families with small children that may be out playing in their front yards. He felt there was more of a

downside than an upside to relocating the parking.

Ginny Stephens, 910 Fifth Street, stated she initiated the petition for speed humps on Fifth Street and 55% of the residents signed the petition in favor of the speed humps. She also felt there should be 25 mile per hour speed limit signs on Fifth Street.

Kirby Johnson, 2700-C University Blvd. W., Jacksonville, Alexander Law Practice, stated he was representing Land Trust, the owners of two parcels of land on Poinciana Road. He explained the property was purchased by the owners in 2007 at a tax deed sale. The owners put the property on the market and received an offer for \$55,000. While the real estate transaction was in process, the third party developer was informed by the City that prior to developing the property the entire road would have to be paved. The estimated cost to pave the road ranges from \$50,000 to \$500,000 and the third party buyer did not complete the real estate transaction. He questioned the City Manager's authority to force a private citizen to pave a public road under Section 27-473 and 27-474 of the Code. It was his contention that the interpretation of Section 27-473 and 27-474 was unconstitutional and creates an inordinate burden on the property owner which violates the Bert Harris Act.

Mayor Pruette advised Mr. Johnson to meet with City Attorney Krechowski and City Manager Jarboe to discuss the issue.

Lynda Padrta, 1113 First Street, opposed moving the parking on First Street from the west side to the east side citing safety concerns.

Acting City Clerk Strait advised Council she received a letter late this afternoon from Bob and Lynn Shimp, 1109 First Street, opposing moving the parking on First Street. She also received a telephone call for Councilor Arthur from Charlotte Molinaro, 133 Myrtle Street, in opposition of the parking changes.

PROPOSED ORDINANCES / NONE

CONTRACTS / AGREEMENTS / NONE

ISSUE DEVELOPMENT

Town Center
Directional Signs

TOWN CENTER DIRECTIONAL SIGNS: City Manager Jarboe explained he has the authority to approve the directional signs but he wanted to inform Council before making that decision, especially since this applies to the Town Center area.

Mayor Pruette stated the Town Center Agency has talked about having directional signs for a long time. She felt they would help the Town Center merchants. She stated she would support them but she would have liked them to have more of a beachy theme.

Councilor Wiley did not have a problem supporting the directional signs as long as Town Center was paying for and maintaining them. He was concerned about the number of signs and felt there was not a need for seven of them. He also voiced concern regarding the number of "no parking" and "tow away zone" signs in the Town Center area.

Greg Kupperman, representative for Beaches Town Center Agency, explained they are proposing a total of six directional signs, four to be placed in Neptune Beach

and two in Atlantic Beach. They hired a professional company to design the signs and they actually recommended more signs than they proposed but their budget would only allow for six.

Councilor Arthur was also concerned about the number of signs.

A discussion ensued regarding the number and locations of the directional signs.

Susan Barrett, Harbinger Signs, explained Harbinger Signs manufactured the signs. Mayor Pruette asked Ms. Barrett if the signs had already been manufactured. Ms. Barrett replied the materials have been purchased and the deposit was made but they were waiting on the approval and permitting process to go through. Mayor Pruette and City Manager Jarboe stated they were informed that the signs had already been purchased.

Councilor Tucker stated she supported the concept and design but was also concerned about the number.

Councilor Wiley questioned which merchants would be represented on the signs. Mr. Kupperman replied the merchants that are members and pay dues to the Town Center Merchants Association would be the ones represented on the directional signage. The signs will be updated each year.

City Manager Jarboe advised Council if the City agrees to accept the signs they would become the property of the City. He would discuss the number of signs with the representatives.

Consensus: **TO ALLOW CITY MANAGER JARBOE TO DETERMINE THE SIZE AND NUMBER OF THE TOWN CENTER DIRECTIONAL SIGNS.**

Speed Humps
Fifth St.

SPEED HUMP REQUEST / FIFTH STREET: City Manager Jarboe explained the speed hump petition and request was correctly submitted. If the residents agree to purchase the material the City can provide the labor to install them. This would only cost the residents \$300 or \$350, depending on the market. The residents would not be charged for the labor.

Mayor Pruette stated she would support the speed humps as long as the residents were willing to pay the cost. City Manager Jarboe explained a private company would normally charge up to \$1,100 to install them.

Councilor Wiley also agreed to support the speed humps if the residents paid for the materials.

Councilor Arthur and Councilor Tucker also both agreed.

Consensus: **FORWARD TO THE DECEMEBER REGULAR MEETING CONSENT AGENDA.**

Food Truck /
Christmas in the
Park

FOOD TRUCK / CHRISTMAS IN THE PARK: City Manager Jarboe explained Leslie Lyne, Senior Activities Center Director and organizer and planner for Christmas in the Park, has requested two food trucks be allowed at the event. She felt it would be a great idea for parents to feed their children before the event, without them having to go home and cook.

Council members stated they would support allowing food trucks at the event.

City Manager asked Council to allow up to three food trucks.

Consensus: **FORWARD TO THE DECEMBER REGULAR MEETING
CONSENT AGENDA.**

First Street
Parking

FIRST STREET PARKING: Mayor Pruette thanked Chief Sembach and Community Development Direct Askew for taking the time to count all of the parking spaces on First Street. She understood the opposition for relocating the parking on First Street to the east side of the street due to the narrow alleys and safety concerns. She felt relocating the parking to the east side would be more of a liability to the City.

Councilor Wiley stated parking on First Street has been located on the west side of the street for as long as he could remember. He counted approximately 38 driveways on the east side and 44 driveways on the west side. Taking into account the alleys, the utility boxes, and fire hydrants, he felt there would be fewer parking spaces if they were relocated.

City Manager Jarboe explained there has always been the question of how many legal parking spaces were on each side of First Street. He added that this is not a proposal to relocate the parking spaces. He was just bringing forward the idea so that if Council wanted to do it, it could be done before the repaving.

Councilor Wiley felt the parking should remain on the west side of First Street with no striping. He also felt the curb should be painted yellow at the end of the streets so there would be no parking spaces before stop signs.

Mayor Pruette agreed the parking should remain on the west side. She felt there should be a stripe down the middle of street to show awareness.

Councilor Arthur and Councilor Tucker also agreed to keep the parking on First Street like it is.

Consensus: **TO KEEP THE PARKING ON FIRST STREET ON THE WEST
SIDE OF THE STREET.**

Slider's
Fundraising Event

REPORT FROM CHIEF SEMBACH / SLIDER'S FUNDRAISING EVENT: Chief Sembach explained two officers were present during the event. They reported back to him that there were no problems related to the fundraising event and everything went fine. He had no problem if they wanted to have more in the future.

Councilor Tucker stated she attended the event and they did a good job making sure everything went well and everyone was safe.

City Clerk Position

CITY CLERK POSITION: City Manager Jarboe stated the Resolution in the agenda packet was prepared by himself and the city attorney. He felt it took an unusual person with a lot of experience to fill the city clerk position. Normally Council would have to place an advertisement in the newspaper to solicit applications for the position and go through the interviewing process. He stated Deputy City Clerk Karla Strait has 15 years experience and is certified by the Florida Association of City Clerks. She has also completed the first level of the Master Municipal Clerk's Program. He recommended appointing Deputy City Clerk Karla Strait for the City Clerk position.

Mayor Pruette stated she would support the resolution. She added that she has been impressed with the energy Ms. Strait has exhibited as "Acting City Clerk." This

will also save the City a lot of money that could be used in other areas. City Manager Jarboe stated this will save the City approximately \$40,000.

Mayor Pruette asked Acting City Clerk Strait if she had any comments.

Acting City Clerk Strait stated she did not have a problem with any of the language in the resolution. She added that she would appreciate the opportunity to serve the City and the Council in the role of City Clerk.

Mayor Pruette asked Ms. Strait to explain the council member handbook she was working on. Ms. Strait replied she was currently working on preparing a handbook for new city council members. This was one of the areas on the city clerk's evaluation that was graded poorly and needed improvement. She would be sending the draft around to city employees and council members for advice and recommendations. She is also working on a city calendar and other areas for improvements.

Councilor Tucker stated she spoke with Ms. Strait earlier in the day in regards to the calendar and check list. She felt Ms. Strait has done well as Acting City Clerk during this transition period and thanked her for always being approachable for Council. She added that she would not be opposed to advertising the position.

Councilor Arthur asked if the same guidelines would be used to evaluate Ms. Strait at the end of the six month probation period that Council used to evaluate City Clerk Volpe. City Attorney Krechowski and City Manager Jarboe both replied "yes."

Councilor Arthur questioned if a part time person were hired to help the city clerk who that person would report to. City Manager Jarboe replied the part time employee would be hired by and report to the city clerk.

Mayor Pruette stated a part time person might not be needed for 25 hours every week. Acting City Clerk Strait explained she would like to see how the office runs without a part time person and report back if she felt a part time person was necessary.

City Manager Jarboe stated the resolution would allow the City Clerk the option of hiring someone to fill a part time position.

Councilor Wiley stated he had confidence in Ms. Strait's ability to perform the job.

Councilor Wiley asked if Ms. Strait would still be the recording secretary for the Police Officer's Pension Board. Ms. Strait replied "yes." Currently Piper Turner, the Assistant to the Building Official, records the Community Development Board and the Code Enforcement Special Magistrate meetings.

Consensus: **FORWARD TO THE FOLLOWING SPECIAL MEETING.**

PUBLIC COMMENTS

Lynda Padrta, 1113 First Street, felt it would be helpful to mark the parking spaces on First Street. She also thought having striping to designate the middle of the road would be helpful.

Ginny Stephens, 910 Fifth Street, asked the city manager to explain the cost of the speed humps. City Manager Jarboe replied he would meet with her after the meeting.

Chief Sembach, 200 Lemon Street, stated speed humps are used as a traffic calming device. His department conducted a study to see if speed humps were necessary on Fifth Street. The study concluded speed humps were not needed on Fifth Street. He did not want the City to get into the position that just because residents could afford to install speed humps they would be allowed to have them. He did not recommend speed humps to be placed on Fifth Street. City Manager Jarboe stated this is a decision of himself and the Council. He would discuss the matter with the chief later.

COUNCIL COMMENTS

Councilor Tucker stated the City Manager's contract renews in January. She would like to place the City Manager evaluation on the December workshop meeting.

Councilor Wiley asked when the newly elected council members would be sworn in. Acting City Clerk Strait responded the ceremony for the swearing in and induction of the new council members will be held Tuesday, December 2, 2014 at 7:00 p.m.

Mayor Pruette stated Neptune Beach is a small town and the residents used to know all the police officer's. She felt Council should be advised of the swearing in of new police officers so they could meet them and welcome them to the City. City Manager Jarboe replied he has spoken with the Police Department and will make arrangements for Council to be informed in the future.

Councilor Tucker agreed Council should be informed of the swearing in of new police officers. She also felt Council should be informed of other events that effect the City. She stated a huge tree fell on Penman Road at the five way intersection last week and Council was never contacted. City Manager Jarboe replied he was also not informed of the fallen tree. The fallen tree has been taken care of.

Adjournment

There being no further business, the meeting adjourned at 7:00 p.m.

Attest:

Harriet Pruette, Mayor

Karla Strait, CMC, City Clerk

Approved: _____



MINUTES
SPECIAL CITY COUNCIL MEETING
NOVEMBER 17, 2014 AT 7:00 P.M
CITY HALL, 116 FIRST STREET
NEPTUNE BEACH, FLORIDA

Pursuant to proper notice a Special Meeting of the City Council of the City of Neptune Beach was held November 17, 2014 at 7:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

STAFF:

Mayor Harriet Pruette
Councilor Richard Arthur
Councilor Kara Tucker
Councilor Scott Wiley
City Attorney Patrick Krechowski
City Manager James Jarboe
Acting City Clerk Karla Strait, CMC

Director of Public Safety David Sembach
Assistant Chief Tony Carrillo

ABSENT:

Vice Mayor John Jolly

Order Call

Mayor Pruette called the special meeting to order at 7:00 p.m.

Res. No. 2014-12

RESOLUTION 2014-12: A RESOLUTION OF THE CITY OF NEPTUNE BEACH, FLORIDA, APPOINTING DEPUTY CITY CLERK, KARLA STRAIT, CITY CLERK OF NEPTUNE BEACH.

Moved by Pruette, seconded by Wiley.

Motion: **TO APPROVE RESOLUTION NO. 2014-12.**

Roll Call Vote:

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

MOTION CARRIED

Adjournment

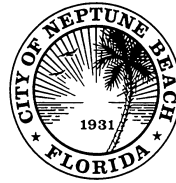
There being no further business, the meeting adjourned at 7:05 p.m.

Harriet Pruette, Mayor

ATTEST:

Karla Strait, CMC, City Clerk

Approved: _____



MINUTES
REGULAR CITY COUNCIL MEETING
NOVEMBER 3, 2014, AT 6:00 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 November 3, 2014, at 6:00 p.m. in the City Hall Council Chambers, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

STAFF:

Mayor Harriet Pruette
Councilor Richard Arthur
Councilor Kara Tucker
Councilor Scott Wiley
City Attorney Patrick Krechowski
City Manager Jim Jarboe
Acting City Clerk, Karla Strait, CMC

Public Safety Director David Sembach

ABSENT:

Vice Mayor John Jolly

Order Call/Pledge Mayor Pruette called the meeting to order at 6:00 p.m.

AWARDS / PRESENTATIONS/ RECOGNITION OF GUESTS / NONE

APPROVAL OF MINUTES

Moved by Tucker, seconded by Wiley.

Minutes

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

OCTOBER 6, 2014, WORKSHOP CITY COUNCIL MEETING
OCTOBER 6, 2014, REGULAR CITY COUNCIL MEETING
OCTOBER 20, 2014, WORKSHOP CITY COUNCIL MEETING
OCTOBER 20, 2014, SPECIAL CITY COUNCIL MEETING

Roll Call Vote:

Ayes: 4 – Arthur, Tucker, Wiley, Pruette

Noes: 0

Absent: 1 – Jolly

MOTION CARRIED

COMMUNICATIONS & CORRESPONDENCE

Mayor Pruette reminded everyone tomorrow is election day and it would be nice to see everyone get out and vote.

City Attorney Krechowski advised he had written a letter to the City of Jacksonville General Counsel about two and half weeks ago and still has not received a response. He emailed them this week and received a response that they were "waiting to hear back from Mayor Brown's office."

Acting City Clerk Strait wished both candidates for Seat 4 the best of luck in the election tomorrow.

CITY MANAGER REPORT

City Manager Jarboe reported on the following:

- The Bal Harbour project is now two-thirds complete. The project is having a great affect on the reduction of infiltration at the sewer plant. He felt it would improve even more once the work on Fourth Street and Fifth Street is completed.
- He felt the new road paving material was a great product and would save the City a great deal of money. It will also allow us to repave more streets this year. The new paving material will also look better and last longer.
- Street sweeping usually slows down this time of year due to all the falling leaves. It will pick back up once all the leaves stop falling.
- Political signs illegally placed in the city's rights-of-way will be collected tomorrow morning.

COMMENTS FROM THE PUBLIC

Kerry Chin, 227 Margaret Street, stated there are a lot of opinions that Pete's Turkey Day event is a family tradition. He felt after a certain hour of the day the event becomes more profiteering for businesses and the City should receive a return on the investment to use toward City improvements.

Lynda Padrta, 1113 First Street, thanked Council for proposing to adopt a resolution opposing seismic air-gun testing in the Atlantic Ocean. She stated the Pete's Turkey Day event received a lot of free publicity through the media due to their waffling back and forth about the event being canceled this year. They were informed of the requirements by the City in the previous years and they knew what to expect this year. She also voiced concern regarding the large number of children attending the Halloween Parade and Festival this year put on by 200 First Street. She felt the vehicles and folding chairs they used for barricading the streets were inadequate for security. She asked if the festival was required to have liability insurance. She hoped that next year the event would be better organized and provide better security for the children.

CONSENT AGENDA

- Res. No. 2014-10 RESOLUTION NO. 2014-10: A RESOLUTION OF THE CITY OF NEPTUNE BEACH, FLORIDA, OPPOSING SEISMIC AIR-GUN TESTING IN THE ATLANTIC OCEAN.
- Res. No. 2014-11 RESOLUTION NO. 2014-11: A RESOLUTION AMENDING THE OPERATING BUDGET FOR THE CITY OF NEPTUNE BEACH, FLORIDA, FOR FISCAL YEAR 2014, BEGINNING OCTOBER 1, 2013 AND ENDING SEPTEMBER 30, 2014.

Moved by Tucker, seconded by Arthur.

Motion: **TO APPROVE THE CONSENT AGENDA.**

Roll Call Vote:

Ayes: 4 – Arthur, Tucker, Wiley, Pruette

Noes: 0

Absent: 1 – Jolly

MOTION CARRIED

VARIANCES / NONE

ORDINANCES / NONE

OLD BUSINESS / NONE

NEW BUSINESS

Pete's
Thanksgiving Day

PETE'S THANKSGIVING DAY EVENT: Mayor Pruette stated she spoke with Tom Whittingslow, Representative for Pete's Bar, and he informed her they would do whatever was necessary in order for the event to take place this year. She also spoke with Chief Sembach and was informed barricades still needed to be ordered. All preparations that took place last year will be in place this year.

Moved by Pruette, seconded by Tucker.

Motion: **TO APPROVE THE PETE'S TURKEY DAY EVENT BASED ON THE OCTOBER 7TH AGREEMENT BETWEEN THE CITY OF NEPTUNE BEACH AND MR. TOM WHITTINGSLOW, REPRESENTATIVE FOR PETE'S BAR.**

COUNCIL COMMENTS

Mayor Pruette stated next year the Thanksgiving Day event needed to be approached differently. The past three or four years there have been issues involving the event that upset the community. She felt next year these issues needed to be resolved before the final days of the event.

Adjournment

There being no further business, the meeting adjourned at 6:12 p.m.

ATTEST:

Harriet Pruette, Mayor

Karla Strait, CMC, Acting City Clerk

Approved:



**MINUTES
WORKSHOP CITY COUNCIL MEETING
OCTOBER 20, 2014 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 October 20, 2014, 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 John Jolly
Councilor Richard Arthur
Councilor Kara Tucker
Councilor Scott Wiley
City Manager Jim Jarboe
City Attorney Patrick Krechowski
City Clerk Lisa Volpe, CMC

Director of Public Safety David Sembach
Assistant Chief Tony Carrillo
Deputy City Clerk Karla Strait, CMC

**Call to Order/Roll
Call**

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

PRESENTATIONS

ISH BRANT BEAUTIFICATION COMMITTEE: Seth Joyner, Chairman of the Beautification Committee, reported on the committee's accomplishments over the past the year. The accomplishments included new landscaping on the City Hall property, continuing the Yard of the Month designation, the Arbor Day celebration, maintaining the Tree City status and the 501(c)(3) non-profit status. They are also in the process of creating a facebook page.

The committee is looking into improving the Neptune Beach welcome sign on the south side of Atlantic Boulevard. They are also considering purchasing liability insurance for the 501(c)(3) status. This insurance will enable them to be eligible for grants as well as protect the committee members.

The committee is aware the Butterfly Garden in Jarboe Park is in need of attention. The family that was maintaining the garden can no longer continue the "Adopt an Area" agreement due to personal issues.

Mayor Pruette recommended the committee defer improvements to the Butterfly Garden until early spring.

Mayor Pruette questioned how many members are currently on the committee. Mr. Joyner replied there are currently eight active members. Some members are not available to attend all the meetings, but they correspond through emails.

Mayor Pruette asked if the committee had received any money from Green Market contributions. City Manager Jarboe explained the city is holding the contributions in a special fund for the committee. The amount in the fund will not be sufficient for use for at least six months. If necessary, Council could approve a loan to the committee using the reserve fund and replace the money at the end of the year.

Mr. Joyner stated the committee is committed to improving the Butterfly Garden and would like to come up with an improvement plan to present to Council.

Councilor Arthur asked Mr. Joyner for the committee to identify the improvements they would like for the Butterfly Garden, by the first of the next quarter, so they could begin the improvements in the spring.

Councilor Arthur questioned the process the committee needed to follow in order to receive the Green Market contributions. City Manager Jarboe advised the committee would need to present a budget along with the proposed project for Council approval. It would be best to establish an annual plan to present to Council.

Councilor Arthur asked if the committee had raised any funds on its own. Mr. Joyner replied they have raised approximately \$1,500.

Councilor Wiley felt the main focus this year should be the Butterfly Garden. He questioned how the committee raised the \$1,500. Mr. Joyner stated Mary Stutts, one of the committee members, secured part of the money from her job. The remainder was through donations.

Mr. Joyner indicated he would meet with the committee and report back to the Council with a plan to improve the Butterfly Garden.

Councilor Tucker stated it was a pleasure working with Mr. Joyner on the City Hall landscaping project. She felt it would take the city and the committee working together to improve the Butterfly Garden.

Mayor Pruette indicated the city would support the Ish Brant Beatification Committee with man power and finances as much as possible.

City Manager Jarboe asked Mr. Joyner to appoint a committee member to work with him on the tree fund. Mr. Joyner replied he would appoint a member to work with the city manager on the tree fund.

COMMITTEE REPORTS / NONE

CITY MANAGER'S ACTION LIST

City Manager Jarboe reported on the following:

- There is a new process being used by Clay County and St. Johns County for road improvements called "micro surfacing." This process consists of sealing cracks in roads and offers different types of glass particles that provide a hard base to the road. The process is guaranteed up to seven years. He added that if we were to use this product it would allow us to double or triple the amount of road improvements. He is going to look into whether or not we can piggyback off the St. Johns County contract and report the information back to Council.

- The Bal Harbour project is 50% completed. Once completed, the total amount of the project may be under budget. This would leave approximately \$800,000 to \$1,000,000 to use for improvements to the water and sewer on Fourth Street and Fifth Street. He hopes to begin that project this coming spring.

Councilor Arthur asked what the life expectancy is for the normal way the city has been repaving roads. City Manager Jarboe replied the life expectancy is seven to ten years depending on the level and flow of ground water.

City Manager Jarboe stated he would be placing the issue of micro surfacing, restriping, and parking on First Street on the November workshop meeting.

CITY CLERK'S CONSENSUS LIST

City Clerk Volpe stated the only unfinished business on the consensus list is Pete's Thanksgiving Day event which will be on the November regular meeting.

Mayor Pruette requested proposed ordinances and resolutions being considered at meetings be placed in the rear of the Council Chambers along with the meeting agendas.

PUBLIC COMMENTS

Lee MacDonald, 1140 Florida Boulevard, asked Council to consider discussing the tree ordinance, yard setback requirements and variances on a future workshop to review and consider amending.

PROPOSED ORDINANCES / NONE

CONTRACTS / AGREEMENTS / NONE

ISSUE DEVELOPMENT

Food Truck

FOOD TRUCK SERVICE FOR SLIDER'S SEAFOOD GRILL / SPECIAL EVENT: City Manager Jarboe explained Valerie Pickett, Slider's Seafood Grill, has requested permission of Council to hold a special fund raising event for the Donna Foundation. She will also be requesting approval for three food trucks for the event. The three food trucks being considered have met all insurance and State requirements.

Mayor Pruette asked where the food trucks would be located on the property and how long the event would last. Valerie Pickett, Slider's Seafood Grill, explained the event would be held from 4:00 pm to 9:00 pm. on Saturday, October 25th. A letter from City Manager Jarboe indicated they could begin setting up for the event at 2:00 pm. and must be closed down completely by 9:30 pm.

Vice Mayor Jolly questioned how many parking spaces the food trucks would require. Ms. Pickett replied the trucks would take up the entire rear parking lot. City Manager Jarboe added there were about 15 parking spaces total.

Mayor Pruette asked Ms. Pickett why her restaurant would not be preparing the food for the event. Ms. Pickett responded she wanted the event to be something new and different in order to attract a younger market.

Councilor Wiley inquired about the availability of parking for other businesses during the event. Ms. Pickett stated most other businesses would be closed with the exception of Dance Trance. She indicated that Slider's was the only restaurant on that side of Town

Center.

Councilor Arthur asked how many food trucks would be at the event. Ms. Pickett stated she originally asked to have four food trucks but they have been reduced to three. She explained Slider's would be paying the trucks a set amount of money and tickets would be sold to patrons for \$10.00. Each ticket would be good to purchase food from two of the three trucks. All profits will be donated to the Donna Foundation.

Councilor Arthur asked if the event would leave any parking spaces available for Dance Trance customers. Ms. Pickett replied the parking spaces on the street would be available.

Councilor Arthur was concerned the event may interfere with the Annual Halloween Parade. Ms. Pickett responded the Halloween Parade will end at 1:00 pm. before the start of the fund raiser.

Councilor Arthur was also concerned about noise created by food truck generators. He asked Ms. Pickett to be aware of the city's noise ordinance.

Councilor Tucker felt the event was a great idea to bring in the younger crowd. She questioned how the seating arrangement would be setup for patrons. Ms. Pickett explained she planned to have tables running through the middle of the parking lot with food trucks on each side.

Vice Mayor Jolly asked if alcohol would be sold from food trucks. Ms. Pickett responded "no." The restaurant would be selling alcoholic beverages. City Manager Jarboe explained the restaurant had to have a special permit in order to sell alcohol outside of her building.

Vice Mayor Jolly felt this was a good foundation for introducing food trucks in the area. He asked Chief Sembach to report the details of the event at the next workshop.

Consensus: **FORWARD TO THE FOLLOWING SPECIAL MEETING FOR APPROVAL.**

Code
Enforcement
Officer

CODE ENFORCEMENT OFFICER: City Manager Jarboe stated during the budget process Council approved funding to hire a part time code enforcement officer to work 15 hours per week. He needed Council to decide how the hours would be divided into the workweek.

Councilor Tucker asked how many hours the building official currently spent dealing with code enforcement. City Manager Jarboe replied he spent approximately 25% of his time on code enforcement. It varies depending on the building inspection workload.

Vice Mayor Jolly suggested half of the 15 hours be worked on the weekend and the other half during regular working hours.

Mayor Pruette agreed with Vice Mayor Jolly's suggestion.

Councilor Arthur felt the building official could spend more time on construction sites if the part time code enforcement officer worked during regular weekday hours. He suggested the part time code enforcement hours be set at five hours a day, three days a week.

Councilor Wiley felt the part time code enforcement officer also needed direction from Council regarding which code violations should be considered priorities.

Councilor Tucker asked if the city had any particular person they were considering for the position and how that person would be trained. City Manager Jarboe responded the city was considering a few people that are retired and have prior experience with code enforcement.

Mayor Pruette stated she would agree with the hours being set at 5 hours per day, 3 days a week.

Councilor Tucker also agreed with the hours being set at 5 hours per day, 3 days a week.

Vice Mayor Jolly disagreed with a 3 day 5 hour per day work week. He felt the city manager should be responsible for reviewing the work load and making the decision of how the 15 hours should be spent.

Councilor Arthur asked if it would be appropriate for the new part time code enforcement officer to be introduced at a Council meeting.

Consensus: **TO HAVE THE CITY MANAGER SET THE WORK HOURS OF THE CODE ENFORCEMENT OFFICER.**

Res. No. 2014-11 **RESOLUTION NO. 2014-11: A RESOLUTION AMENDING THE OPERATING BUDGET FOR THE CITY OF NEPTUNE BEACH, FLORIDA, FOR FISCAL YEAR 2014, BEGINNING OCTOBER 1, 2013 AND ENDING SEPTEMBER 30, 2014.**

City Manager Jarboe explained this resolution amends the budget to appropriate revenue the city received that was not budgeted and the related expenses.

Consensus: **FORWARD TO THE NOVEMBER 3RD REGULAR MEETING CONSENT AGENDA.**

Res. No. 2014-10 **RESOLUTION NO. 2014-10: A RESOLUTION OF THE CITY OF NEPTUNE BEACH, FLORIDA, OPPOSING SEISMIC AIR-GUN TESTING IN THE ATLANTIC OCEAN.**

Mayor Pruette explained she felt there would be no harm to notify the government that Neptune Beach opposed seismic air-gun testing.

Councilor Arthur felt it was important. He added that other communities have passed resolutions of opposition. He felt the last "whereas" should be amended to delete "City of Neptune Beach" and add "State of Florida."

Councilor Wiley agreed.

Vice Mayor Jolly agreed with Councilor Arthur's amendment.

Consensus: **AMEND THE RESOLUTION AS SUGGESTED AND FORWARD TO THE NOVEMBER 3RD REGULAR MEETING CONSENT AGENDA.**

City Clerk
Evaluation

CITY CLERK EVALUATION: City Attorney Krechowski explained Council is operating in the sunshine and any decision of the Council regarding the city clerk's evaluation has to be discussed in a public meeting. He met with the city clerk several weeks ago and discussed the process and potential outcome. She indicated at that time that she wished to proceed with the evaluation process. Each Council Member has completed their evaluation forms which are included in the agenda packet.

Mayor Pruette stated each Council Member has met with the city clerk individually and completed the performance evaluation form. Ms. Volpe has been counseled several times during the past months regarding mistakes and not keeping abreast of her job. She felt the scores shown on the evaluations indicate the city clerk falls below the minimum level of Council expectations. The city clerk has had plenty of opportunity to improve over the last several months and she has failed to do so. She asked Council to consider the fact that

there was a mistake in tonight's agenda packet which was also placed on the website. She found it unacceptable that incorrect information was going out to the public. Candidate finance reports also appeared to have discrepancies. She felt these mistakes reflected poorly on Neptune Beach and were a disservice to the community and Council. She stated dealing with this decision has been one of the most difficult for Council.

Councilor Tucker stated this is the first evaluation that has ever been conducted on the city clerk. It was her opinion that Council should demonstrate a good faith effort to correct her performance. The city clerk is now aware of what Council expects. She felt a performance improvement plan should be put in place.

Vice Mayor Jolly stated out of the six individuals that completed evaluations, the three that have the closest interactions with the city clerk are the ones that gave the lowest scores and he gave that consideration a lot of weight. He agreed the evaluation process began six months ago and the city clerk has not demonstrated any effort to improve her job performance.

Councilor Arthur stated his scores were based on the experience he has witnessed in the past several months since the process was initiated. He felt some of the mistakes put the city at risk. He felt this is a difficult situation to discuss in a public environment. His scores and reasoning for his scores are listed on his evaluation form.

Councilor Wiley mentioned performance evaluations are public record and open for everyone to review. He felt there are areas that need improvement and the city clerk is now aware of Council expectations. He would encourage both the city clerk and deputy city clerk to attend conferences and receive additional training.

City Attorney Krechowski explained he interacts with the city clerk's office on a regular basis. He has been the city attorney for Neptune Beach for the past three and half years. The only thing he sees that is consistent is "mistakes and sloppiness." He did not find the performance of the city clerk reliable and had no confidence in her work. That is the reason for his scoring.

City Clerk Volpe stated the only interaction she has with the city attorney is based on ordinances. She did not deal with the city attorney on a regular basis. City Attorney Krechowski responded he considered the fact that he and the city clerk communicate on a regular basis regarding legislation, ordinances and public record requests. All of those things should be communicated and that communication is lacking.

City Clerk Volpe failed to see why the city attorney had an opportunity to evaluate her job performance. The city attorney has not had an evaluation and she has not had the opportunity to evaluate his job performance.

City Clerk Volpe replied to the following concerns brought up in her performance evaluation reports:

- There was a question of why a list of request for public records had not been maintained. She responded when a person asks for a public record we are not allowed by the State to ask for information regarding their name, address, or phone numbers.
- It was also brought up why the minutes took so long to complete. She answered that the minutes are usually completed the Wednesday or Thursday after the Monday night meeting, depending on the length of the meeting. They are not sent out to Council until hand deliveries go out the following Friday.
- Another question was in regard to Municode and why it is not updated on a regular basis. She responded Municode is normally updated once a year because of the

expense. The cost is between \$3,000 and \$5,000 for each edition. She has begun placing ordinances after have been adopted on the front page of Municode. The cost is \$60.00 per ordinance. If you click on an ordinance you will be directed to the applied section of the code. At the end of the year all adopted ordinances are codified and the process begins again.

- There was also a question as to information being left out of the minutes. She replied minutes are not done verbatim. She tries to include as much information in the minutes as possible. If something is stated "for the record" it is written verbatim. She has not been notified in the past of any misinformation in the minutes by anyone other than the Mayor. The Mayor sometimes offers changes before the minutes are copied out. She added the minutes are always sent out for review before they are placed in the agenda packet for final approval.

Mayor Pruette stated it was a decade before the Code was updated relating to the duties of the city clerk.

City Clerk Volpe responded there are many ordinances in the Code that need to be updated. There were a lot of written concerns in the evaluation that had never been brought to her attention and she met with each council member at least once before they conducted their evaluation.

- There was a written comment regarding her attendance at board meetings. She explained the Community Development Board meetings are attended by the assistant to building official and the community development director. The assistant to the building official records and types the minutes for that board. The Police Retirement Board meetings are attended by Deputy Clerk Strait and she records and prepares the minutes for those meetings. All minutes of board meetings are maintained in the city clerk's office.

City Clerk Volpe stated she had not had a performance evaluation the entire 15 years she has been the city clerk. This is the first time she has ever received any feedback from Council regarding her performance. She felt Council was doing the city a great disservice if they came to conclusions after one evaluation. She pointed out that are other appointed city officials that have not had evaluations.

Ms. Volpe added that she is the most highly educated city clerk in the area and the lowest paid. She has a Master's in public administration and she has never asked for a raise.

Ms. Volpe felt she had been bullied by the city attorney when he met with her in her office and asked her to resign. He informed her if she did not resign she would be fired. She felt after serving the city for the past 20 years she should be allowed the time to improve her job performance.

Councilor Wiley felt now that the city clerk was aware of what to expect, it would be fair to give her the opportunity to improve.

Mayor Pruette stated she had counseled City Clerk Volpe several times over the past months and she has not improved. The city paid the city clerk \$71,000 per year including benefits, and the city deserves better.

Consensus: **FORWARD TO THE FOLLOWING SPECIAL MEETING.**

PUBLIC COMMENTS

Lynda Padrta, 1113 First Street, asked if there would be a limit on how many tickets would be sold at Slider's special fund raising event. She was concerned about how many people and the number of vehicles the event would bring to Town Center on a busy Saturday night. She also voiced concern regarding placement of tree trimmings and yard waste being placed in rights-of-way that wash into the storm water system and block drainage flow. She felt that should not be allowed.

COUNCIL COMMENTS / NONE

Adjournment

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

Attest:

Harriet Pruette, Mayor

Karla Strait, CMC, Acting City Clerk

Approved: _____



MINUTES
SPECIAL CITY COUNCIL MEETING
OCTOBER 20, 2014 AT 7:25 P.M
CITY HALL, 116 FIRST STREET
NEPTUNE BEACH, FLORIDA

Pursuant to proper notice a Special Meeting of the City Council of the City of Neptune Beach was held October 20, 2014 at 7:25 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

STAFF:

Mayor Harriet Pruette
Vice Mayor John Jolly
Councilor Richard Arthur
Councilor Kara Tucker
Councilor Scott Wiley
City Attorney Patrick Krechowski
City Manager James Jarboe
City Clerk Lisa Volpe, CMC

Director of Public Safety David Sembach
Assistant Chief Tony Carrillo
Deputy City Clerk Karla Strait, CMC

Order Call

Mayor Pruette called the special meeting to order at 7:25 pm.

**Food Truck
Service Event**

APPROVAL OF FOOD TRUCK SERVICE FOR SLIDER'S SEAFOOD GRILL / SPECIAL EVENT: Council agreed to forward this special fund raising event to this special meeting for approval.

Moved by Tucker, seconded by Wiley.

Motion: **TO APPROVE SLIDER'S SEAFOOD SPECIAL EVENT FOR THE DONNA FOUNDATION ALLOWING THREE FOOD TRUCKS.**

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Tucker, Wiley, Pruette
Noes: 0

MOTION CARRIED

City Clerk

CITY CLERK EVALUATION: City Attorney Krechowski gave the following advice to Council: Florida is a right to work State. The city clerk's position is not a union position and she does not have a contract with the City. Therefore, the city clerk is appointed at the will of the City Council.

Mayor Pruette stated each council member has met individually with City Clerk Volpe and have each completed their evaluation form.

Moved by Pruette, seconded by Arthur.

Motion: **TO PROVIDE 90 DAYS SEVERENCE PAY AND BENEFITS AND TERMINATE THE SERVICES OF THE CITY CLERK TONIGHT.**

Moved by Wiley, seconded by Tucker.

Substitute Motion: **TO PLACE THE CITY CLERK ON SIX MONTHS PROBATION AND RE-EVALUATE HER PERFORMANCE, USING THE SAME PROCESS, AT THE END OF THE SIX MONTH PERIOD.**

Mayor Pruette questioned which of the two motions took precedence. City Manager Jarboe replied the substitute motion on the floor took precedence.

Mayor Pruette stated this process began in April and City Clerk Volpe has had from April until now to improve her work performance and she has not showed any effort. As the Mayor she has lost all confidence in the city clerk to provide a work product that is error free and she has been reluctant to sign off on any documents prepared by the city clerk.

Roll Call Vote On The Substitute Motion:

Ayes: 2 – Wiley, Tucker
Noes: 3 – Arthur, Jolly, Pruette

MOTION FAILED

Moved by Pruette, seconded by Arthur.

Motion: **TO PROVIDE 90 DAYS SEVERENCE PAY AND BENEFITS AND TERMINATE THE SERVICES OF THE CITY CLERK TONIGHT.**

Roll Call Vote:

Ayes: 3 – Arthur, Jolly, Pruette
Noes: 2 – Tucker, Wiley

MOTION CARRIED

Adjournment

There being no further business, the meeting adjourned at 7:30 pm.

ATTEST:

Harriet Pruette, Mayor

Karla Strait, CMC, Acting City Clerk

Approved: _____



MINUTES
WORKSHOP CITY COUNCIL MEETING
OCTOBER 6, 2014 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 October 6, 2014, 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 John Jolly
Councilor Richard Arthur
Councilor Kara Tucker
Councilor Scott Wiley
City Attorney Patrick Krechowski
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

Director of Public Safety David Sembach

Call to Order &
Pledge

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

Res. No. 2014-10

RESOLUTION NO. 2014-10: A RESOLUTION AMENDING THE PERSONNEL POLICY OF THE CITY OF NEPTUNE BEACH, FLORIDA.

City Manager Jarboe explained salary ranges for non-union employees needed to be adjusted in the personnel policy. The personnel policy also needed to be amended to ensure that managers earn 5% more income than their highest paid employee.

Consensus: **FORWARD TO THE FOLLOWING REGULAR MEETING CONSENT AGENDA.**

Ord. No. 2014-18
Food Trucks

ORDINANCE NO. 2014-18, AMENDING CHAPTER 17, SECTION 17-48, FOOD TRUCKS: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 17, SALES, ADDING SECTION 17-48 FOOD TRUCKS AT SPECIAL EVENTS WHICH ALLOWS FOR FOOD TRUCKS TO BE PERMITTED AT SPECIAL EVENTS UPON APPROVAL BY THE CITY MANAGER AND AMENDING CHAPTER 12, TAXATION, SECTION 12-32, LOCAL BUSINESS TAX RECEIPT SCHEDULE, PROVIDING AN EFFECTIVE DATE.

City Manager Jarboe explained the issue of "food trucks" was brought up a few weeks ago when the library wanted to provide a food truck at an event. The Code currently allows food trucks in residential and business districts as a catering option.

City Attorney Krechowski stated he would like to amend number 10 as follows: A private special event shall be defined as an occasional or periodic gathering ~~hosted or sponsored~~ hosted, sponsored, or authorized by a property owner.

Councilor Wiley stated it was his understanding that a food truck owner would not be allowed to provide individual sales. The property owner would have to hire and pay for the food truck at special events that are catered. City Attorney Krechowski stated that was correct.

Councilor Arthur stated at the last meeting it was discussed that the property owner pay the food truck vendor directly for use as a catering service. City Attorney Krechowski replied that is correct.

Councilor Arthur asked if property owners in residential districts would need to provide insurance. City Attorney Krechowski replied the food truck owner would have to provide insurance.

Vice Mayor Jolly stated the proposed ordinance allowed the city manager to determine a "special event." He felt Council needed to define "special event" in the ordinance as well as place a limit on the number of events allowable per year. He would suggest allowing three per year.

Councilor Tucker asked if the proposed ordinance would allow food trucks in the Central Business District. City Attorney Krechowski stated the proposed ordinance would not allow food trucks in the Central Business District, even as a catered event.

Councilor Tucker suggested amending the proposed ordinance to allow food trucks in the Central Business District for special events.

Mayor Pruette felt allowing food trucks in the Central Business District would worsen the parking situation in Town Center. She added that one food truck would take up five to six parking spaces. She would be open to discussing the idea further at a workshop meeting where the Town Center business owners could voice their opinion. She knew of several business owners that did not want food trucks in Town Center.

Mayor Pruette suggested adopting the ordinance on second read tonight and bringing it back up at a future workshop meeting to discuss allowing food trucks in Town Center and also to determine the number of special events to allow per year.

Councilor Wiley felt for the time being, the city manager could determine the number of special events allowed per year. He agreed there were several things in the ordinance that could be brought up for discussion at a future workshop.

Councilor Arthur stated he was okay with allowing the city manager to determine the number of events allowed per year. He asked the city attorney if Council should add the definition of a "special event." City Attorney Krechowski stated there was not a consensus of the Council at the last meeting so he left it up to the city manager to determine a special event and how many to allow per year.

Mayor Pruette stated the proposed ordinance currently states "A private special event shall be defined as an occasional or periodic gathering hosted or sponsored by a property owner." City Attorney Krechowski stated he recommended earlier in the meeting to amend the definition as follows: "A private special event shall be defined as an occasional or periodic gathering hosted, sponsored or authorized by a property owner."

Councilor Wiley felt there should be a workshop meeting as soon as possible to address the issues before a problem arises.

Councilor Tucker agreed with having a workshop meeting as soon as possible. She added the Town Center Merchants Association needed to be notified of the workshop meeting so they could attend and voice their opinions.

Consensus: **TO MAKE THE CHANGES RECOMMENDED BY THE CITY ATTORNEY AND FORWARD TO THE FOLLOWING REGULAR MEETING FOR SECOND READ AND A WORKSHOP MEETING AS SOON AS POSSIBLE.**

Adjournment

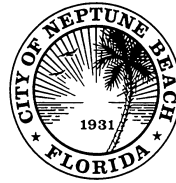
There being no further business, the meeting adjourned at 6:15: p.m.

Harriet Pruette, Mayor

Attest:

Karla Strait, CMC, Acting City Clerk

Approved: _____



MINUTES
REGULAR CITY COUNCIL MEETING
OCTOBER 6, 2014, AT 6:15 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 October 6, 2014, at 6:15 p.m. in the City Hall Council Chambers, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

STAFF:

Mayor Harriet Pruette
Vice Mayor John Jolly
Councilor Richard Arthur
Councilor Kara Tucker
Councilor Scott Wiley
City Attorney Patrick Krechowski
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

Public Safety Director David Sembach

Order Call/Pledge Mayor Pruette called the meeting to order at 6:15 p.m.

AWARDS / PRESENTATIONS/ RECOGNITION OF GUESTS / NONE

APPROVAL OF MINUTES

Moved by Tucker, seconded by Arthur.

Minutes

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

SEPTEMBER 2, 2014, REGULAR CITY COUNCIL MEETING
SEPTEMBER 2, 2014, WORKSHOP CITY COUNCIL MEETING
SEPTEMBER 8, 2014, SPECIAL CITY COUNCIL MEETING
SEPTEMBER 22, 2014, SPECIAL CITY COUNCIL MEETING
SEPTEMBER 22, 2014, WORKSHOP CITY COUNCIL MEETING

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Tucker, Wiley, Pruette

Noes: 0

MOTION CARRIED

COMMUNICATIONS & CORRESPONDENCE

City Clerk Volpe reminded everyone that elections are on November 4th. She asked everyone to advise citizens there are a lot of races on the ballot and Neptune Beach candidates will be listed on the back after the amendments.

Mayor Pruette stated she received telephone calls regarding campaign treasurer's reports not being available on the website. City Clerk Volpe stated she had not received any phone calls or concerns regarding the reports. They were not put on the website because the addresses of the contributor's were on them.

Vice Mayor Jolly and Councilor's Tucker, Arthur, and Wiley all agreed the reports should be on the website.

Consensus: **TO PLACE THE CAMPAIGN TREASURER REPORTS ON THE WEBSITE.**

City Clerk Volpe reminded Council and the City Attorney that her performance evaluations needed to be completed and returned to the city clerk's office by Friday of this week so they could be in the agenda packet for the October 20th workshop meeting.

CITY MANAGER REPORT

City Manager Jarboe reported on the following:

- There was a complaint regarding the condition of a property on Margaret Street this week. It has been taken care of by Public Works.
- Grass and bushes have been growing faster due to all the recent rains. There are only four or five employees at Public Works that are responsible for cutting and mowing. Once the growing season is over we can get everything back in shape.
- The Bal Harbour project is moving forward.
- The City will need to consider installing a box culvert on Fifth Street sometime in the future.
- Due to the recent rains a lot of nitrogen from yard fertilizer has been flowing into the sewer system. The nitrogen level is now starting to recede.

Councilor Arthur voiced concern about heavy rains that can leave up to a foot of standing water in some parking spaces in Town Center. He asked the city manager to look into improving the drainage using the Street Improvement Fund. City Manager Jarboe stated he would look into it but there is not enough money in the Street Improvement Fund to refit the entire drainage system.

Mayor Pruette added there are two parking spaces in particular where the water does not recede for days. She asked the city manager to find a way to improve the drainage. City Manager Jarboe stated he would look into it, but it would not be an easy fix.

COMMENTS FROM THE PUBLIC

Valerie Pickett, 218 First Street, Sliders Seafood Grill, stated she was not aware that food trucks were not allowed in the Central Business District. She was concerned because she planned to host a fund raising event for the Donna Foundation on Saturday, October 25th. She felt food trucks should be allowed in the Central Business District.

Niall Falloon, 110 First Street, Mezza Luna Restaurant & Bar, asked Council to consider exactly what they wanted regarding food trucks in the Central Business District. He felt the ordinance needed to be well thought out before it was adopted.

David Shields, One Independent Drive, representative for Southcoast Capital, felt the ordinance needed more language clarification and definitions. He did not like the idea of adopting an ordinance with flaws that would need to be tweaked in the future.

MaryAnn Padrta, 1030 Second Street, stated she was denied a permit to add a bathroom to her house. She requested a report detailing all the building applications including which ones were approved and which ones were denied.

Ginny Stephens, 910 First Street, stated after her complaint regarding speeding and people running stop signs on Fifth Street the police showed a presence for a while, wrote tickets and then disappeared. She felt the speeding and running of stop signs remains a problem and there needs to be a solution. She will be turning in a request for a speed hump on Fifth Street once her application and petition are completed.

CONSENT AGENDA

LEGAL SERVICE AGREEMENT: Amended legal service agreement for City Attorney Patrick Krechowski.

RESOLUTION NO. 2014: A RESOLUTION AMENDING THE PERSONNEL POLICY OF THE CITY OF NEPTUNE BEACH, FLORIDA.

Moved by Tucker, seconded by Jolly.

Motion: **TO APPROVE THE CONSENT AGENDA.**

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Tucker, Wiley, Pruette

Noes: 0

MOTION CARRIED

VARIANCES / NONE

ORDINANCES

Ord. No. 2014-15 ORDINANCE NO. 2014-15, AMENDING CHAPTER 27, LAND USE, SECOND READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, AMENDING CHAPTER 27, ARTICLE IV. LAND USE. SECTION 27-243(C)(4) PROTECTION OF ENVIRONMENTALLY SENSITIVE LANDS, AND PROVIDING AN EFFECTIVE DATE.

City Attorney Krechowski advised there have been no changes to this ordinance since the previous workshop.

Mayor Pruette read Ordinance No. 2014-15 by title only and opened the public hearing.

There being no comments from the public, the public hearing was closed.

Moved by Jolly, seconded by Arthur.

Motion: **TO ADOPT ORDINANCE NO. 2014-15 ON SECOND READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 3 – Arthur, Jolly, Pruette
Noes: 2 – Tucker, Wiley

MOTION CARRIED

Ord. No. 2014-18 **ORDINANCE NO. 2014-18, AMENDING CHAPTER 17, SECTION 17-48, FOOD TRUCKS, SECOND READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, AMENDING CHAPTER 17, SALES ADDING SECTION 17-48 FOOD TRUCKS AT SPECIAL EVENTS WHICH ALLOWS FOR FOOD TRUCKS TO BE PERMITTED AT SPECIAL EVENTS UPON APPROVAL BY THE CITY MANAGER AND AMENDING CHAPTER 21, TAXATION, SECTION 21-32 LOCAL BUSINESS TAX RECEIPT SCHEDULE, PROVIDING AN EFFECTIVE DATE.**

Mayor Pruette read Ordinance No. 2014-18 by title only and opened the public hearing.

Lynda Padrta, 1113 First Street, supported food trucks but questioned why a restaurant needed a food truck to serve food at a restaurant. She was concerned about the food truck seating arrangements for Slider's event, the generating of a lot more traffic and adding to the parking problem in Town Center.

There being no further comments from the public, the public hearing was closed.

City Attorney Krechowski asked Council to include the following amendment that was agreed upon at the workshop meeting: A private special event shall be defined as an occasional or periodic gathering ~~hosted or sponsored~~ hosted, sponsored, or authorized by a property owner.

City Clerk Volpe stated because the ordinance was changed since the first reading the motion should state "as amended."

Moved by Tucker, seconded by Pruette.

City Manager Jarboe explained anytime there is an application for a fund raising event the applicant must meet all requirements of the Code. Any restaurant would not meet that requirement. The event would be required to be sponsored by the entity receiving the funds which were being raised.

Motion: **TO ADOPT ORDINANCE NO. 2014-18 ON SECOND READ AS AMENDED.**

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Tucker, Wiley, Pruette
Noes: 0

MOTION CARRIED

Mayor Pruette stated this Ordinance would be brought back to a workshop meeting.

OLD BUSINESS / NONE

NEW BUSINESS

Thanksgiving Day **THANKSGIVING DAY UPDATE:** Chief Sembach explained last year there was an issue between the Town Center businesses and Pete's Bar as to who was going to host the Thanksgiving Day Event and who would be paying for security, barricades, port-o-lets, and overtime for public works employees to set up and break down the barricades.

In order for the event to occur last year the city agreed to pay for the barricades, overtime for police officers to provide security, and overtime for city workers to set up and take down the barricades. It was understood this was a one time occurrence for the City to pay these expenses. The City did not pay for private security or portable toilets.

Chief Sembach stated he sent certified letters to Pete's Bar, Lilly's Coffee Shop and Slider's Seafood Grill on September 22nd asking them if they were going to participate in the event this year. He also advised them to meet with him and provide the city with a plan, the businesses that were going to participate and who would be responsible for the barricades, security, and the setting up and breaking down of the barricades this year. The Lemon Bar and Island Girl Cigar Bar will be open as usual. They are allowed to be open and participate in the event as long as they do not allow alcoholic beverages beyond their premises.

Mayor Pruette asked how much money the city spent on the event last year. City Manager Jarboe stated Council authorized the city to spend \$2,500 for the event. The amount totaled approximately \$2,000, most of which was overtime salaries for city workers and off duty police officers. Chief Sembach added the event lasted until 2:00 p.m. last year and city employees worked until 4:00 p.m. This year they planned to start breaking down the event at 1:00 p.m.

Vice Mayor Jolly was concerned that the information pertaining to the event has not been provided to the city. It had to be approved by Council and there was only one more meeting left before Thanksgiving Day. Chief Sembach replied he gave them nine weeks advance notice via certified letter. City Manager Jarboe added Town Center was notified a year ago the city would not be monetarily contributing to the event in the future and Town Center would have to be responsible for all costs because they were would be profiting from the event.

Tom Whittingslow, representative for Pete's Bar, stated they intended to do the same thing this year as last year. He asked what information the city needed.

City Manager Jarboe suggested that Mr. Whittingslow and Chief Sembach meet with him this week to determine the details of the event and put it in writing for Council to consider at the next Council meeting.

COUNCIL COMMENTS / NONE

Adjournment There being no further business, the meeting adjourned at 6:55 p.m.

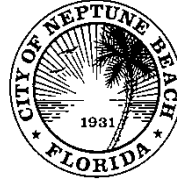
Harriet Pruette, Mayor

ATTEST:

Karla Strait, CMC, Acting City Clerk

Approved

Approved:



**MINUTES
WORKSHOP CITY COUNCIL MEETING
SEPTEMBER 22, 2014 AT 6:40 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 September 22, 2014, at 6:40 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

STAFF:

Mayor Harriet Pruette
Vice Mayor John Jolly
Councilor Richard Arthur
Councilor Kara Tucker
Councilor Scott Wiley
City Manager Jim Jarboe
City Attorney Patrick Krechowski
City Clerk Lisa Volpe, CMC

Director for Finance Steve Ramsey
Director of Public Safety David Sembach

Call to Order/Roll
Call

Mayor Pruette called the meeting to order at 6:40 p.m.

PRESENTATIONS / NONE

COMMITTEE REPORTS / NONE

CITY MANAGER'S ACTION LIST

City Manager Jarboe reported on the following:

- The Bal Harbour project is 45% complete. The project has already shown improvements at the sewer plant.
- The new bridge in Jarboe Park is being installed this week, new culvert is going into the ditch that runs along Florida Boulevard next to the park and additional work is being done at where the two ditches come together. This will increase the width so there is no blockage. These three projects will help the water flow east of Third Street. The pipes underneath Fifth Street and Florida Boulevard will need to be addressed within the next five or six years.
- Before the paving and striping of First Street begins, the Council needs to decide which side of the street will be designated for parking. He suggested parking spaces be located on the east side of the street to make it safer for beach goers.

Vice Mayor Jolly asked about the ant situation on the crosswalks. City Manager Jarboe replied the ants are also covering private property next to the crosswalks so it will be difficult to treat. He will continue with the treatments and notify the property owners to take action.

Councilor Arthur questioned if the website's citizen portal identified the types of complaints. City Manager Jarboe responded the way the system was set up it would not identify the purpose of each complaint. Councilor Arthur asked if the City had constant communication with the citizen filing the complaint. City Manager Jarboe replied "yes" except in some cases where they are anonymous.

CITY CLERK'S CONSENSUS LIST

City Clerk Volpe stated Mr. Jim LePetrie had met with staff and solved the issue with the balcony. Everything else on the list has been keeping up.

City Attorney Krechowski reminded Council, he and the city manager will be meeting with the City of Jacksonville on Wednesday to discuss tipping fees.

PUBLIC COMMENTS

Richard Keene, 733 Bay Street, complimented the contractor doing the work on the Bal Harbour project. The staff is polite and they have the roads cleaned up and cleared for residents by 4:00 p.m. He suggested the City look into replacing the culvert on Seventh Street.

Lynda Padrta, 1113 First Street, felt the city attorney did an excellent job and she appreciated his willingness to speak up to the Council.

Alan Martin, 1113 First Street, suggested the striping of First Street include a certain amount of distance for parking. He also suggested the police department look into obtaining a grant to purchase cameras for officers to wear while they were on patrol.

Joshua Messinger, 220 Davis Street, stated the flooding on First Street is becoming an issue and needs to be addressed before it gets worse.

PROPOSED ORDINANCES

Ord. No. 2014-18 ORDINANCE NO. 2014-18, AMENDING CHAPTER 17, SECTION 17-48, FOOD TRUCKS: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, AMENDING CHAPTER 17, SALES, ADDING SECTION 17-48, FOOD TRUCKS AT SPECIAL EVENTS WHICH ALLOWS FOR FOOD TRUCKS TO BE PERMITTED AT SPECIAL EVENTS UPON APPROVAL BY THE CITY MANAGER AND AMENDING CHAPTER 21, TAXATION, SECTION 21-32, LOCAL BUSINESS TAX RECEIPT SCHEDULE, PROVIDING AN EFFECTIVE DATE.

Mayor Pruette stated this Ordinance was discussed and voted on at the previous special meeting.

CONTRACTS / AGREEMENTS

City Attorney LEGAL SERVICE AGREEMENT / CITY ATTORNEY PATRICK KRECHOWSKI: City Attorney Krechowski explained he provided a draft contract in the agenda packet that has been amended based on Council discussions from previous meetings.

Mayor Pruette stated she was pleased with the work the city attorney has provided and is happy that he speaks up.

City Manager Jarboe added the contract in the packet is a reflection of the meetings between himself, Finance Director Steve Ramsey and the city attorney. It also replicates the discussion at the previous Council meeting.

Councilor Wiley stated he supported the contract.

Councilor Arthur asked if Council were to decline an extension of the contract and gave 90 days notice to terminate, would the services of the firm expire after that 90 day period. City Attorney Krechowski replied "yes."

Vice Mayor Jolly stated the contract reflects all the changes and defines what Council expects. He felt it was a great contract and he supported it.

Councilor Tucker also supported the new agreement.

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

ISSUE DEVELOPMENT

Board Member
Appts.

BOARD MEMBER APPOINTMENTS: Councilor Tucker explained there have been recent issues regarding board member appointments and their term expirations dates.

City Attorney Krechowski explained the Code is clear in that it allows terms to extend beyond their expiration date until a new member is located and appointed.

Vice Mayor Jolly pointed out there were two board members whose beginning term dates were both on November 5th and they each expired on different days. One of the terms expires on November 4th and the other term expires on November 5th. City Clerk Volpe explained that was a typo and it would be corrected.

Councilor Wiley suggested the city clerk give Council a 90 day notice of an upcoming board vacancy.

Mayor Pruette stated Section 2-169 of the Code states the duties of the city clerk is to notify the appointing authority of the impending expiration of terms of office of any board or commission member at least 30 days before the expiration. This has not been done and that is why board member terms have been overlapping. She added the process of appointing board members is they are appointed by the Mayor and confirmed by Resolution of the Council.

Councilor Wiley asked if the Code would need to be amended if the clerk was asked to give Council 90 days' notices. City Attorney Krechowski replied Council could direct notice without having to amend the Code.

City Clerk Volpe explained there was some difficulty appointing members on time in the past. She has decided to put the expiration dates on a calendar that will notify her of impending term expirations. The length of time for the notice to Council could be determined by Council. Mayor Pruette stated she had people ready to be appointed to a board. She only needed 30 days notice. City Clerk Volpe replied she would give Council a 30 day notice of impending board member term expiration dates.

Councilor Arthur questioned if all the members on the Community Development Board were appointed at the same time when the board was established, or if the dates extended from

the Planning and Development Board term appointment dates. City Clerk Volpe responded the term dates reset and started over with the new board. The only original members currently serving on the board were, Kerry Chin, Richard Keene, and Connie Green. The terms would not all expire at the same time.

Vice Mayor Jolly asked the city clerk to remove the Code Enforcement Board from the list. He asked if he could receive a copy of the list on a quarterly basis. He also asked the city clerk to add the board members occupation to the list because the Code requires a certain amount of architects, engineers, etc.

Mayor Pruette stated she has always encouraged council members to make recommendations or nominate citizens to serve on boards.

Mayor Pruette stated Tony Mazzolla was reappointed as an alternate on the Community Development Board and he has not yet been notified. She asked City Clerk Volpe to write a letter to notify him of his new term.

City Clerk Report

CITY CLERK ANNUAL REPORT: City Clerk Volpe stated she was on vacation and was unsure why the annual report was on the agenda. She was under the impression the report would be written and distributed to Council to use for the performance evaluation in October. She has prepared a written report and attached a copy of the performance evaluation form. She asked if Council had any questions. She could read it to Council if they wanted.

Mayor Pruette stated Council was to have the report one month prior to the evaluation date. City Clerk Volpe replied today would be one month before the evaluation at the October 20th workshop meeting.

Mayor Pruette stated the performance evaluation forms needed to be completed by Council and returned to the clerk on October 10th for the October 20th agenda packet preparation. City Clerk Volpe stated the performance evaluation form is included in her report.

Mayor Pruette stated the city clerk's performance evaluation will be discussed at the October 20th workshop meeting.

Vice Mayor Jolly requested a spreadsheet be available at the council workshop meeting with a list of the items to be rated across the top and the name of each evaluator on the side rows in order to average the ratings. City Clerk Volpe replied she would have the deputy city clerk prepare a spreadsheet.

City Clerk Volpe asked if the city attorney would be completing a performance evaluation sheet, because he was not supervising or overseeing her office as he had proposed in his original draft.

Mayor Pruette stated the city attorney sees more of the city clerk's performance than the council members and it was a consensus of the Council that he also completes a performance evaluation on the city clerk.

PUBLIC COMMENTS

Richard Keene, 733 Bay Street, stated there is currently one active attorney on the Community Development Board, one retired attorney and one attorney that is an alternate. One of the members is a construction contractor and some of the members are very liberal and allow more than others. He felt the board was very well rounded.

COUNCIL COMMENTS / NONE

Adjournment

There being no further business, the meeting adjourned at 7:15 p.m.

Attest:

Harriet Pruetten, Mayor

Lisa Volpe, CMC, City Clerk

Approved: _____

DRAFT



MINUTES
SPECIAL CITY COUNCIL MEETING
SEPTEMBER 22, 2014 AT 6:00 P.M
CITY HALL, 116 FIRST STREET
NEPTUNE BEACH, FLORIDA

Pursuant to proper notice a Special Meeting of the City Council of the City of Neptune Beach was held September 22, 2014 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 John Jolly
Councilor Richard Arthur
Councilor Kara Tucker
Councilor Scott Wiley
City Attorney Patrick Krechowski
City Manager James Jarboe
City Clerk Lisa Volpe, CMC

Director of Finance Steve Ramsey
Director of Public Safety David Sembach

Order Call

Mayor Pruette called the special meeting to order at 6:00 p.m. and asked Vice Mayor Jolly to lead the pledge of allegiance.

Consensus: **TO ADD PLEDGE OF ALLEGIANCE TO ALL COUNCIL MEETINGS.**

Ord. No. 2014-16

ORDINANCE NO. 2014-16, ADOPTING THE FINAL MILLAGE RATES AND LEVYING AD VALOREM TAXES, SECOND READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, ADOPTING FINAL MILLAGE RATES AND LEVYING AD VALOREM TAXES FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2014, AND ENDING SEPTEMBER 30, 2015; SETTING FORTH CERTAIN INFORMATION REGARDING "ROLLED-BACK-RATES"; DIRECTING THE CITY MANAGER TO ADJUST THE ADOPTED MILLAGE RATES IN THE EVENT OF CHANGES IN THE ASSESSMENT ROLL AND TAXABLE VALUE; PROVIDING AN EFFECTIVE DATE.

Mayor Pruette read Ordinance No. 2014-16 by title only and opened the public hearing.

There being no comments from the public, the public hearing was closed.

Moved by Tucker, seconded by Wiley.

Motion: **TO ADOPT ORDINANCE NO. 2014-16 ON SECOND READ AND PUBLIC HEARING.**

Councilor Arthur asked for conformation on the hiring of a part-time code enforcement officer, which would help reduce the hours the building official is currently spending on code enforcement. City Manager Jarboe explained he was under the impression the part-time

code enforcement officer would be hired to work on the weekends which would not reduce the hours the building official spends on code enforcement.

Councilor Wiley stated the money for a part-time code enforcement officer was designated and approved in the budget but Council had not yet confirmed the position or the hours.

Mayor Pruette suggested Council determine the details for hiring a part-time code enforcement officer at a future workshop meeting.

Councilor Tucker agreed the details needed to be ironed out at a workshop meeting.

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Tucker, Wiley, Pruette

Noes: 0

MOTION CARRIED

Ord. No. 2014-17

ORDINANCE NO. 2014-17, ADOPTING A FINAL BUDGET, SECOND READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, ADOPTING A FINAL BUDGET AND APPROPRIATING FUNDS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2014, AND ENDING SEPTEMBER 30, 2015; PROVIDING AN EFFECTIVE DATE.

Mayor Pruette read Ordinance No. 2014-17 by title only and opened the public hearing.

There being no comments from the public, the public hearing was closed.

Moved by Tucker, seconded by Arthur.

Motion: **TO ADOPT ORDINANCE NO. 2014-17 ON SECOND READ AND PUBLIC HEARING.**

Vice Mayor Jolly stated Exhibit A, Schedule of the Budget, was included with the ordinance in the previous agenda packet but was not included in this agenda packet. He stated it would be nice if it had been provided.

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Tucker, Wiley, Pruette

Noes: 0

MOTION CARRIED

Ord. No. 2014-15

ORDINANCE NO. 2014-15, AMENDING CHAPTER 27, LAND USE. PUBLIC HEARING ONLY: AN ORDINANCE OF THE CITY OF NEPTUNE, BEACH AMENDING CHAPTER 27, ARTICLE IV. LAND USE. SECTION 27-243(C)(4) PROTECTION OF ENVIRONMENTALLY SENSITIVE LANDS, AND PROVIDING AN EFFECTIVE DATE.

Mayor Pruette stated due to the changes in the original proposed ordinance that was introduced by Councilor Wiley, he has withdrawn his sponsorship. She has agreed to sponsor the ordinance as it was amended.

Mayor Pruette explained this ordinance is on the agenda for a public hearing only. The second public hearing will be held before the second reading at the regular meeting in October.

Mayor Pruette read Ordinance No. 2014-15 by title only and opened the public hearing.

Richard Keene, 733 Bay Street, suggested copies of all proposed ordinances be available to the public at council meetings. City Clerk Volpe stated the ordinance was on the city website. Mayor Pruette replied the ordinance that was on the website was not the corrected ordinance.

There being no further comments from the public, the public hearing was closed.

Consensus: **FORWARD TO SECOND READ IN OCTOBER WITH A WORKSHOP BEFORE THE REGULAR MEETING.**

Ord. No. 2014-18

ORDINANCE NO. 2014-18, AMENDING CHAPTER 17, SECTION 17-48, FOOD TRUCKS, FIRST READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, AMENDING CHAPTER 17, SALES, ADDING SECTION 17-48 FOOD TRUCKS AT SPECIAL EVENTS WHICH ALLOWS FOR FOOD TRUCKS TO BE PERMITTED AT SPECIAL EVENTS UPON APPROVAL BY THE CITY MANAGER AND AMENDING CHAPTER 21, TAXATION, SECTION 21-32, LOCAL BUSINESS TAX RECEIPT SCHEDULE, PROVIDING AN EFFECTIVE DATE.

Mayor Pruette read Ordinance No. 2014-18 by title only.

City Manager Jarboe explained an issue arose regarding "food trucks" when the Friends of the Beaches Library advertised that a food truck would be provided at an upcoming event. They were then informed by the City that food trucks are not allowed. At that time, Mayor Pruette asked City Attorney Krechowski to draft an ordinance which would allow food trucks in commercial districts. If approved, this will allow food trucks to apply for a permit to provide food at special events.

Mayor Pruette recommended Council discuss the proposed ordinance, vote on the first read and forward it to the October workshop meeting for further discussion.

Consensus: **TO DISCUSS THE PROPOSED ORDINANCE AND VOTE ON THE FIRST READ.**

Councilor Tucker felt food trucks should be able to participate at special events and cater at different locations within the City. She questioned how much the permit would cost and if the permit would be good for one year. City Manager Jarboe replied the permit would be the same cost as a home occupation business, which is currently \$65.00 per year and it would also be good for one year.

Vice Mayor Jolly stated Richard Keene, member of the Community Development Board, also drafted a proposed ordinance. His version suggested identifying the term "special events."

Councilor Wiley voiced concern about Mr. Keene's proposed ordinance stating that "food trucks should be allowed to operate within residential districts only as catering vehicles, subject to the rules here and above." His concern was that those rules indicated the residential property owners would have to obtain large insurance policies.

Richard Keene, 733 Bay Street, explained in his proposed ordinance the insurance requirement would be applicable to the property owner if the event owner did not supply the insurance. However, he felt the food truck owners should provide the insurance policy since it is a commercial activity and they are the ones benefiting.

City Manager Jarboe stated currently the City does not require insurance for catering. Mr. Keene suggested adding the provision that insurance policies be provided by the food truck

operators.

Councilor Arthur agreed the residential property owner should not be required to provide insurance. He felt the hours of operation for the special event should include a time period for setup and breakdown of food trucks. City Manager Jarboe stated the hours of operation would be indicated in the special event permit and he could allow time for setups and breakdowns.

City Attorney Krechowski felt the draft ordinance in the agenda packet covered all the concerns. The only concern not addressed in the ordinance is "identifying and/or limiting "special events" which he could add. The only other issue is the hours for setup and breakdown, which could be included in the permit at the discretion of the city manager.

Mayor Pruette suggested limiting "special events" to two per property. City Attorney Krechowski stated the number of special events allowed per property could also be at the discretion of the city manager.

City Manager Jarboe added the ordinance would not allow "food trucks" at special events located on city property, such as the Green Market. He added he currently approves and sets the rules for all special events. Councilor Wiley asked if Council could review the city manager's "special event permit" at a workshop meeting to discuss if they would like to make any amendments.

Mayor Pruette stated it was her understanding Council wanted to move forward with the proposed ordinance in the agenda packet instead of the one provided by Mr. Keene.

City Attorney Krechowski questioned if Council wanted to limit food trucks at special events to one per month or leave it to the discretion of the city manager. Councilor Tucker felt there should not be a limit.

Vice Mayor Jolly questioned the definition of a "special event." He was concerned it could be interpreted differently. City Manager Jarboe stated "special events" are determined by the city manager.

City Attorney Krechowski asked if Council would like to include Mr. Keene's definition of "special events" in the proposed ordinance.

Mayor Pruette stated she would like the city attorney to amend Mr. Keene's definition of "special events" and add it to the proposed ordinance for a workshop meeting.

Mayor Pruette opened the public hearing.

Amy O'Grady, 13129 Annadale Drive South, Jacksonville, President of Jax Truckies, questioned if this ordinance is only for "special events" would the Council be considering an ordinance for regular food truck operation in the future. Mayor Pruette replied this ordinance would allow open sales for food trucks during special events.

Lynda Padrta, 1113 First Street, felt it was not unreasonable to limit the number of special events on one property because it could be disruptive to the neighborhood.

There being no further comments from the public, the public hearing was closed.

Moved by Tucker, seconded by Arthur.

Motion: **TO PASS ORDINANCE NO. 2014-18 ON FIRST READ THE WAY IT IS CURRENTLY WRITTEN AND HAVE THE CITY ATTORNEY MAKE THE**

**CHANGES DISCUSSED FOR A WORKSHOP MEETING BEFORE THE
OCTOBER REGULAR MEETING.**

Roll Call Vote

Ayes: 5 – Arthur, Jolly, Tucker, Wiley, Pruette

Noes: 0

MOTION CARRIED

Forfeiture Funds

REQUEST TO SPEND FORFEITURE FUNDS / PUBLIC SAFETY DEPARTMENT:
Request to purchase a one year license for an investigative tool, a dell power edger server, Microsoft SQL software and to hire a professional IT person to set up and put into service the new server.

City Manager Jarboe stated the department would like to hire the same company that installed the server for the Jacksonville Beach Police Department to install their new server.

Moved by Tucker, seconded by Arthur.

Motion: **TO APPROVE THE REQUEST TO SPEND FORFEITURE FUNDS.**

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Tucker, Wiley, Pruette

Noes: 0

MOTION CARRIED

Union Contracts

**APPROVAL OF THE LOCAL 630 CONTRACT AND THE PUBLIC SAFETY
DEPARTMENT UNION CONTRACT:** City Manager Jarboe explained both labor contracts are the same as last year with the 3% salary increase.

Moved by Tucker, seconded by Jolly.

Motion: **TO APPROVE BOTH THE LOCAL 630 CONTRACT AND THE POLICE
CONTRACT.**

Roll Call Vote

Ayes: 5 – Arthur, Jolly, Tucker, Wiley, Pruette

Noes: 0

MOTION CARRIED

Adjournment

There being no further business, the meeting adjourned at 6:40 p.m.

ATTEST:

Harriet Pruette, Mayor

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
SPECIAL CITY COUNCIL MEETING
SEPTEMBER 8, 2014 AT 6:00 P.M
CITY HALL, 116 FIRST STREET
NEPTUNE BEACH, FLORIDA

Pursuant to proper notice a Special Meeting of the City Council of the City of Neptune Beach was held September 8, 2014 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 John Jolly
Councilor Richard Arthur
Councilor Kara Tucker
Councilor Scott Wiley
City Attorney Patrick Krechowski
City Manager James Jarboe
City Clerk Lisa Volpe, CMC

Director of Finance Steve Ramsey
Director of Public Safety David Sembach

Order Call

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

Ord. No. 2014-16

ORDINANCE NO. 2014-16, ADOPTING THE FINAL MILLAGE RATES AND LEVYING AD VALOREM TAXES, FIRST READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, ADOPTING FINAL MILLAGE RATES AND LEVYING AD VALOREM TAXES FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2014, AND ENDING SEPTEMBER 30, 2015; SETTING FORTH CERTAIN INFORMATION REGARDING "ROLLED-BACK-RATES"; DIRECTING THE CITY MANAGER TO ADJUST THE ADOPTED MILLAGE RATES IN THE EVENT OF CHANGES IN THE ASSESSMENT ROLL AND TAXABLE VALUE; PROVIDING AN EFFECTIVE DATE.

City Manager Jarboe explained the City of Neptune only receives \$17 for every \$100 that goes to the county. With a working partnership with the council we have been able to work with the lower revenue and we are up to \$300,000 less than what we were spending in 2006. That speaks loudly about the Council and the budget process goes smoother than some of the surrounding cities. He thanked the Council for working with the City and making this a positive process for everyone involved.

Mayor Pruette read for the record the TRIM, Truth in Millage notice. This is the millage public hearing for the City of Neptune Beach, Florida. The "Rolled-back" rate for the City of Neptune is 3.2418 mills. The rate to be adopted reflects a 3.82% increase over the "Rolled back" rate due to increased insurance costs and the needed replacement of police vehicles. The rate that is to be levied in this Ordinance by the City Council is 3.3656. Slightly lower than last year's rate. The rate on the TRIM notice you received in the mail was 3.5000, which is higher than the rate that is being levied tonight.

Mayor Pruette read Ordinance No. 2014-16 by title only and opened the public hearing.

There being no comments from the public, the public hearing was closed.

Moved by Tucker, seconded by Arthur.

Mayor Pruette thanked staff for all of the hard work they put into preparing the Millage and Budget.

Motion: **TO ADOPT ORDINANCE NO. 2014-16 ON FIRST READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Tucker, Wiley, Pruette

Noes: 0

MOTION CARRIED

Ord. No. 2014-17 **ORDINANCE NO. 2014-17, ADOPTING A FINAL BUDGET, FIRST READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, ADOPTING A FINAL BUDGET AND APPROPRIATING FUNDS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2014, AND ENDING SEPTEMBER 30, 2015; PROVIDING AN EFFECTIVE DATE.**

Mayor Pruette read Ordinance No. 2014-17 by title only and opened the public hearing.

There being no public comments the public comments the public hearing was closed.

Moved by Tucker, seconded by Arthur.

Councilor Arthur asked how many hours would be allowed with \$12,000. City Manager Jarboe responded 15 hours per week.

Motion: **TO ADOPT ORDINANCE NO. 2014-17 ON FIRST READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Tucker, Wiley, Pruette

Noes: 0

MOTION CARRIED

Adjournment There being no further business, the meeting adjourned at 6:05 p.m.

ATTEST:

Harriet Pruette, Mayor

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
SPECIAL WORKSHOP CITY COUNCIL MEETING
SEPTEMBER 2, 2014 AT 6:00 P.M.
CITY HALL, 116 FIRST STREET
NEPTUNE BEACH, FLORIDA

Pursuant to proper notice a Special Meeting of the City Council of the City of Neptune Beach was held September 2, 2014 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 John Jolly
Councilor Richard Arthur
Councilor Kara Tucker
Councilor Scott Wiley
City Attorney Patrick Krechowski
City Manager James Jarboe
City Clerk Lisa Volpe, CMC

Community Development Director Amanda Askew
Director of Public Safety David Sembach
Director of Public Services Leon Smith
Director for Finance Steve Ramsey

Order Call

Mayor Pruette called the special meeting to order at 6:00 p.m. and recognized the presence of a Seventh Grade Civics Class from Fletcher Middle School and thanked them for their attendance.

**City Attorney
Service Proposal**

CITY ATTORNEY'S SERVICE PROPOSAL: Mayor Pruette stated the Council needed to come to a consensus tonight regarding the City Attorney's Service Proposal because the budget needed to be approved.

City Attorney Krechowski explained he made some changes to the proposal based on discussion from the previous council meeting. He would be happy to answer any questions.

City Manager Jarboe stated both the City of Atlantic Beach and the Town of Orange Park pay their city attorney an \$8,000 per month retainer plus \$200.00 per hour for litigation outside of the retainer. He compared these two cities because they were similar in size and located in metropolitan areas. He did not compare with the City of Jacksonville Beach because their city is bigger and they have an electric authority.

City Manager Jarboe added he received a letter from the city's employee health insurance carrier stating they would be giving us a rebate of slightly over \$15,000 and there is also the \$25,000 in the emergency fund. If Council wished to approve the proposal these funds could be used for the expense.

City Manager Jarboe explained the three options facing the Council: 1) stay status quo, 2) add the expanded retainer, or 3) add the expanded services.

Councilor Wiley stated based on the existing contract, the current hourly rate for the city attorney is \$150.00. City Attorney Krechowski stated that was only for litigation and did not include the retainer.

Councilor Wiley stated the current retainer for the city attorney is \$2,832.50. City Attorney Krechowski stated that was correct.

Councilor Wiley confirmed that the \$150.00 per hour was for extra legal services outside of the retainer. City Attorney Krechowski explained the \$150.00 per hour was for litigation and monitoring of the city's civil liability cases.

Councilor Wiley stated the average this year for litigation and monitoring of the city's civil liability cases was 8.2 hours per month. City Attorney Krechowski replied yes, that is the average, the hours vary from month to month.

Councilor Wiley asked what the city's annual expense for the city attorney fees were for this year. Finance Director Ramsey replied the total expense for city attorney fees so far for year 2014 is approximately \$75,000.

Councilor Wiley asked based on the new proposal how much would the annual expense be for the city attorney. City Attorney Krechowski advised the only variable would be the hourly charge which is based on litigation and varied monthly, and the additional proposed services.

Councilor Wiley asked, using the new hourly rate based on last year's hours, what that would translate to annually. City Attorney Krechowski replied the total would be whatever increase you offer as the hourly rate multiplied by an average of 8.2 hours.

Councilor Arthur asked the City Manager if he had received a response from Alan Jensen, Atlantic Beach City Attorney regarding his question. Mr. Jarboe replied he did not receive a response this afternoon. City Manager Jarboe advised Mr. Jensen was offered health insurance, from the City of Atlantic Beach, for him and his family, in lieu of some fees.

Councilor Arthur questioned if the hours spent on litigation fees this year were for code enforcement and special magistrate cases. City Attorney Krechowski advised the hours were also spent on civil litigation cases, code enforcement, administrative appeals, etc.

Councilor Arthur stated since 2006 the City has eliminated 15 positions. He felt the City needed to rebuild on some of those positions prior to paying for additional services. He would consider increasing the litigation services to \$200.00 per hour. He did not support the additional services because the budget would have to be increased and taxes would have to be raised. He also did not support the two year term.

City Attorney Krechowski stated the two year term has been removed from the proposal. He appreciated the impact of the budget and the limited resources of the City. He stated he was at the service of the Council and whatever he could do he would do it.

Mayor Pruette asked Councilor Arthur if he supported the additional services proposed. Councilor Arthur replied "no," not at this time.

Vice Mayor Jolly asked City Attorney Krechowski what he anticipated his hours to be based on the original monthly retainer three and a half years ago. Mr. Krechowski replied he did not anticipate more than 15 hours per month.

Vice Mayor Jolly asked what the new monthly retainer would be based on the proposal. Finance Director Ramsey advised without the additional legal services the annual amount would increase \$23,123. With the additional services it would increase \$32,123.

Vice Mayor Jolly felt the city had received nearly twice as much work for the retainer if he has averaged 22 hours in lieu of 10 to 12. He supported the increase in the retainer and the increase in the hourly fee to \$200.00 for litigation and civil liability litigation.

Mayor Pruette asked Vice Mayor Jolly if he supported the \$200 hourly fee, the \$235 hourly fee and the additional services. Vice Mayor Jolly replied "yes" he supported the proposal.

Councilor Tucker asked if the city attorney would be attending all community development board meetings. Mr. Krechowski replied he would only be attending the meetings if he was needed. Councilor Tucker asked how many meetings he had attended in the past three and half years. Mr. Krechowski replied not many. City Manager Jarboe added he was not sure if the city attorney's retainer included him having to attend the Community Development Board meetings. The city attorney was required to provide training for the board members.

Councilor Tucker stated she supported the additional hourly fee for the code enforcement cases. She still had concerns regarding other portions of the proposal. She did not agree with the two year term. She was concerned about using the \$25,000 emergency and contingency fund to pay the costs.

Mayor Pruette asked Councilor Tucker if she supported the \$200.00 per hour litigation fee. Councilor Tucker replied "yes," she supported the \$200.00 hourly fee but did not support the additional services.

Councilor Wiley asked if the city attorney's proposal would deplete the \$25,000 emergency and contingency fund and the employee health insurance rebate check of \$15,000. Mr. Ramsey replied the total would probably be in the low \$20,000 to \$23,500.

City Attorney Krechowski stated it would be more practical to keep the hourly rate at \$200.00 across the board.

Councilor Wiley added if the City returned to a Code Enforcement Board in lieu of paying hourly rates to the Special Magistrate for code enforcement cases it would save the city \$6,000 to \$7,000 per year.

Councilor Wiley asked if the City Attorney would also receive the 3% salary increase that all other employees were going to receive on top of his proposal. City Manager Jarboe stated the proposal did not include an additional 3%.

Councilor Wiley stated he favored the \$200.00 hourly fee across the board. He did not favor the additional services or the two year term.

Mayor Pruette felt the additional services were needed. She stated when the Code Enforcement Board was in place the City paid an attorney to represent them and it was not fair to the City not to have an attorney represent the board. The Community Development Board definitely needed education, the Code needed to be modernized, and review of staffing, budgetary and other needs of the city clerk's office needed to be managed. She felt that council management of the city clerk's office was not working and Council did not give the city clerk's office enough of their attention. She supported trying the additional services for one year to see if it would work.

Councilor Arthur stated he did not support the additional services at this time. The City Attorney should provide training for the Board as his agreement currently states. He felt the Council should review how the city clerk's office was being managed before adding the additional costs to the city budget.

Mayor Pruette suggested placing "Managing the City Clerk's Office" on the October workshop agenda because she felt it was needed.

Councilor Arthur stated he would like the City to hire a part time code enforcement officer to work 20 hours per week.

Mayor Pruette added that if the City continued to use a special magistrate for code enforcement, in lieu of the Code Enforcement Board, it would cost even more now because the State has changed the policy that if the City wins the case the code violator no longer has to reimburse the City for the costs of the special magistrate.

Councilor Arthur stated modernizing the Code would be a great project and extra training for the board would be good but he was more concerned with rebuilding the loss of staff.

Mayor Pruette felt the board could use more training, the better educated the members are the better off they are.

Vice Mayor Jolly felt it would be a benefit to have the City represented at code enforcement cases. That is why he supported the additional services.

Councilor Tucker felt twice a year training for board members was adequate. She asked the city attorney why he felt it would benefit the City for him to attend staff meetings. Mr. Krechowski replied it would inform him what was happening in the city and allow him to be proactive. Mr. Krechowski added that he was not here to argue the position he was here to offer the services. He was aware that positions had been cut but also the Code had been neglected for at least ten years.

Councilor Arthur stated he would like the City to have the additional services but the overall proposal was a 53% increase in the city attorney's current salary agreement. He felt the modernization of the Code was important but it would be a lot to do in one year. Mr. Krechowski replied modernizing the Code would take time due to space allowable on council agendas and ordinances required two readings.

City Manager Jarboe stated it took the City from the late 1990's to 2006 to update Chapter 27 of the Code. It takes a lot of time and research to update codes, because changing one part of the Code may affect other parts of the Code.

Mayor Pruette asked Community Development Director Askew to give her opinion regarding modernizing the Code. Mrs. Askew explained the Community Development Board tries to recognize trends in variance requests when considering changes to the Code. She added there was always room for improvements.

Vice Mayor Jolly asked Community Development Director Askew how Chapter 27 related to the city's Comprehensive Plan. Mrs. Askew explained City ordinances could not conflict with the city's Comprehensive Plan. The major issue is not increasing the density due to flood zones and hurricane evacuation times. The Comprehensive Plan is the guideline and overall map before ordinances are implied. City Manager Jarboe added the Comprehensive Plan ruled regardless of the Code. If ordinances are not consistent with the Comprehensive Plan they will not stand up in court.

Councilor Wiley asked Community Development Director Askew if there have been issues in the past where the Community Development Board needed legal advice during a meeting that could not wait until the following day. Mrs. Askew replied every now and then something would arise. She recently had two cases that were appealing the decision of the city attorney.

Councilor Wiley asked City Attorney Krechowski if he would be willing to attend community development board meetings on an as needed basis if asked by the City, for his hourly fee of \$200.00. Mr. Krechowski responded "yes."

Mayor Pruette asked Council for a consensus.

City Manager Jarboe stated there had to be a consensus tonight in order to move forward with the budget. The proposed budget had to be placed on the website by Friday at the latest. He understood from the discussion Council supported \$200.00 an hour outside of the retainer but there is no consensus on the retainer fee. The proposed retainer fee is \$3,000 less than that of Atlantic Beach and Orange Park.

Mayor Pruette stated she supported the entire proposal.

Councilor Arthur stated going from \$150.00 an hour to \$200.00 an hour for litigation was a 25% increase.

Councilor Wiley asked if the current retainer was \$2,832.50 per month. Finance Director Ramsey replied that was correct. Councilor Wiley asked what the monthly retainer fee would be if the city attorney were given the same 3% raise that is to be given to all employees. Mr. Ramsey responded the increase would be approximately \$85.00 per month.

Councilor Arthur stated he would support the 25% increase in the hourly rate for litigation services. He did not support the additional services or the two year term.

Vice Mayor Jolly asked if the City could get by with paying a part time code enforcement officer \$15,000 per year. Mr. Ramsey replied the salary for a part time code enforcement officer could be "whatever Council wanted."

Vice Mayor Jolly suggested staff work out the numbers and return to Council with the final proposal.

Mayor Pruette felt that was a good idea.

City Manager Jarboe asked if Council wanted to add the money to the budget and then figure out how it would be dispersed later.

Finance Director Ramsey asked if he should place \$28,000 in legal services and put what was left over from the combination of the \$25,000 Contingency Fund and the \$15,000 rebate from the employee health insurance company (approximately \$12,000) in the budget for the salary for a part time code enforcement officer.

City Manager Jarboe explained this would put the money in the budget and Council could either add to or subtract the money if needed.

Consensus: **TO PLACE \$28,000 IN THE BUDGET FOR LEGAL SERVICES AND THE REMAINDER OF THE MONEY FROM THE COMBINED EMERGENCY FUND AND THE REBATE CHECK IN THE BUDGET FOR A PART TIME CODE ENFORCMENT OFFICER.**

Budget 2014/2015 BUDGET / GENERAL FUND / UTILITIES / SPECIAL REVENUE FUND: Director of Finance Steve Ramsey explained last year the millage rate was 3.3756. This year it is 3.3656 which is slightly lower. The budget is \$5,500 less than it was last year. He asked Council if they had any questions.

City Manager Jarboe stated Council spent a lot of time individually with himself and the finance director, reviewing the budget.

Councilor Tucker asked if the changes made to the city attorney service proposal would raise the millage rate. Mr. Ramsey replied "no."

Councilor Wiley asked if the money put into the budget for the part time code enforcement officer had to be used to hire one. Mr. Ramsey replied "no," Council would have to authorize the position. The money could be moved to a different account.

Councilor Arthur asked how many hours a part time code enforcement officer would have to work for the \$12,000 allotted. Mr. Ramsey replied it would amount to approximately 15 hours per week.

Councilor Arthur asked what the Special Revenue Street Improvement Fund could be used for. Mr. Ramsey responded the Street Improvement Fund was used to repair sidewalks, streets, curb and gutter.

Councilor Arthur asked what the \$2,500 Town Center Expenditure Fund were used for. Mr. Ramsey replied the \$2,500 in the Town Center Expenditure Fund will be used for landscaping, sprinkler repairs, irrigation, palm tree trimming, electric and water. These expenses are split between us and the City of Atlantic Beach.

City Manager Jarboe and Mayor Pruette thanked Finance Director Steve Ramsey for doing a great job on the budget and for helping to keep the taxes low.

Consensus: **TO FORWARD THE BUDGET TO FIRST READ AND PUBLIC HEARING.**

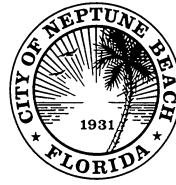
Adjournment There being no further business, the meeting adjourned at 7:00 p.m.

Harriet Pruette, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
REGULAR CITY COUNCIL MEETING
SEPTEMBER 2, 2014, AT 7:00 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 September 2, 2014, at 7:00 p.m. in the City Hall Council Chambers, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

STAFF:

Mayor Harriet Pruette
Vice Mayor John Jolly
Councilor Richard Arthur
Councilor Kara Tucker
Councilor Scott Wiley
City Attorney Patrick Krechowski
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

Community Development Director Amanda Askew
Public safety Director David Sembach
Public Services Director Leon Smith
Finance Director Steve Ramsey

Order Call/Pledge

Mayor Pruette called the meeting to order at 7:00 p.m. and asked Councilor Wiley to lead the Pledge of Allegiance.

AWARDS / PRESENTATIONS/ RECOGNITION OF GUESTS / NONE

APPROVAL OF MINUTES

Moved by Tucker, seconded by Jolly.

Minutes

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

AUGUST 4, 2014, REGULAR CITY COUNCIL MEETING
AUGUST 18, 2014, WORKSHOP CITY COUNCIL MEETING
AUGUST 18, 2014, SPECIAL CITY COUNCIL MEETING

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Tucker, Wiley, Pruette

Noes: 0

MOTION CARRIED

COMMUNICATIONS & CORRESPONDENCE

Mayor Pruette voiced concern regarding the meeting not being changed on the website from Monday night to Tuesday night. She asked in the future when meeting nights are changed due to holidays or special events that it be noticed on the website. City Clerk Volpe replied she could notice meeting changes on the website.

Councilor Wiley stated there was a nice article in the Times Union about Mayor Pruette. He asked if some of the photographs taken by Mayor Pruette could be placed on the website.

Mayor Pruette thanked City Clerk Volpe for arranging to have the city seal placed on Council emails.

City Clerk Volpe reminded Council that any emails sent from personal computers regarding city business needed to be copied to her office for public record. The website has been changed to add agendas, minutes and audio for all board meetings. Resolutions are also going to be added to the website. She will be taking vacation from September 15th to September 19th.

Mayor Pruette asked Ms. Volpe if the software could be updated to automatically forward council emails to their personal computers. Ms. Volpe explained council members and employees can sign in to the city webpage and access their email directly from the page. She would be happy to show her how to access her emails directly from anywhere.

CITY MANAGER REPORT

City Manager Jarboe reported on the following:

- The Bal Harbour project was close to 40% complete.
- A water line will have to be replaced across Penman Road. A total of six houses will be affected and they will be sent boil water notices.
- Public Works is continuing to change out water meters. One third of the meters have already been replaced. This will be a two year process. Revenue should increase because the new meters will be more accurate.
- AT&T is working on an area on Third Street near Florida Boulevard.
- There was an accident recently at the Shell Gas Station on Atlantic Boulevard that caused a small fire when a vehicle hit a pump. The station manager was able to hit the kill switch to avoid a large blowup.
- He has received several telephone calls regarding the size of the new speed humps in Summer Sands that were installed by the homeowners association. The president of the association was present and will speak during public comments.

Vice Mayor Jolly asked what the \$500.00 in the education budget for council was for. Mr. Ramsey advised this year the State passed a mandatory ethics training requirement for council members. The \$500.00 is budgeted for online ethics training courses.

City Attorney Krechowski advised based on Council instructions, he wrote a letter to the City of Jacksonville General Counsel requesting a meeting regarding tipping fees. They responded immediately and a meeting is scheduled for September 24th. He asked if Council had any questions to advise him in advance of the 24th.

Councilor Wiley asked if it would be appropriate for Council to attend the meeting. City Manager Jarboe stated Council is usually not included in those types of meetings.

Councilor Arthur asked if the mediation regarding tipping fees between the City of Atlantic Beach and the City of Jacksonville was completed. Mr. Krechowski replied they have not reached a settlement agreement and are still in mediation.

COMMENTS FROM THE PUBLIC

Robert Shimp, 1109 First Street, felt the city should not adopt ordinances if they did not intend to enforce them. He also felt the budget meeting should have been held after the regular meeting so citizens would not have wait for the regular meeting to begin.

Joe Romanella, 1453 Spindrift Circle East, addressed concerns regarding the speed humps recently installed in Summer Sands. He advised there was an issue with the projection of the humps. The vendor is going to widen them and reduce the height along with adding stripping and signs. There will be a homeowner's association meeting this week in regards to the issue.

Michael Aston, 1523 Summer Sands Drive, asked Council to keep in mind that the complaints the City is receiving regarding the speed humps in Summer Sands are from property owners that do not live on Summer Sands Drive. The complainants live in the cul-de-sacs off of Summer Sands Drive and are not as familiar with the speeding situation as the residents living on Summer Sands Drive. He felt the speed humps should be left in place once they are widened and the height is reduced.

Lynda Padrta, 1113 First Street, questioned why the City's millage rate was lower but her taxes were higher. She was concerned that the Beaches Chapel was not complying with the drainage specifications required by their permit.

Ginny Stephens, 910 Fifth Street, voiced concern regarding vehicles not stopping at the stop sign at Pine Street and Fifth Street. She asked Council to consider installing a speed hump to slow traffic.

CONSENT AGENDA / NONE**VARIANCES/NONE****ORDINANCES**

Ord. No. 2014-15 **ORDINANCE NO. 2014-15, AMENDING CHAPTER 27, SECTION 27-243(C) PROTECTION OF ENVIRONMENTALLY SENSITIVE LANDS, FIRST READ AND PUBLIC HEARING: AN ORDINANCE AMENDING THE CODE OF ORDINANCES FOR THE CITY OF NEPTUNE BEACH, FLORIDA, CHAPTER 27 UNIFIED LAND DEVELOPMENT REGULATIONS, ARTICLE IV LAND USE SECTION 27-243(C)(4) PROTECTION OF ENVIRONMENTALLY SENSITIVE LANDS, AND PROVIDING AN EFFECTIVE DATE.**

Moved by Pruette, seconded by Jolly.

Motion: **TO APPROVE THE RECOMMENDATION BY THE PLANNING AND DEVELOPMENT REVIEW BOARD, LEAVING THE DOCKS FOUR FEET WITH THE CONDITION THAT A SINGLE TERMINAL PLATFORM OF ANY DOCK SHALL BE A MAXIMUM OF 200 SQUARE FEET AND SHALL BE BUILT ONLY AT THE TERMINAL END PORTION FURTHEREST FROM THE SHORELINE. BOARDS USED TO CONSTRUCT THE SURFACE OF THE DOCK AND TERMINAL PLATFORM SHOULD NOT EXCEED 8 INCHES IN WIDTH AND SHALL BE SPACED AT ½ INCH APART.**

Mayor Pruette asked Community Development Director Askew to come forward and explain the board's recommendation.

Ms. Askew explained the recommendation of the Board is to keep the current four foot width walkway for docks with the conditions in the motion made by the Mayor.

Mayor Pruette asked Ms. Askew what other options the Board considered. Ms. Askew stated the Board reviewed the recommendation of Vice Mayor Jolly to allow five foot walkways with the extra footage being deleted from the platform.

Councilor Arthur asked Director of the Community Development Board Kerry Chin to approach the Council podium. Councilor Arthur asked Mr. Chin if the Board discussed the impact of the marsh in relation to conservation. Mr. Chin replied the Board was concerned with conservation principles. The Board felt the waters were worth protecting and if the property underneath the waterways had not been deeded over to the adjacent property owners the State probably would have declared the waterways an aquatic preserve. In the interest of conservation principles the Board felt keeping the dock walkways at the four foot width would be the prudent measure and allowing five feet walkways was not warranted.

Councilor Wiley stated he listened to the audio of the Community Development Board meeting on the website, there was a lot of discussion and the Board did a very good job. He felt the Board's discussion was based on the waterway being designated an aquatic preserve, yet it has not been given that designation. Mr. Chin stated the previous Council used the designation of an aquatic preserve as a model when they adopted the original ordinance.

Councilor Wiley stated there was not much discussion about the area not being designated an aquatic preserve by the Department of Environmental Protection and that areas not designated an aquatic preserve allowed dock walkways to be up to six foot in width. He added that Jacksonville Beach, Atlantic Beach, and the City of Jacksonville all allowed five feet and five feet is the standard. He did not feel the extra foot in width would have an impact on the preservation of the waterways.

Councilor Tucker stated she had no further questions.

Vice Mayor Jolly agreed the limit for the dock walkways should remain at four feet in width.

Mayor Pruette felt the Board had made the right decision for the sensitive area of the community. She explained the State allowed higher building height limits but Council chose to limit the height to 35 feet. The City should do the same in this situation and further limit the dock walkways to four feet.

Mayor Pruette asked Ms. Askew to explain other suggestions the Board discussed as a compromise.

Ms. Askew stated the two following suggestions were also discussed.

"The access walkway of a dock shall be a maximum of five feet in width, the terminal platform of docks including sitting areas, floating docks and boat storages shall be a maximum of 160 square feet, boards used to construct the surface and the dock should not exceed eight inches in width and shall be spaced at least one half inch apart."

"The access walkway of a dock shall be a maximum of five feet in width, the terminal platform of docks including sitting areas, floating docks and boat storages shall be a maximum of 200 square feet however for access walkways that are greater than four feet

in width the terminal platform size including sitting areas, floating docks, and boat storages shall be reduced by the number of additional square footage of the access walkway beyond that of a four feet walkway for the same length."

Councilor Arthur asked Mrs. Askew if the area was designated a conservation area in 2007 when the original Ordinance was adopted. Mrs. Askew replied the area has been a conservation area since the 90's. The conservation area encompasses all of the Intracoastal and the Hopkins Creek area.

Roll Call Vote:

Ayes: 3 – Arthur, Jolly, Pruette

Noes: 2 – Tucker, Wiley

MOTION CARRIED

Councilor Tucker questioned how the motion would affect the Ordinance. City Attorney Krechowski explained the Ordinance would be amended to reflect the motion.

Mayor Pruette stated the Ordinance should have been placed on a workshop meeting for discussion prior to this regular meeting. She requested in the future that Ordinances be discussed at a workshop meeting before regular meetings.

Councilor Wiley voiced concern that the Ordinance on the agenda was to increase the dock walkway but the motion was accept the Board recommendation. City Attorney Krechowski explained this is what is called a "substitute motion." Councilor Wiley stated the Ordinance had been discussed at a previous workshop meeting. He felt the procedure should have been to vote to approve or not approve the Ordinance and that would have accomplished the same result. City Attorney Krechowski advised it would be appropriate to add the language to the proposed Ordinance.

OLD BUSINESS / NONE

NEW BUSINESS

Res. No. 2014-09 RESOLUTION NO. 2014-09: A RESOLUTION APPOINTING MEMBERS TO THE COMMUNITY DEVELOPMENT BOARD.

Mayor Pruette stated she had an issue with the appointment dates. The dates on the Resolution were for the term to begin on 04-01-14 and end on 04-01-15. She was concerned about the overlap in the term of the previous appointment. City Clerk Volpe explained his term actually ended on 04-01-14. Mayor Pruette stated she disagreed because the time overlap was not caused by any action of the board member and she felt the term should begin 09-02-14 and end 09-02-15. She added that Council is supposed to be notified 30 days in advance of term expirations. She requested in the future that Council be notified 30 days in advance of board member term expirations and be advised of board members attendance record before they are reappointed.

Councilor Tucker stated she has requested the subject of "Board Member Appointments" to be placed on a workshop agenda for discussion.

City Attorney Krechowski advised the Code allows for board members to serve beyond the original term until Council fills the vacancy. He had no issues changing the term to begin on 09-02-14 and end on 09-02-15, provided there is confirmation of the Council.

Vice Mayor Jolly, Councilor Tucker, Councilor Arthur and Councilor Wiley all agreed to amend the term period to begin on 09-02-14 and end on 09-02-15.

City Clerk Volpe advised the issue will be on the October workshop meeting agenda for discussion.

Mayor Pruette requested the 30 day notice for expiration of board member term limits include; 1) if this will be the members second term, and 2) provide an attendance record of the board members.

Moved by Tucker, seconded by Arthur.

Motion: **TO APPROVE RESOLUTION 2014-09.**

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Tucker, Wiley, Pruette

Noes: 0

MOTION CARRIED

COUNCIL COMMENTS

Councilor Wiley asked if the issue regarding the balcony located at 110 Cherry Street has been resolved. Ms. Askew replied Mr. and Mrs. LePetrie were issued a revised building permit deeming the balcony a repair.

City Manager Jarboe stated the meeting for second read to finalize the Budget will be held on September 22nd.

Councilor Arthur asked if other board member terms were current. City Clerk Volpe replied "yes" the terms are all current.

Adjournment

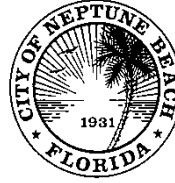
There being no further business, the meeting adjourned at 8:00 p.m.

Harriet Pruette, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk
Approved

Approved:



**MINUTES
WORKSHOP CITY COUNCIL MEETING
AUGUST 18, 2014 AT 6:00 P.M.
CITY HALL, 116 FIRST STREET
NEPTUNE BEACH, FLORIDA**

Pursuant to proper notice a Workshop Meeting of the City Council of the City of Neptune Beach was held August 18, 2014, 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 John Jolly
Councilor Richard Arthur
Councilor Kara Tucker
Councilor Scott Wiley
City Manager Jim Jarboe
City Attorney Patrick Krechowski
City Clerk Lisa Volpe, CMC

Assistant Chief Tony Carrillo
Director for Finance Steve Ramsey
Director of Public Safety David Sembach
Director of Public Services Leon Smith
Community Development Director Amanda Askew

**Call to Order/Roll
Call**

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

PRESENTATIONS / NONE

COMMITTEE REPORTS / NONE

CITY MANAGER'S ACTION LIST

City Manager Jarboe reported on the following:

- The Bal Harbour project is close to 37% complete.
- He will be working with the Ish Brant Beautification Committee on a plan to present to the City of Jacksonville General Counsel regarding a \$30,000 grant for adding and replacing trees.
- A specialist has given a proposal of \$200.00 per treatment to exterminate the ants in the beach crosswalks.

CITY CLERK'S CONSENSUS LIST

City Clerk Volpe stated the property abandonment for Paul West was postponed because he was out of town. City Manager Jarboe explained Mr. West was also waiting on a Power of Attorney from his mother, so that he could act on her behalf.

City Clerk Volpe explained the September regular meeting would be held on Tuesday, September 2nd at 6:00 p.m. The meeting for the first read of the budget and millage will be held on Monday, September 8th. The September workshop and special meeting for second read on the budget and millage will be held on Monday, September 22nd.

PUBLIC COMMENTS

Ramzy Bakkar, 320 North First Street, Jacksonville Beach, asked Council to consider removing Item (5) violations and civil penalties from the sign ordinance.

Beth Breeding, 10175 Fortune Parkway #1005, Jacksonville, 32256, asked Council to add an appeal option to the sign ordinance.

PROPOSED ORDINANCES

Nonconforming Signs

ORDINANCE NO. 2014-14, AMENDING CHAPTER 27, NONCONFORMING SIGNS: AN ORDINANCE AMENDING THE CODE OF ORDINANCES FOR THE CITY OF NEPTUNE BEACH, FLORIDA, CHAPTER 27 UNIFIED LAND DEVELOPMENT REGULATIONS, ARTICLE XV ADVERTISING SECTION 27-592 NONCONFORMING SIGNS AND ARTICLE XVII NONCONFORMING LOTS, STRUCTURES, USES AND SIGNS, SECTION 27-707 NONCONFORMING SIGNS AND PROVIDING AN EFFECTIVE DATE.

Councilor Wiley stated the questions remaining were the definition of "branding" and the amount of the fines for violations. He hoped the questions had been answered and the ordinance would be forwarded to first read.

Councilor Arthur stated the ordinance would be presented to the Community Development Board this week. He had questions concerning the definitions of "replacement" and "abandonment." City Attorney Krechowski stated the Community Development Board would be making recommendations to the Council for the definition of "abandonment" and "branding."

Councilor Arthur also stated he would like clarification of definitions for "abandon signs" and "repairs" verses "replacements."

Vice Mayor Jolly stated the proposed ordinance was inconsistent in the two sections regarding the word "branding." He added that the Code Enforcement Board was not removed from the Code. He suggested the ordinance should state that appeals should be heard by whichever was effective at the time be it the Special Magistrate or the Code Enforcement Board.

Councilor Tucker stated she agreed with the fines, wanted more clarification on the definitions of "branding", abandonment" and "replacements." She questioned the cost of the sign permit. Community Development Director Askew stated the cost for a sign permit was based on the cost of the construction and was typically around \$75.00.

Mayor Pruette felt "residential zoning districts" should remain in (5), the violation should be clarified as a citation or a penalty. She agreed with amounts of the fines.

Councilor Wiley stated the triggers for replacing signs had been in place for ten years and have worked without a problem. He suggested leaving "branding" as it was because it has worked. He stated "residential zoning districts" could remain in (5) and he agreed with the amounts for the fines.

Mayor Pruette suggested extending the deadline for another 180 days to allow time for the Community Development Board's recommendation and time to work on answers to other questions.

Councilor Wiley stated the same questions being asked tonight were addressed at the last meeting. He was under the impression that those questions had been answered before tonight. It was a consensus at the last meeting to forward this ordinance to this workshop meeting for discussion and to hold a special meeting immediately following this workshop specifically for first read on this ordinance.

City Attorney Krechowski stated there are still unanswered questions and the deadline was approaching. The original options were 1) to remove the ten year limit, 2) to keep the ten year limit, or 3) extend it. He recommended extending the deadline another 180 days to allow time for the Community Development Board to make recommendations and to address the other issues.

Vice Mayor Jolly stated he still had questions and would agree to extend the ordinance another 180 days.

Councilor Tucker stated she was ready to call for a vote on the ordinance.

Councilor Arthur wanted to wait for the Community Development Board's recommendations.

Consensus: **TO VOTE ON EXTENDING THE SIGN ORDINANCE DEADLINE FOR ANOTHER 180 DAYS AT THE FOLLOWING SPECIAL MEETING.**

CONTRACTS / AGREEMENTS / NONE

ISSUE DEVELOPMENT

Budget

BUDGET / GENERAL FUND / WATER AND SEWER FUND: City Manager Jarboe stated he and Finance Director Steve Ramsey have met with each Council member individually to review and discuss the budget. Finance Director Ramsey would be presenting the budget publicly and answer any questions from the Council.

General Fund

GENERAL FUND: Finance Director Ramsey explained Property Tax Revenue increased 3.8% this year. Telecommunications Tax and 911 Tax decreased but Sales Tax had a healthy increase. Overall revenues increased \$10,000 over the prior year.

City Manager Jarboe explained the budget is divided into three sections: 1) the General Fund, which is for the city's normal operations, 2) the Utilities Fund, which is the water, sewer, stormwater and sanitation and, 3) the Special Revenue Fund which is limited to special items.

Mr. Ramsey stated the City has had to substantially tighten the budget over the years. This budget is \$300,000 less than the budget in 2006. The good thing about this budget is employee health care insurance only increased 12%.

Mr. Ramsey asked Council if there were any questions regarding this budget.

Councilor Arthur stated there was a list of possible additions that would increase the budget \$123,000 and require an increase in the millage rate. He suggested looking into saving money in other areas of the budget to add the possible additions without increasing the millage. For example, using the \$25,000 line item for Emergencies and Contingencies Fund or to divide some staff duties.

Possible Additions to the Budget

Possible Additions	<u>Addition</u>	<u>Cost</u>	<u>Millage Addition</u>
	Enhanced Legal Services	48,000	.08 mills
	Additional Laborer for Public Works	35,000	.06 mills
	Part-time Code Enforcement Officer	20,000	.035 mills
	<u>Part-time Animal Control Officer</u>	<u>20,000</u>	<u>.035 mills</u>
	Required Increase	123,000	3.5718 Rate

Councilor Arthur stated he would also like to break down the cost of the additional legal service fees to see where we could fit them into the budget without having to increase the millage rate.

City Manager Jarboe explained if there is not an Emergency and Contingency Fund money would have to be taken from the Reserve Fund if there was an emergency.

Councilor Arthur asked how much money was currently in the Reserve Fund. Mr. Ramsey stated the balance in the Reserve Fund is 1.9 million. Mayor Pruette stated when she became Mayor the Reserve Fund was low and the auditor advised the Council to increase the Reserve Fund over the years and it has been increasing since.

Councilor Arthur stated he would like to see the proposed additions added to the budget without increasing the millage rate.

City Manager Jarboe stated in order to revise the budget there would have to be at least three votes.

Mayor Pruette asked Mr. Ramsey to consider adding the proposed additions without increasing the budget and bring the figures back to council.

City Manager Jarboe stated if Council wanted to workshop the budget again it would have to be scheduled before September 8th because that is when the final millage rate had to be set.

Councilor Wiley stated Council has discussed hiring a part-time Code Enforcement Officer, he would like to see some figures, but he was not prepared to make the decision tonight. He agreed with keeping the Emergency and Contingency Fund. He did not want to have to use the Reserve Fund in case of an emergency.

Mayor Pruette stated she would also like to see some figures brought back.

Councilor Tucker stated she would also like to see some figures brought back to Council for review.

Vice Mayor Jolly stated he was not in favor of having \$25,000 in an Emergency and Contingency Fund. He felt that money could be used for some of the proposed additions that have been identified. He added that it all comes down to whether or not Council wants to raise the millage.

Mayor Pruette stated Council has discussed adding a part-time Code Enforcement Officer and she understood why it was a possible addition to the budget, but Council had not discussed the other possible additions.

City Manager Jarboe explained the City Manager presents the budget to the Council for review and consideration and amendments. The Public Works Department had been hit hard with a lot of budget cuts in the past years. The department is behind and they need a new full-time employee.

Councilor Wiley questioned how much money the City has spent on a Special Magistrate. Mr. Ramsey stated to date this year the City has spent \$6,000. There are still invoices pending. The City can no longer be reimbursed for the cost of the magistrate by the code violator.

Mayor Pruette stated Council needed to consider reinstating the Code Enforcement Board.

Councilor Wiley stated he was going to bring up reinstating the Code Enforcement Board. Overall he was pleased with the budget presented.

Mr. Ramsey stated a line item for the amount of \$25,000 has been added to the budget for holiday security.

Councilor Arthur asked how much money the City spent last year on emergencies and contingencies. Mr. Ramsey replied to date the City has spent \$20,000. That was for the cost of the mule and the new audio sound equipment in the Council Chambers.

Councilor Tucker asked what fund the income from permits goes into. Mr. Ramsey replied the income from permits goes into the General Fund.

Councilor Tucker asked how many vehicles the Police Department had. Chief Sembach replied the department has 22 vehicles. Mr. Ramsey added since 2006 the City has not had to use money from the General Fund to purchase vehicles. The department has used grant money the last few years.

Councilor Tucker questioned employee classifications and salaries. Mr. Ramsey explained portions of some employee salaries are allocated outside their department. There are multiple employee salaries paid from different departments.

Mayor Pruette thanked Mr. Ramsey and added she hoped the City would not have to raise taxes.

Special Revenue SPECIAL REVENUE FUND: Mr. Ramsey explained the Special Revenue Funds are designated by State Statute what they can be used for.

The Police Education Fund comes from a small portion of speeding tickets written by our police department.

The Community Development Block Grant Fund decreased this year and Senior Center Director Lyne will have to raise \$4,000 to help run the center.

The Convention Development Tax can only be used for recreational purposes. The City has been purchasing playground equipment. This year the City is going to improve and repair the beach crossovers.

The Local Option Gas Tax is used for street repairs.

The Radio Communication Trust Fund helps fund communication costs.

The Better Jacksonville ½ Cent Sales Tax Fund will be used for \$300,000 in additional paving.

The Holiday/Special Events Fund is money that is donated from Waste Pro to help with holiday decorations and events.

Councilor Tucker asked how many Neptune Beach residents used the Senior Activities Center. Mr. Ramsey stated he did not know the percentage of the seniors that live in Neptune Beach.

Mayor Pruette asked if there was a line item for the Green Market income. Mr. Ramsey explained that was included in the General Fund.

Councilor Arthur asked if the Street Improvement Fund could be used to add more parking in the Town Center area. Mr. Ramsey replied the fund is used mostly for maintenance. He would look at the State Statute to find out if it could be used for adding parking.

Enterprise Funds ENTERPRISE FUNDS / WATER, SEWER, STORMWATER AND SANITATION: Mr. Ramsey asked if there were any questions regarding the Enterprise Funds.

Councilor Arthur asked if the 75% / 25% grant for the Bal Harbour project was included in the budget. Mr. Ramsey replied the grant is not reflected in the budget because it is part of the normal operations in the Water and Sewer Fund.

Councilor Arthur asked if the 25% match was used for employee time and labor. Mr. Ramsey replied "yes."

Attorney Services ATTORNEY SERVICES PROPOSAL / CITY ATTORNEY PATRICK KRECHOWSKI: City Attorney Krechowski explained he drafted this new proposal for attorney services based on an increase in his duties involving the City. He stated this was only a proposal, it was not an ultimatum. He added there are things Council has identified that need attention that were not getting attention based on time constraints. The bullet points of the proposal were in addition to his current duties and some of the bullet points were entirely new duties.

When he began with the city over 3 and ½ years ago his monthly average was about 15 hours per month. It has now increased to over 20 hours per month.

One of the new bullet points is "prosecution of code enforcement matters" before the Special Magistrate. The City is much more efficient when code enforcement cases are presented by an attorney. To hire outside counsel costs the City an hourly rate of \$250. Bringing it in house and having him take over the duties of code enforcement would reduce that cost, be more efficient, and save the City money.

The proposal did not have anything to do in regards to his new position with Gray/Robinson Law Firm.

Vice Mayor Jolly stated the proposal added a lot of duties the City Attorney has been doing that were not included in his original agreement. He felt it would be positive for the City to have more of the City Attorney's time.

Councilor Tucker stated she would like to see a written comparison breaking down the costs the City currently pays for duties such as the Special Magistrate as to the costs of the proposal. City Attorney Krechowski responded the retaining counsel and the Special Magistrate for code enforcement both charge an hourly rate in excess of what he is proposing.

Councilor Tucker was unsure about having the City Attorney supervise the City Clerk's office. City Attorney Krechowski replied the City Clerk's memorandum in the agenda packet is accurate in regards to the City Charter. The Charter does state "the City Clerk is to be appointed, duties determined, and supervised by the City Council." He felt the word "supervision" was not the correct word to use and the word "oversight" or "management" would be more accurate. He added this was an attempt to gain more efficiency and a better work product out of the City Clerk's office and also to evaluate the resources in the City Clerk's office. He stated these things were asked of him while Council was going through the evaluation process. He felt it was appropriate for the City Clerk to answer directly to the Council.

Councilor Wiley stated some of the proposed services bullet points were good but he would like to take time to compare and review them. He felt it would be nice to have the city represented at the Community Development Board meetings in case the board members had questions. He disagreed about the Special Magistrate. He was not sure that having a Special Magistrate in lieu of a Code Enforcement Board was working out for the City. He had reservations about the City Attorney attending staff meetings and modernizing the City Code. He felt the City itself could modernize the Code section by section with help from the Community Development Board. He felt there were pro and cons regarding the proposed agreement and questioned where the extra money would come from. The budget would have to increase to include the additional salary. He would be willing to discuss the proposal further at another workshop meeting.

Councilor Arthur agreed some of the bullet point's added value, but given the current financial state of the City and the budget, the millage would have to be raised .08 mills to accommodate the proposed salary. He felt some of the bullet points could be prolonged until the City was in better position financially. He agreed it would save time and be more efficient to have in house counsel for code enforcement. He felt "overall supervision of the City Clerk's office" should be handled by the Council. He did not feel the City should pay additional cost to the City Attorney to oversee the City Clerk's office. He questioned the reasoning for the City Attorney's presence at the Community Development Board meetings. City Attorney Krechowski explained he generally comments when the Community Development Director asks questions regarding the Code. Councilor Arthur felt the City Attorney's attendance monthly at a staff meeting could add value. He felt overall it would be helpful to review the bullet points and remove the city attorney's current duties from the description in 2011 and review the remaining proposal to get a better understanding of the proposed extra expenses.

City Attorney Krechowski explained it would be difficult to guess how much work it would actually take over the course of the year to modernize the Code, a lot of the other bullet points are already in his contract per the 2011 Resolution.

Councilor Arthur asked if the City Attorney could breakdown the cost of the duties to see if some of the things could be put into the budget. City Attorney Krechowski stated he would need to know what duties the Council wanted him to breakdown.

Mayor Pruette suggesting forwarding the proposal to another workshop meeting for further discussion. City Manager Jarboe reminded Council the millage rate had to be set on September 8th. If Council wanted to increase the millage to add to the City Attorney's salary they needed to act before the 8th.

Mayor Pruette thought Council should seriously consider some of the bullet points. For example, the City can no longer be reimbursed the costs for the Special Magistrate by the code violator if the City wins the case. The City is also seeing more lawsuits. She added that the Council does supervise the City Clerk however, she felt that was not working very well. She questioned why the City Clerk's office needed two employees verses one. She

asked the City Manager, Finance Director and City Attorney to work out the figures and bring back to the Council.

Vice Mayor Jolly stated there have been a lot of questions regarding the Special Magistrate verses a Code Enforcement Board. He suggested reviewing the costs for the Special Magistrate for the past two and half years, and looking at the costs of the Code Enforcement Board for the two and half years prior to that, and take a look at the cost difference. This would help to establish whether or not a Special Magistrate is more cost effective than a Code Enforcement Board.

City Attorney Krechowski asked if Council wanted an analysis of the efficiency of the Special Magistrate verses having a Code Enforcement Board or an analysis of having the City Attorney prosecute the code enforcement cases.

Vice Mayor Jolly stated when he served on the Code Enforcement Board the City was not represented by an attorney. City Attorney Krechowski stated he would provide the information for discussion of whether or not to revert back to having a Code Enforcement Board verses a Special Magistrate.

Mayor Pruette brought up that the City also has the unresolved issue of tipping fees and would need an attorney to represent the City during the litigation.

City Attorney Krechowski stated per the direction of Council he would break out his current duties from the new proposal, some bullet points that would be nice to have, and identify bullet points that can possibly be added in the future, for discussion.

Finance Director Ramsey stated if this is going to affect the budget he would need to know as soon as possible to prepare the budget before September 8th.

City Manager Jarboe added Council would have to meet no later than Monday of next week.

City Clerk Volpe suggested holding a Special Workshop meeting before the September 2, 2014 regular meeting to discuss the City Attorney's Service Proposal.

Mayor Pruette suggested everyone meet with the City Manager and Finance Director before the 2nd in order to save time.

Consensus: **TO HOLD A SPECIAL WORKSHOP MEETING BEFORE THE REGULAR MEETING ON SEPTEMBER 2, 2014.**

Tipping Fees

TIPPING FEES / CITY OF JACKSONVILLE: City Attorney Krechowski stated the City of Jacksonville has asked for mediation regarding tipping fees. The City of Atlantic Beach was going to mediation on Friday and the City of Jacksonville wants us to do the same. The City of Jacksonville selected the mediator for the City of Atlantic Beach and they would like for us to use the same mediator. He is concerned the mediator they selected may be bias because he is local. He suggested using Carlos Alveraz, a mediator from Tallahassee who is familiar with local government and has experience dealing with garbage. The mediation would cost approximately \$5,000 and would be divided between the two cities. He asked the City of Jacksonville to meet face to face before going to mediation but they indicated they were not interested.

Mayor Pruette asked City Attorney Krechowski what he would suggest. City Attorney Krechowski stated he would first like to try again to meet with the City of Jacksonville administration. If it does go to mediation he would like to push the City of Jacksonville into using Carlos Alveraz as the mediator.

Mayor Pruette agreed the City Attorney should try to meet with them one last time before going to mediation. She was also concerned about the mediator chosen by the City of Jacksonville and would like to use Carlos Alveraz. She wanted to bring up the Interlocal Agreement and the fact that the City of Jacksonville is suppose to be handling animal control services for Neptune Beach and they have not been doing it.

Vice Mayor Jolly agreed the City Attorney should try to meet with the City of Jacksonville administration. If they did not agree, we would know the results of the mediation between them and the City of Atlantic Beach and make a decision at the next Council meeting.

Councilor Tucker and Councilor Arthur agreed with Vice Mayor Jolly.

Councilor Wiley stated the tipping fee issue has been going on for five years and he has not seen any proof from the City of Jacksonville that we owed them money for tipping fees. City Attorney Krechowski stated that was correct, they have not proved we owe tipping fees. Councilor Wiley felt that by going to mediation the City was agreeing that we owed them tipping fees. He added the City of Jacksonville raised our millage rates 14% and the city did not receive anything for it. He felt it was unheard of for the City of Jacksonville to refuse to meet with us. He felt the City Attorney should try to meet with them again and then we would move forward from there.

Mayor Pruette agreed we should try to meet with them again and make a final decision from there.

Councilor Wiley asked if the City of Jacksonville charged tipping fees to the City of Baldwin. Mayor Pruette replied the City of Jacksonville did not charge tipping fees to the City of Baldwin or the City of Jacksonville Beach.

Mayor Pruette stated we should send the City of Jacksonville a bill for animal control services.

Consensus: **FOR CITY ATTORNEY KRECHOWSKI TO TRY TO SET UP A MEETING WITH THE CITY OF JACKSONVILLE AND LET THE COUNCIL KNOW THE RESULTS.**

110 Cherry St.

110 CHERRY STREET / JIM & HEATHER LEPETRIE / BALCONY REPAIR VERSES REPLACEMENT:

Building Official Don Ford explained on July 14, Council received an email from Mr. LePetrie, complaining that he was not being allowed to build a structure attached to his house at 110 Cherry Street. This project was permitted as a replacement of joist hangers on the balcony, which are hangers that hold the floor and beams of the balcony in place. He responded to a complaint stating the project had been completely torn down and was not simply the joist replacement project that was originally permitted. After receiving the complaint he went by the house and verified that the entire structure had been completely torn down. At that time he contacted Mr. LePetrie and put a stop work order on the project. Mr. Ford added there was agreement in the property file dated September 27, 1989 that allowed a porch to be built on the city property. The agreement was called an "Irrevocable License for Encroachment." The last sentence of the agreement stated "in the event the existing improvements on the benefitted property were removed and the existing encroachment no longer exists then the license granted herein shall terminate and be of no other force and affect. Mr. LePetrie is now seeking relief from the Council.

Mr. LePetrie, 110 Cherry Street, explained his structural engineer was not in agreement with Mr. Ford's decision that the balcony was completely removed. He handed out pictures

of the property that were taken prior to the commencement of construction. When he purchased the house the condition of the hangers on the balcony was very poor. He pointed out an example shown in the pictures he presented of the settlement of the front crossbeams. He felt it was state of emergency and needed to be fixed quickly. They removed the beams and the joists but did not remove the entire structure contrary to Mr. Ford's decision. All that was removed was the second floor balcony beams, joist and decking. There was also some old plywood the previous owner had used for a ceiling that he decided to dispose of. They also replaced the decking and the trim. They were not increasing the footprint of the structure. They were putting everything back in the exact same spot that was in. He asked the Council for relief from the decision of Mr. Ford that this was a total replacement and not a repair of the structure.

Mayor Pruette asked if the vertical posts remained in place. Mr. LePetrie responded "yes."

Vice Mayor Jolly asked Mr. Ford to read the last sentence of the Irrevocable License Agreement. Mr. Ford read aloud "In the event the existing improvements on the benefited property are removed and the existing encroachment no longer exists then the license granted herein shall terminate and be of no further force and effect." Mr. Ford added that is a nonconforming property and the Code does not allow a structure to be rebuilt if is torn down on a nonconforming property.

Mayor Pruette asked if the part on the City easement was removed. Mr. Ford replied the three white posts were the only things left of the balcony. Mr. LePetrie stated that was "untrue" there is a ground porch that remained in place that matches the footprint of the balcony.

Councilor Tucker stated she went by to look at the property and felt the balcony should be considered a repair in lieu of a replacement. She added that the City should take into consideration that people are trying to improve older homes in the community.

Councilor Arthur asked if the specific nonconformity was on the city easement. Mr. Ford replied "yes", it is eight inches on the city right of way, basically in the street. Arthur asked if the other conformities were within the setback to which Mr. Ford also replied "yes."

Mr. Ford explained there are three issues dealing with the property: 1) it is nonconforming and does not meet the setback requirements, 2) the permit was for a repair and the scope of work went beyond a repair, which falls under the Florida Building Code, and 3) the Irrevocable License Agreement. The major issue he has is that the property owner went beyond the scope of the permit.

City Attorney Krechowski cautioned the Council that this was not within their jurisdiction and they had very little authority in this situation. Mr. Ford mentioned there are Florida Building Code issues and that has to be handled at the State level. If Mr. LePetrie felt the administrative decision made by Building Official Ford there is an appeal process for that. He would need to further investigate the issue of the Irrevocable License Agreement. If the porch or lower portion of the deck remains there is still an encroachment and the agreement would remain in effect.

Mayor Pruette felt it was good for the Council to hear the situation and be aware of some of the things that may need to be addressed in the Land Development Regulations.

Councilor Arthur suggested placing land use issues on a future workshop meeting agenda. City Manager Jarboe stated after the budget hearings the Council could start to workshop land uses and nonconformities in general.

City Attorney Krechowski advised his view of the encroachment issue is that if the bottom portion of the balcony remained then the encroachment remains and the agreement is still effect. The property owner can appeal Mr. Ford's decision that the project was a "replacement" verses a "repair." If the Board determines it to be a "replacement then the property owner can apply for a variance if it is determined that the balcony was replaced.

Councilor Wiley stated in his opinion it was a "repair."

Mr. LePetrie stated he had an issue with being accused of going above and beyond the scope of the permit. The permit was to "replace structural connectors" which is exactly what they did.

Mayor Pruette asked the LePetrie's to meet with the Community Development Director and decide which action they would like to take.

Heather LePetrie, 110 Cherry Street, stated they never received anything in writing regarding the issue. Mr. Ford asked them to stop work and they did however, there is nothing writing to explain what they were actually doing wrong.

Mr. Ford explained the building department always tries to work with people before putting anything in writing. Once they start a written record they would have to take them to the Code Enforcement Board. He tried to work with them, six month went by and nothing had happened. That is how we got where we are today.

City Attorney Krechowski stated the decision needed to be in writing otherwise Mr. LePetrie has nothing to appeal. Mr. Ford replied it was all voluntary.

City Manager Jarboe stated there was a voluntary stop work order. If they start the work again Mr. Ford will file a stop work order in writing and they can appeal it.

Mayor Pruette suggested the City Attorney, City Manager and Building Official met with the LePetrie's to let them know how to they can facilitate the problem.

City Manager Jarboe stated the LePetrie's thought the Council could make the decision. They will meet with him to over the options.

Mr. LePetrie stated after Mr. Ford stopped work on the project they set up a meeting and discussed it. He also requested a pre-permit application meeting, by email, but there was no response.

PUBLIC COMMENTS / NONE

COUNCIL COMMENTS / NONE

Adjournment

There being no further business, the meeting adjourned at 8:10 p.m.

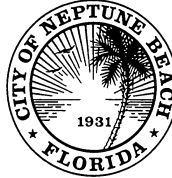
Attest:

Harriet Pruette, Mayor

Lisa Volpe, CMC, City Clerk

Approved: _____

DRAFT



MINUTES
SPECIAL CITY COUNCIL MEETING
AUGUST 18, 2014 AT 8:10 P.M.
CITY HALL, 116 FIRST STREET
NEPTUNE BEACH, FLORIDA

Pursuant to proper notice a Special Meeting of the City Council of the City of Neptune Beach was held August 18, 2014 at 8:10 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

STAFF:

Mayor Harriet Pruette
Vice Mayor John Jolly
Councilor Richard Arthur
Councilor Kara Tucker
Councilor Scott Wiley
City Attorney Patrick Krechowski
City Manager James Jarboe
City Clerk Lisa Volpe, CMC

Assistant Chief Tony Carrillo
Director for Finance Steve Ramsey
Director of Public Safety David Sembach
Director of Public Services Leon Smith
Community Development Director Amanda Askew

Order Call

Mayor Pruette called the special meeting to order at 8:10 p.m.

Ord. No. 2014-14

ORDINANCE NO. 2014-14, AMENDING CHAPTER 27, NONCONFORMING SIGNS, FIRST READ: AN ORDINANCE AMENDING THE CODE OF ORDINANCES FOR THE CITY OF NEPTUNE BEACH, FLORIDA, CHAPTER 27 UNIFIED LAND DEVELOPMENT REGULATIONS, ARTICLE XV ADVERTISING SECTION 27-592 NONCONFORMING SIGNS AND ARTICLE XVII NONCONFORMING LOTS, STRUCTURES, USES AND SIGNS, SECTION 27-707 NONCONFORMING SIGNS AND PROVIDING AN EFFECTIVE DATE.

Mayor Pruette stated the consensus was to extend the deadline mandating monument signs for an additional 180 days.

City Attorney Krechowski explained the ordinance for the April 3, 2014 deadline was suspended for up to 180 days. The suspension of the ordinance was extended for another 180 days. To extend the suspension for an additional 180 days there must be a majority four out of five vote of the council.

Councilor Wiley stated based on the consensus he would withdraw the ordinance for first read and have council vote on the extension.

Moved by Councilor Wiley, seconded by Tucker

Motion: **TO EXTEND THE SIGN AGREEMENT FOR SIX MONTHS FROM THE DATE OF SEPTEMBER 3RD.**

City Attorney Krechowski stated this would extend the suspension of the ordinance for an additional 180 days from September 3rd.

Councilor Wiley asked when the ordinance would be before the Community Development Board. City Clerk Volpe replied Wednesday, August 20th.

Mayor Pruette asked City Clerk Volpe to make a list of questions and concerns for the board.

City Attorney Krechowski stated when the recommendations are received from the board he would make the changes to the ordinance for council consideration.

Vice Mayor Jolly voiced concern regarding the advertising requirements. City Attorney Krechowski advised the requirement had been met.

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Tucker, Wiley, Pruette

Noes: 0

MOTION CARRIED

Councilor Arthur asked what the dates were for the September meetings. City Clerk Volpe replied a budget workshop meeting and regular meeting will be held on September 2nd. A special meeting to pass the millage and the budget on first read will be on September 8th. The second and final read of the millage and budget meeting will be on September 22nd along with the September workshop meeting.

Adjournment

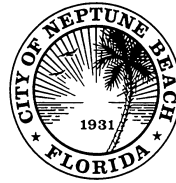
There being no further business, the meeting adjourned at 8:15 p.m.

Harriet Pruette, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
REGULAR CITY COUNCIL MEETING
AUGUST 4, 2014, AT 6:00 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 August 4, 2014, at 6:00 p.m. in the City Hall Council Chambers, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

STAFF:

Mayor Harriet Pruette
Vice Mayor John Jolly
Councilor Richard Arthur
Councilor Kara Tucker
Councilor Scott Wiley
City Attorney Patrick Krechowski
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

Community Development Director Amanda Askew
Assistant Chief Tony Carrillo

Order Call/Pledge

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

AWARDS / PRESENTATIONS/ RECOGNITION OF GUESTS / NONE

APPROVAL OF MINUTES

Moved by Tucker, seconded by Arthur.

Minutes

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

JULY 7, 2014, CITY COUNCIL WORKSHOP MEETING
JULY 7, 2014, CITY COUNCIL REGULAR MEETING
JULY 21, 2014, WORKSHOP CITY COUNCIL MEETING

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Tucker, Wiley, Pruette

Noes: 0

MOTION CARRIED

COMMUNICATIONS & CORRESPONDENCE

Mayor Pruette stated there were still ants on the beach crosswalks. City Manager Jarboe replied Atlantic Beach does not exterminate for ants because the ants do not bite. They also kill the fire ants. He has applied more pesticide.

City Clerk Volpe advised the audio for the Council meetings were now on the website. They are located on both the agenda page and the minutes' page.

Vice Mayor Jolly questioned the dates for the September meetings. City Clerk Volpe stated the September meetings would be held on September 8th and 22nd.

CITY MANAGER REPORT

City Manager Jarboe reported on the following:

- There was an issue with a refrigerator that was in the marsh, it has since been removed.
- The budget was in process and the meetings for the public hearings would be September 8th and 22nd. The budget will be on the August workshop meeting agenda for review of the General Fund and the Water and Sewer Fund.
- He passed out a form showing the complaints received through the website portal and the dates in which they were closed.

Mayor Pruette asked City Manager Jarboe to put a better description of the code violation on the report for the citizen portal.

Councilor Wiley also requested that more details of the code violation be noted in the report.

City Manager Jarboe advised he would add more information regarding the code violation. The system is still in the learning process.

Councilor Arthur questioned the process of the construction on the new office building located in Town Center on the corner of Second Street and Atlantic Boulevard. City Manager Jarboe stated construction should begin this month. The owner speculates the project will be completed before the end of this year.

Councilor Arthur asked if there has been any response to the Mayor's letter to Rad Lovett regarding additional parking in Town Center. City Manager Jarboe responded "no" he has not received a response.

City Attorney Krechowski advised he has not been contacted by the City of Jacksonville Office of the General Counsel regarding the tipping fee issue.

COMMENTS FROM THE PUBLIC

Rory Diamond, 120 Davis Street, voiced concern that "Veteran Status" was not on the City's employment applications and asked Council to consider adding the status to the application.

CONSENT AGENDA

Surplus Items

SURPLUS ITEMS / PUBLIC SERVICES / DUMP TRUCK: Surplus of a 1997 Ford dump truck.

Moved by Tucker, seconded by Arthur.

Motion: **TO APPROVE THE CONSENT AGENDA.**

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Tucker, Wiley, Pruette

Noes: 0

MOTION CARRIED

VARIANCES

V14-04
107 North Street

VARIANCE APPEAL, V14-04, 107 NORTH STREET, BRYAN AND WENDY MCDONALD:
Mayor Pruette explained the variance request of Bryan and Wendy McDonald, 107 North Street, was approved by the Community Development Board at their June 11, 2014 meeting. The approval of the variance is being appealed by their neighbors, John and Susan Wittingslow, 109 North Street.

Mayor Pruette, Councilor Arthur, Councilor Tucker, and Council Wiley all declared they had ex parte communication with Bryan McDonald. Vice Mayor Jolly stated he went by the property but did not speak with the property owners.

City Attorney read aloud Section 27-153(c) of the Code for the benefit of Council: "The City Council shall review the hearing conducted by the community development board. No new evidence may be presented unless it pertains to events or circumstances which have substantially changed since the community development board decision. The city council shall uphold the decision of the community development board. No new evidence may be presented unless it pertains to events or circumstances, which have substantially changed since the community development board decision. The city council shall uphold the decision of the community development board unless the council finds that: 1) Defects in notice of procedural due process are alleged and proven; or 2) The decision of the community development board is not supported by competent substantial evidence and testimony produced at the public hearing; or 3) New evidence is available because of substantial changes in circumstance. (d) The city council must affirm, modify, or reverse, each appeal of a variance."

City Attorney Krechowski then stated the City Council had 3 options: 1) affirm the decision of the Board, 2) modify the decision or 3) reverse the decision.

Mayor Pruette asked each Council Member how they felt about the appeal.

Councilor Tucker, Councilor Wiley, Councilor Arthur and Vice Mayor Jolly stated they all agreed with the board's decision and affirmed the action of the board.

Mayor Pruette also agreed with the board's decision and affirmed the action of the board.

Moved by Pruette, seconded by Tucker.

Motion: **TO AFFIRM THE COMMUNITY DEVELOPMENT BOARD'S DECISION AS STATED IN THEIR ENTIRE MOTION.**

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Tucker, Wiley, Pruette

Noes: 0

MOTION CARRIED

ORDINANCES

Ord. No. 2014-14 ORDINANCE NO. 2014-14, AMENDING CHAPTER 27, NONCONFORMING SIGNS, FIRST READ: AN ORDINANCE AMENDING THE CODE OF ORDINANCES FOR THE CITY OF NEPTUNE BEACH, FLORIDA, CHAPTER 27 UNIFIED LAND DEVELOPMENT REGULATIONS, ARTICLE XV ADVERTISING SECTION 27-592 NONCONFORMING SIGNS AND ARTICLE XVII NONCONFORMING LOTS, STRUCTURES, USES AND SIGNS, SECTION 27-707 NONCONFORMING SIGNS AND PROVIDING AN EFFECTIVE DATE.

Mayor Pruette read Ordinance No. 2014-14 by title only.

City Manager Jarboe explained this Ordinance allows the ten year deadline for monument sign compliance that was adopted in April 2004 and should have expired April 2014, but was extended 180 days, to be lifted.

City Attorney Krechowski stated he revised the last edition of the proposed ordinance to add the changes from previous Council meeting discussions. The ten year deadline would be eliminated and Section 27-592(3) would be the trigger for having to come into compliance. He did not receive any feedback from Council regarding the fines for violations other than making it high enough to sting. He proposed the following fines for violations: first offense \$500, second offense \$1,000 and the third and subsequent offense would be \$1,500. He also made a change in Section 27-592(5) changing the word "Chapter" to "Section."

City Manager Jarboe stated the limited fines for code violations are \$250.00 and \$500.00. He asked if that would have an effect on the fines for this violation. City Attorney Krechowski explained those fines were per day, this would be a onetime fine citation.

City Manager Jarboe suggested adding: "A civil citation may be issued by the City Manager or his designee." He would like to evaluate the situation before a citation is issued.

City Attorney Krechowski requested this Ordinance be reviewed by the Community Development Board in August. The 180 day extension to comply expires in September.

Mayor Pruette opened the public hearing, there being no comments from the public, the public was closed.

Moved by Wiley, seconded by Tucker.

Motion: **TO PASS ORDINANCE NO. 2014-14 ON FIRST READ.**

Councilor Wiley state he was satisfied with the fines being set at \$500.00, \$1,000.00 and \$1,500.

City Manager Jarboe asked if the Council planned on discussion this further at a workshop meeting. Mayor Pruette stated that was one of the questions she had.

Councilor Arthur suggested adding a clearer definition of "abandoned signs."

City Attorney Krechowski asked to have input from the Community Development Board regarding the definition of "abandoned signs."

Councilor Arthur questioned if someone were issued a civil citation for a first violation and had to come into compliance why would there be a need for a second and third violation.

City Attorney Krechowski explained the second and third offense fines were for a repeat of unpermitted activities to the sign. For example, one could install a sign without obtaining a permit and receive a \$500.00 citation, then they could obtain a permit and construct the sign beyond the scope of the permit and therefore they would receive a fine for the second violation and any other subsequent violation.

Mayor Pruette reminded the Council this was not a workshop meeting. She suggested placing it on the August workshop and if needed call a special meeting immediately after the workshop meeting for first read.

Councilor Wiley withdrew his motion

Councilor Tucker was concerned how this would be communicated to the businesses in a business friendly matter, and how it would be enforced. City Attorney Krechowski replied it would be enforced by the Code Enforcement Board.

Vice Mayor Jolly stated he had a lot of problems he would like to discuss and agreed with discussing the ordinance further at the August workshop. He added the he had requested at the last meeting to include a clear definition of "branding" and that was not put into this proposed ordinance. He asked that the definition be included in the August workshop edition.

City Attorney Krechowski cautioned against opening the entire section up again because the decision had to be made by September the 3rd.

Councilor Wiley concluded this proposed Ordinance amended the original Section 27-592(1)(2)(3) and (4) to remain the same, (5) was removed, and adding fines for violations. During this discussion Council would like to add the definition of "abandoned signs" and "branding." He felt no other changes should be discussed at the August workshop meeting.

Consensus: **FORWARD TO THE COMMUNITY DEVELOPMENT BOARD FOR THEIR INPUT AND FORWARD TO THE AUGUST WORKSHOP MEETING AND HOLD A SPECIAL MEETING IMMEDIATELY FOLLOWING THE WORKSHOP MEETING TO VOTE ON FIRST READ.**

OLD BUSINESS / NONE

NEW BUSINESS

Performance
Evaluations

PERFORMANCE EVALUATION FORM & PROCESS FOR CITY CLERK:

Mayor Pruette asked if everyone had met with the City Clerk as indicated at the July workshop meeting. City Attorney Krechowski advised he had not met with the City Clerk.

Mayor Pruette stated at this meeting she would like Council to approve, disapprove or modify the evaluation form. She added that City Clerk Volpe had prepared a memorandum and placed it before them tonight regarding information and feedback that she received during the individual meetings with Council. Mayor Pruette was not prepared to review the memorandum because it was just given to her tonight.

Vice Mayor Jolly stated the City Clerk's memorandum provided information he suggested to her that he felt should be added to the form. There is a section on the evaluation form called "recording and training" that states: "The City Clerk is to provide an annual report to Council on status of office, including budget and resources needs or overages; provide public records training and introduction to City Clerk office to any and all new Council members and board members." He would like the City Clerk to prepare that annual report one month before the date of the evaluation.

City Attorney Krechowski asked Vice Mayor Jolly if he was saying the City Clerk should provide an annual report to Council one month prior to the evaluation. Vice Mayor Jolly responded the Council is supposed to evaluate the City Clerk based on the report, therefore they need to have the report before they can complete an evaluation.

Councilor Arthur asked once the evaluation is completed this year if this procedure is expected to be conducted once per year. Mayor Pruette stated the memorandum from the City Attorney provided that the performance schedule could be amended by the Council at any time.

Councilor Arthur asked if the hours and attendance were included in the contract. City Clerk Volpe responded she did not have an employment contract. Councilor Arthur asked if the City Clerk's hours were documented anywhere. City Attorney Krechowski advised that would fall under full time employees. City Manager Jarboe added that each employee's hours varied based on the position. He added there is not a policy and traditionally the hours of the City Clerk are nine to five.

Mayor Pruette stated the Council should already be aware of the hours of the City Clerk. She felt it was the City Clerk's duty to provide that information to the Council and it has not been provided to them. She stated it was time for the Council to know what was going on.

City Attorney Krechowski asked if Council wanted to determine a number rating system as suggested in the City Clerk's memorandum. Councilor Arthur stated each duty in the job evaluation should have a number assigned so the numbers could be averaged and finalized. City Attorney Krechowski stated he would add a number rating system to the form.

Mayor Pruette asked if Council wanted to have the City Attorney incorporate the items on the memorandum from the City Clerk for the August workshop meeting, have Council complete the forms and include them in the agenda packet for discussion at the October workshop meeting.

City Attorney Krechowski asked Council members if they had an issue with any of the items listed in memorandum to make him aware, otherwise he will incorporate them in the form.

Mayor Pruette stated Council needed to determine the date of the annual evaluation. Councilor Wiley suggested the performance review be completed by Council based on the fiscal year. It may be better to conduct the evaluation annually in August.

Vice Mayor Jolly stated he would prefer to conduct the evaluation in October of this year after the report is received from the City Clerk a month before the evaluation.

City Attorney Krechowski concluded the City Clerk would provide a report in October after the fiscal year is completed based on the course of the year and be evaluated in October based on the report.

City Attorney Krechowski suggested placing the completed evaluation forms in the October workshop agenda packet for Council discussion.

COUNCIL COMMENTS / NONE

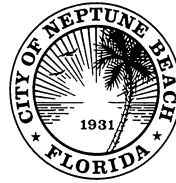
Adjournment There being no further business, the meeting adjourned at 6:40 p.m.

Harriet Pruetten, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk
Approved

Approved:



MINUTES
REGULAR CITY COUNCIL MEETING
AUGUST 4, 2014, AT 6:00 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 August 4, 2014, at 6:00 p.m. in the City Hall Council Chambers, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

STAFF:

Mayor Harriet Pruette
Vice Mayor John Jolly
Councilor Richard Arthur
Councilor Kara Tucker
Councilor Scott Wiley
City Attorney Patrick Krechowski
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

Community Development Director Amanda Askew
Assistant Chief Tony Carrillo

Order Call/Pledge

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

AWARDS / PRESENTATIONS/ RECOGNITION OF GUESTS / NONE

APPROVAL OF MINUTES

Moved by Tucker, seconded by Arthur.

Minutes

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

JULY 7, 2014, CITY COUNCIL WORKSHOP MEETING
JULY 7, 2014, CITY COUNCIL REGULAR MEETING
JULY 21, 2014, WORKSHOP CITY COUNCIL MEETING

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Tucker, Wiley, Pruette

Noes: 0

MOTION CARRIED

COMMUNICATIONS & CORRESPONDENCE

Mayor Pruette stated there were still ants on the beach crosswalks. City Manager Jarboe replied Atlantic Beach does not exterminate for ants because the ants do not bite. They also kill the fire ants. He has applied more pesticide.

City Clerk Volpe advised the audio for the Council meetings were now on the website. They are located on both the agenda page and the minutes' page.

Vice Mayor Jolly questioned the dates for the September meetings. City Clerk Volpe stated the September meetings would be held on September 8th and 22nd.

CITY MANAGER REPORT

City Manager Jarboe reported on the following:

- There was an issue with a refrigerator that was in the marsh, it has since been removed.
- The budget was in process and the meetings for the public hearings would be September 8th and 22nd. The budget will be on the August workshop meeting agenda for review of the General Fund and the Water and Sewer Fund.
- He passed out a form showing the complaints received through the website portal and the dates in which they were closed.

Mayor Pruette asked City Manager Jarboe to put a better description of the code violation on the report for the citizen portal.

Councilor Wiley also requested that more details of the code violation be noted in the report.

City Manager Jarboe advised he would add more information regarding the code violation. The system is still in the learning process.

Councilor Arthur questioned the process of the construction on the new office building located in Town Center on the corner of Second Street and Atlantic Boulevard. City Manager Jarboe stated construction should begin this month. The owner speculates the project will be completed before the end of this year.

Councilor Arthur asked if there has been any response to the Mayor's letter to Rad Lovett regarding additional parking in Town Center. City Manager Jarboe responded "no" he has not received a response.

City Attorney Krechowski advised he has not been contacted by the City of Jacksonville Office of the General Counsel regarding the tipping fee issue.

COMMENTS FROM THE PUBLIC

Rory Diamond, 120 Davis Street, voiced concern that "Veteran Status" was not on the City's employment applications and asked Council to consider adding the status to the application.

CONSENT AGENDA

Surplus Items

SURPLUS ITEMS / PUBLIC SERVICES / DUMP TRUCK: Surplus of a 1997 Ford dump truck.

Moved by Tucker, seconded by Arthur.

Motion: **TO APPROVE THE CONSENT AGENDA.**

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Tucker, Wiley, Pruette

Noes: 0

MOTION CARRIED

VARIANCES

V14-04
107 North Street

VARIANCE APPEAL, V14-04, 107 NORTH STREET, BRYAN AND WENDY MCDONALD:
Mayor Pruette explained the variance request of Bryan and Wendy McDonald, 107 North Street, was approved by the Community Development Board at their June 11, 2014 meeting. The approval of the variance is being appealed by their neighbors, John and Susan Wittingslow, 109 North Street.

Mayor Pruette, Councilor Arthur, Councilor Tucker, and Council Wiley all declared they had ex parte communication with Bryan McDonald. Vice Mayor Jolly stated he went by the property but did not speak with the property owners.

City Attorney read aloud Section 27-153(c) of the Code for the benefit of Council: "The City Council shall review the hearing conducted by the community development board. No new evidence may be presented unless it pertains to events or circumstances which have substantially changed since the community development board decision. The city council shall uphold the decision of the community development board. No new evidence may be presented unless it pertains to events or circumstances, which have substantially changed since the community development board decision. The city council shall uphold the decision of the community development board unless the council finds that: 1) Defects in notice of procedural due process are alleged and proven; or 2) The decision of the community development board is not supported by competent substantial evidence and testimony produced at the public hearing; or 3) New evidence is available because of substantial changes in circumstance. (d) The city council must affirm, modify, or reverse, each appeal of a variance."

City Attorney Krechowski then stated the City Council had 3 options: 1) affirm the decision of the Board, 2) modify the decision or 3) reverse the decision.

Mayor Pruette asked each Council Member how they felt about the appeal.

Councilor Tucker, Councilor Wiley, Councilor Arthur and Vice Mayor Jolly stated they all agreed with the board's decision and affirmed the action of the board.

Mayor Pruette also agreed with the board's decision and affirmed the action of the board.

Moved by Pruette, seconded by Tucker.

Motion: **TO AFFIRM THE COMMUNITY DEVELOPMENT BOARD'S DECISION AS STATED IN THEIR ENTIRE MOTION.**

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Tucker, Wiley, Pruette

Noes: 0

MOTION CARRIED

ORDINANCES

Ord. No. 2014-14 ORDINANCE NO. 2014-14, AMENDING CHAPTER 27, NONCONFORMING SIGNS, FIRST READ: AN ORDINANCE AMENDING THE CODE OF ORDINANCES FOR THE CITY OF NEPTUNE BEACH, FLORIDA, CHAPTER 27 UNIFIED LAND DEVELOPMENT REGULATIONS, ARTICLE XV ADVERTISING SECTION 27-592 NONCONFORMING SIGNS AND ARTICLE XVII NONCONFORMING LOTS, STRUCTURES, USES AND SIGNS, SECTION 27-707 NONCONFORMING SIGNS AND PROVIDING AN EFFECTIVE DATE.

Mayor Pruette read Ordinance No. 2014-14 by title only.

City Manager Jarboe explained this Ordinance allows the ten year deadline for monument sign compliance that was adopted in April 2004 and should have expired April 2014, but was extended 180 days, to be lifted.

City Attorney Krechowski stated he revised the last edition of the proposed ordinance to add the changes from previous Council meeting discussions. The ten year deadline would be eliminated and Section 27-592(3) would be the trigger for having to come into compliance. He did not receive any feedback from Council regarding the fines for violations other than making it high enough to sting. He proposed the following fines for violations: first offense \$500, second offense \$1,000 and the third and subsequent offense would be \$1,500. He also made a change in Section 27-592(5) changing the word "Chapter" to "Section."

City Manager Jarboe stated the limited fines for code violations are \$250.00 and \$500.00. He asked if that would have an effect on the fines for this violation. City Attorney Krechowski explained those fines were per day, this would be a onetime fine citation.

City Manager Jarboe suggested adding: "A civil citation may be issued by the City Manager or his designee." He would like to evaluate the situation before a citation is issued.

City Attorney Krechowski requested this Ordinance be reviewed by the Community Development Board in August. The 180 day extension to comply expires in September.

Mayor Pruette opened the public hearing, there being no comments from the public, the public was closed.

Moved by Wiley, seconded by Tucker.

Motion: **TO PASS ORDINANCE NO. 2014-14 ON FIRST READ.**

Councilor Wiley state he was satisfied with the fines being set at \$500.00, \$1,000.00 and \$1,500.

City Manager Jarboe asked if the Council planned on discussion this further at a workshop meeting. Mayor Pruette stated that was one of the questions she had.

Councilor Arthur suggested adding a clearer definition of "abandoned signs."

City Attorney Krechowski asked to have input from the Community Development Board regarding the definition of "abandoned signs."

Councilor Arthur questioned if someone were issued a civil citation for a first violation and had to come into compliance why would there be a need for a second and third violation.

City Attorney Krechowski explained the second and third offense fines were for a repeat of unpermitted activities to the sign. For example, one could install a sign without obtaining a permit and receive a \$500.00 citation, then they could obtain a permit and construct the sign beyond the scope of the permit and therefore they would receive a fine for the second violation and any other subsequent violation.

Mayor Pruette reminded the Council this was not a workshop meeting. She suggested placing it on the August workshop and if needed call a special meeting immediately after the workshop meeting for first read.

Councilor Wiley withdrew his motion

Councilor Tucker was concerned how this would be communicated to the businesses in a business friendly matter, and how it would be enforced. City Attorney Krechowski replied it would be enforced by the Code Enforcement Board.

Vice Mayor Jolly stated he had a lot of problems he would like to discuss and agreed with discussing the ordinance further at the August workshop. He added the he had requested at the last meeting to include a clear definition of "branding" and that was not put into this proposed ordinance. He asked that the definition be included in the August workshop edition.

City Attorney Krechowski cautioned against opening the entire section up again because the decision had to be made by September the 3rd.

Councilor Wiley concluded this proposed Ordinance amended the original Section 27-592(1)(2)(3) and (4) to remain the same, (5) was removed, and adding fines for violations. During this discussion Council would like to add the definition of "abandoned signs" and "branding." He felt no other changes should be discussed at the August workshop meeting.

Consensus: **FORWARD TO THE COMMUNITY DEVELOPMENT BOARD FOR THEIR INPUT AND FORWARD TO THE AUGUST WORKSHOP MEETING AND HOLD A SPECIAL MEETING IMMEDIATELY FOLLOWING THE WORKSHOP MEETING TO VOTE ON FIRST READ.**

OLD BUSINESS / NONE

NEW BUSINESS

Performance
Evaluations

PERFORMANCE EVALUATION FORM & PROCESS FOR CITY CLERK:

Mayor Pruette asked if everyone had met with the City Clerk as indicated at the July workshop meeting. City Attorney Krechowski advised he had not met with the City Clerk.

Mayor Pruette stated at this meeting she would like Council to approve, disapprove or modify the evaluation form. She added that City Clerk Volpe had prepared a memorandum and placed it before them tonight regarding information and feedback that she received during the individual meetings with Council. Mayor Pruette was not prepared to review the memorandum because it was just given to her tonight.

Vice Mayor Jolly stated the City Clerk's memorandum provided information he suggested to her that he felt should be added to the form. There is a section on the evaluation form called "recording and training" that states: "The City Clerk is to provide an annual report to Council on status of office, including budget and resources needs or overages; provide public records training and introduction to City Clerk office to any and all new Council members and board members." He would like the City Clerk to prepare that annual report one month before the date of the evaluation.

City Attorney Krechowski asked Vice Mayor Jolly if he was saying the City Clerk should provide an annual report to Council one month prior to the evaluation. Vice Mayor Jolly responded the Council is supposed to evaluate the City Clerk based on the report, therefore they need to have the report before they can complete an evaluation.

Councilor Arthur asked once the evaluation is completed this year if this procedure is expected to be conducted once per year. Mayor Pruette stated the memorandum from the City Attorney provided that the performance schedule could be amended by the Council at any time.

Councilor Arthur asked if the hours and attendance were included in the contract. City Clerk Volpe responded she did not have an employment contract. Councilor Arthur asked if the City Clerk's hours were documented anywhere. City Attorney Krechowski advised that would fall under full time employees. City Manager Jarboe added that each employee's hours varied based on the position. He added there is not a policy and traditionally the hours of the City Clerk are nine to five.

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City Attorney Krechowski asked if Council wanted to determine a number rating system as suggested in the City Clerk's memorandum. Councilor Arthur stated each duty in the job evaluation should have a number assigned so the numbers could be averaged and finalized. City Attorney Krechowski stated he would add a number rating system to the form.

Mayor Pruette asked if Council wanted to have the City Attorney incorporate the items on the memorandum from the City Clerk for the August workshop meeting, have Council complete the forms and include them in the agenda packet for discussion at the October workshop meeting.

City Attorney Krechowski asked Council members if they had an issue with any of the items listed in memorandum to make him aware, otherwise he will incorporate them in the form.

Mayor Pruette stated Council needed to determine the date of the annual evaluation. Councilor Wiley suggested the performance review be completed by Council based on the fiscal year. It may be better to conduct the evaluation annually in August.

Vice Mayor Jolly stated he would prefer to conduct the evaluation in October of this year after the report is received from the City Clerk a month before the evaluation.

City Attorney Krechowski concluded the City Clerk would provide a report in October after the fiscal year is completed based on the course of the year and be evaluated in October based on the report.

City Attorney Krechowski suggested placing the completed evaluation forms in the October workshop agenda packet for Council discussion.

COUNCIL COMMENTS / NONE

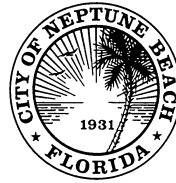
Adjournment There being no further business, the meeting adjourned at 6:40 p.m.

Harriet Pruetto, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk
Approved

Approved:



MINUTES
REGULAR CITY COUNCIL MEETING
AUGUST 4, 2014, AT 6:00 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 August 4, 2014, at 6:00 p.m. in the City Hall Council Chambers, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

STAFF:

Mayor Harriet Pruette
Vice Mayor John Jolly
Councilor Richard Arthur
Councilor Kara Tucker
Councilor Scott Wiley
City Attorney Patrick Krechowski
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

Community Development Director Amanda Askew
Assistant Chief Tony Carrillo

Order Call/Pledge

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

AWARDS / PRESENTATIONS/ RECOGNITION OF GUESTS / NONE

APPROVAL OF MINUTES

Moved by Tucker, seconded by Arthur.

Minutes

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

JULY 7, 2014, CITY COUNCIL WORKSHOP MEETING
JULY 7, 2014, CITY COUNCIL REGULAR MEETING
JULY 21, 2014, WORKSHOP CITY COUNCIL MEETING

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Tucker, Wiley, Pruette

Noes: 0

MOTION CARRIED

COMMUNICATIONS & CORRESPONDENCE

Mayor Pruette stated there were still ants on the beach crosswalks. City Manager Jarboe replied Atlantic Beach does not exterminate for ants because the ants do not bite. They also kill the fire ants. He has applied more pesticide.

City Clerk Volpe advised the audio for the Council meetings were now on the website. They are located on both the agenda page and the minutes' page.

Vice Mayor Jolly questioned the dates for the September meetings. City Clerk Volpe stated the September meetings would be held on September 8th and 22nd.

CITY MANAGER REPORT

City Manager Jarboe reported on the following:

- There was an issue with a refrigerator that was in the marsh, it has since been removed.
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- He passed out a form showing the complaints received through the website portal and the dates in which they were closed.

Mayor Pruette asked City Manager Jarboe to put a better description of the code violation on the report for the citizen portal.

Councilor Wiley also requested that more details of the code violation be noted in the report.

City Manager Jarboe advised he would add more information regarding the code violation. The system is still in the learning process.

Councilor Arthur questioned the process of the construction on the new office building located in Town Center on the corner of Second Street and Atlantic Boulevard. City Manager Jarboe stated construction should begin this month. The owner speculates the project will be completed before the end of this year.

Councilor Arthur asked if there has been any response to the Mayor's letter to Rad Lovett regarding additional parking in Town Center. City Manager Jarboe responded "no" he has not received a response.

City Attorney Krechowski advised he has not been contacted by the City of Jacksonville Office of the General Counsel regarding the tipping fee issue.

COMMENTS FROM THE PUBLIC

Rory Diamond, 120 Davis Street, voiced concern that "Veteran Status" was not on the City's employment applications and asked Council to consider adding the status to the application.

CONSENT AGENDA

Surplus Items

SURPLUS ITEMS / PUBLIC SERVICES / DUMP TRUCK: Surplus of a 1997 Ford dump truck.

Moved by Tucker, seconded by Arthur.

Motion: **TO APPROVE THE CONSENT AGENDA.**

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Tucker, Wiley, Pruette

Noes: 0

MOTION CARRIED

VARIANCES

V14-04
107 North Street

VARIANCE APPEAL, V14-04, 107 NORTH STREET, BRYAN AND WENDY MCDONALD:
Mayor Pruette explained the variance request of Bryan and Wendy McDonald, 107 North Street, was approved by the Community Development Board at their June 11, 2014 meeting. The approval of the variance is being appealed by their neighbors, John and Susan Wittingslow, 109 North Street.

Mayor Pruette, Councilor Arthur, Councilor Tucker, and Council Wiley all declared they had ex parte communication with Bryan McDonald. Vice Mayor Jolly stated he went by the property but did not speak with the property owners.

City Attorney read aloud Section 27-153(c) of the Code for the benefit of Council: "The City Council shall review the hearing conducted by the community development board. No new evidence may be presented unless it pertains to events or circumstances which have substantially changed since the community development board decision. The city council shall uphold the decision of the community development board. No new evidence may be presented unless it pertains to events or circumstances, which have substantially changed since the community development board decision. The city council shall uphold the decision of the community development board unless the council finds that: 1) Defects in notice of procedural due process are alleged and proven; or 2) The decision of the community development board is not supported by competent substantial evidence and testimony produced at the public hearing; or 3) New evidence is available because of substantial changes in circumstance. (d) The city council must affirm, modify, or reverse, each appeal of a variance."

City Attorney Krechowski then stated the City Council had 3 options: 1) affirm the decision of the Board, 2) modify the decision or 3) reverse the decision.

Mayor Pruette asked each Council Member how they felt about the appeal.

Councilor Tucker, Councilor Wiley, Councilor Arthur and Vice Mayor Jolly stated they all agreed with the board's decision and affirmed the action of the board.

Mayor Pruette also agreed with the board's decision and affirmed the action of the board.

Moved by Pruette, seconded by Tucker.

Motion: **TO AFFIRM THE COMMUNITY DEVELOPMENT BOARD'S DECISION AS STATED IN THEIR ENTIRE MOTION.**

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Tucker, Wiley, Pruette

Noes: 0

MOTION CARRIED

ORDINANCES

Ord. No. 2014-14 ORDINANCE NO. 2014-14, AMENDING CHAPTER 27, NONCONFORMING SIGNS, FIRST READ: AN ORDINANCE AMENDING THE CODE OF ORDINANCES FOR THE CITY OF NEPTUNE BEACH, FLORIDA, CHAPTER 27 UNIFIED LAND DEVELOPMENT REGULATIONS, ARTICLE XV ADVERTISING SECTION 27-592 NONCONFORMING SIGNS AND ARTICLE XVII NONCONFORMING LOTS, STRUCTURES, USES AND SIGNS, SECTION 27-707 NONCONFORMING SIGNS AND PROVIDING AN EFFECTIVE DATE.

Mayor Pruette read Ordinance No. 2014-14 by title only.

City Manager Jarboe explained this Ordinance allows the ten year deadline for monument sign compliance that was adopted in April 2004 and should have expired April 2014, but was extended 180 days, to be lifted.

City Attorney Krechowski stated he revised the last edition of the proposed ordinance to add the changes from previous Council meeting discussions. The ten year deadline would be eliminated and Section 27-592(3) would be the trigger for having to come into compliance. He did not receive any feedback from Council regarding the fines for violations other than making it high enough to sting. He proposed the following fines for violations: first offense \$500, second offense \$1,000 and the third and subsequent offense would be \$1,500. He also made a change in Section 27-592(5) changing the word "Chapter" to "Section."

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City Attorney Krechowski requested this Ordinance be reviewed by the Community Development Board in August. The 180 day extension to comply expires in September.

Mayor Pruette opened the public hearing, there being no comments from the public, the public was closed.

Moved by Wiley, seconded by Tucker.

Motion: **TO PASS ORDINANCE NO. 2014-14 ON FIRST READ.**

Councilor Wiley state he was satisfied with the fines being set at \$500.00, \$1,000.00 and \$1,500.

City Manager Jarboe asked if the Council planned on discussion this further at a workshop meeting. Mayor Pruette stated that was one of the questions she had.

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Councilor Wiley withdrew his motion

Councilor Tucker was concerned how this would be communicated to the businesses in a business friendly matter, and how it would be enforced. City Attorney Krechowski replied it would be enforced by the Code Enforcement Board.

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OLD BUSINESS / NONE

NEW BUSINESS

Performance
Evaluations

PERFORMANCE EVALUATION FORM & PROCESS FOR CITY CLERK:

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Mayor Pruette stated at this meeting she would like Council to approve, disapprove or modify the evaluation form. She added that City Clerk Volpe had prepared a memorandum and placed it before them tonight regarding information and feedback that she received during the individual meetings with Council. Mayor Pruette was not prepared to review the memorandum because it was just given to her tonight.

Vice Mayor Jolly stated the City Clerk's memorandum provided information he suggested to her that he felt should be added to the form. There is a section on the evaluation form called "recording and training" that states: "The City Clerk is to provide an annual report to Council on status of office, including budget and resources needs or overages; provide public records training and introduction to City Clerk office to any and all new Council members and board members." He would like the City Clerk to prepare that annual report one month before the date of the evaluation.

City Attorney Krechowski asked Vice Mayor Jolly if he was saying the City Clerk should provide an annual report to Council one month prior to the evaluation. Vice Mayor Jolly responded the Council is supposed to evaluate the City Clerk based on the report, therefore they need to have the report before they can complete an evaluation.

Councilor Arthur asked once the evaluation is completed this year if this procedure is expected to be conducted once per year. Mayor Pruette stated the memorandum from the City Attorney provided that the performance schedule could be amended by the Council at any time.

Councilor Arthur asked if the hours and attendance were included in the contract. City Clerk Volpe responded she did not have an employment contract. Councilor Arthur asked if the City Clerk's hours were documented anywhere. City Attorney Krechowski advised that would fall under full time employees. City Manager Jarboe added that each employee's hours varied based on the position. He added there is not a policy and traditionally the hours of the City Clerk are nine to five.

Mayor Pruette stated the Council should already be aware of the hours of the City Clerk. She felt it was the City Clerk's duty to provide that information to the Council and it has not been provided to them. She stated it was time for the Council to know what was going on.

City Attorney Krechowski asked if Council wanted to determine a number rating system as suggested in the City Clerk's memorandum. Councilor Arthur stated each duty in the job evaluation should have a number assigned so the numbers could be averaged and finalized. City Attorney Krechowski stated he would add a number rating system to the form.

Mayor Pruette asked if Council wanted to have the City Attorney incorporate the items on the memorandum from the City Clerk for the August workshop meeting, have Council complete the forms and include them in the agenda packet for discussion at the October workshop meeting.

City Attorney Krechowski asked Council members if they had an issue with any of the items listed in memorandum to make him aware, otherwise he will incorporate them in the form.

Mayor Pruette stated Council needed to determine the date of the annual evaluation. Councilor Wiley suggested the performance review be completed by Council based on the fiscal year. It may be better to conduct the evaluation annually in August.

Vice Mayor Jolly stated he would prefer to conduct the evaluation in October of this year after the report is received from the City Clerk a month before the evaluation.

City Attorney Krechowski concluded the City Clerk would provide a report in October after the fiscal year is completed based on the course of the year and be evaluated in October based on the report.

City Attorney Krechowski suggested placing the completed evaluation forms in the October workshop agenda packet for Council discussion.

COUNCIL COMMENTS / NONE

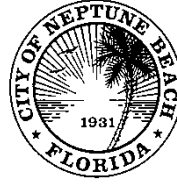
Adjournment There being no further business, the meeting adjourned at 6:40 p.m.

Harriet Pruetto, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk
Approved

Approved:



**MINUTES
WORKSHOP CITY COUNCIL MEETING
JULY 21, 2014 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 July 21, 2014, 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 John Jolly
Councilor Richard Arthur
Councilor Kara Tucker
Councilor Scott Wiley
City Manager Jim Jarboe
City Attorney Patrick Krechowski
City Clerk Lisa Volpe, CMC

Assistant Chief Tony Carrillo
Director of Public Safety David Sembach
Community Development Director Amanda Askew

**Call to Order/Roll
Call**

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

PRESENTATIONS / NONE

COMMITTEE REPORTS / NONE

CITY MANAGER'S ACTION LIST

City Manager Jarboe reported on the following:

- He will be taking vacation starting Wednesday, July 23, 2014, and will return Friday, August 1, 2014.
- The Bal Harbour project is close to 25% completed. Progress was slowed due to the recent rainy weather.

Mayor Pruette stated the ants are still invading the beach crosswalks. City Manager Jarboe advised he would have more granules placed at the crosswalks.

Councilor Arthur questioned how many citizens have taken advantage of using the new website portal. City Manager Jarboe replied a total of six citizens have used the portal. There have not been enough complaints to categorize them.

Mayor Pruette asked if there was any new information regarding tipping fees. City Attorney Krechowski advised he will speaking with an attorney at the Jacksonville General Counsel Office. He expected they would ask us to participate in mediation. He will notify the Council after he hears from them.

CITY CLERK'S CONSENSUS LIST

City Clerk Volpe stated the consensus list seems to be working and nothing has been accidentally left off the agendas. The new recording system is up and running. The webmaster is working on placing the audio of the meetings on our website.

PUBLIC COMMENTS

Jim Lepetrie, 110 Cherry Street, stated he is in the process of making repairs on his balcony. He disagrees with the Building Official who has interpreted that the balcony is being replaced when in fact it is a repair that needs to be undertaken before the balcony collapses.

Mayor Pruette stated she would place the issue on the August workshop meeting for discussion.

Consensus: **TO PLACE THE BALCONY LOCATED AT 110 CHERRY STREET ON THE AUGUST WORKSHOP AGENDA FOR COUNCIL DISCUSSION.**

Leslie Britt, 1594 Ibis Drive, Orange Park, asked Council to consider withdrawing the proposed Ordinance to ban paragliders on the beach or allow additional time for the paragliders to prove their self regulation guidelines are effective.

Lynda Padrta, 1113 First Street, opposed the proposed ordinance to widen docks. She supported the ordinance to ban paragliding on the beach. She felt improvements to some properties were given an appearance of non-uniformity.

PROPOSED ORDINANCES

Chapter 27
Signs

ORDINANCE NO. 2014-XX: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, AMENDING CHAPTER 27, UNIFIED LAND DEVELOPMENT REGULATIONS, ARTICLE XV ADVERTISING SECTION 27-592 NONCONFORMING SIGNS AND ARTICLE XVII NONCONFORMING LOTS, STRUCTURES, USES, AND SIGNS, SECTION 27-707 NONCONFORMING SIGNS AND PROVIDING AN EFFECTIVE DATE.

Councilor Wiley stated in 2004 Council adopted an ordinance mandating all pole signs be replaced with monument signs within ten years. The ten year period expired in April 2014, and was extended 180 days with the option to extend the time period for another 180 days. That extended 180 day period expires in September. He recommended removing the following: Section 27-592(5) Notwithstanding the preceding provisions of subsections (1) through (4) above, all signs permitted within commercial and residential zoning districts, pursuant to this article, shall be made to conform with the provisions of this article, as may be amended, ~~within ten (10) years of the initial effective date these regulations as enacted by Ordinance number 2004-01, which date shall be April 5, 2004.~~ His intent is to eliminate the sunset but to leave in the language that requires pole signs to be replaced with monument signs when they are triggered by damages or in need of repairs. This will bring all signs into compliance over a period of time.

City Attorney Krechowski suggested if Council wanted to strike the 10 year period, the best way to do that would be to strike the entire 27-592(5) and leave the language in 27-592(3) regarding non-conforming signs.

Councilor Arthur felt having to replace new signs or signs that are not in need of repairs made no sense. He supported moving the dates to replace signs when they are damaged or in need of repairs.

Councilor Tucker supported deleting 27-592(5). She recommended clarifying what 50% damage was by adding the following language that is used in the City of Jacksonville Beach's Ordinance: Section 27-592(6) If a legal, nonconforming sign is damaged or destroyed by any means to the extent of fifty (50) percent of its replacement value at the time of the damage, the sign may not be rebuilt or used thereafter unless it conforms to all of the provisions of this division. In the event the damage or destruction is less than fifty (50) percent of its replacement value at the time, the sign may be rebuilt to its original condition.

City Manager Jarboe stated staff needed to have a stronger definition of "branding."

City Manager Jarboe added there is the problem of businesses changing out signs without obtaining a permit. He suggested adding the condition that if a permit is not obtained to replace a damaged sign that the property owner must immediately come into compliance of a monument sign.

Councilor Tucker pointed out the extension of the deadline expires in September and something needs to be in place before it expires.

City Attorney Krechowski advised there are three options; 1) have everyone come into compliance with a monument sign, 2) vote to extend the deadline for another 180 days, or 3) change the code.

Vice Mayor Jolly was concerned about fairness to those that have already complied with the monument signs. He agreed that language should be established for those who replace a sign without a permit to have to immediately come into compliance. He also agreed "branding" needed to be better defined. He suggested postponing extending the deadline another 180 days while working on this new ordinance.

Mayor Pruette stated the ordinance was originally adopted to clean up the sign pollution. She agreed there is the issue of fairness, however, she stated no one has approached her regarding the matter. She asked City Attorney Krechowski to make the changes and bring the ordinance back to workshop.

Councilor Wiley questioned how many people have actually come in to obtain a monument sign permit to replace a pole sign because the deadline was approaching. He believed most of them have complied due to the stipulations requirements set forth in 27-592(3).

City Attorney suggested removing Section 27-592(5) for the time being and further workshop the remainder of the language in the ordinance. This will create more time to discuss the contents of the ordinance.

Vice Mayor Jolly asked City Attorney Krechowski to add a penalty for people who do not obtain a sign permit.

Consensus: **TO STRIKE SECTION 27-592(5) AND ADD PENALTY A FOR NOT OBTAINING A PERMIT AND FORWARD TO THE AUGUST REGULAR MEETING FOR FIRST READ.**

Councilor Wiley explained he met with a group of paragliders and some residents who were concerned about the noise and safety of paragliding on the beach. The paragliding pilots are now aware of the complaints and feel they can self regulate with the guidelines they have created. He recommended tabling the proposed ordinance at this time to see if the self regulating guidelines are effective.

Consensus: **TABLE THE PROPOSED ORDINANCE AND SEE HOW IT GOES WITH THE PILOTS SELF REGULATING.**

Environmental
Sensitive Lands

ORDINANCE NO. 2014-XX: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, AMENDING CHAPTER 27, ARTICLE IV. LAND USE, SECTION 27-243(C)(4) PROTECTION OF ENVIRONMENTALLY SENSITIVE LANDS, AND PROVIDING AN EFFECTIVE DATE.

Councilor Wiley explained the Department of Environmental Protection are the keepers of our waterways. Our current ordinance allows for a four foot wide walkway with no handrails to a dock but the Department of Environmental Protection allows a minimum of four foot up to five foot walkways for docks. He recommended amending our ordinance to coincide with the Department of Environmental Protection.

Vice Mayor Jolly stated he is the only Council Member that lives on the marsh. He felt there are two types of people living on the estuary, the dockers and the viewers, and both have rights. He felt this ordinance only benefited the dockers.

Vice Mayor Jolly felt the beauty and pristine view of acres of marsh grass and wildlife should be preserved. He recommended one of the two following amendments:

Sec. 27-243(c)(4) The access walkway of docks shall be a maximum of ~~four (4)~~ five (5) feet in width. The terminal platform of docks (including sitting areas, floating docks and boat storages) shall be a maximum of two hundred (200) square feet. However, for access walkways that are greater than four (4) feet in width, the terminal platform size (including sitting areas, floating docks and boat storage) shall be reduced by the number of additional square feet of access walkway beyond that of a four (4) feet walkway for the same length. Boards used to construct the surface of the dock shall not exceed eight (8) inches in width and shall be spaced at least one-half inch apart.

Sec. 27-243(c)(4) The access walkway of docks shall be a maximum of ~~four (4)~~ five (5) feet in width. The terminal platform of docks (including sitting areas, floating docks and boat storages) shall be a maximum of ~~two hundred (200)~~ one hundred and sixty (160) square feet. Boards used to construct the surface of the dock shall not exceed with (8) inches in width and shall be spaced at least one-half inch apart.

Councilor Tucker supported the ordinance as written to coincide with the Department of Environmental Protection.

Councilor Arthur felt a four foot walkway is very narrow and an additional foot in the width of a dock walkway would not impair the beauty or the wildlife. The language of the ordinance in 2007 was used based on southwest district wetlands not the standards in the northeast district. He disagreed with Vice Mayor Jolly's recommendation and supported the proposed ordinance as written. He added that if the city wants to protect the marsh we should be more concerned about runoff, fertilizers, and nitrogen draining into Hopkins Creek.

Mayor Pruette asked if anyone wanted to consider Vice Mayor Jolly's suggestions. She added this proposed ordinance came about from one property owner wanting to build a five foot wide walkway that was denied by the Community Development Board. She read the following statement from the Board Chairman.

"Regarding the rules of docks, etc. we as leaders of this community cannot simply limit our vision of what seems desirable in the now. We are charged with caretaking of our community's future and its natural resource. What seems reasonable now may turn us into south Florida. In short order, do you realize the University of Miami just sold 88 acres of natural habitat to a developer for building street malls and residential complexes. How soon before everything becomes paved over with concrete. How soon before we become shocked at both the loss of species and water managed options. South Florida is already equivalent to the afore mentioned example but it is intrusive of what can happen if we do not practice conservative principles and again protecting what little remains of our natural resources. There is no denial of access to waterways in this situation. Our ordinance plainly states you have the right to build your dock and it is not uncommon that a local rule can establish tighter regulations than State Statutes because each community may have different needs. In my opinion we need to continue to protect our natural resources whether it be one inch at a time. But to keep giving and giving, it's not about one dock it's about this done down the road and the next dock down the road."

Mayor Pruette also read the following from a citizen:

"To allow the extension of these docks to be even larger sure is only to reduce the quality of natural beauty of the area. A walkway of four foot under the existing ordinance should be more than enough to allow passage anyone would ever need on a dock. To expand the width to five feet is ridiculous. General construction of homes and businesses everywhere require a standard three foot entry for ingress and egress. Our society has long accepted this dimension as a baseline for ingress and egress with the accommodation of everything from people to refrigerators, sofas, wheelchairs, and emergency equipment. If this is acceptable in our homes and businesses why would we continue to grow this number out for a purely part time recreational item that also has a negative impact on our environment? We need to do everything we can inch by inch to protect our environment."

Mayor Pruette stated only one citizen was complaining. He was denied to construct a five foot wide walkway by the Community Development Board by a five to one vote. She felt if the City continued to ignore the boards decisions we should discontinue having a board.

Councilor Arthur stated the board made their decision based on the current code. He felt one extra foot would not damage the marsh.

Councilor Wiley stated the Department of Environmental Protection were experts in their field and they allow five foot docks and 200 square foot platforms.

City Manager advised this ordinance would have to be reviewed by the Community Development Board in August.

Consensus: **FORWARD TO THE SEPTEMBER REGULAR MEETING FOR FIRST READ AND THE COMMUNITY DEVELOPMENT BOARD IN AUGUST.**

CONTRACTS / AGREEMENTS / NONE

ISSUE DEVELOPMENT

Evaluation Forms

EVALUATION FORMS FOR THE CITY CLERK & CITY MANAGER: City Attorney Krechowski explained he had combined the two forms from the June workshop meeting per the Council's instruction, using the rating system from one and the duties from the other and added definitions. Council needed to discuss and determine the content of the form and also who would be completing the forms and the procedure.

Vice Mayor Jolly felt the council members, city attorney and city manager should fill out the

form and the evaluation should be done on an annual basis. He suggested each council member meet with the city clerk to prepare and discuss the evaluation and ratings and then present it at a council meeting. Another option would be to perform the evaluation during a council meeting. He personally felt it would be better to meet with the city clerk to prepare the evaluation form and go over it with her before making it public.

Councilor Tucker approved of the evaluation form and meeting with the city clerk individually.

Councilor Wiley agreed with Vice Mayor Jolly's suggestion to meet with the city clerk to review the performance evaluation before making it public.

Councilor Jolly stated he would like to add the performance of tracking the complaints on the new city complaint portal.

Mayor Pruette asked council members if they were aware of the city clerk's duties and job description. She felt it would be hard to conduct an evaluation of the city clerk if everyone was not aware of the duties and job description. She suggested each council member meet with the city clerk and have her explain to them her job description and duties.

City Clerk Volpe agreed with Mayor Pruette that would be a good idea as well as having an introductory meeting with new council members.

City Attorney Krechowski reaffirmed that the council would like to meet with the city clerk individually to conduct the performance review and discuss the conclusions and ratings at a council meeting.

Councilor Jolly suggested adding the rating of "not applicable" to the rating system because there are some items on the form that are not applicable on an annual basis specifically the duties for elections.

Mayor Pruette suggested another area for N/A would be "staff development."

City Clerk Volpe stated this would be a difficult process. She suggested meeting with her one on one to go over the job description and set some guidelines and after six months meet with her again to conduct the evaluation then review it at a council meeting.

Mayor Pruette stated she would like council to be provided an updated job description. City Clerk Volpe stated the job description was updated this past April.

Councilor Arthur stated he supported adding: management of the website portal, introduction of new council members, and the rating of "not applicable".

City Clerk Volpe stated the website portal is managed through the city manager's office. City Clerk Volpe explained she would be responsible for anything relating to her department. City Manager Jarboe stated the website portal does not relate to the city clerk's job.

City Attorney Krechowski advised he would amend the form as requested by council and prepare an introductory memorandum setting forth the process to present at the August regular meeting.

EACH COUNCIL MEMBER TO MEET WITH THE CITY CLERK TO DISCUSS THE DUTIES AND JOB DESCRIPTION OF THE CITY CLERK.

City Manager

CITY MANAGER EVALUATION: City Attorney Krechowski explained the City Manager's

performance evaluation will be different from the City Clerk's because he has a contract. The terms of the contract state that performance standards were suppose to be set in place but that did not happen. The contract actually was for five years and it expired in 2009 but it has an automatic renewal every 180 days. City Manager Jarboe drafted a list of specific goals and objectives to be evaluated on for a budget year. The contract was written by the city in 2004 and accepted by Mr. Jarboe.

City Manager Jarboe felt the most important actions the Council does every year is the public hearings for milage, adopting the budget and setting forth a Council Policy Statement. The most important thing the City Manager does every year is to carry out the Council Police Statement. Therefore, the most single important thing to base the evaluation on would be how well the City Manager has carried out the Council Policy Statement This practice is accepted in the industry and government.

Councilor Wiley stated the contract calls for the City Council to meet with the City Manager to discuss goals, visions and policy. He felt the Council needed to meet with the City Manager to discuss goals and what the Council expects from him over and above what is being done now.

Mayor Pruette felt the performance evaluation was long overdue.

City Manager Jarboe stated his door was always open for Council. He has been meeting with Council one on one for the past ten years. Council should be aware of what is happening with their concerns. The issue is how a contracted evaluation is performed.

Mayor Pruette added when the council meets with the City Manager one on one they do not hear the thoughts of the other council members. She felt it was important to do it at a public hearing where everyone could hear everyone else's thoughts.

Councilor Arthur suggested using the same format as the City Clerk. He did feel the city portal was important to add to the form to find out if citizens complaints are being responded to, addressed and closed out.

Councilor Tucker agreed with the using the same format as the City Clerk adding the city portal complaints.

Councilor Jolly suggested adding the "4th of July" to the City Manager's evaluation form. He felt the council should make sure goals and objectives are set for the City Manager to give him direction before conducting a performance evaluation to determine if the goals and objectives were accomplished.

Mayor Pruette stated "resolve the solid waste tipping fee issue with the City of Jacksonville" was on the list. She felt it should be left off the list because it was out of the City Manager's control. City Manager Jarboe stated he disagreed because if it has to go to mediation the City Manager and City Attorney would be involved. City Attorney Krechowski felt the goals and objectives regarding the tipping fees should be to keep Council advised and continue to communicate with Atlantic Beach and Jacksonville working on the issue. Whether anything is accomplished over the next twelve months is out of the City Manager's control.

Mayor Pruette asked City Attorney Krechowski to remove the word "resolve" from that particular goal and objective. City Attorney Krechowski stated he would reword the goal.

Council Tucker questioned if the City Attorney was recommending the Council write a new contract before the end the current renewal date. City Attorney Krechowski replied that was up to the Council whether or not they wanted to discuss that issue. If Council did not want the contract to automatically renew they would need to give the City Manager a 180 day

notice.

Mayor Pruette asked if Council wanted to consider giving the City Manager a 180 notice to cease the automatic renewal. Vice Mayor Jolly stated he was not interested in considering a new contract at this time.

Surplus Items

SURPLUS ITEMS / DUMP TRUCK: City Manager Jarboe stated Public Service no longer uses the dump truck because the trash pickup provider is now hauling the sludge to the landfill. He would like to surplus the vehicle and put the \$20,000 into the water and sewer fund.

Consensus: **FORWARD TO THE AUGUST REGULAR MEETING CONSENT AGENDA.**

Property
Abandonment

PROPERTY ABANDONMENT / PAUL WEST / 593 MARGARET STREET: Paul West, 593 Margaret Street, stated he would like the city to abandon the city owned property adjacent to his property, that is a ditch. He stated he has spent his own time and money trying to maintain the property. He asked the city to provide a quit claim deed to him so that he can continue to maintain the property. He added there are no utilities or city infrastructure on the property.

City Attorney Krechowski stated he provided copies of Section 18-5. Abandoning of private use of public property or rights-of-way for the council to review.

City Manager Jarboe stated the ditch was the property of the Florida Department of Transportation and it has been a constant problem getting them to clean it up the ditch. If Council wants to consider abandoning the property the first step would be to get a survey to determine what portion of the property the city owns and also to determine the value of the property.

Mr. Paul West advised the current survey is 13 months old. It shows the city property goes out to the middle of the ditch. He would like to plant an evergreen there to stabilize that side of the ditch so there are no more erosion problems.

Councilor Arthur supported the abandonment. He stated he would like an updated survey and felt the value could be determined by a certified property appraiser.

City Manager Jarboe added once the survey is complete it may require meeting with the FDOT to find out if they want a portion of the ditch to stabilize the bank for flow of their water because the inlets from Jacksonville Beach go through there.

Mr. West stated FDOT owns the west side of the ditch. Once a month they come out and cut that side of the bank. The east side has a hodgepodge of ownership. The city still owns three or four of the properties.

Councilor Tucker stated FDOT would need to be contacted. City Manager Jarboe stated once the survey was complete he would contact FDOT if he needed to.

Councilor Wiley stated he would like to know if the city had abandoned other portions of the ditch.

City Manager Jarboe stated if there was a consensus to move forward he would get the survey and meet with the City Attorney to prepare for council to consider at the next meeting.

Consensus: **FORWARD TO THE AUGUST WORKSHOP MEETING.**

July 4th Report

JULY FOURTH AFTER ACTION REPORT: Chief Sembach stated the City will have to pay the additional police officers that were hired for the fourth of July time and half. He should receive the invoice in August.

There were a total of 106 calls to the police department over the three day period of July 4th, July 5th, and July 6th. There are normally only 20 to 30 calls during the weekend. Police Officers wrote 39 uniform traffic citations, 32 parking citations, and 13 warning citations. There were two warnings and two municipal ordinance citations written for noise complaints. There were three warning citations for trespassing and two "notice to appear" issued for drinking in public. There were also five calls for fighting.

A five year old boy went missing just before dark at Orange Street. He was found 20 minutes later down by Seagate Avenue.

The Jacksonville Sheriff's Officers were surprised by the crowd at the beach, they had no idea that so many people came to Neptune Beach to celebrate the 4th of July.

Mayor Pruette stated our Public Safety Department did a good job keeping people moving and from blocking streets and sidewalks. She added the event would only get worse in the future.

Councilor Tucker stated the City of Jacksonville Beach has started issuing bracelets to children on the beach in case they get lost. She asked if Neptune Beach could also participate. Chief Sembach responded he has already ordered 500 of the bracelets.

Councilor Arthur asked if the Chief felt like he was overstaffed or understaffed during the three day event. Chief Sembach replied he did not feel overstaffed on Friday, but he felt he was little overstaffed on Saturday. The event did not carry into Saturday as he had expected.

PUBLIC COMMENTS

Ramsey Bakkar, 320 North First Street, Suite 706, Jacksonville Beach, supported the City issuing fines for people that did not obtain sign permits over requiring them to comply with a monument sign.

Lynda Padrta, 1113 First Street, felt the fine for not obtaining a sign permit should be heavy. She felt that a 110 square foot deck was large enough. She added that the Department of Environment Protection and the State did not own Neptune Beach and they cannot tell us how to run our City. She was concerned about how well the paragliders would regulate themselves.

Rick Sauls, 126 Cedar Street, felt signs that were in good condition should not have to be removed to comply with monument signs and should have to comply when they need to be replaced. He felt the July 4th holiday went well with the extra police officers.

Paul Shea, 1826 Nightfall Drive, felt the problem with Hopkins Creek was not docks, it is the bottles, trash, etc. that is the problem.

COUNCIL COMMENTS / NONE

Adjournment

There being no further business, the meeting adjourned at 8:15 p.m.

Harriet Pruetto, Mayor

Attest:

Lisa Volpe, CMC, City Clerk

Approved: _____



**MINUTES
WORKSHOP CITY COUNCIL MEETING
JULY 21, 2014 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 July 21, 2014, 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 John Jolly
Councilor Richard Arthur
Councilor Kara Tucker
Councilor Scott Wiley
City Manager Jim Jarboe
City Attorney Patrick Krechowski
City Clerk Lisa Volpe, CMC

Assistant Chief Tony Carrillo
Director of Public Safety David Sembach
Community Development Director Amanda Askew

Call to Order/Roll
Call

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

PRESENTATIONS / NONE

COMMITTEE REPORTS / NONE

CITY MANAGER'S ACTION LIST

City Manager Jarboe reported on the following:

- He will be taking vacation starting Wednesday, July 23, 2014, and will return Friday, August 1, 2014.
- The Bal Harbour project is close to 25% completed. Progress was slowed due to the recent rainy weather.

Mayor Pruette stated the ants are still invading the beach crosswalks. City Manager Jarboe advised he would have more granules placed at the crosswalks.

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ORDINANCE NO. 2014-XX: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, AMENDING CHAPTER 27, UNIFIED LAND DEVELOPMENT REGULATIONS, ARTICLE XV ADVERTISING SECTION 27-592 NONCONFORMING SIGNS AND ARTICLE XVII NONCONFORMING LOTS, STRUCTURES, USES, AND SIGNS, SECTION 27-707 NONCONFORMING SIGNS AND PROVIDING AN EFFECTIVE DATE.

Councilor Wiley stated in 2004 Council adopted an ordinance mandating all pole signs be replaced with monument signs within ten years. The ten year period expired in April 2014, and was extended 180 days with the option to extend the time period for another 180 days. That extended 180 day period expires in September. He recommended removing the following: Section 27-592(5) Notwithstanding the preceding provisions of subsections (1) through (4) above, all signs permitted within commercial and residential zoning districts, pursuant to this article, shall be made to conform with the provisions of this article, as may be amended, ~~within ten (10) years of the initial effective date these regulations as enacted by Ordinance number 2004-01, which date shall be April 5, 2004.~~ His intent is to eliminate the sunset but to leave in the language that requires pole signs to be replaced with monument signs when they are triggered by damages or in need of repairs. This will bring all signs into compliance over a period of time.

City Attorney Krechowski suggested if Council wanted to strike the 10 year period, the best way to do that would be to strike the entire 27-592(5) and leave the language in 27-592(3) regarding non-conforming signs.

Councilor Arthur felt having to replace new signs or signs that are not in need of repairs made no sense. He supported moving the dates to replace signs when they are damaged or in need of repairs.

Councilor Tucker supported deleting 27-592(5). She recommended clarifying what 50% damage was by adding the following language that is used in the City of Jacksonville Beach's Ordinance: Section 27-592(6) If a legal, nonconforming sign is damaged or destroyed by any means to the extent of fifty (50) percent of its replacement value at the time of the damage, the sign may not be rebuilt or used thereafter unless it conforms to all of the provisions of this division. In the event the damage or destruction is less than fifty (50) percent of its replacement value at the time, the sign may be rebuilt to its original condition.

City Manager Jarboe stated staff needed to have a stronger definition of "branding."

City Manager Jarboe added there is the problem of businesses changing out signs without obtaining a permit. He suggested adding the condition that if a permit is not obtained to replace a damaged sign that the property owner must immediately come into compliance of a monument sign.

Councilor Tucker pointed out the extension of the deadline expires in September and something needs to be in place before it expires.

City Attorney Krechowski advised there are three options; 1) have everyone come into compliance with a monument sign, 2) vote to extend the deadline for another 180 days, or 3) change the code.

Vice Mayor Jolly was concerned about fairness to those that have already complied with the monument signs. He agreed that language should be established for those who replace a sign without a permit to have to immediately come into compliance. He also agreed "branding" needed to be better defined. He suggested postponing extending the deadline another 180 days while working on this new ordinance.

Mayor Pruette stated the ordinance was originally adopted to clean up the sign pollution. She agreed there is the issue of fairness, however, she stated no one has approached her regarding the matter. She asked City Attorney Krechowski to make the changes and bring the ordinance back to workshop.

Councilor Wiley questioned how many people have actually come in to obtain a monument sign permit to replace a pole sign because the deadline was approaching. He believed most of them have complied due to the stipulations requirements set forth in 27-592(3).

City Attorney suggested removing Section 27-592(5) for the time being and further workshop the remainder of the language in the ordinance. This will create more time to discuss the contents of the ordinance.

Vice Mayor Jolly asked City Attorney Krechowski to add a penalty for people who do not obtain a sign permit.

Consensus: **TO STRIKE SECTION 27-592(5) AND ADD PENALTY A FOR NOT OBTAINING A PERMIT AND FORWARD TO THE AUGUST REGULAR MEETING FOR FIRST READ.**

Councilor Wiley explained he met with a group of paragliders and some residents who were concerned about the noise and safety of paragliding on the beach. The paragliding pilots are now aware of the complaints and feel they can self regulate with the guidelines they have created. He recommended tabling the proposed ordinance at this time to see if the self regulating guidelines are effective.

Consensus: **TABLE THE PROPOSED ORDINANCE AND SEE HOW IT GOES WITH THE PILOTS SELF REGULATING.**

Environmental
Sensitive Lands

ORDINANCE NO. 2014-XX: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, AMENDING CHAPTER 27, ARTICLE IV. LAND USE, SECTION 27-243(C)(4) PROTECTION OF ENVIRONMENTALLY SENSITIVE LANDS, AND PROVIDING AN EFFECTIVE DATE.

Councilor Wiley explained the Department of Environmental Protection are the keepers of our waterways. Our current ordinance allows for a four foot wide walkway with no handrails to a dock but the Department of Environmental Protection allows a minimum of four foot up to five foot walkways for docks. He recommended amending our ordinance to coincide with the Department of Environmental Protection.

Vice Mayor Jolly stated he is the only Council Member that lives on the marsh. He felt there are two types of people living on the estuary, the dockers and the viewers, and both have rights. He felt this ordinance only benefited the dockers.

Vice Mayor Jolly felt the beauty and pristine view of acres of marsh grass and wildlife should be preserved. He recommended one of the two following amendments:

Sec. 27-243(c)(4) The access walkway of docks shall be a maximum of ~~four (4)~~ five (5) feet in width. The terminal platform of docks (including sitting areas, floating docks and boat storages) shall be a maximum of two hundred (200) square feet. However, for access walkways that are greater than four (4) feet in width, the terminal platform size (including sitting areas, floating docks and boat storage) shall be reduced by the number of additional square feet of access walkway beyond that of a four (4) feet walkway for the same length. Boards used to construct the surface of the dock shall not exceed eight (8) inches in width and shall be spaced at least one-half inch apart.

Sec. 27-243(c)(4) The access walkway of docks shall be a maximum of ~~four (4)~~ five (5) feet in width. The terminal platform of docks (including sitting areas, floating docks and boat storages) shall be a maximum of ~~two hundred (200)~~ one hundred and sixty (160) square feet. Boards used to construct the surface of the dock shall not exceed with (8) inches in width and shall be spaced at least one-half inch apart.

Councilor Tucker supported the ordinance as written to coincide with the Department of Environmental Protection.

Councilor Arthur felt a four foot walkway is very narrow and an additional foot in the width of a dock walkway would not impair the beauty or the wildlife. The language of the ordinance in 2007 was used based on southwest district wetlands not the standards in the northeast district. He disagreed with Vice Mayor Jolly's recommendation and supported the proposed ordinance as written. He added that if the city wants to protect the marsh we should be more concerned about runoff, fertilizers, and nitrogen draining into Hopkins Creek.

Mayor Pruette asked if anyone wanted to consider Vice Mayor Jolly's suggestions. She added this proposed ordinance came about from one property owner wanting to build a five foot wide walkway that was denied by the Community Development Board. She read the following statement from the Board Chairman:

"Regarding the rules of docks, etc. we as leaders of this community cannot simply limit our vision of what seems desirable in the now. We are charged with caretaking of our community's future and its natural resource. What seems reasonable now may turn us into south Florida. In short order, do you realize the University of Miami just sold 88 acres of natural habitat to a developer for building street malls and residential complexes. How soon before everything becomes paved over with concrete. How soon before we become shocked at both the loss of species and water managed options. South Florida is already draining us of fresh water now. I'm not saying that granting leeway on the dock is the equivalent to the afore mentioned example but it is intrusive of what can happen if we do not practice conservative principles and again protecting what little remains of our natural resources. There is no denial of access to waterways in this situation. Our ordinance plainly states you have the right to build your dock and it is not uncommon that a local rule can establish tighter regulations than State Statutes because each community may have different needs. In my opinion we need to continue to protect our natural resources whether it be one inch at a time. But to keep giving and giving, it's not about one dock it's about this one down the road and the next dock down the road."

Mayor Pruette also read the following from a citizen:

"To allow the extension of these docks to be even larger sure is only to reduce the quality of natural beauty of the area. A walkway of four foot under the existing ordinance should be more than enough to allow passage anyone would ever need on a dock. To expand the width to five feet is ridiculous. General construction of homes and businesses everywhere require a standard three foot entry for ingress and egress. Our society has long accepted this dimension as a baseline for ingress and egress with the accommodation of everything from people to refrigerators, sofas, wheelchairs, and emergency equipment. If this is acceptable in our homes and businesses why would we continue to grow this number out for a purely part time recreational item that also has a negative impact on our environment? We need to do everything we can inch by inch to protect our environment."

Mayor Pruette stated only one citizen was complaining. He was denied to construct a five foot wide walkway by the Community Development Board by a five to one vote. She felt if the City continued to ignore the boards decisions we should discontinue having a board.

Councilor Arthur stated the board made their decision based on the current code. He felt one extra foot would not damage the marsh.

Councilor Wiley stated the Department of Environmental Protection were experts in their field and they allow five foot docks and 200 square foot platforms.

City Manager advised this ordinance would have to be reviewed by the Community Development Board in August.

Consensus: **FORWARD TO THE SEPTEMBER REGULAR MEETING FOR FIRST READ AND THE COMMUNITY DEVELOPMENT BOARD IN AUGUST.**

CONTRACTS / AGREEMENTS / NONE

ISSUE DEVELOPMENT

Evaluation Forms

EVALUATION FORMS FOR THE CITY CLERK & CITY MANAGER: City Attorney Krechowski explained he had combined the two forms from the June workshop meeting per the Council's instruction, using the rating system from one and the duties from the other and added definitions. Council needed to discuss and determine the content of the form and also who would be completing the forms and the procedure.

Vice Mayor Jolly felt the council members, city attorney and city manager should fill out the form and the evaluation should be done on an annual basis. He suggested each council member meet with the city clerk to prepare and discuss the evaluation and ratings and then present it at a council meeting. Another option would be to perform the evaluation during a council meeting. He personally felt it would be better to meet with the city clerk to prepare the evaluation form and go over it with her before making it public.

Councilor Tucker approved of the evaluation form and meeting with the city clerk individually.

Councilor Wiley agreed with Vice Mayor Jolly's suggestion to meet with the city clerk to review the performance evaluation before making it public.

Councilor Jolly stated he would like to add the performance of tracking the complaints on the new city complaint portal.

Mayor Pruette asked council members if they were aware of the city clerk's duties and job description. She felt it would be hard to conduct an evaluation of the city clerk if everyone was not aware of the duties and job description. She suggested each council member meet with the city clerk and have her explain to them her job description and duties.

City Clerk Volpe agreed with Mayor Pruette that would be a good idea as well as having an introductory meeting with new council members.

City Attorney Krechowski reaffirmed that the council would like to meet with the city clerk individually to conduct the performance review and discuss the conclusions and ratings at a council meeting.

Councilor Jolly suggested adding the rating of "not applicable" to the rating system because there are some items on the form that are not applicable on an annual basis specifically the duties for elections.

Mayor Pruette suggested another area for N/A would be "staff development."

City Clerk Volpe stated this would be a difficult process. She suggested meeting with her one on one to go over the job description and set some guidelines and after six months meet with her again to conduct the evaluation then review it at a council meeting.

Mayor Pruette stated she would like council to be provided an updated job description. City Clerk Volpe stated the job description was updated this past April.

Councilor Arthur stated he supported adding: management of the website portal, introduction of new council members, and the rating of "not applicable".

City Clerk Volpe stated the website portal is managed through the city manager's office. City Clerk Volpe explained she would be responsible for anything relating to her department. City Manager Jarboe stated the website portal does not relate to the city clerk's job.

City Attorney Krechowski advised he would amend the form as requested by council and prepare an introductory memorandum setting forth the process to present at the August regular meeting.

EACH COUNCIL MEMBER TO MEET WITH THE CITY CLERK TO DISCUSS THE DUTIES AND JOB DESCRIPTION OF THE CITY CLERK.

City Manager

CITY MANAGER EVALUATION: City Attorney Krechowski explained the City Manager's performance evaluation will be different from the City Clerk's because he has a contract. The terms of the contract state that performance standards were suppose to be set in place but that did not happen. The contract actually was for five years and it expired in 2009 but it has an automatic renewal every 180 days. City Manager Jarboe drafted a list of specific goals and objectives to be evaluated on for a budget year. The contract was written by the city in 2004 and accepted by Mr. Jarboe.

City Manager Jarboe felt the most important actions the Council does every year is the public hearings for milage, adopting the budget and setting forth a Council Policy Statement. The most important thing the City Manager does every year is to carry out the Council Police Statement. Therefore, the most single important thing to base the evaluation on would be how well the City Manager has carried out the Council Policy Statement This practice is accepted in the industry and government.

Councilor Wiley stated the contract calls for the City Council to meet with the City Manager to discuss goals, visions and policy. He felt the Council needed to meet with the City Manager to discuss goals and what the Council expects from him over and above what is being done now.

Mayor Pruette felt the performance evaluation was long overdue.

City Manager Jarboe stated his door was always open for Council. He has been meeting with Council one on one for the past ten years. Council should be aware of what is happening with their concerns. The issue is how a contracted evaluation is performed.

Mayor Pruette added when the council meets with the City Manager one on one they do not hear the thoughts of the other council members. She felt it was important to do it at a public hearing where everyone could hear everyone else's thoughts.

Councilor Arthur suggested using the same format as the City Clerk. He did feel the city portal was important to add to the form to find out if citizens complaints are being responded to, addressed and closed out.

Councilor Tucker agreed with the using the same format as the City Clerk adding the city portal complaints.

Councilor Jolly suggested adding the "4th of July" to the City Manager's evaluation form. He felt the council should make sure goals and objectives are set for the City Manager to give him direction before conducting a performance evaluation to determine if the goals and objectives were accomplished.

Mayor Pruette stated "resolve the solid waste tipping fee issue with the City of Jacksonville" was on the list. She felt it should be left off the list because it was out of the City Manager's control. City Manager Jarboe stated he disagreed because if it has to go to mediation the City Manager and City Attorney would be involved. City Attorney Krechowski felt the goals and objectives regarding the tipping fees should be to keep Council advised and continue to communicate with Atlantic Beach and Jacksonville working on the issue. Whether anything is accomplished over the next twelve months is out of the City Manager's control.

Mayor Pruette asked City Attorney Krechowski to remove the word "resolve" from that particular goal and objective. City Attorney Krechowski stated he would reword the goal.

Council Tucker questioned if the City Attorney was recommending the Council write a new contract before the end the current renewal date. City Attorney Krechowski replied that was up to the Council whether or not they wanted to discuss that issue. If Council did not want

the contract to automatically renew they would need to give the City Manager a 180 day notice.

Mayor Pruette asked if Council wanted to consider giving the City Manager a 180 notice to cease the automatic renewal. Vice Mayor Jolly stated he was not interested in considering a new contract at this time.

Surplus Items

SURPLUS ITEMS / DUMP TRUCK: City Manager Jarboe stated Public Service no longer uses the dump truck because the trash pickup provider is now hauling the sludge to the landfill. He would like to surplus the vehicle and put the \$20,000 into the water and sewer fund.

Consensus: **FORWARD TO THE AUGUST REGULAR MEETING CONSENT AGENDA.**

Property
Abandonment

PROPERTY ABANDONMENT / PAUL WEST / 593 MARGARET STREET: Paul West, 593 Margaret Street, stated he would like the city to abandon the city owned property adjacent to his property, that is a ditch. He stated he has spent his own time and money trying to maintain the property. He asked the city to provide a quit claim deed to him so that he can continue to maintain the property. He added there are no utilities or city infrastructure on the property.

City Attorney Krechowski stated he provided copies of Section 18-5. Abandoning of private use of public property or rights-of-way for the council to review.

City Manager Jarboe stated the ditch was the property of the Florida Department of Transportation and it has been a constant problem getting them to clean it up the ditch. If Council wants to consider abandoning the property the first step would be to get a survey to determine what portion of the property the city owns and also to determine the value of the property.

Mr. Paul West advised the current survey is 13 months old. It shows the city property goes out to the middle of the ditch. He would like to plant an evergreen there to stabilize that side of the ditch so there are no more erosion problems.

Councilor Arthur supported the abandonment. He stated he would like an updated survey and felt the value could be determined by a certified property appraiser.

City Manager Jarboe added once the survey is complete it may require meeting with the FDOT to find out if they want a portion of the ditch to stabilize the bank for flow of their water because the inlets from Jacksonville Beach go through there.

Mr. West stated FDOT owns the west side of the ditch. Once a month they come out and cut that side of the bank. The east side has a hodgepodge of ownership. The city still owns three or four of the properties.

Councilor Tucker stated FDOT would need to be contacted. City Manager Jarboe stated once the survey was complete he would contact FDOT if he needed to.

Councilor Wiley stated he would like to know if the city had abandoned other portions of the ditch.

City Manager Jarboe stated if there was a consensus to move forward he would get the survey and meet with the City Attorney to prepare for council to consider at the next meeting.

Consensus: **FORWARD TO THE AUGUST WORKSHOP MEETING.**

July 4th Report

JULY FOURTH AFTER ACTION REPORT: Chief Sembach stated the City will have to pay the additional police officers that were hired for the fourth of July time and half. He should receive the invoice in August.

There were a total of 106 calls to the police department over the three day period of July 4th, July 5th, and July 6th. There are normally only 20 to 30 calls during the weekend. Police Officers wrote 39 uniform traffic citations, 32 parking citations, and 13 warning citations. There were two warnings and two municipal ordinance citations written for noise complaints. There were three warning citations for trespassing and two "notice to appear" issued for drinking in public. There were also five calls for fighting.

A five year old boy went missing just before dark at Orange Street. He was found 20 minutes later down by Seagate Avenue.

The Jacksonville Sheriff's Officers were surprised by the crowd at the beach, they had no idea that so many people came to Neptune Beach to celebrate the 4th of July.

Mayor Pruette stated our Public Safety Department did a good job keeping people moving and from blocking streets and sidewalks. She added the event would only get worse in the future.

Councilor Tucker stated the City of Jacksonville Beach has started issuing bracelets to children on the beach in case they get lost. She asked if Neptune Beach could also participate. Chief Sembach responded he has already ordered 500 of the bracelets.

Councilor Arthur asked if the Chief felt like he was overstaffed or understaffed during the three day event. Chief Sembach replied he did not feel overstaffed on Friday, but he felt he was little overstaffed on Saturday. The event did not carry into Saturday as he had expected.

PUBLIC COMMENTS

Ramsey Bakkar, 320 North First Street, Suite 706, Jacksonville Beach, supported the City issuing fines for people that did not obtain sign permits over requiring them to comply with a monument sign.

Lynda Padrta, 1113 First Street, felt the fine for not obtaining a sign permit should be heavy. She felt that a 110 square foot deck was large enough. She added that the Department of Environment Protection and the State did not own Neptune Beach and they cannot tell us how to run our City. She was concerned about how well the paragliders would regulate themselves.

Rick Sauls, 126 Cedar Street, felt signs that were in good condition should not have to be removed to comply with monument signs and should have to comply when they need to be replaced. He felt the July 4th holiday went well with the extra police officers.

Paul Shea, 1826 Nightfall Drive, felt the problem with Hopkins Creek was not docks, it is the bottles, trash, etc. that is the problem.

COUNCIL COMMENTS / NONE

Adjournment

There being no further business, the meeting adjourned at 8:15 p.m.

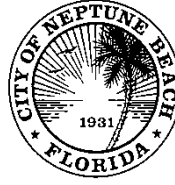
Harriet Pruetto, Mayor

Attest:

Lisa Volpe, CMC, City Clerk

Approved: _____

DRAFT



**MINUTES
WORKSHOP CITY COUNCIL MEETING
JULY 7, 2014 AT 5:30 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 July 7, 2014, at 5:30 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

STAFF:

Mayor Harriet Pruette
Vice Mayor John Jolly (arrived 5:50 p.m.)
Councilor Richard Arthur
Councilor Kara Tucker
Councilor Scott Wiley
City Attorney Patrick Krechowski
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

Community Development Director Askew
Director of Public Safety David Sembach

Call to
Order/Roll Call

Mayor Pruette called the meeting to order at 5:30 p.m. and led the Pledge of Allegiance.

PORF

POLICE OFFICERS' RETIREMENT / DAN JOHNSON / THE BOGDAHN GROUP: Dan Johnson, The Bogdahn Group, reported on the Police Officers' Retirement Plan. As of March 31, 2014, the plans assets totaled \$8,071,000. Halfway through the current fiscal year the plan is up over 7.7%. The target asset allocation is 55% target to stocks and 45% target to fixed income. This is more conservative compared to other plans which have more exposure to stocks.

Councilor Tucker asked if it would be better to increase the limit on stocks. Mr. Johnson replied he would suggest increasing the limit on stock exposure to 70%. He added if the adjustment is not made the plan will have to lower its expected rate of return.

Councilor Tucker asked how the plan compared to Jacksonville's plan. Mr. Johnson replied Jacksonville has a significantly higher allocation to stocks and other alternative asset classes. They have a much more aggressive investment approach. The general employees' fund has over 2 billion dollars and the police officers' and fire fighters' plan has 1.7 billion dollars.

Councilor Wiley questioned if the stock investment of 60% was limited to market value. Mr. Johnson responded the limit imposed is 60% of current market value. At any given time the plan will not have more than 60% invested in stock.

Councilor Arthur asked how long The Bogdahn Group has been consulting with the Police Officers' Retirement Fund. Mr. Johnson stated his firm has been consulting for the fund about ten years. He has worked for the firm for six years.

Councilor Arthur asked if the firm's fees were netted. Mr. Johnson replied the firm is paid a flat fee that does not change based on investments.

Councilor Arthur asked how often the portfolio was rebalanced. Mr. Johnson replied the portfolio is based on the Investment Policy and is rebalanced at the end of any calendar year based upon actions of the Board.

Councilor Arthur asked if the fund was limited to triple A bonds. Mr. Johnson stated the assets are grade A or better.

City Manager Jarboe explained if the rate of return goes above the 8% the market pays the difference but if goes below 8% the City pays the difference.

Speed Hump
Requests

SPEED HUMPS ON SOUTH STREET AND SUMMER SANDS: City Manager Jarboe explained the residents on South Street submitted a requested to add an additional speed hump and they were willing to pay the cost. The Summer Sands Home Owners Association has submitted a request to add an additional three speed humps in the neighborhood. He recommended approving both request as long as they were willing to pay for them.

Vice Mayor Jolly asked staff to review and amend the Speed Hump Policy. City Manager Jarboe stated he would review the policy and make a recommendation to Council.

Consensus: **ALLOW THE CITY MANAGER TO APPROVE THE REQUESTS FOR A AN EXTRA SPEED HUMP ON SOUTH STREET AND THREE ADDITIONAL SPEED HUMPS IN SUMMER SANDS.**

101 Florida
Blvd. ROW

RIGHT OF WAY / 101 FLORIDA BOULEVARD: Mayor Pruette explained the street end at 101 Florida Boulevard was adopted years ago by the Tanner's. The right-of-way has always been opened, well attended and looks beautiful. They have been asked to submit a request for a right-of-way permit based on the new right-of-way policy. She would support the permit allowing them to continue the use of the right-of-way as it currently exist.

Councilor Tucker felt they should have to go the right-of-way permitting process.

City Manager Jarboe stated this was originally a code enforcement issue when their contractor went beyond the plans that were submitted and approved by the Building Department for the building permit. They have now been asked to submit a request for a right-of-way permit but the City has still not received their application.

Vice Mayor Jolly agreed they should have to go through the right-of-way permit procedure.

Councilor Arthur stated he would support allowing them to continue the use of the right-of-way as it currently exists.

City Manager Jarboe stated the City would review the right-of-way permit request like every other request. He was not at the point to approve what is currently there.

Councilor Wiley stated the right-of-way looks good and he would support leaving it in its current condition.

Mayor Pruette stated the City may want to review and make some changes to the "Adopt a Street End Policy" and the "Right-of-way Permit Policy."

City Attorney Krechowski advised there is a section in Chapter 27 regarding "public access to the ocean" that should also be considered before approving the right-of-way permit.

Adjournment There being no further business, the meeting adjourned at 6:02 p.m.

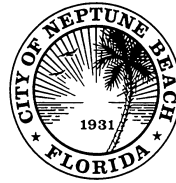
Attest:

Harriet Pruette, Mayor

Lisa Volpe, CMC, City Clerk

Approved: _____

DRAFT



MINUTES
REGULAR CITY COUNCIL MEETING
JULY 7, 2014, AT 6:02 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 July 7, 2014, at 6:02 p.m. in the City Hall Council Chambers, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

STAFF:

Mayor Harriet Pruette
Vice Mayor John Jolly
Councilor Richard Arthur
Councilor Kara Tucker
Councilor Scott Wiley
City Attorney Patrick Krechowski
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

Community Development Director Amanda Askew
Director of Public Safety David Sembach

Order Call/Pledge Mayor Pruette called the meeting to order at 6:02 p.m.

AWARDS / PRESENTATIONS/ RECOGNITION OF GUESTS

Officer Ivey

Mayor Pruette presented a Proclamation to Officer Brad Ivey in recognition of his retirement after serving over 30 years with the Neptune Beach Public Safety Department.

APPROVAL OF MINUTES

Moved by Tucker, seconded by Jolly.

Minutes

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

JUNE 2, 2014, REGULAR CITY COUNCIL MEETING
JUNE 16, 2014, SPECIAL CITY COUNCIL MEETING
JUNE 16, 2014, WORKSHOP CITY COUNCIL MEETING

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Tucker, Wiley, Pruette

Noes: 0

MOTION CARRIED

COMMUNICATIONS & CORRESPONDENCE

Mayor Pruette thanked the Public Safety Department for their service and actions on the 4th of July. She suggested adding a new line item in the budget to add in the additional costs for services.

Councilor Wiley also thanked the Public Safety Department for their outstanding service on July 4th.

Councilor Arthur suggested asking Duval County to contribute to the funding for the Public Safety Department next year.

CITY MANAGER REPORT

City Manager Jarboe reported on the following:

- There will be a Labor Strategy meeting on Tuesday July 22, 2014 to discuss labor negotiations.
- There will be a Budget Workshop meeting immediately following the Labor Strategy meeting on July 22, 2014 to discuss the General Fund.
- The auditors are present and preparing some preliminary work for the year end.
- Additional street repaving will begin after October 1st.

City Clerk Volpe stated the new recording system is installed and in use. She will attempt to place the audio of the meeting on our website. Muni Code has been updated and now as ordinances are passed each one will be placed on the front page with a link to the Section.

City Manager Jarboe added the Citizens Portal has been installed on our website. The portal allows citizens to address city concerns which will be tracked by city staff.

City Manager Jarboe stated the sign alerting bicyclists that the bike rules will be enforced is on order.

COMMENTS FROM THE PUBLIC

Lynda Padrta, 1113 First Street, was pleased with the increased police activity on First Street on the 4th of July. She was concerned the Beaches Chapel was doing additional work on the building, parking on the edge of the ditch and not working on the drainage issue in the neighborhood.

Mike Miller, 106 Myra Street, thanked Council for improving the police activity on the 4th of July. He felt it was a big improvement over previous years.

Carl Pricely, 113 Fleet Landing Boulevard, Atlantic Beach, President of the Jacksonville Beaches Kiwanis Club, stated they would be having a Kiwanis Kids Chalk Art Festival on September 27, 2014, at the Beaches Library. He asked Council to donate \$175.00 towards the prizes as well as providing public safety assistance for the day.

CONSENT AGENDA

Res. No. 2014-07 **RESOLUTION NO. 2014-07: A RESOLUTION ALLOWING THE CITY MANAGER TO EXECUTE AND DELIVER THE ATLANTIC BOULEVARD MAINTENANCE AGREEMENT TO THE FLORIDA DEPARTMENT OF TRANSPORTATION.**

Moved by Tucker, seconded by Arthur.

Motion: **TO APPROVE THE CONSENT AGENDA.**

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Tucker, Wiley, Pruette

Noes: 0

MOTION CARRIED

VARIANCES / NONE

ORDINANCES

Ord. No. 2014-11 **ORDINANCE NO. 2014-11, ACCESSORY STRUCTURES, SECOND READ AND PUBLIC HEARING: AN ORDINANCE AMENDING THE CODE OF ORDINANCES FOR THE CITY OF NEPTUNE BEACH, FLORIDA ARTICLE V – ACCESSORY STRUCTURES AND USES, SECTION 27-325. GENERAL STANDARDS AND REQUIREMENTS AND PROVIDING AN EFFECTIVE DATE.**

City Manager Jarboe explained the Community Development Board recommended this ordinance because the Code was unclear regarding accessory structures.

Mayor Pruette read Ordinance No. 2014-11 by title only and opened the public hearing. There being no comments from the public, the public hearing was closed.

Moved by Jolly, seconded by Wiley.

Motion: **TO ADOPT ORDINANCE NO. 2014-11 ON SECOND READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Tucker, Wiley, Pruette

Noes: 0

MOTION CARRIED

Ord. No. 2014-12 **ORDINANCE NO. 2014-12, STORMWATER, SECOND READ AND PUBLIC HEARING: AN ORDINANCE AMENDING THE CODE OF ORDINANCES FOR THE CITY OF NEPTUNE BEACH, FLORIDA, ARTICLE XII, STORMWATER MANAGEMENT, CHAPTER 27, SECTION 27-517 EXEMPTION, AND PROVIDING AN EFFECTIVE DATE.**

City Manager Jarboe explained this ordinance limits accessory structures to residential zoned properties for stormwater purposes and was recommended by the Community Development Board.

Mayor Pruette read Ordinance No. 2014-12 by title only and opened the public hearing, there being no comments from the public, the public was closed.

Moved by Jolly, seconded by Tucker.

Motion: **TO ADOPT ORDINANCE NO. 2014-12 ON SECOND READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Tucker, Wiley, Pruette

Noes: 0

MOTION CARRIED

Ord. No. 2014-13 ORDINANCE NO. 2014-13, SOLID WASTE, SECOND READ AND PUBLIC HEARING:
AN ORDINANCE AMENDING THE CODE OF ORDINANCES FOR THE CITY OF NEPTUNE BEACH, FLORIDA ARTICLE XIV – SOLID WASTE COLLECTION, SECTION 27-562. GENERALLY, SECTION 27-563. PROVISION OF SITES FOR DUMPSTERS, SECTION 27-564. PROVISION OF SCREENING FOR DUMPSTERS, AND PROVIDING AN EFFECTIVE DATE.

City Manager Jarboe explained this ordinance was also recommended by the Community Development Board.

Mayor Pruette read Ordinance No. 2014-13 by title only and opened the public hearing. There being no comments from the public, the public hearing was closed.

Moved by Jolly, seconded by Tucker.

Motion: **TO ADOPT ORDINANCE NO. 2014-13 ON SECOND READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Tucker, Wiley, Pruette

Noes: 0

MOTION CARRIED

OLD BUSINESS / NONE

NEW BUSINESS

CDB14-04
806 Third St.

CDB14-04 / SPECIAL EXCEPTION FOR A DAY SPA / 806 THIRD STREET: City Manager Jarboe stated the special exception for a day spa was approved by the Community Development Board with conditions.

Vice Mayor Jolly stated the original request for a special exception was for a hair salon only which was not approved by the Board. He was concerned that the day spa would end up being a hair salon if the other services provided did not pan out. He asked if she could assure that would not happen.

Heather Epperson, applicant for the day spa, responded she has two chairs and does not intend to have any more. Her clients have already shown interest in the other services that will be provided.

Councilor Jolly asked Ms. Epperson if she would be amendable to having that as a condition for the special exception. Ms. Epperson responded she would be okay with that condition.

Moved by Jolly, seconded by Tucker.

Motion: **TO APPROVE THE RECOMMENDATION OF THE COMMUNITY DEVELOPMENT BOARD INCLUDING THE CONDITIONS THEY LISTED ON PAGE FIVE IN THE PACKET WITH THE ADDITIONAL CONDITION THAT THE BUSINESS BE LIMITED TO TWO CHAIRS FOR THE PURPOSES OF HAIR STYLING.**

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Tucker, Wiley, Pruette

Noes: 0

MOTION CARRIED

Res. No. 2014-08 RESOLUTION NO. 2014-08: A RESOLUTION APPOINTING MEMBERS TO THE POLICE OFFICERS' RETIREMENT BOARD.

City Clerk Volpe advised Carl Hashey had been serving on the board since at least 2001.

Mayor Pruette stated Mr. Hashey has been an asset to the board and has done a great job but she would like to see the terms of the board members limited.

Moved by Tucker, seconded by Jolly.

Motion: **TO APPROVE RESOLUTION NO. 2014-08.**

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Tucker, Wiley, Pruette

Noes: 0

MOTION CARRIED**COUNCIL COMMENTS / NONE**

Adjournment

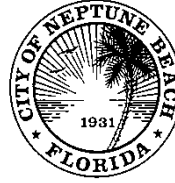
There being no further business, the meeting adjourned at 6:36 p.m.

Harriet Pruette, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk
Approved

Approved:



**MINUTES
WORKSHOP CITY COUNCIL MEETING
JUNE 16, 2014 AT 6:04 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 16, 2014, at 6:04 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

STAFF:

Mayor Harriet Pruette
Vice Mayor John Jolly
Councilor Richard Arthur
Councilor Kara Tucker
Councilor Scott Wiley
City Manager Jim Jarboe
City Attorney Patrick Krechowski
City Clerk Lisa Volpe, CMC

Assistant Chief Tony Carrillo
Building Official Don Ford
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

COMMITTEE REPORTS / NONE

CITY MANAGER'S ACTION LIST

City Manager Jarboe reported on the following:

- He explained the city should not abandon the portion of the right-of-way on Florida Boulevard that was requested by a property owner because public service employees would not have access to maintain the drainage ditch.
- He has provided the information to Mr. Clyne that he requested regarding the pension fund.

Councilor Arthur asked when the paving project would be completed. City Manager Jarboe responded the project will be complete once the crossbars were installed at the stop signs and two speed humps were replaced.

Councilor Arthur asked if the city has implemented the contact complaint forms on the website. City Manager Jarboe replied the company is in the process of verifying all the data and setting it up. It should be ready within the next ten days.

Mayor Pruette asked about the speed humps on South Street that were removed during the repaving. City Manager Jarboe replied one of the speed humps will be replaced however, they have requested an additional one that will need approval of Council.

Mayor Pruette asked about the Backyard Hen Ordinance. City Manager Jarboe stated the City of Jacksonville has not had any complaints since there ordinance was implemented.

Mayor Pruette stated the city had a problem with ants on beach accesses. City Manager Jarboe replied the city has not sprayed to kill the ants because of concern for dogs and cats but the Public Services Department has put out bait to kill the ants.

City Manager Jarboe stated he would like to hold a workshop meeting for the General Fund in July.

CITY CLERK'S CONSENSUS LIST

City Clerk Volpe stated this week is qualifying week for the elections. As of today Vice Mayor Jolly has qualified for Seat 5 without an opponent. Rory Diamond has qualified for Seat 4.

Mayor Pruette asked the city clerk to remove the items on the list that have been completed.

PUBLIC COMMENTS

Beth Schultz, 608 Valley Forge Road North, voiced concern regarding the number of people living in the home across the street from her and the noise they create.

Jim Schulz, 608 Valley Forge Road North, provided a snapshot of the house directly across the street that showed three vehicles parked in the street. He added it is hard for him to get out of his driveway and the noise continues all day and night.

Rory Diamond, 120 Davis Street, explained he looked into the situation on Valley Forge Road North and there is definitely a problem. There are four or five families living in one house in a single family neighborhood and it is affecting the entire community. He asked the city to consider establishing a Citizens Academy Program.

Lynn Sweeney, 1500 Strand Street, felt paragliding created a safety issue.

Tim Kazmerzac, 2102 Acacia Road, stated he has been piloting paragliders on the beach for the past three years without any complaints of noise or safety issues. He did not feel an ordinance was necessary because the group is very small and self regulated. He suggested the city create a committee if Council felt an ordinance was necessary.

Joe Romonnell, 1453 Spindrift Lane East, stated the painted lines and two speeds humps were removed from Summer Sands when it was repaved. They would like to have them replaced as well as additional no parking signs and an additional stop sign on Summer Sands Drive.

Jeff Guy, 221 Lora Street, stated he has not had any negative feedback regarding paragliding on the beach. He suggested allowing the small group of paragliders an opportunity to correct the problems without any official intervention.

Guy Boonsnaz, 315 Penman Road, Jacksonville Beach, stated the small group of paragliders would like to be a part of the solution.

Lynda Padrta, 1113 First Street, supported the ordinance to prohibit paragliding.

Leslie Britt, 1594 Ibis Drive, Orange Park, opposed the ordinance that would prohibit paragliding on the beach. He suggested Council appoint a committee to review the concerns.

Rick Sauls, 126 Cedar Street, supported the ordinance to ban paragliding.

PROPOSED ORDINANCES

Land Use

ORDINANCE NO. 2014-XX, LAND USE: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, AMENDING CHAPTER 27, ARTICLE IV. LAND USE. SECTION 27-243(C)(4) PROTECTION OF ENVIRONMENTALLY SENSITIVE LANDS, AND PROVIDING AN EFFECTIVE DATE.

Vice Mayor Jolly asked the Council to delay this ordinance to allow him time to gather more information.

Councilor Wiley stated at the last workshop meeting Councilor Arthur suggested allowing 4 foot docks on the east side of the Kings Road Bridge and 5 foot docks on the west side.

Consensus: **DELAY UNTIL THE JULY WORKSHOP MEETING.**

Beaches & Waterways

ORDINANCE NO. 2014-XX, BEACHES AND WATERWAYS: AN ORDINANCE AMENDING THE CODE OF ORDINANCES FOR THE CITY OF NEPTUNE BEACH, FLORIDA, CHAPTER 7, BEACHES AND WATERWAYS, SECTION 7-28, TRAFFIC AND PROVIDING AN EFFECTIVE DATE.

Councilor Wiley explained he brought up this ordinance for discussion to alert the community of concerns regarding paragliders. He found the major concern was the noise. He spoke with a representative of the Federal Aviation Administration. The FAA regulates the air space and the minimum height limit was 1,000 feet above the highest obstacle in a congested area. He felt taking off and landing from a public beach where people are present could be dangerous.

Councilor Arthur stated paragliders are motor vehicles and motor vehicles are not allowed on the beach unless it was a public official. He supported the language in the proposed ordinance.

Vice Mayor Jolly suggested adding "power gliders" to the language. City Attorney Krechowski stated the language would be amended as follows: Section 7-28(a) Motor vehicles prohibited. It is unlawful for any person to operate any motor vehicle or motorcycle or motor-driven cycle or moped or powered paragliders and similar vehicles on the beach.

Vice Mayor Jolly felt we should use the same terminology as the Federal Aviation Administration.

City Manager Jarboe asked if the city could enforce the noise ordinance in the airspace if the Federal Aviation Administration has regulation over the airspace. City Attorney Krechowski replied "yes."

Councilor Tucker agreed we should use the same language as Federal Aviation Administration regarding the air space. She questioned how the ordinance would be enforced.

Mayor Pruette also voiced concern regarding enforcement. City Manager Jarboe stated if an incident is reported the FAA would enforce it. Mayor Pruette replied the paraglider would be out of sight before the FAA could reach the destination of the incident.

Councilor Wiley stated the City of Atlantic Beach, the City of Jacksonville Beach and the City of Fernandina Beach do not have an ordinance regulating paragliding. The City of St. Augustine Beach uses their "oceanfront park area" ordinance to enforce them.

Councilor Wiley asked Tim Kazmerzac to comment on his interpretation of the FAA regulations. Mr. Kazmerzac stated there is a maximum height of 18,000 feet and there is no minimum height regulation.

Councilor Wiley questioned how many feet was needed for the paraglider to take off and how long they could stay in the air. Mr. Kazmerzac replied take offs depend on wind speed and they could stay in the air about two to two and half hours.

Councilor Arthur asked why they needed to take off from the beach. Mr. Kazmerzac replied they are not allowed to fly over structures, landing spots are also limited.

Mayor Pruette asked Councilor Wiley to meet with the group and discuss the concerns.

Consensus: **COUNCILOR WILEY TO MEET WITH THE GROUP AND DISCUSS THE CONCERNS.**

CONTRACTS / AGREEMENTS / NONE

ISSUE DEVELOPMENT

Res. No. 2014-07 **RESOLUTION NO. 2014-07: A RESOLUTION ALLOWING THE CITY MANAGER TO EXECUTE AND DELIVER THE ATLANTIC BOULEVARD MAINTENANCE AGREEMENT TO THE FLORIDA DEPARTMENT OF TRANSPORTATION.**

City Manager stated Council passed a resolution this year but the dates provided by the Florida Department of Transportation were incorrect. This resolution has the corrected dates.

Consensus: **FORWARD TO THE JULY REGULAR MEETING CONSENT AGENDA.**

Res. No. 2014-XX **RESOLUTION NO. 2014-XX: A RESOLUTION APPOINTING MEMBERS TO THE POLICE OFFICERS RETIREMENT BOARD.**

City Clerk Volpe stated this board member is the one appointed by the board and approved by Council.

Mayor Pruette questioned the term of the board members and how long this appointee had been on the board as well as his attendance record.

Consensus: **FORWARD TO THE JULY REGULAR MEETING AND HAVE THE CITY CLERK FIND OUT HOW LONG THIS MEMBER HAS BEEN ON THE BOARD.**

Tipping Fee
Options

TIPPING FEE OPTIONS: City Attorney Krechowski advised he would like to postpone this issue and meet with Jacksonville City Councilman Gulliford before discussing options.

Consensus: **FORWARD TO A FUTURE MEETING.**

Valley Forge Road
House

VALLEY FORGE ROAD HOUSE: City Manager Jarboe explained this is a difficult situation because there was nothing in the code to enforce the complaints the city is receiving on the property.

Building Official Don Ford explained for fourteen months there have been numerous complaints on this property consisting of renting rooms, noise, junk, junk vehicles and not maintaining the lawn. Each time a complaint is received and the property owner is confronted he complies with the complaint. The only current issue is renting rooms and the number of people living in the house. The police department has gone undercover trying to find out if rooms are being rented. The tenants have strong accents and would not speak to the undercover officer. We have no other way of proving rooms are being rented on a long or short term basis. This is a homesteaded property so there is not much the city can do.

Mayor Pruette stated this property has had reoccurring problems for over a decade. It is a quality of life issue and she understood the neighbor's frustrations.

City Attorney Krechowski stated the special magistrate would want the city to prove that rooms are being rented.

Building Official Ford stated the city has written the property owner letters regarding the renting of rooms and asked him for permission to enter the property to perform an inspection. They have not responded to those letters. The property owner has every right to deny the city entry.

Vice Mayor Jolly asked how many vehicles were normally parked at the property and if there was something the city could add to the code that would not affect other citizens. Mr. Ford replied he had seen up to six vehicles parked on the property at one time but that was during working hours.

Mr. Ford stated there are property owners with large families whose children become driving age at the same time. Therefore, it would be difficult to come up with an ordinance that would not affect everyone.

Councilor Tucker felt Council needed to work together to come up with a solution.

Councilor Arthur asked if the city could look into the issue of short term rentals or commercial operations in a residential area. He suggested counting traffic entering and exiting.

Councilor Wiley felt this was a problem in several locations within the city and something needed to be done.

City Manager Jarboe advised the only thing he has found that has worked in other cities is requiring parking permits and towing away vehicles that did not have a permit.

Mr. Ford stated at one time he found an online advertisement for a room for rent at the property. When the owner was confronted about it he removed the ad from the website.

Councilor Arthur suggested conducting a traffic study for vehicles entering and leaving the property, similar to the one recently conducted on South Street. City Manager Jarboe replied he could do a traffic study similar to the one on South Street but there would still be the issue of enforcement and without proof the special magistrate would dismiss the case.

Consensus: **GATHER MORE INFORMATION AND REPORT BACK.**

July 4th Update

JULY 4TH UPDATE: Assistant Chief Carrillo reported the operational plan for the 4th of July weekend will be commanded by Chief Sembach. The command post will be the Neptune Beach Public Safety Building. Police officers will work their normal hours with additional officers from Jacksonville Sheriff's Department. An additional dispatch operator will be brought in each day. Lifeguard hours will be extended to 7:30 p.m. Jacksonville Beach will have a command post at Fourth Avenue North and Second Street and will transfer our arrestees to the Duval county jail. Officers will be searching backpacks, coolers, or other containers without probable cause or reasonable suspicion. Officers will be looking out for large alcohol consumption violations, disorderly conduct violations, illegal fireworks, batteries and thefts. Notices to appear and citations will be issued in lieu of physical arrest whenever possible. Traffic will be monitored throughout the day and night with assistance from Jacksonville Sheriff's Office.

Assistant Chief Carrillo answered questions from Council regarding policing of the event.

Performance
Evaluations

PERFORMANCE EVALUATIONS: Mayor Pruette felt selecting acceptable forms for performance reviews of the city clerk and the city manager was the first step toward conducting performance evaluations.

Councilor Arthur felt the city manager's performance review form should be consistent with his contract obligations.

City Attorney Krechowski stated Council needed to review the contracts of the city manager and the city clerk regarding performance goals and objectives.

Vice Mayor Jolly stated he liked the second form in the agenda packet but would like to add more ratings to choose from other than, exceeds, expected and unsatisfactory. He felt there should be at least five ratings.

Councilor Tucker suggested using the second form for the format and the ratings from the first form. She agreed Council needed to review the contracts.

City Clerk Volpe advised that she did not have an employment contract.

Mayor Pruette agreed with Councilor Tucker's suggestion to the use the second form for the format and the first form for the ratings for the city clerk's performance review evaluation form.

Councilor Arthur stated he would like to consider a point system rating of 1 to 10. The goals and performance directives in the contract should be included in the performance review form for the city manager.

Vice Mayor Jolly stated he was not aware the city clerk did not have an employment contract. He felt Council needed to set goals and objectives, create a contract and then evaluate her performance.

City Attorney Krechowski advised creating a contract for the city clerk would refer more to terms, salary, etc. He felt Council should use the job description for the city clerk's performance review.

Councilor Wiley agreed the goals and objectives for the city manager and the city clerk needed to be assessed. He would like to use a point system from 1 to 5 for the performance evaluation ratings.

City Attorney Krechowski stated he would work with the city manager and city clerk to create goals and objectives for Council review.

Councilor Tucker asked if the chief of police had a contract. City Manager Jarboe replied the City Attorney and the City Manager were the only city employees that had a contract.

City Manager Jarboe advised he did not create his contract it was given to him by the city.

Consensus: **HAVE CITY ATTORNEY KRECHOWSKI WORK WITH THE CITY CLERK AND THE CITY MANAGER TO CREATE EVALUATION FORMS.**

Mayor Pruette stated she would call a workshop meeting before the July 7th regular meeting to discuss the request for additional speed humps on South Street.

PUBLIC COMMENTS

Alan Martin, 1113 First Street, stated the Florida Landlord Tenant Act may be helpful in resolving the Valley Forge Road property issue. He voiced concern about accumulative leave time for the city manager. He felt it was a good idea to meet with the paragliders before adopting an ordinance.

Tim Kazmerzac, 2102 Acacia Road, stated he would contact Councilor Wiley regarding a meeting to discuss paragliding.

John Tanner, 101 Florida Boulevard, stated he enjoyed watching the paragliders and the noise was only one-tenth of some other noises.

COUNCIL COMMENTS

Councilor Arthur asked City Manager Jarboe to advise Mr. Birdsong, representative for the Neptune by the Sea Homeowners Association, regarding the Muscovy ducks. City Manager Jarboe replied the city is very limited in what we could do, there was nothing the city can do on private property.

Vice Mayor Jolly was impressed with the email received regarding the reuse of nitrogen that saves the city money in operational expenses.

Mayor Pruette asked Council to agree to have staff delay action on a code enforcement issue regarding the right-of-way at 101 Florida Boulevard. She would like place the issue on the July workshop for discussion. She asked Council to drive over and take a look at it before the meeting.

Consensus: **HAVE STAFF DELAY ACTION ON A CODE ENFORCEMENT REGARDING A SPECIFIC RIGHT-A-WAY.**

Mayor Pruette voiced concern about a new development on a property in the 300 block of Myrtle Street with drainage rocks covering the front yard and much of the city easement. Building Official Ford responded the rocks were not present when the Certificate of Occupancy was issued.

City Manager Jarboe stated he spoke with Jacksonville City Councilman Gulliford about replacing several trees in the Bal Harbour area that were taken down to install the new sewer.

Adjournment

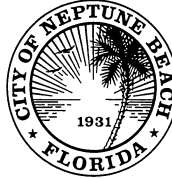
There being no further business, the meeting adjourned at 8:15 p.m.

Harriet Pruette, Mayor

Attest:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
SPECIAL CITY COUNCIL MEETING
JUNE 16, 2014 AT 6:00 P.M.
CITY HALL, 116 FIRST STREET
NEPTUNE BEACH, FLORIDA

Pursuant to proper notice a Special Meeting of the City Council of the City of Neptune Beach was held June 16, 2013 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 John Jolly
Councilor Richard Arthur
Councilor Kara Tucker
Councilor Scott Wiley
City Attorney Patrick Krechowski
City Manager James Jarboe
City Clerk Lisa Volpe, CMC

Assistant Chief Tony Carrillo
Building Official Don Ford
Director of Public Safety Chief Sembach

Order Call

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

Ord. No. 2014-10

ORDINANCE NO. 2014-10, OFFENSES, SECOND READ AND PUBLIC HEARING: AN ORDINANCE AMENDING THE CODE OF ORDINANCES FOR THE CITY OF NEPTUNE BEACH, FLORIDA SECTION 14, OFFENSES, ADDING SECTION 14-10. REFUSAL TO DISPERSE, ADDING SECTION 14-11. OBSTRUCTING PUBLIC PASSAGES, AND PROVIDING AN EFFECTIVE DATE.

Mayor Pruette read Ordinance No. 2014-10 by title only and opened the public hearing. There being no comments from the public, the public hearing was closed.

Moved by Tucker, seconded by Arthur.

Motion: **TO ADOPT ORDINANCE NO. 2014-10 ON SECOND READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Tucker, Wiley, Pruette

Noes: 0

MOTION CARRIED

Adjournment

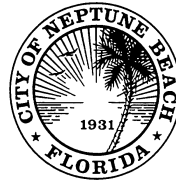
There being no further business, the meeting adjourned at 6:03 p.m.

Harriet Pruetto, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



**MINUTES
REGULAR CITY COUNCIL MEETING
JUNE 2, 2014, AT 6:00 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 June 2, 2014, at 6:00 p.m. in the City Hall Council Chambers, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

STAFF:

Mayor Harriet Pruette
Vice Mayor John Jolly
Councilor Richard Arthur
Councilor Kara Tucker
Councilor Scott Wiley
City Attorney Patrick Krechowski
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

Director of Public Safety David Sembach

Order Call/Pledge

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

AWARDS / PRESENTATIONS/ RECOGNITION OF GUESTS / NONE

APPROVAL OF MINUTES

Moved by Tucker, seconded by Arthur.

Minutes

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

MAY 5, 2014, REGULAR CITY COUNCIL MEETING
MAY 19, 2014, WORKSHOP CITY COUNCIL MEETING

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Tucker, Wiley, Pruette

Noes: 0

MOTION CARRIED

COMMUNICATIONS & CORRESPONDENCE

Mayor Pruette thanked Chief Sembach and the Public Safety Department for showing visibility and enforcing laws this past weekend. She asked that the law requiring bicycles to have lights be enforced.

Mayor Pruette stated she asked City Manager Jarboe in a memorandum to contact Jacksonville Beach Police Chief Dooley to ask if he could have an alumni from their Citizens Academy Program attend a workshop meeting to describe their role in the community. City Manager Jarboe stated Chief Dooley was not interested in the request but he would ask him again.

Mayor Pruette asked Chief Sembach to provide an action report at the May workshop relating to the upcoming July 4th to update the Council on the department's plan for crowd control.

Councilor Tucker stated the city should be receiving a new handicap beach wheelchair in July.

Councilor Wiley stated he would like to place a draft ordinance regulating power paragliding on the June workshop meeting agenda for discussion.

City Clerk Volpe explained the new recording system for the Council Chambers is scheduled to be installed on July 1st. It should be ready for its debut at the July 7th regular council meeting.

City Clerk Volpe stated the qualifying period for the upcoming election begins on June 16th and ends on June 20th. Two candidates have filed for Seat 4 and one candidate has filed for Seat 5.

CITY MANAGER REPORT

City Manager Jarboe reported on the following:

- He has received comments and concerns regarding the repaving in Summer Sands.
- There was a major water line break last Friday and a boil notice was sent out to residents. The lab results came back Saturday and showed the water was okay.
- The three beaches worked together last week to form a perimeter and caught a suspect that had robbed a bank on First Street.
- The tipping fee issue will be placed on the workshop meeting agenda.

Councilor Arthur stated the notices the paving contractor sent out to residents had the wrong contact telephone number.

COMMENTS FROM THE PUBLIC

Bob Shimp, 1109 First Street, thanked Councilor Arthur, Councilor Tucker and Mayor Pruette for contacting him on Memorial Day to see if things were under control on First Street. He also thanked City Manager Jarboe for informing the Public Safety Department that the "Disabled Services Ticketing Agents" had jurisdiction at the beach.

Kris Matson, 540 Hopkins Street, supported Resolution No. 2014-05.

Blake Harper, 3900 Sunbeam Road, Jacksonville, supported Resolution No. 2014-05.

Raymond Johnson, 3036 Stratton Lane, opposed Resolution No. 2014-05.

Judy Sheklin, 1985 Brista De Mar Circle, Atlantic Beach, supported Resolution No. 2014-05.

Thomas Serwatka, 1431 Riverplace Boulevard, supported Resolution No. 2014-05.

David Baker, 1102 First Street, suggested the police give bicyclists warning tickets for not having lights on their bikes.

Dr. Marcelle Bessman, 4417 Port Arthur Road, Jacksonville, supported Resolution No. 2014-05.

Lynda Padrta, 1113 First Street, agreed bicycle traffic has become an issue on First Street and bicyclists should have lights. She also supported Resolution 2014-05.

CONSENT AGENDA

Jarboe Park
Event

JARBOE PARK EVENT / GIRL SCOUT CEREMONY: This is a bridging event for girls moving from Daisy's to Brownies and Brownies to Girl Scouts.

Surplus

SURPLUS VEHICLES: This is for the mule and a confiscated vehicle to be placed on gov.com for bids.

Moved by Tucker, seconded by Jolly.

Motion: **TO APPROVE THE CONSENT AGENDA.**

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Tucker, Wiley, Pruette

Noes: 0

MOTION CARRIED

VARIANCES / NONE

ORDINANCES

Ord. No. 2014-09

ORDINANCE NO. 2014-09, CHAPTER 2, ADMINISTRATION, CITY CLERK, SECOND READ AND PUBLIC HEARING: AN ORDINANCE AMENDING CHAPTER 2, ADMINISTRATION DIVISION 4 CITY CLERK SECTION 2-166 RECALL SECTION 2-167 COMPENSATION, SECTION 2-168 RECORDS MANAGEMENT PROGRAM AND SECTION 2-169 DUTIES OF THE CITY CLERK AND PROVIDING AN EFFECTIVE DATE.

City Attorney Krechowski suggested changing the word "compact disc" to "digital" on page three.

Mayor Pruette read Ordinance No. 2014-09 by title only and opened the public hearing, there being no comments from the public, the public hearing was closed.

Moved by Tucker, seconded by Wiley.

Motion: **TO ADOPT ORDINANCE NO. 2014-09 ON SECOND READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Tucker, Wiley, Pruette
Noes: 0

MOTION CARRIED

Ord. No. 2014-10 ORDINANCE NO. 2014-10, OFFENSES, FIRST READ: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, SECTION 14. OFFENSES, ADDING SECTION 14-10. REFUSAL TO DISPERSE, ADDING SECTION 14-11. OBSTRUCTING PUBLIC PASSAGES, AND PROVIDING AN EFFECTIVE DATE.

City Manager Jarboe explained this ordinance gives the Police Department better tools to help prevent some of the things that occurred on the last July 4th.

Mayor Pruette stated this Ordinance supports the State law which is already in place.

Moved by Tucker, second by Arthur.

Motion: **TO PASS ORDINANCE NO. 2014-10 ON FIRST READ.**

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Tucker, Wiley, Pruette
Noes: 0

MOTION CARRIED

Ord. No. 2014-11 ORDINANCE NO. 2014-11, ACCESSORY STRUCTURES, FIRST READ AND PUBLIC HEARING: AN ORDINANCE AMENDING THE CODE OF ORDINANCES FOR THE CITY OF NEPTUNE BEACH, FLORIDA ARTICLE V – ACCESSORY STRUCTURES AND USES, SECTION 27-325. GENERAL STANDARDS AND REQUIREMENTS AND PROVIDING AN EFFECTIVE DATE.

City Manager Jarboe explained the Community Development Board recommended the following three ordinances after an administrative decision was challenged because the Code was unclear.

Moved by Jolly, seconded by Tucker.

Motion: **TO PASS ORDINANCE NO. 2014-11 ON FIRST READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Tucker, Wiley, Pruette
Noes: 0

MOTION CARRIED

Ord. No. 2014-12 ORDINANCE NO. 2014-12, STORMWATER, FIRST READ AND PUBLIC HEARING: AN ORDINANCE AMENDING THE CODE OF ORDINANCES FOR THE CITY OF NEPTUNE BEACH, FLORIDA, ARTICLE XII, STORMWATER MANAGEMENT, CHAPTER 27, SECTION 27-517 EXEMPTION, AND PROVIDING AN EFFECTIVE DATE.

City Manager Jarboe explained this ordinance limits accessory structures to residential zoned properties for stormwater purposes and was recommended by the Community Development Board.

Mayor Pruette read Ordinance No. 2014-12 by title only and opened the public hearing,

there being no comments from the public, the public was closed.

Moved by Jolly, seconded by Tucker.

Motion: **TO PASS ORDINANCE NO. 2014-12 ON FIRST READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Tucker, Wiley, Pruette

Noes: 0

MOTION CARRIED

Ord. No. 2014-13 **ORDINANCE NO. 2014-13, SOLID WASTE, FIRST READ AND PUBLIC HEARING: AN ORDINANCE AMENDING THE CODE OF ORDINANCES FOR THE CITY OF NEPTUNE BEACH, FLORIDA ARTICLE XIV – SOLID WASTE COLLECTION, SECTION 27-562. GENERALLY, SECTION 27-563. PROVISION OF SITES FOR DUMPSTERS, SECTION 27-564. PROVISION OF SCREENING FOR DUMPSTERS, AND PROVIDING AN EFFECTIVE DATE.**

City Manager Jarboe explained this ordinance was also recommended by the Community Development Board.

Mayor Pruette read Ordinance No. 2014-13 by title only and opened the public hearing. There being no comments from the public, the public hearing was closed.

Moved by Jolly, seconded by Wiley.

Motion: **TO PASS ORDINANCE NO. 2014-13 ON FIRST READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Tucker, Wiley, Pruette

Noes: 0

MOTION CARRIED

OLD BUSINESS

Res. No. 2014-05 **RESOLUTION NO. 2014-05: A RESOLUTION OF THE CITY OF NEPTUNE BEACH, FLORIDA, CHANGING THE CITY PERSONNEL POLICY TO ADD SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION AND MARITAL STATUS TO ITS NON-DISCRIMINATION LIST AS FOUND IN SECTION. 1.02 OF THE PERSONNEL POLICY.**

Moved by Pruette, seconded by Jolly.

Councilor Wiley stated this resolution is simply to amend the City's personnel policy, adding "physical and mental disability" and "marital status" and nothing more.

Motion: **TO PASS RESOLUTION NO. 2014-05.**

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Tucker, Wiley, Pruette

Noes: 0

MOTION CARRIEDNEW BUSINESS / NONECOUNCIL COMMENTS / NONE

Councilor Arthur suggested installing a sign on First Street where Neptune Beach begins to notify bicyclists that the bicycle laws will be enforced in Neptune Beach.

Councilor Arthur asked City Manager Jarboe to address the drainage issue at the Beaches Chapel development while it is still under construction.

Councilor Arthur stated he has noticed cigarette butts and ashes on the sidewalks that are leased. He felt there should be a "no smoking" sign placed there. He asked City Manager Jarboe to look into the issue.

Councilor Arthur suggested placing a contact form on our website for citizen complaints so they could be logged and tracked.

Mayor Pruette voiced concern regarding Council email inboxes being full. City Clerk Volpe stated there were some technical difficulties and they have been corrected.

Mayor Pruette stated the sidewalk area of North Beach Fish Camp was dirty and needed to be cleaned.

Mayor Pruette also voiced concern regarding the drainage at Beaches Chapel. City Manager Jarboe stated he would write a letter to them asking them to address the situation.

Adjournment

There being no further business, the meeting adjourned at 6:50 p.m.

Harriet Pruette, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk
Approved

Approved:



**MINUTES
WORKSHOP CITY COUNCIL MEETING
MAY 19, 2014 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 May 19, 2014, 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 John Jolly
Councilor Richard Arthur
Councilor Kara Tucker
Councilor Scott Wiley
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

Community Development Director Amanda Askew
Building Official Don Ford
Director of Public Safety David Sembach

ABSENT:

City Attorney Patrick Krechowski

**Call to Order/Roll
Call**

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

Mayor Pruette announced at the beginning of the meeting she would be pulling the portion of the Offense Ordinance that relates to profanity in public places off the agenda.

PRESENTATIONS

TPO

North Florida Transportation Planning Organization representative Wanda Forest highlighted the projects in the Transportation Improvement Program.

City Manager Jarboe stated there needs to be a turn lane on Florida Boulevard and A1A and on Penman Road at Atlantic Boulevard. Ms. Forest replied she would relay these comments to the Department of Transportation.

COMMITTEE REPORTS / NONE

CITY MANAGER'S ACTION LIST

City Manager Jarboe reported on the following:

- The repaving is in process. Some of the streets west of Third Street will not be

- repaved until after the sewer work on those streets is completed.
- The Bal Harbour project slowed down due to rains but should be completed by the fall. Once completed the sewer work on Fourth and Fifth Streets can begin.

CITY CLERK'S CONSENSUS LIST

City Clerk Volpe stated the only item on the consensus list that has not been complete is the Green Market. City Manager Jarboe advised the Green Market lease contract has been signed.

PUBLIC COMMENTS

Bob Shimp, 1109 First Street, voiced concern regarding trash, not stopping at stop signs, rowdy crowds on bicycles, parking, screaming and yelling, and dogs running off leashes on First Street. He felt there should be more police presence on First Street.

Jim Schultz, 608 Valley Forge Road North, complained of too many tenants and code enforcement issues at a property on Valley Forge Road. He felt there should be a law preventing too many people from living in one residence.

Mayor Pruette asked City Manager Jarboe to investigate Mr. Schultz's concerns and report back to the council at the next council meeting.

Mike Miller, 106 Myra Street, voiced concern about the upcoming 4th of July holiday. He felt the offenses ordinance was reasonable. He also supported Resolution No. 2014-05.

Tricia Russell, 8720 CR13 North, St. Augustine, supported Resolution No. 2014-05 as rewritten to include gender identity and expression.

Marina Hodgini, 721 Neptune Lane, favored Resolution No. 2014-05 and as it was rewritten to include gender identity and expression and marital status.

Judy Sheklin, 1985 Brista DeMar, Atlantic Beach, supported Resolution No. 2014-05 changing the personnel policy by adding protection for nondiscrimination based on sex and orientation and gender identity.

Steve Haerter, 106 19th Avenue South, Jacksonville Beach, supported Resolution No. 2014-05 changing the personnel policy.

Tom Serwatka, 1431 Riverplace Boulevard, supported Resolution 2014-05.

Dan Merkan, 3159 College Street, Jacksonville, Florida, supported adding sexual orientation, gender identity or expression and marital status to the personnel policy.

Richard Westenbarger, 613 Florida Boulevard, stated he would like to investigate the possibility of purchasing a strip of city property along Florida Boulevard.

Mayor Pruette asked City Manager Jarboe to consider Mr. Westenbarger's request and report back to the Council.

Lynda Padrta, 1113 First Street, supported Resolution 2014-05. She also supported the new recording system for the Council Chambers. She supported the idea of adding a restroom facility in Town Center. She felt there are existing ordinances that could be used to deal with some of the issues on First Street.

Harriet Pruette 217 Magnolia Street, read the following for the record:

"Dancin in the Street is getting a bad rap. My opinion is the Saturday event in Town Center is a forecast of what is to come July 4th along First Street if our city does not start scheduling enough officers to be visible along First Street to enforce the laws for rowdiness and drunkenness and rules of the road. More and more people are traveling daily down First Street, especially on Friday, Saturday and Sunday at events. Many of these folks are all over the entire road, on bikes, skateboards and electric ice coolers with wheels having no lights, drinking, grabbing cars, yelling, behind cars, beside cars, in front of cars and many not getting out of the way of vehicles. It is an accident waiting to happen for those trying to safely maneuver their vehicles to avoid hitting people and to those not observing any safe rules of the road. Saturday sidewalks were blocked with chairs, beer coolers and there was a party at Cherry and First Streets where folks were throwing glass and cans in the street, vehicles blocked stop signs and cars were parked the wrong way blocking stop signs. It was crazy from the north to the south! And the number one question asked to me by citizens is; "Where was any visibility of our police on First Street?" If we are going to allow events in Town Center then we need to make sure we have enough police officers on duty to cover the visibility along the entire First Street area. As Mayor and as a taxpaying citizen, I am asking our City Manager to direct the Public Safety Director to make sure First Street has police visibility and enforcement (if needed). This area needs attention. And I expect good common professional sense to be used, not a knee jerk reaction to get back at Mayor and Council and others complaining, such as threatening tactics, such as ticketing everyone for every little offense, such as those that use due care but do not stop at every stop sign or folks walking in the street or mothers pushing baby carriages on First Street. Let's work together to tone the area down, but not go enforcement crazy and use common sense and professionalism."

Due to the many supporters of Resolution No. 2014-05, Mayor Pruette moved it forward on the agenda.

Res. No. 2014-05
Human Rights

RESOLUTION NO. 2014-05: A RESOLUTION OF THE CITY OF NEPTUNE BEACH, FLORIDA CHANGING THE CITY PERSONNEL POLICY TO ADD SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION AND MARITAL STATUS TO ITS NON-DISCRIMINATION LIST AS FOUND IN SEC. 1.02 OF THE PERSONNEL POLICY.

Councilor Tucker suggested the City Attorney review and approve the Resolution before a vote.

Vice Mayor Jolly supported the Resolution as written with the new language

Councilor Arthur supported the Resolution with the new language.

Councilor Wiley clarified this was a Resolution to amend the City of Neptune Beach's Personnel Policy. It was not an Ordinance. He supported forwarding the Resolution to a vote.

Mayor Pruette stated she supported the Resolution.

Consensus: **FORWARD TO THE JUNE 2ND REGULAR MEETING AGENDA.**

PROPOSED ORDINANCES

Offenses

ORDINANCE NO. 2014-XX, ADDING TO SECTION 14, OFFENSES: AN ORDINANCE AMENDING THE CODE OF ORDINANCES FOR THE CITY OF NEPTUNE BEACH, FLORIDA SECTION 14. OFFENSES, ADDING SECTION 14-10. REFUSAL TO DISPERSE, ~~ADDING SECTION 14-11. PROFANITY IN PUBLIC PLACE,~~ ADDING SECTION 14-12. OBSTRUCTING PUBLIC PASSAGES, AND PROVIDING AN EFFECTIVE DATE.

City Manager Jarboe explained this is already a Florida State Statute and the language in this Ordinance was taken verbatim from the City of Jacksonville's Ordinance. Several States in Florida have adopted a similar Ordinance.

Mayor Pruette questioned why we needed an Ordinance if it was already a State Statute. City Manager Jarboe replied it adds support on a local level and acknowledges the City supports the State Statute.

Chief Sembach explained this Ordinance will help prevent the obstruction of public passageways and aid with breaking up crowded areas.

Councilor Tucker questioned what the charges would be. Chief Sembach replied the charge is a second degree misdemeanor and is the same as Jacksonville's.

Vice Mayor Jolly stated these laws have been in place in Jacksonville since 1983 and there have been no problems. Chief Sembach responded he was informed the Ordinance is constitutional.

Vice Mayor Jolly suggested all Council members sponsor the Ordinance.

Councilor Arthur agreed the City should operate on the Florida Statutes so police officers can enforce the same laws as the State and the County.

Councilor Wiley stated he would support the Ordinance if the Chief thought it would help control crowds at events. City Manager Jarboe responded most cities duplicate Florida Statutes to show they are interested in enforcing the statute. It makes it a lot clearer and tells citizens that the City is serious.

Chief Sembach agreed if citizens do not see the laws written in the City Code they think we do not enforce it.

Mayor Pruette was concerned the City would not have the funds to defend a first amendment lawsuit.

City Manager Jarboe explained money would be taken from the reserves to hire additional police officers and to purchase a new mule for the 4th of July.

Mayor Pruette asked if there would be additional police officers present this Memorial Day. City Manager Jarboe replied he would let her know.

City Clerk Volpe explained a special meeting would need to be called in order for the Ordinance to be adopted before the 4th of July. City Manager Jarboe suggested holding a special meeting before the June 16th workshop meeting.

Consensus: **ALL SPONSORED FORWARD TO THE JUNE REGULAR MEETING FOR FIRST READ AND HOLD A SPECIAL MEETING JUNE 16TH FOR**

SECOND READ.Storm Water
Management

ORDINANCE NO. 2014-XX, STORM WATER MANAGEMENT: AN ORDINANCE AMENDING THE CODE OF ORDINANCES FOR THE CITY OF NEPTUNE BEACH, FLORIDA ARTICLE XII, STORMWATER MANAGEMENT, CHAPTER 27, SECTION 27-517 EXEMPTION, AND PROVIDING AN EFFECTIVE DATE.

City Manager Jarboe explained the Community Development Board recommended the following three ordinances after an administrative decision was challenged because the Code was unclear.

Community Development Director Askew explained the Board reviewed three sections of the Code to define and strengthen the Code relating to dumpsters, compactors and drainage.

This Ordinance adds the following to Section 27-517(1): The construction of a single-family or duplex residential dwelling unit and accessory structures in residentially zoned property on a single parcel of land less than one third (1/3) of an acre or up to one half (1/2) acre with less than 9,000 square feet of impervious or semi-impervious area not part of a larger common plan of development for sale.

Accessory
Structures

ORDINANCE NO. 2014-XX, ACCESSORY STRUCTURES AND USES: AN ORDINANCE AMENDING THE CODE OF ORDINANCES FOR THE CITY OF NEPTUNE BEACH, FLORIDA ARTICLE V – ACCESSORY STRUCTURES AND USES, SECTION 27-325. GENERAL STANDARDS AND REQUIREMENTS AND PROVIDING AN EFFECTIVE DATE.

This Ordinance adds the following to Section 27-325(4) and (6):

Section 27-325(4) Accessory structures shall comply with Article XII – Stormwater management and Erosion Control requirements, and shall be included in all calculations of impervious surface and stormwater runoff or any site design requirements applying to the principal use of the ~~lot~~ parcel. Impervious surface and stormwater drainage calculations shall encompass and evaluate the entire parcel on which the accessory structure is located.

Section 27-325(6) Accessory uses shall not alter the essential character of the area surrounding the site or involve operations or structures not in keeping with the character of the district where located.

Solid Waste
Collection

ORDINANCE NO. 2014-XX, SOLID WASTE COLLECTION: AN ORDINANCE AMENDING THE CODE OF ORDINANCES FOR THE CITY OF NEPTUNE BEACH, FLORIDA ARTICLE XIV – SOLID WASTE COLLECTION, SECTION 27-562. GENERALLY, SECTION 27-563. PROVISION OF SITES FOR DUMPSTERS, SECTION 27-564. PROVISION OF SCREENING FOR DUMPSTERS, AND PROVIDING AN EFFECTIVE DATE.

This Ordinance added the following to Section 27-563(a)(d) and Section 27-564(a), (a)(1), (a)(2) and (b)

Section 27-563 Provision of sites for dumpsters and or compactor.

Section 27-563(a) Every development that, under the city's solid waste collection policies, is or will be required to provide one (1) or more dumpsters and/or compactor for solid waste collection shall provide a site that is located to facilitate collection and minimize any negative impact on persons occupying the development site, neighboring properties, ~~or~~ public rights-of-way, stormwater runoff, environmental impact or public health.

(b) Dumpster and/ or compactors shall not be located in or in such a way that would impede public rights-of-way.

(c) Dumpster and/or compactor areas shall be graded to prevent stormwater run-on and run-off and shall not drain into natural waters, ponds, stormwater collection systems or stormwater conveyances.

(d) Dumpster and/or compactor drainage shall comply with the provisions set forth in the Municipal Separate Storm Sewer Systems (MS4) permit, as amended from time to time.

Section 27-564(a) All dumpsters and/or compactors shall be screened if and to the extent that, in the absence of screening, they would be clearly visible to:

- (1) Persons located within any dwelling unit on residential property other than where the dumpster and/or compactor is located.
- (2) Persons located within any building on nonresidential property other than that where the dumpster and/or compactor is located.

Section 27-564(b) When dumpster and/or compactor screening is required by this section, such screening shall be constructed, installed, ~~and~~ located, and maintained to prevent or remedy the conditions requiring the screening.

Vice Mayor Jolly agreed to sponsor all three ordinances.

Consensus **FORWARD ALL THREE ORDINANCES TO THE JUNE REGULAR MEETING FOR FIRST READ.**

Environmentally
Sensitive Lands

ORDINANCE NO. 2014-XX, PROTECTION OF ENVIRONMENTALLY SENSITIVE LANDS:
AN ORDINANCE OF THE CITY OF THE NEPTUNE BEACH, FLORIDA, AMENDING CHAPTER 27, ARTICLE IV. LAND USE. SECTION 27-243(C)(4) PROTECTION OF ENVIRONMENTALLY SENSITIVE LANDS, AND PROVIDING AN EFFECTIVE DATE.

Councilor Wiley explained some recent variances for dock widths had been denied. He suggested amending the Code to allow a minimum of four feet for a dock walkway and a maximum of 5 feet.

Councilor Arthur stated the intent of the 4 foot was to protect the sensitive wetlands. He explained Hopkins Creek is not considered sensitive wetlands by the Department of Environmental Protection but by the City's standards. He suggested allowing 5 feet west of Kings Road and 4 feet east of Kings Road.

Mayor Pruette stated Council gave permission to a specific Homeowners Association to build a long dock for the community and then everyone started building more docks and blocked homeowners views of the marsh.

Vice Mayor Jolly stated the extra foot would block 25% more marsh grass shading. He felt the maximum should remain at 4 feet. It also would not be fair to property owners that already built their docks the width of 4 feet.

Mayor felt the marsh area needed to be protected. She agreed with Vice Mayor Jolly's comments the width should remain at 4 feet.

Councilor Wiley questioned if a 4 foot dock width was in compliance with the Americans with Disability Act. Community Development Director Askew replied private docks do not have to comply with the ADA.

Consensus: **COUNCILOR WILEY TO GATHER INFORMATION AND BRING BACK.**

CONTRACTS / AGREEMENTS / NONE

ISSUE DEVELOPMENT

Restrooms / Town
Center

BATHROOMS / PORT-O-LETS / TOWN CENTER: Mayor Pruette stated she had asked staff to investigate the cost of providing a restroom in the Town Center area. She would like Council to vision for one in the future.

Building Official Don Ford explained several locations were considered but the only reasonable location for a public restroom is near the lifeguard station because there is a sewer and water line and a slab is already there. A single handicap accessible restroom would cost approximately \$35,000. He felt the City would need multiple restrooms to ideally serve the public.

Mayor Pruette stated she provided a picture of a public restroom structure in the agenda packet that was located in Portland, Oregon. She would like Council to consider visioning something similar with a goal in mind.

City Manager Jarboe suggested discussing the cost of a restroom during the budget process.

Councilor Tucker voiced concern regarding the cost of maintaining a public restroom. She supported the envision for one.

Vice Mayor Jolly was concerned about the cost because the Convention Development Tax money is already dedicated within the budget. He supported visioning one for the future.

Councilor Arthur felt it would be better to locate a public restroom near the police department. He was interested if Atlantic Beach would contribute to the cost of maintenance.

Councilor Wiley stated the City installed public restrooms in Jarboe Park years earlier and they had to be removed due to vandalism. He suggested asking Town Center to contribute to the cost. He supported visioning one for the future and discussing it in the budget process.

Mayor Pruette felt it was time to vision a public restroom and find the resources for funding.

Consensus: **TO ENVISION A PUBLIC RESTROOM AND DISCUSS IT DURING THE BUDGET PROCESS.**

Town Center
Landscaping

TOWN CENTER LANDSCAPING: City Manager Jarboe stated he had the authority to approve the landscaping in the Town Center. He wanted Council to review the plans and get their approval.

Consensus: **REVIEW AND REPORT BACK TO THE CITY MANAGER ONE ON ONE WHAT THEY WOULD LIKE TO SEE.**

New Recording
System

NEW RECORDING SYSTEM FOR COUNCIL CHAMBERS: City Clerk Volpe explained the recording system in the Council Chambers is 17 years old and is outdated. She gathered

information from other Florida City Clerks regarding the types of recording systems they used. The majority of Clerks used the BIS Digital system. She requested several demonstrations and quotes and found this system to be the best. It places recordings on digital format and can store one year of meetings on one thumb drive. It comes with a software program that would attach to a new mixer board using the current microphones. It has the capability of adding video and live stream in the future. The recordings can also be emailed and posted on our website. If approved by Council the system can be up and running within a month. The company will install the system and train staff and provide onsite support for one year. Ms. Volpe added she did not have the money in her budget and Council would have to approve an amended budget.

City Manager Jarboe stated if Council approves the new system he would provide a budget amendment.

Mayor Pruette stated the City Clerk's office has been frugal with their budget and has not requested any extra money in the budget in the past. She supported the recommendation.

Councilor Tucker also supported the recommendation.

Councilor Jolly questioned the \$750 annual maintenance cost. City Clerk Volpe replied that is for the onsite service support for the first year. Once the system is in place and running the onsite service will not be necessary. City Manager Jarboe stated that is not unusual.

Councilor Arthur supported moving forward with it but was also voiced concern about the maintenance cost.

Councilor Wiley questioned if it would take less time to transcribe the meeting minutes with the new system. Ms. Volpe responded it depends on how long the meeting is but it would still take the amount of time to prepare the minutes.

Councilor Wiley asked if the recording could be put on the website. Ms. Volpe replied "yes."

Consensus: **TO MOVE FORWARD WITH THE PURCHASE OF THE NEW RECORDING SYSTEM FOR THE COUNCIL CHAMBERS.**

Jarboe Park Event **JARBOE PARK EVENT / GIRL SCOUT CEREMONY:** Community Development Director Askew stated explained this is a bridging event for girls moving from Daisy's to Brownies and Brownies to Girl Scouts. They have worked out the parking with Beaches Chapel.

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

Surplus Items **SURPLUS ITEMS:** City Manager Jarboe explained he would like to surplus the old mule and a confiscated vehicle. They will be placed on gov.com for bids.

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

PUBLIC COMMENTS

Bob Shimp, 1109 First Street, stated an Symposium on Americans with Disabilities Act will be held this coming Thursday. He would provide the details to anyone interested in attending.

COUNCIL COMMENTS

Vice Mayor Jolly asked if the draft minutes could be placed on the website before Council approval.

Vice Mayor Jolly asked how often the Municipal Code was update. City Clerk Volpe explained the Code Books are updated annually. The online Muni Code was also updated annually but had links to adopted ordinances that not been codified.

Consensus: **TO HAVE DRAFTED MINUTES PLACED ON THE WEBSITE BEFORE THEY ARE APPROVED BY COUNCIL.**

Adjournment

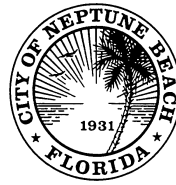
There being no further business, the meeting adjourned at 8:00 p.m.

Attest:

Harriet Pruette, Mayor

Lisa Volpe, CMC, City Clerk

Approved: _____



**MINUTES
REGULAR CITY COUNCIL MEETING
MAY 5, 2014, AT 6:00 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 May 5, 2014, at 6:00 p.m. in the City Hall Council Chambers, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

STAFF:

Mayor Harriet Pruette
Councilor Richard Arthur
Councilor Kara Tucker
Councilor Scott Wiley
City Attorney Patrick Krechowski
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

Director of Public Safety David Sembach

ABSENT:

Vice Mayor John Jolly

Order Call/Pledge

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

AWARDS / PRESENTATIONS/ RECOGNITION OF GUESTS / NONE

APPROVAL OF MINUTES

Moved by Tucker, seconded by Arthur.

Minutes

Motion:

TO APPROVE THE FOLLOWING MINUTES:

APRIL 7, 2014, REGULAR CITY COUNCIL MEETING
APRIL 7, 2014, WORKSHOP CITY COUNCIL MEETING
APRIL 21, 2014, WORKSHOP CITY COUNCIL MEETING

Roll Call Vote:

Ayes: 4 – Arthur, Tucker, Wiley, Pruette

Noes: 0

Absent: 1 – Jolly

MOTION CARRIED

COMMUNICATIONS & CORRESPONDENCE

City Clerk Volpe reminded Council qualifying period begins June 16th and ends on June 20th.

Mayor Pruette thanked Councilor Arthur for spearheading the installation of the new landscaping around city hall. She also thanked the Ish Brant Beautification Committee and other participants who helped with the project.

Councilor Arthur stated the Public Services Department also participated by using city equipment to help with digging. It would have been much harder without their assistance.

Mayor Pruette explained back when First Street was repaved a yellow line was supposed to be painted in the center of the street. She would like for this to be done during the upcoming repaving project.

CITY MANAGER REPORT

City Manager Jarboe reported on the following;

- The street repaving project should begin the first week of June.
- The Bal Harbour project slowed down due to recent rains.
- Public Services resolved the drainage problem in Indian Woods.

COMMENTS FROM THE PUBLIC

Mayor Pruette announced before public comments she would be removing Resolution No. 2014-05 from tonight's consent agenda and will place it on a future agenda when a full council will be present.

Bob Zimpfer, 2545 Waters Edge Drive, opposed the request of the developer to construct a gravel road connector from Bartolome Road to Waters Edge Drive.

Claire Cimino, 2537 Waters Edge Drive, opposed the connector road requested by the developer.

Tricia Russell, 8720, CR 13 North, St. Augustine, thanked the members of the council that supported the Florida Workforce Act. She explained she was a transgender and how it has affected his life.

Riley Philo, Ponte Vedra, explained that he is transgender and how it has affected his life.

Susan Yandle, 2539 Waters Edge Drive, would rather have the developer construct a round-about for emergency vehicles rather than a road going straight through Waters Edge Drive.

City Manager Jarboe explained a developer would like to develop two lots he owns behind Waters Edge Drive. To do so he must meet the requirements of the Fire Marshall and provide access for emergency vehicles. He would have to either build a turnaround or a road through Waters Edge Drive. Because Waters Edge Drive is a private road it would require approval of all property owners for him to build a through road. The developer has sent out a letter to property owners requesting their approval. Whatever option the developer chooses it will still require approval from the Community Development Board.

Robert Varn, 2539 Waters Edge Drive, opposed the request of the developer. He requested that the City help repair the existing potholes in Waters Edge Drive.

Ralph Laperna, 2507 Waters Edge Drive, opposed the through road. He felt the developer should use his own property to provide the access for emergency vehicles.

CONSENT AGENDA

Mayor Pruette removed Resolution No. 2014-05 from the consent agenda.

RESOLUTION NO. 2014-06: A RESOLUTION ALLOWING THE CITY MANAGER TO EXECUTE AND DELIVER THE ATLANTIC BOULEVARD MAINTENANCE AGREEMENT TO THE FLORIDA DEPARTMENT OF TRANSPORTATION.

Surplus Vehicles / Public Safety Department

Moved by Tucker, seconded by Arthur.

Motion: **TO APPROVE THE CONSENT AGENDA.**

Roll Call Vote:

Ayes: 4 – Arthur, Tucker, Wiley, Pruette

Noes: 0

Absent: 1 – Jolly

MOTION CARRIED

VARIANCES / NONE

ORDINANCES

Ord. No. 2014-04 **ORDINANCE NO. 2014-04, PUBLIC RIGHT-OF-WAY, SECOND READ:** AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA ADDING TO SECTION 18-4, USE OF PUBLIC RIGHT-OF-WAY.

City Manager Jarboe explained this is an amendment to the existing right-of-way Ordinance. City Attorney Krechowski advised there have been no changes since last workshop meeting.

Mayor Pruette read Ordinance No. 2014-04 by title only and opened the public hearing.

Lynda Padrta, 1113 First Street, suggested the City create a policy that would prevent the Public Works Department from maintaining rights-of-way that are permitted.

Moved by Arthur, seconded by Tucker.

Motion: **TO ADOPT ORDINANCE NO. 2014-04 ON SECOND READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 4 – Arthur, Tucker, Wiley, Pruette

Noes: 0

Absent: 1 – Jolly

MOTION CARRIED

Ord. No. 2014-08 ORDINANCE NO. 2014-08, AMENDING SECTION 13-5, BREACH OF PEACE PROHIBITED, SECOND READ AND PUBLIC HEARING: AN ORDINANCE AMENDING THE CODE OF ORDINANCES FOR THE CITY OF NEPTUNE BEACH, FLORIDA, SECTION 13-5. BREACH OF PEACE PROHIBITED; UNNECESSARY AND EXCESSIVE NOISES AND PROVIDING AN EFFECTIVE DATE.

Mayor Pruette read Ordinance No. 2014-08 by title only and opened the public hearing. There being no public comments the public hearing was closed.

Moved by Tucker, seconded by Wiley.

Motion: **TO ADOPT ORDINANCE NO. 2014-08 ON SECOND READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 4 – Arthur, Tucker, Wiley, Pruette

Noes: 0

Absent: 1 – Jolly

MOTION CARRIED

Ord. No. 2014-09 ORDINANCE NO. 2014-09, CHAPTER 2, ADMINISTRATION, CITY CLERK, FIRST READ: AN ORDINANCE AMENDING CHAPTER 2, ADMINISTRATION DIVISION 4 CITY CLERK SECTION 2-166 RECALL SECTION 2-167 COMPENSATION, SECTION 2-168 RECORDS MANAGEMENT PROGRAM AND SECTION 2-169 DUTIES OF THE CITY CLERK AND PROVIDING AN EFFECTIVE DATE.

City Clerk Volpe stated she added and changed the following:

- Section 2-167. Appointment and compensation. "The City Clerk of the City of Neptune Beach shall be appointed by the city council. The city clerk shall receive an annual salary and perform the duties to be determined and supervised by the city council of Neptune Beach."
- Section 2-168(3)g. Records management program. "~~Microfilm.~~ Compact discs

Moved by Tucker, seconded by Arthur.

Motion: **TO ADOPT ORDINANCE NO. 2014-09 ON FIRST READ.**

Roll Call Vote:

Ayes: 4 – Arthur, Tucker, Wiley, Pruette

Noes: 0

Absent: 1 – Jolly

MOTION CARRIED

OLD BUSINESS / NONE

NEW BUSINESS / NONE

COUNCIL COMMENTS / NONE

Adjournment

There being no further business, the meeting adjourned at 6:30 p.m.

Harriet Pruetto, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk
Approved

Approved:

DRAFT



**MINUTES
WORKSHOP CITY COUNCIL MEETING
APRIL 21, 2014 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 21, 2014, at 6:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

STAFF:

Mayor Harriet Pruette
Councilor Richard Arthur
Councilor Kara Tucker
Councilor Scott Wiley
City Attorney Patrick Krechowski
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

Community Development Director Amanda Askew
Building Official Don Ford
Director of Public Safety David Sembach

ABSENT:

Vice Mayor John Jolly

Call to Order/Roll
Call

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

PRESENTATIONS / NONE

COMMITTEE REPORTS / NONE

CITY MANAGER'S ACTION LIST

City Manager Jarboe reported on the following:

- The Bal Harbour project is moving along without a lot of disruption. The Public Services Department is replacing sod and making repairs as the project moves forward. The project is about 20% complete.

Mayor Pruette asked about the Easter in the Park Event that took place on Good Friday. City Manager Jarboe reported it began to rain around 10:00 a.m. and stopped a few minutes later. A lot of people stayed and it turned out to be a good event. Community Development Director Amanda Askew and Senior Activity Center Director Leslie Lyne should be congratulated for organizing the event.

CITY CLERK'S CONSENSUS LIST

City Clerk Volpe stated the consensus list had been updated and asked if anyone had any questions. Mayor Pruette asked about the purchase of a new recording system. Ms. Volpe responded there are two companies coming this week to give a demonstration. Mayor Pruette asked that the completed items be removed from the consensus list.

PUBLIC COMMENTS

Joe Wolke, 1900 Strand Street, felt normal lawn maintenance should not require a permit. He was also concerned about liability for residents.

Ramzy Bakkar, 320 North Third Street, Jacksonville Beach, asked Council to consider allowing nonconforming signs to remain until they needed to be repaired or replaced. He also felt monument signs were a disadvantage for multi use shopping centers.

Daryl Grubbs, 1919 Nightfall Drive, felt the nonconforming pole signs should be grandfathered in. He added that different businesses had different circumstances regarding signage.

Lynda Padrta, 1113 First Street, opposed the Backyard Hen Ordinance. She supported the change to the personnel policy. She felt Vice Mayor Jolly needed to be present for the discussion of nonconforming signs. She stated it has been 10 years since the monument sign ordinance was adopted and businesses should have to comply. She was interested in hearing the plan for making the 4th of July safer.

Shauna Moore, 1411 Neptune Grove Drive East, Aqua East Surf Shop, asked Council to grandfather in the existing pole signs until they were damaged. They have a monument sign at the St. Augustine location and it is frequently damaged.

Jennifer Haeseler, 900 Cedar Street, supported the Backyard Hen Ordinance.

Alan Martin, 1113 First Street, felt the City should be proactive on the 4th of July. He added last year there were picnic tables in the street, items on the sidewalks, and people loitering on his lawn.

Gerald Dixon, 436 Atlantic Boulevard, stated it would be very expensive to replace his existing sign. He asked Council to consider grandfathering in existing pole signs.

Glynn Jones, 1476 Atlantic Boulevard, asked Council to consider grandfathering in the existing pole signs. He felt he had no room on his property for a monument sign nor would one be effective because it would not be seen.

Leman Rosenberg, 101 Myra Street, voiced concern regarding liability on the right-of-way. He added the 4th of July comes and goes every year and the City could not stop people from coming to the beach. He suggested there be enough police officers on duty to handle the crowd.

Chris Holiday, 211 Third Street, opposed the sign ordinance because there was nothing wrong with her current sign and it would be an extra cost to her and her tenants. She asked Council to consider grandfathering existing signs.

PROPOSED ORDINANCES

Ord. No. 2014-04 ORDINANCE NO. 2014-04, USE OF PUBLIC RIGHT-OF-WAY: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA ADDING TO SECTION 18-4 USE OF PUBLIC RIGHT OF WAY.

City Attorney Krechowski explained the language in the ordinance protects the city from liability of injuries caused by residents placing items in the city rights-of-way. If the city is going to allow residents to place items in the rights-of-way they should be responsible for them. There have been no changes to the ordinance since the first read in April.

City Manager Jarboe stated Section 18-4(h) will allow residents to appeal the City Manager's decision to deny requests for permits to the Code Enforcement Special magistrate. He would like to add the following:

"If his decision is upheld the person requesting the permit shall pay for the cost of the hearing. If his decision is not upheld the City shall pay for the cost of the hearing."

Councilor Wiley asked how many lawsuits the City has had in the past ten years from incidents occurring on the city's rights-of-way. City Manager Jarboe replied there have been two in the past four years. A homeowner on Third Street did not repair an irrigation system and someone tripped and fell on it. A lady fell off her bicycle at Fourth Street and Seagate Avenue in a drainage area. In both situations the city was not liable and had to pay the insurance deductible to get them out of the suit.

Councilor Wiley questioned if there was currently or previously a process in place that protected the city from liability. City Manager Jarboe replied there has been a permit process in place for the past eight years before that it was not addressed.

Councilor Wiley asked if there was anything on the current right-of-way permit regarding insurance or liability. City Attorney Krechowski responded "no."

Councilor Wiley asked if normal yard maintenance has been an issue in the past. City Manager Jarboe replied the only issue regarding yard maintenance has been people blowing yard clippings into the street. He added there are three issues regarding right-of-way permits. The three issues were, rocks being too close to turning lanes, items being placed on top of the infrastructure, and safety. The permit requests are reviewed by zoning, public safety and public services. Most are approved unless it is something detrimental to the infrastructure.

City Attorney Krechowski added the City needed some type of proof to show the Code Enforcement Magistrate why a right-of-way request was denied in case there is an appeal.

Councilor Arthur stated the language in Sections 18-4(b) and (d) did not specify what activities would not be permitted in the rights-of-way.

Councilor Arthur asked if there was a standard definition for "beyond regular maintenance." City Attorney Krechowski responded he has not heard anything from Council or staff regarding regular yard maintenance being prohibited. He was not sure how to quantify "beyond regular maintenance" as opposed to a case a case basis.

Councilor Tucker stated her questions had previously been addressed and she had no other questions at this time.

Mayor Pruette stated she favored the idea that residents would be able to appeal the City Manager's decision if a right-of-way permit request was denied because the Code currently does not address that.

Consensus: **FORWARD TO THE MAY REGULAR COUNCIL MEETING FOR SECOND READ AND PUBLIC HEARING.**

Ord. No. 2014-XX
Backyard Hens

ORDINANCE NO. 2014-XX, PERMITTING BACKYARD HENS IN CERTAIN RESIDENTIAL DISTRICTS: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA CREATING A PILOT PROGRAM FOR PERMITTING BACKYARD HENS IN CERTAIN RESIDENTIAL DISTRICTS SUBJECT TO A ONE TIME FEE OF \$25; LIMITING THE NUMBER OF PERMITS ISSUED UNDER THE PILOT PROGRAM TO 25; PROVIDING FOR A SUNSETTING OF THE PILOT PROGRAM AFTER TWO YEARS; PROVIDING FOR EVALUATION AND REPORTING OF THE PILOT PROGRAM BY THE CITY COUNCIL AFTER EIGHTEEN MONTHS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

Councilor Arthur explained the City of Jacksonville recently adopted an Ordinance to allow backyard hens. He used the same language to apply to Neptune Beach. There was an overwhelming response from people at the Green Market. He heard concerns about the smell, waste and property size. The property would have to be large enough to apply for accessory structure permit, which would have to be three feet off the property line and ten feet from the primary residence. It would eliminate any lots east of Third Street. The City of Jacksonville has not had any issues or complaints since the beginning of their pilot program. Councilor Arthur stated he invited Dr. Michael Davis, PhD to address any questions from the Council.

Councilor Tucker stated the City already deals with several different animal issues. She understood the support of the Green Market and people wanting fresh food. Her main concerns are smell and enforcement. She added that Neptune Beach is a small beach city whereas Jacksonville has many large lots to house farm animals.

Councilor Wiley asked how many people from Neptune Beach took part in the survey. Councilor Arthur replied about sixty. Councilor Wiley was concerned about the smell, health issues, enforcement and containment of the hens. He questioned how much training people in Jacksonville needed before they could obtain a permit. He suggested waiting to see how the pilot program works out in Jacksonville. He felt there should be many more workshop meetings to address the issue and he did not support it at this time.

Mayor Pruette stated the City of Jacksonville has larger lots. The only large lots in Neptune Beach are on Penman Road. Neptune Beach is also limited on staff and has enough issues with other animals. She recommended deferring the Ordinance until the City of Jacksonville completed its pilot program.

Councilor Arthur responded the City of Jacksonville has zoning for lots that are 2,500 square feet which are smaller than any of our lots. The applicants property would also have to meet the setback requirements for an accessory structure. The enforcement would be enacted once a complaint was received. The City of Jacksonville has not had any complaints to date.

City Manager Jarboe stated depending on the problem, citizens have anywhere from 30 to 90 days to comply with code enforcement action. Mayor Pruette stated 90 days was a long time to wait to smell the foul odor relating to chickens.

Dr. Michael Davis, Ph.D, County Extension Director for Baker County, advised he has a Ph.D. in poultry science and would be happy to answer any questions or concerns from Council.

City Manager Jarboe was concerned because he read that the CDC has issued a warning about salmonella on eggs and chickens, especially for children under five.

Dr. Davis replied there are over 2,400 types of salmonella bacteria which all cause disease. If you dig up dirt anywhere you will find salmonella. There is no place to go, other than the CDC laboratory that you would not potentially come into contact with salmonella bacteria. Chickens are carriers of the bacteria but every living animal can be a carrier. The risk can be reduced by avoiding contact with feces, carefully washing hands with soap and water and avoiding hand to mouth contact. The reason the warning is especially for children under five is because they do not have the immune system of an adult.

Mayor Pruette stated Council should table the ordinance until the City of Jacksonville completes their pilot program.

Councilor Tucker stated some of the research she has done showed it was difficult to keep chickens inside their fences. Dr. Davis replied if the enclosure is built correctly chickens would not be able to get out.

Councilor Tucker asked how long the training classes were for people obtaining permits. Dr. Davis responded there is a one evening class that covers mainly management, breed selection and nutrition.

Mayor Pruette asked if the Building Official would make sure the enclosures are built correctly. City Manager Jarboe replied the structure would have to comply with the Florida Building Code.

City Manager Jarboe suggested that staff meet with Jacksonville and report back to the Council at the June workshop meeting.

Consensus: **FOR STAFF TO GET WITH JACKSONVILLE AND REPORT BACK TO THE COUNCIL AT THE JUNE WORKSHOP MEETING.**

Ord. No. 2014-XX
City Clerk

ORDINANCE NO. 2014-XX, ADMINISTRATION, CITY CLERK SECTION 2: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, AMENDING CHAPTER 2. ADMINISTRATION, DIVISION 4, CITY CLERK, SECTION 2-166 RECALL, SECTION 2-167 COMPENSATIONS, SECTION 2-168, RECORDS MANAGEMENT PROGRAM, AND SECTION 2-169, DUTIES OF THE CITY CLERK AND PROVIDING AN EFFECTIVE DATE.

Mayor Pruette agreed to sponsor the Ordinance.

City Clerk Volpe explained City Attorney Krechowski deleted some language in the Section that was not applicable. The duties described in the Code still apply except for "microfilming." She suggested changing "microfilming" to "compact discs." Councilor Wiley has informed her that Section 4(b) did not describe what would happen if a vacancy occurred and Mayor Pruette questioned the salary. Ms. Volpe explained the Charter states: The City Clerk should be appointed by the Council and receive an annual salary to perform the duties to be determined and supervised by the City Council. She suggested that portion of the Charter be added to the Code.

City Attorney Krechowski stated he revised the ordinance based on what was in conflict with the Charter. He left everything else alone. He would add the verbiage from the Charter to the Code that the City Clerk is appointed by Council and the salary is determined by the Council.

Councilor Tucker and Councilor Arthur had no questions regarding the ordinance.

Councilor Wiley asked who was responsible for updating the city website. City Clerk Volpe replied each department head is responsible for their department. Her office is responsible for the City Clerk portion.

Consensus: **FORWARD TO THE MAY REGULAR MEETING FOR FIRST READ.**

CONTRACTS / AGREEMENTS / NONE

ISSUE DEVELOPMENT

Res. No. 2014-XX **RESOLUTION NO. 2014-XX:** A RESOLUTION ALLOWING THE CITY MANAGER TO EXECUTE AND DELIVER THE ATLANTIC BOULEVARD MAINTENANCE AGREEMENT TO THE FLORIDA DEPARTMENT OF TRANSPORTATION.

City Manager Jarboe advised this maintenance agreement with Florida Department of Transportation has been in place for a long time. The City of Neptune Beach and the City of Atlantic Beach maintain their sides of Atlantic Boulevard and the Florida Department of Transportation reimburses the cities.

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

Res. No. 2014-XX **RESOLUTION NO. 2014-XX:** A RESOLUTION OF THE CITY OF NEPTUNE BEACH, FLORIDA CHANGING THE CITY PERSONNEL POLICY TO ADD SEXUAL ORIENTATION AND GENDER IDENTIFICATION TO ITS NON-DISCRIMINATION LIST AS FOUND IN SEC. 1.02 OF THE PERSONNEL POLICY.

City Manager Jarboe stated a Resolution is required to change the personnel policy.

Councilor Wiley suggested adding "marital status" and deleting "gender identification."

Councilor Tucker suggested changing "physically & mentally handicap" to "disability."

Councilor Arthur was comfortable with the amendments.

Consensus: **MAKE THE CHANGES AND FORWARD TO THE MAY CONSENT AGENDA.**

Non Conforming
Lots **NON CONFORMING LOTS:**

Mayor Pruette recommended Council hold a special workshop meeting for non conforming lots only.

Councilor Arthur asked to remove this item from the agenda because it was very broad. He would like to meet with staff and bring back something specific.

Consensus: **TABLE TO A FUTURE SPECIAL COUNCIL MEETING.**

Non Conforming
Signs **NON CONFORMING SIGNS:** City Manager Jarboe stated Council extended the time period for businesses to replace pole signs with monument signs for six months and Council needs to decide if they want to amend the Ordinance.

Councilor Tucker stated signs were essential in this economy. They are the most desirable way of marketing and making businesses successful. She felt it was a waste of money to tear down a perfectly good sign. They should be grandfathered in and replaced on a case by case basis while amending the ordinance.

Councilor Arthur did not think it was fair for the businesses that have complied to consider those that did not comply on a case by case basis. He would like Council to review the language in the Ordinance.

Councilor Wiley asked how many pole signs there were within the City. Building Official Don Ford replied there are currently fourteen pole signs. Councilor Wiley asked how many monument signs there were in the City. Mr. Ford replied there are currently thirty-four.

Councilor Wiley felt allowing businesses to comply on a case by case basis may get the city in trouble. He would like to see what Atlantic Beach was doing on their side of Atlantic Boulevard and review the sign ordinance at a another workshop. He added that when the ordinance was passed ten years ago it was part of the overhaul of Chapter 27, Land Development Regulations. Community Development Director Amanda Askew explained ten years ago it was the vision of the city to have all monument signs. There were no citizen complaints at that time.

Mayor Pruette stated it was the vision of the City to be more uniform with signs and clean up the City.

Councilor Wiley stated times have changed. He would like to review and make some changes to the sign ordinance, to perhaps have the pole signs change to monument signs if they are damaged and need repairs or if the business changes ownership instead of having a specific deadline date.

Mayor Pruette suggested Council review the sign ordinance and bring their suggested amendments back to a future workshop meeting.

City Manager Jarboe requested the suggested changes be brought to his attention before placing them on the workshop.

City Attorney Krechowski advised the extension period is good until September.

Consensus: **COUNCIL LOOK AT THE ORDINANCE AND RELAY ANY CHANGES THEY WOULD LIKE TO MAKE TO THE CITY MANAGER AND HAVE AN ORDINANCE DRAFTED FOR COUNCIL TO CONSIDER.**

July 4th Holiday

JULY 4th HOLIDAY: City Manager Jarboe stated he would be sending out a letter to residents regarding what actions the City was not going to tolerate on July 4th and warning citizens what actions the city would not allow.

Director of Public Safety Sembach reported all officers would be on duty on July 4th plus six officers from the Jacksonville Sherriff's Office. He has distinguished three different groups of people that make up the crowd on July 4th. There are the homeowners that give parties in their front yards and carports with kegs of beer. That group keeps to themselves and does not cause any problems. There are the renters that have parties that cause most of the problems and bicyclists. He asked Council to consider an ordinance for obstructing public passageways, refusal to disperse and public profanity. Starting that Thursday, officers will be on duty to make sure items are not set out on the sidewalks. Officers are going to be on duty earlier on July 4th to make sure what happened last year did not happen again and to manage the crowd. They can stop people in the street from drinking alcohol out of obvious containers but they cannot stop people with alcohol in cups. In the past the officers had a

vehicle on the beach (MULE) to help manage the fireworks but the mule is permanently out of service. The best he can do is to manage the situation and make sure it does not get out of hand. He was open to any suggestions.

City Manager Jarboe stated he needed to get Council approval to purchase a new vehicle (MULE) using reserve funds.

Mayor Pruette stated the Council has always supported the Police Department when they have asked for equipment and found a way to provide the funds. She felt Council should do whatever was needed to keep July 4th under control. Last year July 4th was out of control and she was concerned about the city being liable for accidents. She felt the word "can" should be replaced with "will" in the City Manager's letter to residents. She did not support the language that "all public rights of way including streets and sidewalks cannot be blocked unless approved by a permit." She felt streets and sidewalks should not be blocked on July 4th. She added that Jacksonville Beach is tightening their regulations and she was concerned that people from Jacksonville Beach would migrate to Neptune Beach. In the past there were officers on horses and bicycles who helped a lot with crowd control. She felt six officers from Jacksonville were not enough and people were taking advantage of Neptune Beach because they knew we did not have the manpower.

Councilor Tucker agreed safety for residents is a big concern. She suggested Chief Sembach make a list of things he felt would be beneficial to assist the crowd control. Chief Sembach replied they had grant money they use for overtime.

Chief Sembach added early on July 4th last year all his officers were tied up with the collapsed balcony. The day did not get off to a good start. It took his officers three hours to get back on the streets.

Councilor Arthur asked if we could set up a type of processing center for people who are arrested and shuttle them downtown. Chief Sembach replied they write a lot of citations. People are only arrested in serious cases. Councilor Arthur felt examples should be made of people to alert others that there are consequences for their actions. Chief Sembach said they do make arrests, just not that many. There used to be a processing central at Hopkins Street and First Street but it was not used so it was eliminated. Most of the crowd is law abiding citizens that have been drinking and congregating. They usually will move on if a marked vehicle comes by, turns on the siren and tells them to move on.

Councilor Arthur stated he would like to see parties, inflatable's, disc jockeys and bands shut down early so they do not get out of control. Chief Sembach responded he could not take any action unless there was a complaint.

Mayor Pruette stated the bands cause people to gather in the streets and sidewalks. City Attorney Krechowski explained it is not the noise of the band it is the people gathering in the streets and sidewalks to listen, that are causing problems. Chief Sembach replied he has not had any complaints.

Councilor Arthur asked if there was anything the Chief needed financially and if we could get more Jacksonville officers. Chief Sembach replied Jacksonville does not charge us for the officers they provide. Councilor Arthur asked if we could get more officers. Chief Sembach stated there is not an excess of officers available from other cities to provide aide.

City Manager Jarboe stated he would get extra officers if any are available. Mayor Pruette stated the consensus would be if extra money is needed for officers the council will do whatever they could to get the funds. Chief Sembach stated he would check with Jacksonville again.

Councilor Wiley felt having officers showing their presence early in the day would be helpful.

Mayor Pruette asked why the horses and motorcycles were not used anymore. Chief Sembach replied they only had one motorcycle and they could not afford it. The bicycles are over ten years old and officers have to be properly trained at bicycle school. He has one person that is trained and two serviceable bicycles.

Mayor Pruette stated Council appreciated the work of the Public Safety Department. She asked Chief Sembach to report back next month after this weekend's "Opening of the Beaches" with an update on things he might need to help control July 4th. She asked the Chief to look into purchasing another beach vehicle because it was helpful in the years past.

City Manager Jarboe stated he has the authority to relocate line items. If something was needed he would present it at the meeting with an ordinance or resolution to transfer the funds.

Chief Sembach advised he would contact Jacksonville's off duty office about hiring off duty officers.

Councilor Tucker suggested the media be advised of what the City would tolerate this year so that maybe they can help get the word out.

Consensus: **HAVE THE POLICE CHIEF MAKE A LIST OF WHAT HE NEEDED AND BRING BACK TO THE COUNCIL – TO AMEND THE BUDGET AFTER THE POLICE MADE THE PURCHASE.**

Bathroom @
Lifeguard Station

BATHROOM AT LIFEGUARD STATION: Mayor Pruette stated we encourage people to visit Town Center and there should be a restroom somewhere for people to use. She would like staff to investigate if there is a location for one somewhere in the Town Center area and what it would cost. She voiced concern about too many people coming into City Hall to use the facilities.

Councilor Arthur stated a lot of people that come to Town Center eat at the restaurants and use their facilities. He felt even if there was a restroom in Town Center people would still use the City Hall facilities. He added that Jacksonville Beach has public restrooms but they had the staff to support them. He was concerned about the cost of staff to maintain and service a public restroom in Town Center. He would like hear what the Town Center merchants thought of the idea. He was also concerned with the parking problems.

Mayor Pruette advised the Convention Development Tax fund could be used to fund the facility.

Councilor Wiley asked if the Mayor wanted a permanent restroom or a port-o-let. Mayor Pruette replied she was talking about a small permanent unisex restroom. Councilor Wiley stated it would depend on the location and the cost. He suggested Atlantic Beach and the Town Center merchants contribute to the cost.

Councilor Tucker agreed location was a concern also what the cost would be to maintain the facility. She questioned if it would be ADA accessible. City Manager Jarboe replied the public facility would be required to be ADA accessible. She agreed with seeking funding from Atlantic Beach and Town Center merchants.

Consensus: **STAFF GATHER INFORMATION ON COST AND LOCATION AND REPORT BACK TO COUNCIL.**

Surplus Items

SURPLUS ITEMS: City Manager Jarboe explained the two surplus vehicles were confiscated and were used for undercover work. The money from the sales will be used toward the purchase of another police car.

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

PUBLIC COMMENTS

Mike Miller, 106 Myra Street, was concerned about the 4th of July fireworks and partying. He felt a mule would be very affective. He stated renters were the biggest problem because they have no responsibility. He asked if there was some way the renters could be held accountable and fined for misconduct.

Alan Martin, 1113 First Street, suggested renting a trailer like portable restroom facility on the weekends instead of building one. He asked about the possibility of assistance from the Mayport Naval Station police force for the 4th of July.

Joe Wolke, 1900 Strand Street, wanted to make sure he understood that normal lawn maintenance would not require a right-of-way permit. Lawsuits for liabilities in the city's right-of-way were handled by the city's insurance company with the city paying a deductible and there is a process for appeals.

Lynda Padrta, 1113 First Street, stated she has not seen Jacksonville Sherriff officers get out of their vehicles on past 4th of July's. She felt arresting some people might have an effect on others' behavior. She was concerned about the concept of salmonella from chickens. The city should not be responsible for home owners incompetence to maintain what they have placed in the city's rights-of-way

Jennifer Hasler, 900 Cedar Street, felt a large trailer in the area, implying that people would be arrested for misbehavior, would be effective. She asked what the reference to the CDC regarding salmonella was.

Joshua Massenger, 220 Davis Street, suggested placing barricades with signage warning visitors on the 4th of July of things that will not be tolerated. He also suggested setting up a command post in the church parking lot between Jacksonville Beach and Neptune Beach.

COUNCIL COMMENTS

Mayor Pruette stated she was a graduate of the Jacksonville Beach Police Academy and they use their Citizens to help their police force during events. She suggested discussing the possibility.

Adjournment

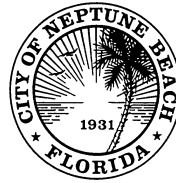
There being no further business, the meeting adjourned at 8:30 p.m.

Harriet Pruette, Mayor

Attest:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
REGULAR CITY COUNCIL MEETING
APRIL 7, 2014, AT 6:00 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 April 7, 2014, at 6:00 p.m. in the City Hall Council Chambers, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

STAFF:

Mayor Harriet Pruette
Vice Mayor John Jolly
Councilor Richard Arthur
Councilor Kara Tucker
Councilor Scott Wiley
City Attorney Patrick Krechowski
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

Assistant Police Chief Tony Carrillo
Director of Public Safety David Sembach
Deputy City Clerk Karla Strait, CMC

Order Call/Pledge

Mayor Pruette called the meeting to order at 6:00 p.m. and asked Councilor Wiley to lead the pledge of allegiance.

AWARDS / PRESENTATIONS/ RECOGNITION OF GUESTS

Mayor Pruette introduced Crystal Broughan as the City's new Special Magistrate for Code Enforcement. Crystal Broughan stated she looked forward to working with the City.

APPROVAL OF MINUTES

Moved by Tucker, seconded by Arthur.

Minutes

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

MARCH 3, 2014, REGULAR CITY COUNCIL MEETING
MARCH 3, 2014, WORKSHOP CITY COUNCIL MEETING
MARCH 17, 2014, WORKSHOP CITY COUNCIL MEETING

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Tucker, Wiley, Pruette

Noes: 0

MOTION CARRIED

COMMUNICATIONS & CORRESPONDENCE

City Clerk Volpe stated this is an election year for Council Seats 4 and 5. Richard Arthur and Rory Diamond are running for Seat 4. Qualifying is in June.

CITY MANAGER REPORT

- Quotes were received for landscaping of the City Hall grounds. They ranged from \$150.00 to \$4,100.00. He would like Council to allow him to move forward using \$2,500 towards the landscaping. The maintenance would be included in the Town Center maintenance program.

Consensus: **TO ALLOW THE CITY MANAGER TO MOVE FORWARD WITH \$2,500 FOR CITY HALL LANDSCAPING.**

- About 10% of the pipe for the Bal Harbour project has been laid and two of the five manholes have been completed. The City Engineer found a way to shorten the project by 800 feet going from 5,900 feet of piping to 5,100 feet of piping.

COMMENTS FROM THE PUBLIC

Melissa Covey, 2014 Landwood Street, Jacksonville, Tobacco Free Jacksonville Coalition, explained the State Senate passed a bill covering the basics of e-cigarette sales, but not the age group. The State House is ready for a vote on a bill that would treat e-cigarettes the same as tobacco products. A preemption clause has been put into the Bill that would not allow local governments to pass laws controlling tobacco sales. She opposed HB 169 and asked Council to contact State representatives requesting that they vote "no" on HB 169.

Marsha Flock, 13364 Beach Boulevard, Jacksonville, did not understand the Human Rights Resolution. She felt it should be explained better. She also supported Councilor Tucker's opinion and concerns. She supported the LGBT community.

Marcelle Bessman, Jacksonville, supported the Human Rights Resolution. She would be very proud of Neptune Beach for being fair to every person. She felt the current laws did not include LGBT community because it did not include the transgender and gender identity. She urged Council to support the Resolution.

Richard Salkin, 336 Sunrise Circle, supported the Human Rights Resolution. He urged Council to vote in favor of the Resolution. It was his opinion that a vote in favor of the Resolution would not support a particular lifestyle, but would deal with whether or not people could be discriminated against on the basis of who they are.

Howard McMinn, 1116 Cedar Street, spoke in opposition of the Resolution. He felt it was not necessary because everyone was protected and had equal rights. He was concerned about the many unintended consequences that would come from the Resolution. Business owners might be forced to deal with employees changing their dress, behavior, and expression. There is also the issue of restrooms. He felt the Resolution would create a special class of citizens with special protection based on their expression. He added that more cities have rejected the proposed legislation than adopted it due to problems associated with the language, not because they are homophobic. He felt the Resolution was flawed because it did not include religion and it should be rewritten to be consistent with other anti discrimination language.

Sharon Krause, 4845 Plymouth Street, Jacksonville, strongly opposed the Human Rights Resolution.

Stephen Batson, 1786 First Street, supported the Human Rights Resolution. He added that his experience with the LGBT community has been a good one. They are responsible good citizens and they are believers. He felt this was a civil and moral rights issue and it was the right thing to support the Resolution.

Rosan Larizza, 721 Neptune Lane, supported the Human Rights Resolution.

Tricia Russell, 8720 County Road 13 North, St. Augustine, supported the Human Rights Resolution. She felt this would afford the LGBT community the same rights as already provided for many other minorities and the City should not wait for something to happen at the State level.

Lynda Padrta, 1113 First Street, supported the right-of-way Ordinance. She hoped the sidewalk lease agreement tenants were paying the City retail for the rent. She also supported the Human Rights Resolution.

Michael Sheklin, 1985 Brista DeMar Circle, Atlantic Beach, strongly supported the Human Rights Resolution. He felt supporting the Resolution was the right thing to do and those who opposed it already had those rights.

Raymond Johnson, 3036 Stratton Lane, Jacksonville, Founder and President of Biblical Concepts Ministries, opposed the Human Rights Resolution. He added that the people spoke several years ago and the vote was 62% to pass a marriage amendment for one man and one woman. He felt the State has spoken as well by not taking a vote on the bill, adding that the bill is so outrageous and unfit that it has not seen the light of day on the house floor in Tallahassee. He felt every citizen already has the same constitutional right that he has. It would be a special civil right and there was no basis or need for such law. He prayed Council would vote it down.

Chevara Orrin, 2069 Market Street, Jacksonville, supported the Human Rights Resolution.

Ron Patronik, 1520 Leeward Lane, opposed the Human Rights Resolution. He was concerned about its ramifications.

Ada Hammond, 2348 Seminole Reach, Atlantic Beach, felt it was incorrect to state that current laws protected sexual orientation. She supported the Human Rights Resolution.

Mandy Bouton, 231 Cherry Street, favored the Human Rights Resolution.

Linda Huffman, 501 16th Avenue South, Jacksonville Beach, favored the Human Rights Resolution.

CONSENT AGENDA / NONE

VARIANCES / NONE

ORDINANCES

Ord. No. 2014-04 ORDINANCE NO. 2014-04, PUBLIC RIGHT-OF-WAY, FIRST READ: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA ADDING TO SECTION 18-4, USE OF PUBLIC RIGHT-OF-WAY.

City Attorney Krechowski advised he made the changes to the Ordinance that Council suggested at the March 17, 2014, workshop meeting also that all violations will go before the Special Magistrate.

Moved by Jolly, seconded by Arthur.

Motion: **TO PASS ORDINANCE NO. 2014-01 ON FIRST READ AND FORWARD TO THE APRIL WORKSHOP MEETING.**

Roll Call Vote:

Ayes: 4 – Arthur, Jolly, Wiley, Pruette

Noes: 1 – Tucker

MOTION CARRIED

Ord. No. 2014-05 **ORDINANCE NO. 2014-05, TRAFFIC AND MOTOR VEHICLES, SECOND READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING ARTICLE I, CHAPTER 22. TRAFFIC AND MOTOR VEHICLES. ADDING SECTION 22-6. WITHHOLDING OF LICENSE PLATES AND REVALIDATION STICKERS AND PROVIDING AN EFFECTIVE DATE.**

Mayor Pruette read Ordinance No. 2014-05 by title only and opened the public hearing. There being no comments from the public, the public hearing was closed.

Moved by Jolly, seconded by Arthur.

Motion: **TO ADOPT ORDINANCE NO. 2014-05 ON SECOND READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Tucker, Wiley, Pruette

Noes: 0

MOTION CARRIED

Ord. No. 2014-06 **ORDINANCE NO. 2014-06, AMENDING THE BUDGET FY 2013, SECOND READ AND PUBLIC HEARING: AN ORDINANCE AMENDING THE OPERATING BUDGET FOR THE CITY OF NEPTUNE BEACH, FLORIDA FOR FISCAL YEAR 2013, BEGINNING OCTOBER 1, 2012 AND ENDING SEPTEMBER 30, 2013.**

Mayor Pruette read Ordinance No. 2014-06 by title only and opened the public hearing. There being no comments from the public, the public hearing was closed.

Moved by Tucker, seconded by Arthur.

Motion: **TO ADOPT ORDINANCE NO. 2014-06 ON SECOND READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Tucker, Wiley, Pruette

Noes: 0

MOTION CARRIED

Ord. No. 2014-08 ORDINANCE NO. 2014-08, AMENDING SECTION 13-5, BREACH OF PEACE PROHIBITED, FIRST READ: AN ORDINANCE AMENDING THE CODE OF ORDINANCES FOR THE CITY OF NEPTUNE BEACH, FLORIDA, SECTION 13-5. BREACH OF PEACE PROHIBITED; UNNECESSARY AND EXCESSIVE NOISES AND PROVIDING AN EFFECTIVE DATE.

City Attorney Krechowski explained this ordinance allows construction noise from 7:00 a.m. to 7:00 p.m. on weekdays and 9:00 a.m. to 7:00 p.m. on weekends. Power tool noise will be allowed from 7:00 a.m. until 9:00 p.m. and noise from music, television, etc. until 10:00 p.m.

Moved by Jolly, seconded by Arthur.

Motion: **TO PASS ORDINANCE NO. 2014-08 ON FIRST READ.**

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Tucker, Wiley, Pruette

Noes: 0

MOTION CARRIED

OLD BUSINESS / NONE

NEW BUSINESS

Res. No. 2014-03 RESOLUTION NO. 2014-03: A RESOLUTION OF THE CITY OF NEPTUNE BEACH, FLORIDA, THE PASSING OF LAWS BY THE STATE OF FLORIDA LEGISLATURE PROHIBITING DISCRIMINATION ON THE BASIS OF A PERSON'S SEXUAL ORIENTATION AND GENDER IDENTITY OR EXPRESSION.

Moved by Jolly, seconded by Pruette.

Motion: **TO ADOPT RESOLUTION NO. 2014-03.**

Roll Call Vote:

Ayes: 3 – Arthur, Jolly, Pruette

Noes: 2 – Tucker, Wiley

MOTION CARRIED

Res. No. 2014-04 RESOLUTION NO. 2014-04: A RESOLUTION OF THE CITY OF NEPTUNE BEACH, FLORIDA, DESIGNATING THE PROPERTY LOCATED AT 1223, 1307, AND 1311 ATLANTIC BOULEVARD, ON BEHALF OF PENMAN PLAZA ASSOCIATION, LLLP, AS A BROWNSFIELD SITE.

City Manager Jarboe explained this allows the property that has been environmentally damaged, to be cleaned up and put to good use. It also provides the possibility for federal grants to help with the process.

Moved by Tucker, seconded by Jolly.

Motion: **TO ADOPT RESOLUTION NO. 2014-04.**

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Tucker, Wiley, Pruette

Noes: 0

MOTION CARRIED

Bal Harbour

BAL HARBOUR DRAINAGE GRANT: City Manager Jarboe advised a study was done on the Bal Harbour area by engineers and Council asked the City to seek grant money. The grant is 75% to 25%

Councilor Arthur stated the engineer explained at the workshop meeting that this would only have an impact on eight homes with water coming 11 feet from the houses instead of 10 feet. It also would not help in the event of a large storm. He was concerned about the overall return on the money and felt it may be better used elsewhere.

City Manager Jarboe advised there was a time limit for obtaining the grant. He explained it would also help with the flooding from a ten year storm. Because the City is on the beach we are limited in what we can do. Without pump stations, dams, and big lakes, if there is a large storm there is going to be flooding.

Moved by Pruette, seconded by Tucker.

Motion: **TO APPROVE THE BAL HARBOUR DRAINAGE GRANT.**

Roll Call Vote:

Ayes: 4 – Jolly, Tucker, Wiley, Pruette

Noes: 1 – Arthur

MOTION CARRIED

Sidewalk Leases

SIDEWALK LEASE AGREEMENT / NORTH BEACH FISH CAMP:

SIDEWALK LEASE AGREEMENT / FLYING IGUANA TEQUILA BAR:

Moved by Pruette, seconded by Arthur.

Motion: **TO APPROVE THE SIDEWALK AGREEMENT BETWEEN THE CITY OF NEPTUNE BEACH AND NORTH BEACH FISH CAMP AND THE SIDEWALK AGREEMENT BETWEEN THE CITY OF NEPTUNE BEACH AND AL'S PIZZA PARTNERSHIP.**

Roll Call Vote:

Aye: 5 – Arthur, Jolly, Tucker, Wiley, Pruette

Noes: 0

MOTION CARRIED**COUNCIL COMMENTS**

Councilor Tucker read the following statement:

"I understand that certain people have strong feelings regarding this issue, however, I do not appreciate people bullying, name calling or making intimidating remarks in order for me to vote in favor of their position. I should not have to feel that my job at the University is in jeopardy if I do not

cast my vote in the intended way. I believe in equality for all. On the contrary to local supporters of this resolution, I'm not a bigot, a homophobic or latent lesbian. I take my position on the city council seriously and I feel that it is my responsibility to represent all citizens of Neptune Beach. I personally went to Tallahassee and met with our representatives. They advised me that they are still investigating the pros and cons of the language in the proposed bill, consequently I believe it would still be premature to send a resolution to the State. Therefore that is why I voted "no" on the issue at this time."

Mayor Pruette wanted to discuss the idea of placing a port-o-let at the lifeguard station. She added she has seen busloads of people come into City Hall to use the restrooms. She would be placing the issue on the April workshop agenda meeting for discussion.

Adjournment

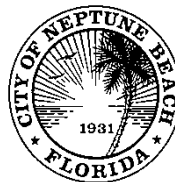
There being no further business, the meeting adjourned at 7:08 p.m.

Harriet Pruette, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk
Approved

Approved:



**MINUTES
WORKSHOP CITY COUNCIL MEETING
MARCH 17, 2014 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 March 17, 2014, 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 John Jolly
Councilor Richard Arthur
Councilor Kara Tucker
Councilor Scott Wiley
City Attorney Patrick Krechowski
City Manager Jim Jarboe
Deputy City Clerk Karla Strait, CMC

Community Development Director Amanda Askew
City Engineer Jim French
Director of Finance Steve Ramsey

Call to Order/Roll
Call

Mayor Pruette called the meeting to order at 6:00 p.m. and wished Councilor Tucker a Happy 30th Birthday.

PRESENTATIONS

PRESENTATION OF AUDIT FY 2012 / 2013: Mr. Ron Whiteside, representative for Purvis, Gray & Company, presented the results of the audit. They gave the City a clean or unqualified opinion.

Councilor Arthur stated he would like to have the Police Retirement Fund Board address the Council at the May workshop meeting.

COMMITTEE REPORTS / NONE

CITY MANAGER'S ACTION LIST

City Manager Jarboe reported on the following:

- Bicycle traffic is becoming an issue on First Street. This past Saturday a bicyclist fell off his bike and was ran over by another bicyclist. Luckily the individual was not badly injured.
- Chief Sembach will be reporting to Council his plans for handling the July 4th crowd at the April 21st Workshop City Council meeting.

- The City hopes to begin repaving some streets soon. The purchase order to piggyback on the City of Jacksonville contract has been issued. The City is going to try to pave 25% of the roads each year for the next four years.
- The Public Services Department is preparing the beach crosswalks. There are problems with popup nails and red ants.

Vice Mayor Jolly questioned if any sign permit applications had been received since Ordinance 2014-07, to allow an additional 180 days to convert pole signs to monument signs, was adopted at the March 3, 2014, meeting. City Manager Jarboe replied one permit application was received but it was withdrawn. There are a remaining 22 pole signs that need to be converted. The City will be mailing notices to those businesses every month reminding them to obtain a permit to convert their sign.

Councilor Arthur asked if there was a master map and time table for the water, sewer and paving projects. City Manager Jarboe replied there was not a map or time period for the projects. The project completion times would depend a great deal upon weather conditions.

CITY CLERK'S CONSENSUS LIST

Mayor Pruette asked if there were any questions relating to the City Clerk Consensus List. There were no questions asked regarding the contents of consensus list.

PUBLIC COMMENTS

Kris Matson, 540 Hopkins Street, supported the Human Rights Resolution.

Karen Morian, 2043 Dursford Terrace, Jacksonville, Elected President of United Faculty of Florida, FCCJ, supported the Human Rights Resolution.

Larry Mays, 1701 Lighty Lane, encouraged Council to join him in opposition of the Human Rights Resolution.

Theresa Bugler, 217 North Street, stated she supported the Human Rights Resolution but waived her right to speak.

Dr. Tom Bary, Pastor, 14223 Crystal Cove Drive South, opposed the Human Rights Resolution. He felt human rights issues were already covered in the Civil Rights Act of 1992.

Ada Hammond, 2348 Seminole Reach Court, Atlantic Beach, supported the Human Rights Resolution.

Craig Mears, 572 Magnolia Street, stated he believed in equality for all and urged Council to support the Human Rights Resolution.

Susan Wilkinson, 1001 Neptune Lane, thanked Vice Mayor Jolly for revising the Human Rights Resolution and asked Council to support it. She read the following statement from former School Board Chairperson Nancy Broner:

"I had planned to be at the City Council meeting tonight but I am at the hospital with a new granddaughter. She is only a few hours old and all I know about her at this time is her race, gender and nationality. I don't know if she will grow up to have a liability of what her sexual orientation will be, but it is my desire for her to grow up in

a community that respects and welcomes her as a valued member of our society. Please support this Resolution to create an inclusive Neptune Beach."

Thomas Serwatka, 1431 Riverplace Boulevard, #1209, University of North Florida Administrator, stated he supported the Human Rights Resolution, for himself as well as the students and faculty at the University of North Florida who were gay, lesbian, bisexual, or transgender.

Howard McMinn, 1116 Cedar Street, respectfully asked Council to not be overly influenced by those who were not business owners or residents of the City of Neptune Beach regarding the Human Rights Resolution, which he opposed because he felt it was already illegal to discriminate based on race, color, religion, sex, national origin, age, handicap, or marital status. He supported the proposed Noise Ordinance, and the Bal Harbour drainage project.

Susie Miller, 106 Myra Street, supported the Human Rights Resolution and equal rights for all.

John Campbell, 1320 Strand Street, favored the proposed Noise Ordinance.

Rose Marie Campbell, 1412 Strand Street, favored the proposed Noise Ordinance.

Doug Myers, 707 Peninsular Place, Jacksonville, stated he was present on behalf of the Green Market and would like to speak later if possible.

Steven Haerter, 106 19th Avenue South, Jacksonville Beach, thanked Mayor Pruette and Vice Mayor Jolly for proposing the Human Rights Resolution. He felt the Resolution would benefit the entire beaches community and send a positive message to the world. He encouraged Council to support it.

Dan Gilbert, 516 Lighthouse Court, former Principal of Fletcher High School, supported the Human Rights Resolution. He stated while he was Principal of Fletcher High School, the school implemented a plan to improve equality. He encouraged Council to support it.

Judy Sheklin, 1985 Brista Del Mar Circle, Atlantic Beach, thanked Vice Mayor Jolly for his work on the Human Rights Resolution and for bringing it forward. She supported its approval.

Julie Durden, 4041 Eunice Road, Jacksonville Beach, supported the Human Rights Resolution. She felt it was the city's civic responsibility to approve the Resolution.

Marina Hodgini, 721 Neptune Lane, supported the Human Rights Resolution.

Wells Todd, 1761 Sea Oats Drive, Atlantic Beach, favored the Human Rights Resolution.

Linda Huffman, 501 16th Avenue South, Jacksonville Beach, supported the Human Rights Resolution.

Devon Ritch, 2525 Spokane Avenue East, Atlantic Beach, Beaches Local Food Network, Beaches Green Market, thanked the Council for their continued support. She explained the market was negotiating a parking agreement with the adjacent property owners. The agreement includes a monthly payment of \$175.00 for use of the parking lot. They have also added an additional insurance policy which is \$623.00 per year. In light of these additional costs the Beaches Local Food Network

Advisory Council would like to ask Council to consider reducing the \$2.00 weekly vendor fee to \$1.00. This would amount to \$128.00 per month towards beautification of Jarboe Park.

Rose Anne Larizza, 721 Neptune Lane, thanked Mayor Pruette for her courage to bring forward the Human Rights Resolution and thanked Vice Mayor Jolly for revising the original version. She felt the Resolution was about equality and it would not affect Neptune Beach in any way.

Lynda Padrta, 1113 First Street, thanked Vice Mayor Jolly for his version of the Human Rights Resolution. She felt local communities needed to let State Representatives know what they wanted. She asked if the Noise Ordinance included fireworks. She also stated she had some recent problems parking near businesses during the operating hours of the Beaches Green Market.

PROPOSED ORDINANCES

Ord. No. 2014-04 ORDINANCE NO. 2014-04, USE OF PUBLIC RIGHT-OF-WAY: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA ADDING TO SECTION 18-4 USE OF PUBLIC RIGHT OF WAY.

City Manager Jarboe explained this Ordinance requires adjacent property owners to obtain a permit for doing anything in the city's rights-of-way and also defines what they are allowed and not allowed to do in them. It also holds the user responsible for liability and damages to city infrastructure.

Councilor Wiley suggested the following changes:

- (e) All existing non-conforming items may not be replaced ~~or repaired~~ without first obtaining a right-of-way permit.
- (h) First Violation should be \$100 in lieu of \$200. and subsequent violations should be handled by the special magistrate in lieu of \$500.
- (f) 1 and 2 were already addressed in the right-of-way permit and did not need to be in the ordinance.

Councilor Wiley also suggested amending the language in the right-of-way permit regarding shrubbery because it was removed from the ordinance.

Mayor Pruette asked City Attorney Krechowski to address (d) and (e) regarding the Municipal Separate Storm Sewer System Drainage Permit. City Attorney Krechowski explained (d) refers to future whereas (e) refers to existing nonconformities.

City Attorney Krechowski explained (f) 1 and 2 relate to items a citizen may put in the right-of-way not city items. Citizens would assume the liability for any items they place in the right-of-way not items the city has in the right-of-way. The suggested violations in (h) are a guide for the special magistrate.

Councilor Wiley questioned the issue of citizens being liable for something that may happen in the right-of-way. City Attorney Krechowski explained if the city issued a building permit for the construction of a home and someone was injured that person could not hold the city liable. In this situation if someone obtains a permit to put something in a city right-of-way and it causes a problem in the future the city would not be held liable. In essence if someone wishes to do something in the city right-of-way then they assume the responsibility if something should happen.

Councilor Wiley was concerned if citizens were held liable if someone were to trip and fall

over a sprinkler head that was in the right-of-way that they would not continue to take care of that right-of-way. He would like to try to work that out if possible.

Councilor Arthur questioned (a) regarding concrete and asphalt replacement when the city repairs drainage. City Manager Jarboe explained the city would pay the amount of the city's cost to replace concrete or asphalt that was damaged by the city. The city would not pay the cost to replace pavers.

For the Record Councilor Arthur felt the omission of (i)7. Landscaping to be held at 5 inches was important. He felt the city should encourage beautification of public places. He disagreed with omitting the word "repairs" in (e) and asked if "repairs" could be defined.

Councilor Wiley asked if a right-of-way permit would be necessary to repair or replace mailboxes. City Attorney Krechowski replied "yes." City Manager Jarboe stated the State requires central locates and the city needs to be aware of any digging due to underground utilities.

Mayor Pruette asked if there had been any problems in the past with damage to infrastructure. City Manager Jarboe responded "yes."

City Engineer Jim French stated there have been issues in the past where public utilities, such as gas lines and water mains, have been hit in the rights-of-way.

Councilor Tucker suggested adding an explanation in (a) regarding the city not replacing damaged pavers. She asked since (i) was being deleted there would no longer be a list of approved plants which the City Attorney replied "yes" approved plants would no longer be in the ordinance. She asked if permits would be required to repair sprinkler heads. City Attorney Krechowski replied "yes." She asked if there would be a cost for the right-of-way permits. City Attorney replied "no."

Councilor Tucker voiced concern about informing the citizens and enforcement of the ordinance. City Manager Jarboe explained the ordinance would be enforced through the code enforcement process.

Vice Mayor Jolly felt "repair" and "replace" needed to be clearly defined. He also felt the cost for violations should be lower. City Manager Jarboe stated the normal penalty is \$250.00 per day. Mayor Pruette asked what the Council felt was reasonable. Councilor Wiley thought \$40.00 or \$50.00 per day was reasonable.

Mayor Pruette suggested looking at the right-of-way use ordinances for Jacksonville Beach and Atlantic Beach to see what they did. Councilor Wiley stated he had a copy of the Jacksonville Beach and it was covered in three paragraphs.

City Attorney Krechowski agreed the words "repair" and "replace" needed to be clearly defined. He explained the idea is for the City to get an idea of what is being done in the rights-of-way and if it having any impact on the infrastructure.

Vice Mayor Jolly asked what would happen if someone was caught doing something in the right-of-way without a permit. City Manager Jarboe replied for all code violations there is first a courtesy notice, then a formal letter giving them a specific amount of days to correct the violation, then if they do not comply they must go before the special magistrate and the special magistrate may issue a fine.

Mayor Pruette asked if there was anything Council wanted to completely delete from the proposed ordinance.

Councilor Wiley stated he would like the word "repair" removed.

Councilor Wiley also stated he would like (f) 1. and 2. removed. City Attorney Krechowski recommended leaving (f) 1. and 2.

Councilor Wiley stated he would like to look at what other cities are doing.

Consensus: **STRIKE OUT THE WORD REPAIR AND LEAVE (F) 1. AND 2. FORWARD TO THE APRIL REGULAR MEETING FOR FIRST READ AND TO THE APRIL WORKSHOP.**

Ord. No. 2014-XX

ORDINANCE NO. 2014-XX, UNNECESSARY AND EXCESSIVE NOISES: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING SECTION 13-5. BREACH OF PEACE PROHIBITED; UNNECESSARY AND EXCESSIVE NOISES AND PROVIDING AN EFFECTIVE DATE.

Mayor Pruette stated she had received complaints from several residents regarding construction noises late at night. She wanted to amend that portion only of the noise ordinance. The Code currently allows construction noises from 7:00 a.m. to 10:00 p.m. and she would like to change it to 7:00 a.m. to 8:30 p.m.

Councilor Arthur suggested changing it to 7:00 a.m. to 7:00 p.m. on weekdays and 9:00 a.m. to 7:00 p.m. on weekends and changing the language to read the hours you can work instead of having it read the hours that you cannot.

City Attorney Krechowski agreed it would make more sense to change the language to read "when you can" instead of "when you can't". He felt the phraseology should also be changed in the other portions of the ordinance so they are consistent.

Councilor Wiley agreed 10:00 p.m. was late for construction noises. He asked if there was a decibel level. City Attorney Krechowski advised the decibel level was no longer a legally acceptable determination for noises.

Vice Mayor Jolly agreed with changing the phraseology and the hours of 7:00 a.m. to 7:00 p.m. for construction noises. He suggested changing the hours for power tool noises from 11:00 p.m. to 8:30 p.m or 9:00 p.m.

Councilor Wiley thought 9:00 p.m. was okay for power tool use.

Councilor Arthur agreed with the hours of 7:00 a.m. to 9:00 p.m. for power tool noise.

Councilor Tucker agreed with the changing the hours for construction and power tool noises as suggested.

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

RECESS / RECONVENE

Recess/Reconvene

Mayor Pruette called a recess at 7:50 p.m. and reconvened the meeting at 8:00 p.m.

CONTRACTS / AGREEMENTS

Sidewalk Lease/
North Beach Fish
Camp

SIDEWALK LEASE AGREEMENT / NORTH BEACH FISH CAMP:

Sidewalk Lease/
Flying Iguana
Tequila Bar

SIDEWALK LEASE AGREEMENT / FLYING IGUANA TEQUILA BAR / AL'S PIZZA PARTNERS, INC.

Mayor Pruette stated the City Manager has the authority to approve the sidewalk lease agreements.

City Manager Jarboe stated both businesses were good corporate citizens and made their lease payments on time.

Councilor Arthur was concerned about smoking in the outside dining areas. City Manager Jarboe stated he could add that stipulation to the lease agreements and speak with the owners.

Councilor Arthur asked if there was a State law regarding smoking under covered roofs. City Manager Jarboe stated he would look into it.

Consensus: **ALLOW CITY MANAGER JARBOE TO MOVE FORWARD WITH THE SIDEWALK LEASE AGREEMENTS.**

Green Market
Lease

GREEN MARKET LEASE AND REVOCABLE USE AGREEMENT RECOMMENDATIONS:
Mayor Pruette stated City Manager Jarboe has drawn up a lease agreement with the Green Market for Council to consider. City Manager Jarboe stated the lease may be changed to a license but it would not change the terms of the agreement.

City Attorney Krechowski advised technically speaking the agreement is not a lease because we are giving them permission to use the property. He was working with their attorney on that issue.

Councilor Wiley asked that the money collected from the vendors be used for the beautification of all our or parks, not just Jarboe Park.

Mayor Pruette stated the reason the rent money was used to beautify Jarboe Park was because of the use and damage created by the vendors.

Councilor Arthur advised he originally requested the money be used for improvements to Jarboe Park because the money was originated from renting stalls in Jarboe Park and the money would be used to improve that area.

Consensus: **ADD THAT THE MONEY RECEIVED FROM VENDOR RENTS GO TOWARDS BEAUTIFICATION OF ALL PARKS IN NEPTUNE BEACH.**

ISSUE DEVELOPMENT

Res. No. 2014-
XX

RESOLUTION NO. 2014-XX: A RESOLUTION OF THE CITY OF NEPTUNE BEACH, FLORIDA, THE PASSING OF LAWS BY THE STATE OF FLORIDA LEGISLATURE PROHIBITING DISCRIMINATION ON THE BASIS OF A PERSON'S SEXUAL ORIENTATION AND GENDER IDENTITY OR EXPRESSION.

Mayor Pruette thanked Vice Mayor Jolly for working with Nancy Bronner and Sue Wilkinson to come up with a new version of the equal rights resolution.

Vice Mayor Jolly pointed out that the words "legislation" within the Resolution needed to be changed to "legislature" and in Section 1. the words "full filing" needed to be changed to "fulfilling."

Vice Mayor Jolly stated when he was given the task of creating this new version he read the Constitution and realized that there was a need to pass the resolution to create equality for all citizens.

Councilor Tucker felt historically issues dealing with employment were handled at Federal and State levels. She would not support the Resolution.

Councilor Arthur stated the previous version of the Resolution was very specific to State bills and this new version brings it to a very local level. He supported moving it forward with the new language.

Councilor Wiley stated based on what is already covered in the Constitution and the Civil Rights Act; he would not support the Resolution.

Consensus: **FORWARD TO THE APRIL REGULAR COUNCIL MEETING FOR A VOTE.**

Res. No. 2014-XX

RESOLUTION NO. 2014-XX: A RESOLUTION OF THE CITY OF NEPTUNE BEACH, FLORIDA, DESIGNATING THE PROPERTY LOCATED AT 1223, 1307, AND 1311 ATLANTIC BOULEVARD, ON BEHALF OF PENMAN PLAZA ASSOCIATES, LLLP, AS A BROWNSFIELD SITE.

Community Development Director Askew explained the owner of the Penman Plaza shopping center was seeking a Brownfield designation with the State. The first step in the process was to be recognized by the local governing body. The local government has to pass a Resolution supporting it. They are also required to present a plan to the Department of Environmental Protection regarding how the waste will be removed. The designation provides protection for the site, tax credits, and makes it easier to develop.

City Manager Jarboe stated staff supporting the approval of the Resolution because it would lead to quick development process in the area.

Vice Mayor Jolly asked if there were any obligations for the City. Ms. Askew responded there were no legal or monetary obligations on the City.

Councilor Arthur asked if the process would be done in phases. Ms. Askew replied it would depend upon what was found.

Councilor Arthur asked if there were any underground utilities on the site. City Engineer Jim French stated there was a water main that ran back behind the Days Inn side.

Councilor Wiley asked if this would fall under the stormwater ordinance recently adopted. Ms. Askew replied the ordinance was for future development and this was not considered development. There is a provision in the remediation plan that all the runoff will have to be contained on the site.

Councilor Arthur asked if the water would have to be treated differently during the clean up process.

Mike Mechling, Mechling Engineering & Consulting, stated there have been swells investigated across the undeveloped portion of the property. The solid waste on the property extends no further than ten feet underground. In order to remove that solid waste the water would be treated on site and the waste would be excavated and taken to a landfill. In addition the Department of Environmental Protection will require a site assessment on the quality of the soil and ground water after the clean up to ensure the ground water is clean.

Consensus: **FORWARD TO THE APRIL REGULAR MEETING FOR A VOTE AND PUBLIC HEARING.**

Bal Harbour
Drainage

BAL HARBOUR DRAINAGE GRANT: City Manager Jarboe explained a study conducted by drainage engineers recommended improvements to the Bal Harbour area. The Community Development Director and City Engineer applied for grant from FEMA because it was beyond the ability of the City to afford it. The grant would pay for 75% of the project and the City would pay the remaining 25% from the Better Jacksonville Plan fund.

City Engineer Jim French advised this grant is for phase one of the project which includes the design and permitting. This grant does not authorize funds for the construction. Once phase one is complete they will submit the design and permits to FEMA for funding for phase two. If approved phase two will potentially be a 75% to 25% split. The first phase would total \$147,130 of which the City's share would be \$36,782.

City Manager Jarboe asked Mr. French how much water the project would reduce and how far away the water would be from the houses. Mr. French stated this will reduce the flooding on Magnolia Street and Bay Street. This will be a ten year storm improvement on Magnolia Street and a 25 year storm improvement on Bay Street.

Councilor Arthur asked if this project would prevent the waterline from coming within ten feet from the homes. Mr. French replied the project will get the water to remain in the streets and basically keep the water from entering homes.. Councilor Arthur asked how many homes this would affect. Mr. French replied it would affect about ten to twelve homes.

City Manager Jarboe explained there was nothing the City could do to reduce flooding for over a ten year storm because there is not enough gravity flow, and we do not have land to build lakes or dams. This will help during normal storms but it will not help during a good size tropical storm or hurricane.

Councilor Wiley asked if this would affect anything south of Fifth Street. Mr. French replied the initial model did not show any downstream impact.

Councilor Wiley questioned if there was chance the City would not get the grant for phase two of the project. Mr. French responded once phase one is complete the design and permits would be submitted for approval for phase two. If by chance we did not receive the grant for phase two, we would still be able to use the permits and design. City Manager Jarboe stated we had a good chance of obtaining the grant.

Vice Mayor Jolly asked what size the pipeline would be. Mr. French replied initially it was a 48 inch pipe. He did not think he would need anything larger.

Vice Mayor Jolly asked if phase one would look into whether or not there would be a downstream effect. Mr. French stated "yes."

City Manager Jarboe stated the plans had to be submitted to the State before September 20, 2014. The sooner Council approves the grant the better chance we have of getting it. City Engineer French added once the contract is executed and we show good faith that we are moving forward with the project he can ask for an extension, but it is not guaranteed.

Consensus: **FORWARD TO THE APRIL REGULAR MEETING FOR A VOTE.**

Agenda Review /
Open
Communication

AGENDA REVIEW / OPEN COMMUNICATION: Mayor Pruette stated one of the hardest things for elected officials to do is to publicly state something negative about a city employee. She explained at the last meeting she made the comment that "there were too many mistakes coming out of the City Clerk's Office" and she felt there were some issues that

needed to be addressed. City Clerk Volpe has been ill and out of the office this week and asked Deputy City Clerk Strait to prepare a memorandum for her requesting the Council postpone this discussion until she could be present. She added the City Clerk's office is the only department the Council had under their control, all other departments were under the City Manager's supervision. She thanked Deputy City Clerk Strait for doing a good job this week working with City Manager Jarboe to prepare tonight's meeting agenda and for being present tonight.

Mayor Pruette explained the Council had to discuss what they expected from the City Clerk's office at a public meeting, under the Sunshine Law, and asked for their opinions.

Councilor Wiley explained the Code of Ordinances listed the duties of the City Clerk, mostly related to recordkeeping, preparing the agenda and the minutes. He felt those needed to be reviewed by the Council as body, and may need to be amended. He felt he had not been utilizing the clerk's office as much as he could have because he was not aware of the extent of assistance it could provide. He thought the duties and responsibilities needed to be reviewed and suggested implementing an evaluation process.

Councilor Arthur felt the duties, responsibilities, and standard operating procedures needed to be clearly defined and the Clerk's office needed to be held accountable. He would like a clearer picture of how the agenda packet information comes together and how they are prepared. He felt some of the problem was communication. He suggested either a biannual or annual evaluation to see if the responsibilities were being met and if they were not being met finding someone who could meet the expectations.

Councilor Tucker stated she has worked with both City Clerk Volpe and Deputy City Clerk Strait and would like both Clerks' present for the Council workshop discussion.

Vice Mayor Jolly stated his contact with the Clerk's office was essentially receiving the agenda packets and the meeting minutes. He added that he would have a problem evaluating an employee that he hasn't told what he expected. He felt it was the right idea for Council to let the Clerk's office know what they expected of them. He suggested setting those expectations and having an evaluation in six months to see that those expectations were being met.

Mayor Pruette felt it would be unfair to the City Clerk if the Council as a body did not tell her what they expected. She would like to work together as a Council to resolve the issues.

City Attorney Krechowski advised there were inconsistencies in the Code regarding the City Clerk position. He would prepare a revised ordinance for Council to review at the workshop meeting.

Deputy City Clerk Strait stated the City Clerk's office recognized there had been some recent mistakes and that they would do whatever possible to serve the Council better and they are open to any suggestions from the Council.

Mayor Pruette stated she appreciated all the City Clerk's office did.

Consensus: **FORWARD TO THE APRIL WORKSHOP MEETING FOR FURTHER DISCUSSION.**

Councilor Tucker asked Deputy City Clerk Strait if she would be present at the April workshop meeting for the discussion. Ms. Strait replied "absolutely."

PUBLIC COMMENTS

Mike Miller, 106 Myra Street, supported the Human Rights Resolution.

Linda Huffman, 501 16th Avenue South, Jacksonville Beach, supported the Human Rights Resolution and the proposed noise Ordinance.

Marina Hodgini, 721 Neptune Lane, supported the Human Rights Resolution.

RoseAnne Larizza, 721 Neptune Lane, supported the Human Rights Resolution.

Lynda Padrta, 1113 First Street, suggested "repair" be defined as "the minimum necessary for public safety in the right-of-way ordinance. She questioned if there was language in the right-of-way ordinance to revoke a permit. She felt the language on the permit should be consistent with the language in the ordinance. She questioned if the Noise Ordinance covered delivery trucks late at night. She stated Beaches Chapel visitors and staff were still parking on the edge of the ditch and their construction fences were down. She questioned if Beaches Chapel completed the drainage work they committed to do for their addition. She stated she has not received an answered to her question from a few months ago regarding the current density in the R-4 district.

COUNCIL COMMENTS

Councilor Tucker stated there were some issues on tonight's agenda that were difficult She will be going to Tallahassee next week to meet with delegation and see what she could learn from that process, and she still had some residents to meet with.

Adjournment

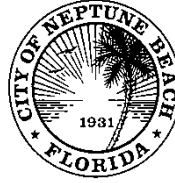
There being no further business, the meeting adjourned at 9:05 p.m.

Harriet Pruetten, Mayor

Attest:

Lisa Volpe, CMC, City Clerk

Approved: _____



**MINUTES
WORKSHOP CITY COUNCIL MEETING
MARCH 3, 2014 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 March 3, 2014, 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 John Jolly
Councilor Richard Arthur
Councilor Kara Tucker
Councilor Scott Wiley
City Attorney Patrick Krechowski
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

Assistant Chief of Police Tony Carrillo
Building Official Don Ford
Community Development Director Amanda Askew

**Call to
Order/Roll Call**

Mayor Pruette called the meeting to order at 6:00 p.m. and asked City Attorney Krechowski to lead the pledge of allegiance.

**Monument
Signs**

SIGNS / POLES / PYLON OR MONUMENT: City Manager Jarboe explained Ordinance No. 2005-12 required all pole signs to be converted to monument signs before April 5, 2014. He proposed an emergency Ordinance No. 2014-07 to extend the time for compliance for 180 days.

Councilor Arthur stated a notice was sent on February 5th to the businesses that were noncompliant. He asked if any notices were sent prior to that one. City Manager Jarboe explained notices were sent out in 2005 and 2006. Councilor Arthur supported changing the existing pole signs to monument signs. He felt an extension of 180 days was adequate.

Councilor Wiley agreed to support a six months extension with the possibility of extending the time period for compliance an additional six months.

Vice Mayor Jolly favored an extension period, but not six months. He felt 90 days would be sufficient and possibly an additional 90 days.

Councilor Tucker stated over the past 10 years businesses were only contacted three times. She supported an extension period of six months to one year.

Mayor Pruette stated 36 businesses have already complied and converted to monument signs. She felt an extension period of six months, not to exceed a second six months, would be fair. She also felt the City should notify the businesses in noncompliance every two months as a reminder.

City Attorney Krechowski explained this emergency ordinance allows Council to temporarily suspend any ordinance, it is not specific to signs, with a four-fifths majority vote.

City Manager Jarboe explained Council would need to declare an emergency, have a public hearing and make a motion to waive two sections of the sign code.

Consensus: **FORWARD TO THE IMMEDIATELY FOLLOWING REGULAR MEETING.**

Special
Magistrate

SPECIAL MAGISTRATE / CODE ENFORCEMENT: City Attorney Krechowski stated he solicited resumes from area attorneys to serve as Special Magistrate for Code Enforcement. He recommended Council choose Crystal Broughan at the following regular meeting.

Councilor Tucker asked if salary was discussed. City Attorney Krechowski stated the hourly rate would be \$200.00.

City Manager Jarboe explained the hourly rate was subjective because it was dependant on how long it takes the attorney to make decisions. The previous special magistrate took up to two weeks. He added that Ms. Broughan has prior experience serving as special magistrate for Jacksonville Beach.

Vice Mayor Jolly supported the recommendation to appoint Crystal Broughan.

Councilor Wiley questioned the number of code enforcements cases the city had last year. City Attorney Krechowski replied there were maybe half a dozen code enforcement cases in the past year, the majority of which related to Ms. Alcorn.

Councilor Wiley felt all the resumes and applicants were great, however, he put a lot of weight on the recommendation of the City Attorney and would support appointing Crystal Broughan.

Councilor Arthur asked if there were any code enforcement cases pending. City Attorney Krechowski replied there were no active cases however, there are some things that have been noticed that need attention.

Mayor Pruette stated she concurred.

Consensus: **FORWARD TO THE IMMEDIATELY FOLLOWING REGULAR MEETING FOR A VOTE.**

Adjournment

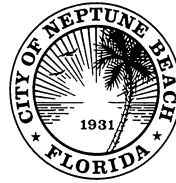
There being no further business, the meeting adjourned at 6:10 p.m.

Harriet Pruette, Mayor

Attest:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
REGULAR CITY COUNCIL MEETING
MARCH 3, 2014, AT 6:10 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 March 3, 2014, at 6:10 p.m. in the City Hall Council Chambers, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

STAFF:

Mayor Harriet Pruette
Vice Mayor John Jolly
Councilor Richard Arthur
Councilor Kara Tucker
Councilor Scott Wiley
City Attorney Patrick Krechowski
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

Assistant Police Chief Tony Carrillo
Building Official Don Ford
Community Development Director Amanda Askew

Order Call/Pledge Mayor Pruette called the meeting to order at 6:10 p.m. and led the pledge of allegiance.

AWARDS / PRESENTATIONS/ RECOGNITION OF GUESTS / NONE

APPROVAL OF MINUTES

Moved by Tucker, seconded by Wiley

Minutes

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

FEBRUARY 3, 2014, REGULAR CITY COUNCIL MEETING
FEBRUARY 18, 2014, WORKSHOP CITY COUNCIL MEETING

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Tucker, Wiley, Pruette

Noes: 0

MOTION CARRIED

COMMUNICATIONS & CORRESPONDENCE

City Clerk Volpe stated 2014 is an election year for Council Seats 4 and 5. The qualifying period begins in June. If there are more than two candidates running for the same seat there will be a primary in August. The regular election will be held in November. To date

one person has turned in paperwork to run for Seat 4.

CITY MANAGER REPORT

- The piping for the Bal Harbour project will be stored at the public works building and on site in Jarboe Park. The City is trying to buy all of the material to save sales tax.
- As part of the Bal Harbour project there will be some road paving.
- The fund has built up enough to repave the roads in Neptune by the Sea and the Fourth and Fifth Street area. Next year the City will be able to spend a couple hundred thousand on repaving.

COMMENTS FROM THE PUBLIC

Daryl Grubbs, 1919 Nightfall Drive, supported the six month extension for monument signs.

Larry Shealy, 1821 Kings Road, stated he was on the council when the sign ordinance was adopted in 2004. The Council did not consider what the state of the economy would be in 10 years. He asked Council to consider the cost to the business owners that are trying to keep their businesses afloat.

Michael Finne, 1459 Atlantic Boulevard, owner of a dance studio, stated when the economy went down parents cut out extracurricular activities for their children. He is just now starting to see a profit in his business. The current signage was all the business has for advertising and a smaller sign would not be effective. He ask Council to keep in mind how it would affect small business owners.

Beth Breeding, 10175 Fortune Parkway, Apt. 1005, Jacksonville, Representative for What-A-Burger, stated she had been informed that replacing their pole sign with a monument sign would create a traffic safety issue. She explained their site is so small there is no right-of-way area so a monument sign would have to take up a parking space. Then they would not meet the parking requirements. She felt each business had their own issues that needed to be considered. She suggested during the 180 day extension that Council come up with a process that everyone could comply or change the rules to make it easier to comply. A new monument sign would cost her business between \$10,000 to \$15,000.

Ramsey Bakkar, Shopping Center Owner, stated he spent \$20,000 for a new sign at the end of 2003 just before the sign ordinance was changed. He felt every business situation was unique and asked Council to support the extension and consider being flexible.

Glen Jones, Ocean State Heating & Air Conditioning, stated his sign has been in place for 35 years. He did not have the room for a monument sign on his property. He added a street frontage sign was impossible because he was so close to the overpass and people would not be able to see it. He asked Council to give some flexibility, look at each property situation and make a decision from there.

CONSENT AGENDA

Relay for Life

APPROVAL OF RELAY FOR LIFE EVENT / JARBOE PARK RESERVATION / MAY 3RD.

Moved by Tucker, seconded by Arthur

Motion: **TO APPROVE THE CONSENT AGENDA**

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Tucker, Wiley, Pruette

Noes: 0

MOTION CARRIED

VARIANCES / NONE

ORDINANCES

Ord. No. 2014-01
Elections

ORDINANCE NO. 2014-01, AMENDING CHAPTER 9, ELECTIONS, SECOND READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING THE CODE OF ORDINANCES CHAPTER 9, ELECTIONS, SECTION 9-2. SCHEDULE OF ELECTIONS AND PROVIDING AN EFFECTIVE DATE.

City Clerk Volpe stated this Ordinance amends the Code to coincide with the Charter referendum that changed the election dates to coincide with the State Elections.

Mayor Pruette read Ordinance No. 2014-01 by title only and opened the public hearing, there being no comments from the public, the public hearing was closed.

Moved by Tucker, seconded by Jolly

Motion: **TO ADOPT ORDINANCE NO. 2014-01 ON SECOND READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Tucker, Wiley, Pruette

Noes: 0

MOTION CARRIED

Ord. No. 2014-02
Accessory
Structures

ORDINANCE NO. 2014-02, AMENDING CHAPTER 27, ACCESSORY STRUCTURES, SECOND READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 27, ARTICLE V. ACCESSORY STRUCTURES AND USES. SECTION 27-330(A)(1) FENCES, WALLS AND HEDGES, AND PROVIDING AN EFFECTIVE DATE.

City Manager Jarboe explained this Ordinance will allow six feet fences on corner side lots.

Mayor Pruette read Ordinance No. 2014-02 by title only and opened the public hearing, there being no comments from the public the public hearing was closed.

Moved by Tucker, seconded by Arthur

Motion: **TO ADOPT ORDINANCE NO. 2014-02 ON SECOND READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Tucker, Wiley, Pruette

Noes: 0

MOTION CARRIED

Ord. No. 2014-04 ORDINANCE NO. 2014-04, PUBLIC RIGHT-OF-WAY, FIRST READ: AN ORDINANCE
Right-of-Way OF THE CITY OF NEPTUNE BEACH, FLORIDA ADDING TO SECTION 18-4, USE OF
 PUBLIC RIGHT OF WAY.

City Attorney Krechowski stated the Ordinance has no changes since the last workshop meeting.

Moved by Jolly, seconded by Tucker.

Motion: **TO PASS ORDINANCE NO. 2014-04 ON FIRST READ.**

Councilor Wiley questioned some of strikethroughs in the Ordinance. City Attorney Krechowski advised the corrected version of the Ordinance was not the one that was in the agenda packets.

Mayor Pruette asked that clean copies be put in the agenda packets.

Councilor Wiley stated he had some questions to bring up at the March workshop meeting.

Councilor Arthur stated he had questioned regarding the landscaping in Section 7.

City Clerk Volpe suggested Council not vote on the Ordinance until the correct version was on the agenda and in the agenda packets.

Mayor Pruette stated Council should be ready to vote on the Ordinance and they cannot because the corrected version was not in the packet. She added that too many mistakes are coming before Council.

City Attorney Krechowski stated he would make sure the corrected version was distributed in the morning.

Mayor Pruette added the agenda was not signed by the City Manager.

Consensus: **FORWARD ORDINANCE NO. 2014-04 TO THE MARCH WORKSHOP MEETING.**

Ord. No. 2014-05 ORDINANCE NO. 2014-05, TRAFFIC AND MOTOR VEHICLES, FIRST READ: AN
 ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING ARTICLE I,
 CHAPTER 22, TRAFFIC AND MOTOR VEHICLES. ADDING SECTION 22-6.
 WITHHOLDING OF LICENSE PLATES AND REVALIDATION STICKERS AND
 PROVIDING AN EFFECTIVE DATE.

City Manager Jarboe explained this was already taking place on the State level. This will comply with the State.

Moved by Jolly, seconded by Wiley

Motion: **TO PASS ORDINANCE NO. 2014-05 ON FIRST READ.**

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Tucker, Wiley, Pruette

Noes: 0

MOTION CARRIED

Ord. No. 2014-06 ORDINANCE NO. 2014-06, AMENDING THE BUDGET FY 2013, FIRST READ: AN ORDINANCE AMENDING THE OPERATING BUDGET FOR THE CITY OF NEPTUNE BEACH, FLORIDA FOR FISCAL YEAR 2013, BEGINNING OCTOBER 1, 2012 AND ENDING SEPTEMBER 30, 2013.

City Manager Jarboe explained this is an amendment to the budget adding \$2,500 for removal of two trees and for the purchase of signs.

Moved by Tucker, seconded by Wiley.

Motion: **TO PASS ORDINANCE 2014-06 ON FIRST READ.**

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Tucker, Wiley, Pruette

Noes: 0

MOTION CARRIED

OLD BUSINESS / NONE

NEW BUSINESS

Signs

ORDINANCE NO. 2014-07, AMENDING CHAPTER 2, SIGNS, EMERGENCY READ: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 2, ADMINISTRATION, ARTICLE II, CITY COUNCIL, SECTION 2-50. TEMPORARY SUSPENSION OF AN INDIVIDUAL ORDINANCE, AND ESTABLISHING AN EFFECTIVE DATE.

City Manager Jarboe stated Council needed to approve the Ordinance on an emergency and address the monument signage separately.

Moved by Tucker, seconded by Wiley.

Motion: **TO PASS ORDINANCE NO. 2014-07 ON AN EMERGENCY READ.**

Mayor Pruette opened the public hearing.

Karen Julie, Owner, Neptune Village Shopping Center, stated the monument sign ordinance would affect eight of her tenants. They also would not be able to fit all of their tenants on a monument sign. She added most of her tenants were mom and pop businesses that cannot afford the added expense of a new sign.

There being no further comments from the public, the public hearing was closed.

City Attorney Krechowski explained the Ordinance changes language in Section 2-50 to allow Council to temporarily extend any individual Ordinance for six months by a four-fifth vote and the opportunity to extend it for an additional 180 days.

Councilor Arthur questioned when the six month period should begin. City Attorney Krechowski stated the Ordinance had nothing to do with a deadline. It would simply temporarily extend an Ordinance.

City Manager Jarboe stated there would be another public hearing on the Ordinance in March.

All Council members agreed to sponsor the Ordinance.

Moved by Wiley, seconded by Tucker.

Motion: **TO SUSPEND SECTION 27-592(5) AND SECTION 27-707(5) FOR A PERIOD OF 180 BEGINNING APRIL 5, 2014.**

Vice Mayor Jolly stated there was a chart in the agenda packet showing that 36 businesses have complied with the Ordinance since its adoption in 2004 and 22 have not. He was concerned that after the 180 days there would still be some businesses that did not want to comply. In that case they will need to comply or the Ordinance will have to be amended.

Mayor Pruette stated the purpose of the sign ordinance was to stop sign pollution and make the City look better. She felt the businesses were not given proper notice of the April 5, 2014 deadline. She felt the city needed to come up with something that would be fair to the businesses that have complied. She felt allowing the extension was the proper thing to do.

City Manager Jarboe stated the Building Official conducted a study on the cost of monument signs that had been permitted. The range was from \$800 to \$8,000.

Councilor Arthur stated he expected all the businesses to comply within the extend 180 day time period. He did not want to give them false hope that Council would continue to extend the time period.

Vice Mayor Jolly asked City Manager Jarboe to make sure that two notices are sent to the businesses that have not complied before the extended time period has expired.

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Tucker, Wiley, Pruette

Noes: 0

MOTION CARRIED

Special
Magistrate

SPECIAL MAGISTRATE / CODE ENFORCEMENT: City Attorney recommended Krystal Broughan to serve as the special magistrate for code enforcement. He asked Council to approve and allow him to draw up a contract between her and the City.

Moved by Tucker, seconded by Jolly.

Motion: **TO APPROVE KRYSTAL BROUGHAN AS THE SPECIAL MAGISTRATE FOR THE CITY OF NEPUNE BEACH.**

Councilor Wiley questioned the duration of the contract. City Attorney Krechowski stated the contract would be for the period of period.

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Tucker, Wiley, Pruette

Noes: 0

MOTION CARRIED

COUNCIL COMMENTS / NONE

Adjournment There being no further business, the meeting adjourned at 7:00 p.m.

Harriet Pruetten, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk
Approved

Approved:



**MINUTES
WORKSHOP CITY COUNCIL MEETING
FEBRUARY 18, 2014 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 February 18, 2014, 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 John Jolly
Councilor Richard Arthur
Councilor Kara Tucker
Councilor Scott Wiley
City Attorney Patrick
Krechowski
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

COMMITTEE REPORTS / NONE

CITY MANAGER'S ACTION LIST

City Manager Jarboe reported on the following:

- The underground work for the new wiring in Town Center will begin this week.
- The Bal Harbour project has been permitted.
- He is looking at the possibility of putting motion detectors on the lighting in City Hall.
- There are a couple of Code Enforcement issues near the marsh. There is a private road in need of repair and some of the buildings in Watersedge do not meet the maintenance code.

CITY CLERK'S CONSENSUS LIST

City Clerk Volpe asked if there were any questions in regard to the consensus list. Mayor Pruette stated Chief Sembach is going to present Council information regarding the 4th of July in April. She asked that it be placed this on the list.

PUBLIC COMMENTS

Joe Wolke, 1900 Strand, voiced concern with the proposed right-of-way ordinance.

Peter Maloney, II, 1916 Oceanfront, felt residents should be encouraged to maintain rights-of-way and should not have to obtain a permit to replace mailboxes and sprinkler heads.

The following citizens spoke in favor of the Resolution supporting the proposed "Florida Competitive Workforce act."

Nancy Broner, 81 Pinewood Road

Susan Wilkinson, 1001 Neptune Lane

Kris Matson, 540 Hopkins Street,

Marilyn Wilkinson, 340 Sunrise Circle

Richard Salkin, 336 Sunrise Circle

Tom Minette, 1206 North Laura Street, Jacksonville

Brenda Shields, 315 18th Street, Jacksonville Beach

Tricia Russell, 8720 CR 13 North, St. Augustine

Jessica Osborn, 715 Trekker Street, Jacksonville

Chris Rasche, 232 Florida Boulevard

Kaitin Legg, 6 Norberta Way, Jacksonville Beach

Judy Sheklin, 1985 Brista De Mar Circle, Atlantic Beach

R. A. Larizza, 721 Neptune Lane

Nicholas de Viliers, 4510 Attleboro Street, Jacksonville

Steve Haerter, 106 19th Avenue South, Jacksonville Beach

The following citizens spoke in opposition to the Resolution supporting the proposed "Florida Competitive Workforce Act."

Sharon Krause, 4845 Plymouth Street, Jacksonville

Lea Underwood, 110-B Magnolia Street

PROPOSED ORDINANCES

Ord. No. 2014-03

ORDINANCE NO. 2014-03, USE OF PUBLIC RIGHT-OF-WAY: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA ADDING TO SECTION 28-4 USE OF PUBLIC RIGHT-OF-WAY.

Mayor Pruette explained she would like to withdraw the Ordinance passed on first read and reintroduce the version revised by the City Attorney.

City Attorney Krechowski explained he eliminated some of the details. The nonconforming paragraph remains and nonconforming uses can remain provided they do not result in damage or violate the State permit. The indemnity clause also remains holding the private property owner responsible for accidents. The appeal process also remains allowing a private property owner to appeal administrative decisions to the special magistrate. This new version will go to first read in March.

Councilor Wiley felt the City should encourage the upkeep of rights-of-ways and permits should not be necessary for repairs and replacement of mailboxes and sprinkler heads. He questioned if someone were to obtain a permit that they would have to sign an agreement that they assume responsibility for anything that should happen in the right-of-way. City Attorney Krechowski replied that was correct. This would limit the City's exposure to lawsuits.

Mayor Pruette asked Councilor Wiley to bring something to the Council at the next workshop for Council to consider incorporating into the Ordinance.

Councilor Arthur asked if the permit would hold the owner responsible. City Attorney Krechowski explained it would be contained within the permit or as an attachment to the permit. It would be part of the permitting process to hold the property owner liable.

Councilor Arthur questioned if the plantings would be identified in the permit application. City Attorney Krechowski responded all proposed activities would be included in the application.

Councilor Tucker felt this revised version of the Ordinance was an improvement.

Vice Mayor Jolly questioned if there would be a cost for the permit. City Attorney Krechowski replied there is currently no charge for the permit.

City Manager Jarboe encouraged Council to move quickly to approve the ordinance because planting season was nearing.

Consensus: **FORWARD TO THE MARCH REGULAR MEETING FOR FIRST READ AND THE MARCH WORKSHOP FOR FURTHER DISCUSSION BEFORE SECOND READ IN APRIL.**

Ord. No. 2014-XX

ORDINANCE NO. 2014-XX, TRAFFIC AND MOTOR VEHICLES: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING ARTICLE I, CHAPTER 22. TRAFFIC AND MOTOR VEHICLES. ADDING SECTION 22-6. WITHHOLDING OF LICENSE PLATES AND REVALIDATION STICKERS AND PROVIDING AN EFFECTIVE DATE.

City Manager Jarboe explained this was already taking place on the State level. This will comply with the State.

Vice Mayor Jolly agreed to sponsor the proposed Ordinance.

Consensus: **FORWARD TO THE MARCH REGULAR MEETING FOR FIRST READ.**

Ord. No. 2014-XX **ORDINANCE NO. 2014-XX, AMENDING THE BUDGET FY 2013: AN ORDINANCE AMENDING THE OPERATING BUDGET FOR THE CITY OF NEPTUNE BEACH, FLORIDA FOR FISCAL YEAR 2013, BEGINNING OCTOBER 1, 2012 AND ENDING SEPTEMBER 30, 2013.**

Mayor Pruette agreed to sponsor the proposed Ordinance.

City Manager Jarboe explained this is an amendment to the budget adding \$2,500 for removal of two trees and for the purchase of signs.

Consensus: **FORWARD TO THE MARCH REGULAR MEETING FOR FIRST READ.**

CONTRACTS / AGREEMENTS

Green Market **GREEN MARKET:** Mayor Pruette stated an issue regarding the parking recently arose and this item has been postponed until further information is provided.

Special Magistrate CEB **SPECIAL MAGISTRATE FOR CODE ENFORCEMENT:** City Attorney Krechowski explained Special Magistrate Tim Ingram has resigned. He was in the process of collecting applications and interviewing for the position and should have a recommendation for Council soon.

Councilor Tucker asked if he would be giving a final recommendation or provide a selection for Council to choose from.

Mayor Pruette stated she would prefer that Council have a selection to choose from.

Consensus: **TO HAVE THE CITY ATTORNEY PROVIDE A SELECTION OF CHOICES TO CHOOSE FROM AT A WORKSHOP MEETING.**

ISSUE DEVELOPMENT

Relay for Life **JARBOE PARK RESERVATION / RELAY FOR LIFE:** Mayor Pruette stated the "Relay for Life" event has been held in Jarboe Park several times and it has worked out very well.

Councilor Wiley asked what the date of the event was. Trish Hunter, Representative for Relay for Life, replied "May 3rd".

Vice Mayor Jolly asked if there were any complaints about the event last year. City Manager Jarboe replied "no."

Consensus: **FORWARD TO THE MARCH REGULAR MEETING CONSENT AGENDA.**

Res. No. 2014-XX **RESOLUTION NO. 2014-XX: A RESOLUTION OF THE CITY OF NEPTUNE BEACH, FLORIDA SUPPORTING THE PROPOSED "FLORIDA COMPETITIVE WORKFORCE ACT."**

Mayor Pruette stated she felt the City should support the "Florida Competitive Workforce Act". She added that Atlantic Beach has already approved a similar resolution. She explained the Resolution is in regard to workplace discrimination not marriage or unions.

Councilor Tucker stated issues regarding employment are handled at the Federal and State levels. She is an advocate for employing people with disabilities and aware of discrimination in the workplace. She felt it was premature to get involved at the local level at this time and that the City should wait for the State representatives to vote. She advised that individuals in support of the legislation to contact the State representatives. She also voiced concern regarding enforcement and the additional cost to the City.

Mayor Pruette asked Councilor Tucker if she would support the Resolution letting the State representatives know that the City supports the "Florida Competitive Workforce Act". Councilor Tucker responded "not at this time."

Vice Mayor Jolly explained these State bills are not bipartisan and our representatives are not sponsoring the bills. The sponsors for the Senate Bill are all democrats and the sponsors for the House Bill were majority democrat. He would approve moving forward with the Resolution while allowing him time to read the proposed bills.

Councilor Arthur stated he is less concerned with the partisan issues. He stated workplace policies are already in place on a National level. He questioned how this would relate to Neptune Beach. He felt it was premature to support the Resolution.

Mayor Pruette explained this is not an Ordinance. It is simply a Resolution telling the State that Neptune Beach supports the "Florida Competitive Workforce Act." She asked Councilor Arthur stated he would support the Resolution. Councilor Arthur responded he would not support it tonight.

Councilor Wiley stated he read both Senate Bill 348, which is 18 pages and House Bill 239, which is 17 pages. He felt if supported the Resolution as a Neptune Beach Councilor he would be saying the entire City of Neptune Beach supported the Bill's and was not confident that is the case. Due to those circumstances and the length of the Bills he would not support the Resolution.

Mayor Pruette felt partisan politics should never come into play here because we are a nonpartisan community. She felt if this were a Republican Bill the Council would look at it differently. She stated an Ordinance is certainly different from a Resolution. It saddens her that we cannot send a message to the community that we are open minded. She added that people did not like to be discriminated against especially in the workforce.

Councilor Wiley stated partisan politics had no bearing on his decision. He felt it was premature to support the Resolution because the Bills could possibly be amended and he has no idea what the end result of these Bills will be.

PUBLIC COMMENTS

The following citizens spoke in favor of the Resolution supporting the proposed "Florida Competitive Workforce act."

Michelle Fogelsanger, 2748 Grove Street, Jacksonville

Dan Merkan, 3159 College Street, Jacksonville

R. A. Larizza, 721 Neptune Lane

James Eddy, 222 Lawton Avenue, Jacksonville

Tricia Russell, 8720 CR 13 North, St. Augustine

Joe Wilke,

Allan Martin, 1113 First Street

Chris Rasche, 232 Florida Boulevard

Kris Matson, 540 Hopkins Street

Tom Minette, 1206 N. Laura Street, Jacksonville

The following citizens spoke in opposition to the Resolution supporting the proposed "Florida Competitive Workforce Act."

Howard McMinn, 1116 Cedar Street

Sharon Krause, 4845 Plymouth Street, Jacksonville

Lea Underwood, 110-B Magnolia Street

Right-of-Way

Joe Wolke, 1900 Strand, voiced concern with the proposed right-of-way ordinance.

Lynda Padrta, 1113 First Street, supported the right-of-way ordinance. She felt the Green Market parking was inadequate.

COUNCIL COMMENTS

Mayor Pruette felt asked the Council if they would consider bringing the Resolution back for consideration.

Councilor Tucker stated she would speak with the City Attorney before considering bringing the Resolution back.

Vice Mayor Jolly felt the problem with the Resolution was that it supported specific Bills. He would consider voting on a Resolution to the effect that the City is aware the State legislation is considering bills to prohibit discrimination based on sexual orientation and we support action for that. He did not feel comfortable supporting these specific Bills.

Councilor Arthur stated the bills are still in draft form and it is hard for him to support them. If anyone wants to bring the issue back to Council they can.

Councilor Wiley stated anyone could place the issue on an agenda. He did not support the Resolution but would consider another one.

Mayor Pruette asked Councilor Jolly to meet with Nancy Broner and Sue Wilkinson to draft a Resolution for Council to consider.

Adjournment

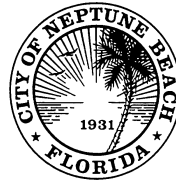
There being no further business, the meeting adjourned at 8:00 p.m.

Harriet Pruetto, Mayor

Attest:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
REGULAR CITY COUNCIL MEETING
FEBRUARY 3, 2014, AT 6:00 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 February 3, 2014, at 6:00 p.m. in the City Hall Council Chambers, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

STAFF:

Mayor Harriet Pruette
Vice Mayor John Jolly
Councilor Richard Arthur
Councilor Kara Tucker
Councilor Scott Wiley
City Attorney Patrick Krechowski
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

Director of Public Safety David Sembach

Order Call/Pledge Mayor Pruette called the meeting to order at 6:00 p.m. and led the pledge of allegiance.

AWARDS / PRESENTATIONS/ RECOGNITION OF GUESTS / NONE

APPROVAL OF MINUTES

Moved by Tucker, seconded by Jolly.

Minutes

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

DECEMBER 2, 2013, REGULAR CITY COUNCIL MEETING
JANUARY 21, 2014, WORKSHOP CITY COUNCIL MEETING

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Tucker, Wiley, Pruette

Noes: 0

MOTION CARRIED

COMMUNICATIONS & CORRESPONDENCE

Mayor Pruette requested that the Council members speak into the microphone so the voices could be clearly heard on the tape recording for the City Clerk.

City Attorney Krechowski requested that message be forwarded to the Community Development Board. He recently had to listen to a Community Development Board meeting recording and had trouble hearing the speakers clearly.

CITY MANAGER REPORT

City Manager Jarboe reported the following:

- Public Works is in the process of upgrading the streetlight power line in Town Center. The new power line will hold a higher wattage bulb for better lighting in the Town Center area.
- Public Works is also replenishing the power line from the public works building.
- Public Works has started the paving project. The city plans to repave a quarter of the roads this year, another quarter next year and another the following year.

COMMENTS FROM THE PUBLIC

Joe Wolke, 1900 Strand Street, voiced concern regarding the proposed right-of-way ordinance. He felt there were too many consequences for the adjacent property owners and the city should be responsible for maintain the right-of-ways.

Lynda Padrta, 1113 First Street, agreed that plantings on rights-of-way needed to be permitted due to difference of opinions. She favored the ability to appeal administration decisions to the Special Magistrate.

CONSENT AGENDA / NONE

VARIANCES / NONE

ORDINANCES

Ord. No. 2014-01
Elections

ORDINANCE NO. 2014-01, AMENDING CHAPTER 9, ELECTIONS, FIRST READ: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING THE CODE OF ORDINANCES CHAPTER 9, ELECTIONS, SECTION 9-2. SCHEDULE OF ELECTIONS AND PROVIDING AN EFFECTIVE DATE.

City Clerk Volpe stated this Ordinance amends the Code to coincide with the Charter referendum that changed the election dates to coincide with the State Elections.

Moved by Tucker, seconded by Wiley.

Motion: **TO PASS ORDINANCE NO. 2014-01 ON FIRST READ.**

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Tucker, Wiley, Pruette

Noes: 0

MOTION CARRIED

Ord. No. 2014-02
Accessory
Structures

ORDINANCE NO. 2014-02, AMENDING CHAPTER 27, ACCESSORY STRUCTURES, FIRST READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 27, ARTICLE V. ACCESSORY STRUCTURES AND USES. SECTION 27-330(A)(1) FENCES, WALLS AND HEDGES, AND PROVIDING AN EFFECTIVE DATE.

City Manager Jarboe stated this Ordinance amends the code to allow six foot fences on exterior side yards.

Mayor Pruette read Ordinance 2014-02 by title only and opened the public hearing. There being no comments from the public, the public hearing was closed.

Moved by Tucker, seconded by Jolly.

Motion: **TO PASS ORDINANCE NO. 2014-02 ON FIRST READ.**

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Tucker, Wiley, Pruette

Noes: 0

MOTION CARRIED

Ord. No. 2014-03
Right-of-Way

ORDINANCE NO. 2014-03, PUBLIC RIGHT-OF-WAY, FIRST READ: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA ADDING TO SECTION 18-4, USE OF PUBLIC RIGHT OF WAY.

Mayor Pruette strongly supported the idea of property owners having the ability to appeal administrative decisions regarding private use of rights-of-ways. She stated that under Chapter 27 property owners had the ability to appeal administrative decisions regarding use of private property to the Community Development Board. She added that public property impacted private property and vice versa. She agreed there should be an appeal process in Chapter 18-4 to the Special Magistrate instead of taking the matter directly to the circuit court.

City Attorney Krechowski stated under the current Code appeals regarding private uses of rights-of-way go directly to circuit court. He recommended the appeals go before the Special Magistrate in lieu of the Community Development Board because the Community Development Board was created for appeals under Chapter 27 of the Code. He felt it was unwise to have one board govern two Chapters of the Code.

Moved by Jolly, seconded by Arthur.

Motion: **TO PASS ORDINANCE NO. 2014-03 ON FIRST READ.**

Councilor Tucker was concerned about enforcement as well as community notification and awareness.

Councilor Arthur stated in regards to Section 18-4(b)7. Landscaping. He has asked Community Development Director Amanda Askew to review language used in sister cities codes as well at the State Statute regarding private uses of rights-of-way in an effort to develop some common language and approved plantings.

Councilor Wiley felt Section 18-4(b) 1, 2, 8 and 10 of the proposed ordinance were a benefit. He reviewed our sister cities code and felt this proposed ordinance was much more involved than others. He voiced concern about sprinkler heads and fines and would wait to discuss the matter further at the February workshop meeting. He added he felt the appeals process would also benefit the citizens.

Councilor Tucker stated Section 18-4(a) mentioned concrete and asphalt. She suggested adding pavers as well.

Mayor Pruette wanted to ensure that plantings on beach accesses could not obstruct ocean views.

City Attorney Krechowski felt Council should also consider emergency vehicle access.

Roll Call Vote:

Ayes: 4 – Arthur, Jolly, Wiley, Pruette

Noes: 1 - Tucker

MOTION CARRIED

Mayor Pruette stated the Ordinance would be on the February workshop meeting for more discussion. She encouraged public attendance and opinions.

OLD BUSINESS / NONE

NEW BUSINESS

Res. No. 2014-01 RESOLUTION NO. 2014-01: A RESOLUTION OF THE CITY OF NEPTUNE BEACH, FLORIDA CALLING ON THE ST. JOHNS RIVER WATER MANAGEMENT DISTRICT TO PROTECT AND PRESERVE THE WATER RESOURCE OF THE ST. JOHNS RIVER BY NOT ALLOWING THE USE OF MILLIONS OF GALLONS OF RIVER WATER TO BE USED TO CONTINUE UNCHECKED GROWTH IN CENTRAL AND SOUTH FLORIDA.

Moved by Jolly, seconded by Tucker.

Motion: **TO APPROVE RESOLUTION NO. 2014-01.**

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Tucker, Wiley, Pruette

Noes: 0

MOTION CARRIED

Res. No. 2014-02 RESOLUTION NO. 2014-02: A RESOLUTION APPOINTING MEMBERS TO THE COMMUNITY DEVELOPMENT BOARD.

Moved by Tucker, seconded by Arthur.

Motion: **TO APPROVE RESOLUTION NO. 2014-02.**

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Tucker, Wiley, Pruette

Noes: 0

MOTION CARRIED.

COUNCIL COMMENTS

Councilor Tucker asked for a list of current board members.

City Manager Jarboe stated he would place the agreement for the Green Market on the February workshop meeting agenda for Council review and recommendations.

City Clerk Volpe stated the February workshop meeting will be held Tuesday, February 18th because Monday, February 17th is a holiday.

Adjournment

There being no further business, the meeting adjourned at 6:35 p.m.

Harriet Pruetto, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk
Approved

Approved:



**MINUTES
WORKSHOP CITY COUNCIL MEETING
JANUARY 21, 2014 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 21, 2014, 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 John Jolly
Councilor Richard Arthur
Councilor Kara Tucker
Councilor Scott Wiley
City Attorney Patrick Krechowski
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

Director of Public Safety David Sembach
Community Development Director Amanda Askew

**Call to Order/Roll
Call**

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

PRESENTATIONS / NONE

COMMITTEE REPORTS / NONE

CITY MANAGER'S ACTION LIST

City Manager Jarboe reported on the following:

- The Public Service Department is preparing to begin the paving of Fourth Street and Fifth Street.

Councilor Wiley questioned the progress of the Bal Harbour project. City Manager Jarboe stated the Public Service Department has begun the preliminaries for the project.

CITY CLERK'S CONSENSUS LIST

Mayor Pruette questioned if the Green Market had been before the Community Development Board. City Manager Jarboe replied "yes" he was waiting to receive the minutes of the meeting so he could consider the board's recommendation. He would then meet with City Attorney Krechowski and draft an agreement.

Mayor Pruette questioned the progress of the demolition of the house on Hopkins Street. City Attorney Krechowski responded Wells Fargo Bank has not completed the foreclosure on the property. However, the bank has agreed to reimburse the City if we wanted to move forward with demolition.

PUBLIC COMMENTS / NONE

PROPOSED ORDINANCES

Election

ORDINANCE NO. 2014-XX, AMENDING CHAPTER 9, ELECTIONS: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING THE CODE OF ORDINANCES CHAPTER 9. ELECTIONS, SECTION 9-2. SCHEDULE OF ELECTIONS AND PROVIDING AN EFFECTIVE DATE.

City Clerk Volpe explained this ordinance would update the code to correspond with the referendum approved by the voters.

Council agreed to sponsor.

Consensus: **FORWARD TO THE FEBRUARY REGULAR MEETING FOR FIRST READ.**

Accessory
Structures &
Uses

ORDINANCE NO. 2014-XX, AMENDING CHAPTER 27, ACCESSORY STRUCTURES AND USES: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, AMENDING CHAPTER 27, ARTICLE V. ACCESSORY STRUCTURES AND USES. SECTION 27-330(A)(1) FENCES, WALLS, AND HEDGES, AND PROVIDING AN EFFECTIVE DATE.

Mayor Pruette felt six foot fences should be allowed on side yards of corner lots. City Manager Jarboe stated this ordinance will allow corner properties to have a six foot fence on the side yard.

Councilor Wiley asked if the ordinance applied to all residential districts. City Manager Jarboe replied "yes."

Consensus: **FORWARD TO THE FEBRUARY REGULAR MEETING FOR FIRST READ.**

Right of Way

ORDINANCE NO. 2014-XX, ADDING SECTION 18-4, USE OF PUBLIC RIGHT-OF-WAY: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA ADDING TO SECTION 18-4 USE OF PUBLIC RIGHT-OF-WAY.

City Attorney Krechowski explained he drafted the proposed ordinance in the packet to add Section 18-4(b) Rules for private use of right-of-way. He suggested adding language to paragraph (b) 8. pertaining to future damage to utilities, and paragraph (b) 12. regarding the appeal process that the appeal go before the special magistrate.

Councilor Wiley suggested adding what types of plants the city allows and does not allow in public rights-of-way.

Councilor Arthur agreed the final decision in the appeals process should go before the special magistrate. He suggested referencing definitions in Section (b) 7. Landscaping, of what types of plants are allowed for landscaping rights-of-ways on the State level.

Vice Mayor Jolly suggested spelling out the MS4 in Section (b) 4. as Municipal Separate Sewer System. He voiced concern regarding Section (b) 5. for irrigation systems that are currently existing in rights-of-way. City Attorney Krechowski explained Section (b) 6. requires existing non-conformities that cause damage to city property or infrastructure to be removed.

Councilor Tucker agreed with the other recommendations.

City Manager Jarboe suggested forwarding to the February regular meeting for first read.

Consensus: **FORWARD TO THE FEBRUARY REGULAR MEETING AND THE FEBRUARY WORKSHOP MEETING.**

E-Cigarettes

ORDINANCE NO. 2014-XX: PROHIBITING SALES AND USE OF E-CIGARETTES.

City Manager Jarboe suggested tabling this ordinance because a bill has been introduced on the State level and should be approved statewide between May and July.

Councilor Tucker stated a representative from Tobacco Florida was present to answer any questions of the Council. Mayor Pruette stated she would prefer to wait until the state bill passes. Vice Mayor Jolly agreed the state version may be in conflict. Councilor Wiley agreed to table it.

Consensus: **TO TABLE THE ORDINANCE.**

CONTRACTS / AGREEMENTS / NONE

ISSUE DEVELOPMENT

St. Johns River

RESOLUTION NO. 2014-XX: A RESOLUTION OF THE CITY OF NEPTUNE BEACH, FLORIDA CALLING ON THE ST. JOHNS RIVER WATER MANAGEMENT DISTRICT TO PROTECT AND PRESERVE THE WATER RESOURCE OF THE ST. JOHNS RIVER BY NOT ALLOWING THE USE OF MILLIONS OF GALLONS OF RIVER WATER TO BE USED TO CONTINUE UNCHECKED GROWTH IN CENTRAL AND SOUTH FLORIDA.

Mark Middlebrook, Executive Director of the St. Johns River Alliance, asked Council to defer action on the resolution for a few weeks while the Alliance puts together a meeting of all elected officials up and down the St. Johns River, including Central and North Florida to discuss water quality and quantity issues. He felt the resolution would make it difficult to meet with the central Florida elected officials.

Mayor Pruette stated the river was one of the most precious resources we have. She felt it would not hurt for Neptune Beach to speak its opinion.

Councilor Arthur questioned if there was an acceptable usage amount for southern counties. Mr. Middlebrook replied he was unsure if there was an acceptable amount. He added that it is the low flow period that created concerns. Their overall goal is to create a dialogue that does not involve attorneys and lawsuits, whereby some of the issues may be resolved in a more cooperative manner.

Vice Mayor Jolly asked what the daily low flow was of the St. Johns River. Mr. Middlebrook replied he was unsure. The river is an incredibly complex system and it changes daily. The river releases 5 billion gallons a day to tide out to the ocean. There

is a lot of water in the system but depending on the location the water levels could be extremely low or extremely low.

City Manager Jarboe stated a resolution does not have the same power as an ordinance. An ordinance is a law but a resolution is a statement supporting whatever the council wants at a particular time. It is not permanent. It is a way for the Council to make a joint statement.

Lisa Rihamin, St. Johns River Keeper, stated in the past months Central Florida has had over 100 meetings regarding the issue. There has been one meeting in North Florida to date and there are several upcoming meetings scheduled. She felt the Resolution would send a strong message that all parties needed to work together to resolve the issue and protect the St. Johns River and all water resources.

Councilor Wiley asked if the previous council passed a similar resolution. Mayor Pruette replied "yes" council passed a resolution in 2007. Neptune Beach was the first of 16 organizations and governments to pass the resolution.

Consensus: **FORWARD TO THE FEBRUARY REGULAR MEETING FOR APPROVAL.**

Geoffrey Sample, Intergovernmental Coordinator, advised there are three public meetings scheduled, one in Palatka, one at Jacksonville City Hall and one in St. Augustine. Mayor Pruette asked Mr. Sample to forward information regarding the meetings so we could put it on our website.

PUBLIC COMMENTS

Mayor Pruette asked City Manager Jarboe to explain a situation that was that was ongoing with a property owner regarding a public right-of-way.

City Manager Jarboe explained there was an issue with the property at 709 First Street regarding the public right-of-way. The homeowner did not follow the requirements to landscape the right-of-way by obtaining a permit. He has been working with the homeowner to avoid code enforcement action. An agreement was settled, 1) to allow the trees to remain with the property owner being held responsible for any damage caused to the infrastructure (The property owners agreed to remove the trees from the right-of-way and the City has no problem with that as long as a public works employee is present to ensure there is no damage to the infrastructure during the removal), 2) to require the bulkhead on the First Street side be removed from the sidewalk, and 3) to remove the unpermitted drain which was draining water off their property across an adjacent property and onto the city sidewalk. Another issue with the property is a six foot fence was installed on the corner side without a permit. The Code only allows the fence height of four feet on corner side yards. An ordinance has been proposed to Council to increase the fence height to six feet on corner side yards. The property owner is now awaiting the decision of Council.

Rick Sauls, 126 Cedar Street, felt the property owners of 709 First Street should not be held responsible for damages caused by the trees they planted in the right-of-way. He agreed side yard fences should be extended from 4 feet to 6 feet in height. The issue regarding e-cigarettes should be ruled by federal law or state law.

Karen Case, 709 First Street, stated she was pleased with the agreement and pleased about being able to keep the trees in the right-of-way. She felt she was mistreated by code enforcement. She asked to be able to keep the fence as

it is located 14 inches onto the city property because it has always been there.

Mayor Pruette stated the fence on the city property was a legal issue. If we allow one person it sets a precedent for others who wish to do the same.

Elliot Hindman, 113 Bay Street, felt the city was selective regarding code enforcement. He also voiced concern regarding the dunes and beach accesses.

Donald Maurer, 125 Cedar Street, felt the code was inconsistent and needed to be more consistent. He felt like the city was against him when he wanted to improve his property.

COUNCIL COMMENTS

Mayor Pruette explained there is a variance process that allows property owners to apply for a variance in some cases and most property owners do not want to apply for one. She would like to see more citizens become active and take part in council meetings.

Councilor Wiley felt it was good for people to come forward with these issues because as a result two ordinances have been proposed.

Adjournment

There being no further business, the meeting adjourned at 7:00 p.m.

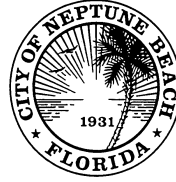
Harriet Pruette, Mayor

Attest:

Lisa Volpe, CMC, City Clerk

Approved: _____

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MINUTES
REGULAR CITY COUNCIL MEETING
DECEMBER 2, 2013, AT 6:00 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 December 2, 2013, at 6:00 p.m. in the City Hall Council Chambers, 116 First Street, Neptune Beach, Florida.

Attendance**IN ATTENDANCE:****STAFF:**

Mayor Harriet Pruette
Vice Mayor John Jolly
Councilor Richard Arthur
Councilor Kara Tucker
Councilor Scott Wiley
City Attorney Patrick Krechowski
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

Director of Public Safety David Sembach

Order Call/Pledge

Mayor Pruette called the meeting to order at 6:00 p.m. and asked Councilor Vice Mayor Jolly to lead the pledge of allegiance.

AWARDS / PRESENTATIONS/ RECOGNITION OF GUESTS

Mayor Pruette welcomed everyone and recognized Santa Claus who was in the audience incognito.

APPROVAL OF MINUTES

Moved by Tucker, seconded by Arthur.

Minutes

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

NOVEMBER 4, 2013, REGULAR CITY COUNCIL MEETING
NOVEMBER 4, 2013, WORKSHOP CITY COUNCIL MEETING
NOVEMBER 18, 2013, WORKSHOP CITY COUNCIL MEETING

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Tucker, Wiley, Pruette

Noes: 0

MOTION CARRIED

COMMUNICATIONS & CORRESPONDENCE

Mayor Pruette stated she thought Pete's Thanksgiving went well about needs more port-o-lets. Chief Sembach stated the event needed more port-o-lets, more trash cans and to end earlier than 2:00 p.m.

City Manager Jarboe stated 307/309 Hopkins Street was owned by Wells Fargo bank. The bank was procrastinating about tearing the home down. He wanted council to approve the building official to begin the process for demolishing it so the bank would take notice.

Consensus: **TO PROCEED WITH THE PROCESS OF DEMOLITION FOR 307-309 HOPKINS STREET.**

CITY MANAGER REPORT

City Manager Jarboe reported the following:

- The City received no electric bill for the year and the solar panels only had to be washed once to clean the salt air off of them.
- The City does not have the final figures on cost to the City for Pete's bar Thanksgiving event which included Public Works and police overtime. There were people standing in line for drinks at 8:00 a.m. There were a lot of cars parked all over Town Center. The crowds were large but it went well over all.

COMMENTS FROM THE PUBLIC / NONE**CONSENT AGENDA/NONE****VARIANCES**

V13-06
572 Atlantic Blvd

Variance request of Neptune Beach FL Realty, LLC for 572 Atlantic Blvd; City Manager Jarboe explained that staff had no problems with what the applicant wanted to do with the drainage.

Moved by Jolly, seconded by Tucker

Motion: **TO APPROVE THE RECOMMENDATIONS OF STAFF AND THE COMMUNITY DEVELOPMENT REVIEW BOARD.**

Councilor Arthur asked if there was something in the code that the council should look at. City Manager Jarboe stated that is what the variance process was for. City Attorney Krechowski stated these circumstances were unique and no need to rework the code.

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Tucker, Wiley, Pruette

Noes: 0

CDB13-05
572 Atlantic Blvd

Development Order for development as outlined in Chapter 27, Article 3 of the Unified Land Development Code of Neptune Beach by Neptune Beach FL Realty, LLC. The property is currently known as 572 Atlantic Blvd (real estate parcel number 172395-0100). The request is for a vehicular crossing in the parking lot which would connect to the adjacent shopping center (Seminole Shoppes).

Mayor Pruette was concerned people will start using it as a speedway. Mr. Ronald

Bongiovanno, engineer for the project stated there would be a stop sign and a speed hump on the west side of the road.

Councilor Wiley asked if it would open for pedestrians. Mr. Bongiovanno said there were no concessions made for pedestrians. Councilor Wiley also suggested a right turn only sign on Third Street if FDOT would allow it.

Mayor Pruette asked if the City Attorney had any recommendations. He said no. the City Manager recommended the right turn only sign. Councilor Wiley stated he did not want the right turn only sign to be a deal breaker.

Moved by Pruette, seconded by Jolly

Motion: **TO ACCEPT THE RECOMMENDATIONS OF THE COMMUNITY DEVELOPMENT REVIEW BOARD. WITH THE ADDITION OF : ONE MORE SPEED HUMP WHERE OWNERS FEEL APPROPRIATE AND THE REQUEST TO FDOT OF A RIGHT TURN ONLY SIGN AT THIRD AND LEMON STREET.**

Councilor Wiley requested to take the turn only sign out because he did not want it to hold up the project. Mr. Jarboe stated it was just a request and not forcing the issue. Councilor Arthur did not support two humps.

Mr. Bongiovanno stated he could add one hump for each lane. City manager Jarboe said it was a long stretch and people might speed if there is not another hump. Chief Sembach volunteered to discuss with the owners where to put speed humps.

Mayor Pruette withdrew her motion.

Moved by Arthur, seconded by Wiley.

Motion: **TO ACCEPT THE RECOMMENDATIONS OF THE COMMUNITY DEVELOPMENT REVIEW BOARD.**

City Manager Jarboe stated that council must put any conditions in the motion if they want to be enforceable.

Councilor Arthur withdrew his motion

Moved by Arthur, seconded by Wiley.

Motion: **TO ACCEPT THE RECOMMENDATIONS OF THE COMMUNITY DEVELOPMENT REVIEW BOARD WITH THE ADDITION THAT THE APPLICANT MUST CONSULT WITH THE POLICE CHIEF FOR THE PLACEMENT OF THE HUMP OR HUMPS.**

Chief Sembach commented that when you put in a speed hump it must go all the way across all lanes of traffic.

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Tucker, Wiley, Pruette

Noes: 0

ORDINANCES

Ord. No. 2013-12 ORDINANCE NO. 2013-12, WATER & SEWER, PUBLIC HEARING AND FINAL READ: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA DELETING SECTION 23-90. IMPACT FEE REVENUE RESTRICTIONS AND ESTABLISHING AN EFFECTIVE DATE.

City Manager Jarboe suggested deleting this section of the Code because it was only required by a grant and is no longer necessary.

Mayor Pruette opened the public hearing. There were no comments so she closed the hearing.

Moved by Tucker, seconded by Arthur

Motion: **TO PASS ORDINANCE NO. 2013-12 ON FINAL READ.**

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Tucker, Wiley, Pruette

Noes: 0

MOTION CARRIED

OLD BUSINESS / NONE

NEW BUSINESS

CDB13-04 REPLAT – CDB13-04 LOTS 3 & 4 BLOCK 8 JACKSONVILLE BEACH PARK. City
Replat Manager Jarboe stated staff had no problems with this replat.

Moved by Tucker, seconded by Wiley

Motion; **TO APPROVE THE REPLAT AS RECOMMENDED BY THE COMMUNITY DEVELOPMENT BOARD.**

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Tucker, Wiley, Pruette

Noes: 0

COUNCIL COMMENTS

Vice Mayor Jolly stated he had returned from Holland with Christmas gifts for council. In Holland St. Nick brings either candy or coal.

Mayor Pruette reminded everyone that Santa was coming to Jarboe Park on Friday beginning at 6pm

Adjournment There being no further business, the meeting adjourned at 6:45 p.m.

Harriet Pruette, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk
Approved

Approved:



**MINUTES
WORKSHOP CITY COUNCIL MEETING
NOVEMBER 18, 2013 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 November 18, 2013 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 John Jolly
Councilor Richard Arthur
Councilor Kara Tucker
Councilor Scott Wiley
City Attorney Patrick Krechowski
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

Director of Public Safety David Sembach
Community Development Director Amanda Askew

**Call to Order/Roll
Call**

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

PRESENTATIONS / NONE

COMMITTEE REPORTS / NONE

CITY MANAGER'S ACTION LIST

City Manager Jarboe reported on the following:

- There were 355 trash ordinance violations in October. As required by State law, letters have been sent to the repeat violators.
- The solar power panels on City Hall have saved the money this year.
- There was a major water break on a six inch main on Arrowhead Drive.
- The K-mart shopping center is going to seek a variance to build a street between their shopping center and the Publix shopping center.
- U-Haul may be seeking approval to add more trucks to the business.

Councilor Wiley asked if there were a limited amount of trucks for the U-Haul business. City Manager Jarboe explained the amount of trucks is not limited however, if they intensify the business they have to obtain a development order. He was concerned about environmental issues on the property.

Vice Mayor Jolly asked how the sewer system upgrade was progressing. City Manager Jarboe replied they have finished most of the elevations and found a couple of areas where they will be able to do clear cuts in lieu of pipe bursting which will be less intensive. Construction will begin after the holidays.

CITY CLERK CONSENSUS LIST

City Clerk Volpe stated there was a list of council consensuses in the agenda packet. If anyone felt something was missing please bring it to her attention.

City Clerk Volpe asked if Council wanted to hold a workshop meeting in December. Mayor Pruette stated there is usually a regular meeting and no workshop meeting. If it is necessary an emergency meeting will be called.

City Clerk Volpe stated the January and February workshop falls on holidays. The January workshop February workshops will be held the following Tuesdays.

City Attorney Krechowski announced the Special Magistrate issued the order on the cat hoarding nuisance situation. He administered a penalty and ordered the nuisance to be abated immediately. This is the third order on the matter. He will meet with the City Manager and Building Official to determine the next step.

PUBLIC COMMENTS / NONE

PROPOSED ORDINANCES / NONE

CONTRACTS / AGREEMENTS / NONE

ISSUE DEVELOPMENT

Town Center
Parking Study

BEACHES TOWN CENTER MERCHANTS ASSOCIATION / PARKING STUDY BRIEFING: Mayor Pruette announced the Beaches Town Center Merchants Association has decided to defer the parking study briefing.

Green Market

GREEN MARKET: Community Development Director Askew explained the Green Market came into existence in 2008. Originally there were 15 booths. In 2009 they added 10 booths for a total of 25 booths. In 2011 they asked and were allowed to add another 3 booths for a total of 28 booths.

They appeared before the Community Development Board last year to request more booths. The Community Development Board deferred the request to allow themselves time to go out to visit the Green Market in operation. The Green Market did not follow up on the request at that time.

Mayor Pruette asked if they needed to go back before the Community Development Board. Mrs. Askew stated they would have to begin the application over again.

City Clerk Volpe stated the Green Market submitted an updated map showing the current booths and that map was located at their seats.

Devon Ritch, Representative for the Green Market, thanked Council for their continued support of the Green Market. She explained last year the Green Market went before the Community Development Board to request an additional 6 booths. They did not proceed with the request once she was made aware that any more growth would warrant the Green Market to move to a new location

Mayor Pruette felt the Green Market request should go back before the Community Development Board for a recommendation.

City Manager Jarboe explained the Code requires the Community Development Board to send their recommendation to the City Manager. The City Manager then considers the recommendation and drafts a lease noting all requirements. The lease would then go to the Council for approval.

Councilor Tucker asked if they had any parking problems this year. Ms. Ritch replied they have not received any complaints regarding parking or traffic issues. She noted that some visitors ride their bicycles, take the trolley and car pool.

City Manager Jarboe explained some time ago Council asked the Green Market to obtain a letter from the adjacent property owner allowing them to use the parking. They also wanted to make sure they were legally registered as a 5013C with the State of Florida before raising any funds.

Ms. Ritch responded the Green Market was legally registered as a 5013C last year and renewed in October. They are waiting for the State to send the certificate. She would present the certificate to the City once they receive it.

City Manager Jarboe asked that Ms. Ritch make sure his office receives the certificate as soon as possible.

Mayor Pruette asked if they had obtained a written agreement with adjacent property owner regarding parking as requested. Ms. Ritch replied she has reached out to him many times by email and he has not responded. Mayor Pruette asked Mr. Ritch to forward a copy of the email to the City.

Councilor Tucker asked how many people attended the Green Market. Ms. Ritch stated they have counted no less than 700 to 800 people during the summer. In peak season they have counted as many as 1,748 people.

Vice Mayor Jolly asked Ms. Ritch if she had a copy of the "Memo of Understanding" between the Green Market and the City. Ms. Ritch answered "yes" she has it with her tonight.

Vice Mayor Jolly asked when was the last time the Green Market gave a report to the Council. According to the agreement they are suppose to give a report every six months. Ms. Ritch replied she was sure it had been longer than six months. She asked how she would go about arranging that. Mayor Pruette asked the City Manager to let her know in writing.

Vice Mayor Jolly stated Item 7 on the "Memo of Understanding" states the Green Market is to set up a donation program for repairs and maintenance in Jarboe Park. Ms. Ritch replied that was on the list of Items that Community Development Director emailed to her. She was not aware of a park betterment fund. She would be happy to work something out.

Vice Mayor Jolly asked how much the Green Market has donated to the City and if they had done any work in the park. Ms. Ritch stated she was not aware they were required to. The document was new to her.

Vice Mayor Jolly stated if the Green Market did not fulfill its part of the agreement it may be time to terminate. He added that he loved the market but the City expects them to abide by the agreement. Ms. Ritch replied she would be happy to cooperate with the

City's request. City Manager Jarboe stated the amount would be documented in the new lease agreement.

Mayor Pruette recommended that each vendor contribute three dollars per week to the Ish Brant Beautification Committee.

Ms. Ritch stated she would agree to whatever the terms may be.

Councilor Wiley suggested the Green Market reapply for a request to add the six booths. Should the Community Development Board not approve the request they could still operate with the current 28 booths.

City Manager Jarboe restated the Community Development Board did not make decisions, they only make recommendations. Once the lease is drafted, he would present it to Council for approval.

Councilor Arthur asked if the Green Market had a waiting list for booths. Ms. Ritch replied they closed the application process for most the year. They were not taking any new applications with the exception of farmers. They keep a couple of booths that are not for regular vendors and rotate through the wait list to see if that particular vendor's product would be a good fit for the market.

Councilor Arthur asked if they planned to go back before the Community Development Board. Ms. Ritch stated she would bring that up at their next Advisory Council Meeting.

City Manager Jarboe stated they are operating now without a lease agreement in place and it needs to be done quickly.

Mayor Pruette suggested if they go before the Community Development Board in January she could call a special meeting before the January Council Workshop Meeting to vote on the lease agreement. City Attorney Krechowski advised they must go before the Community Development Board first.

Ms. Ritch asked if they had to go before the Community Development Board even if they did not want to request more booths. City Manager Jarboe replied "yes."

City Manager Jarboe stated he would work with Ms. Ritch and create a lease with the consideration of the Community Development Board. The City Attorney will review the lease agreement and give his opinion before Council consideration.

Consensus: **THE GREEN MARKET HAS THE OPPORTUNITY TO GO BEFORE THE COMMUNITY DEVELOPMENT BOARD FOR THE ADDITIONAL BOOTHS, A WEEKLY FEE PER VENDOR AND A NEW LEASE.**

Mayor Pruette asked Ms. Ritch to provide an updated list of the Green Market Board members. City Clerk Volpe advised that list would become public record and they might not want to include home addresses.

Mayor Pruette stated if the Community Development Board approves the additional booths the Green Market will have to decide whether they wished to remain small and stay at the current location. Any more expansion they will have to consider an alternate location.

PUBLIC COMMENTS

Terry Methvin, Chairperson of the Community Garden Council, stated the Green Market did not receive enough funds from vendors to cover all of their expenses and should not have to give money to the City. They are all volunteers and put in a lot of time and effort into the Community Garden and Green Market which promotes Neptune Beach, They are doing not only the community a service, they are doing the city of Neptune Beach a service.

Mayor Pruette stated she believes the market made over \$19,000 this year. The financial records show a net income of almost \$6,000. The Ish Brant Beautification Committee needs funding to beautify the City and Jarboe Park. She felt it would not hurt the Green Market to contribute a small amount to help.

Lynda Padta, 1113 First Street, appreciates the work the volunteers are doing at the Green Market. It is great that they are willing to work with the city. She felt the parking may impact the adjacent businesses.

COUNCIL COMMENTS

Mayor Pruette asked Councilor Wiley about an email he received from Mr. Sutherland regarding a trash issue. Councilor Wiley responded there is an issue with recycle bins being left out at the curb and he was working to get that resolved.

Adjournment

There being no further business, the meeting adjourned at 6:37 p.m.

Harriet Pruette, Mayor

Attest:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
SPECIAL WORKSHOP CITY COUNCIL MEETING
NOVEMBER 4, 2013 AT 6:00 P.M
CITY HALL, 116 FIRST STREET
NEPTUNE BEACH, FLORIDA

Pursuant to proper notice a Special Workshop Meeting of the City Council of the City of Neptune Beach was held November 4, 2013 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 John Jolly
Councilor Richard Arthur
Councilor Kara Tucker
Councilor Scott Wiley
City Attorney Patrick Krechowski
City Manager James Jarboe
City Clerk Lisa Volpe, CMC

Director of Public Safety David Sembach

Order Call

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

Employee Health Insurance

EMPLOYEE HEALTH INSURANCE PROVIDER: City Manager Jarboe explained he was notified late last week that the proposed AvMed Health Insurance plan did not meet the Affordable Care Act requirements. He introduced our Health Insurance Consultant Dave Polovina.

Mr. Dave Polovina stated requests for proposals for employee health insurance went out this past summer. The only proposal received was from AvMed who is our current carrier. Their proposal had a 17% increase and the benefits would remain the same. This did not meet budget requirements and would also cause a significant increase in cost to the employees. The City pays 100% of the employee cost and 50% of dependent cost. We currently offer a base plan and a buy up plan. The current base plan has a \$5,000 deductible with a 30% coinsurance so the maximum out of pocket expense would be \$8,000 per employee. The current base family plan has a \$10,000 deductible and another \$9,000 in coinsurance. The purpose of the bid process was to find better benefits at a lower cost and we were unable to do that. When the AvMed proposal was submitted we were not aware of the regulations for the Affordable Care Act. We have learned now that the benefits offered by AvMed are not compliant.

Because the benefits offered by AvMed do not meet the Affordable Care Act regulations he shopped around for other plans. Blue Cross Blue Shield returned an offer with much better benefits. The plan would offer a lower deductible, no maximum out of pocket, and would only be a 1% increase in cost to the City. This would meet the budget and the ACA requirements as well as provide better benefits for employees and their families.

Mayor Pruette thanked Mr. Polovina for being present, looking out for the City and saving the City money.

Vice Mayor Jolly asked how long the enrollment would take. Mr. Polovina replied he tries to complete the enrollment process one month prior to the effective date.

Councilor Arthur questioned the reason AvMed did not meet the requirements. Mr. Polovina responded it was the max out of pocket. The AvMed plan provided for max out of pocket of \$8,000 and the ACA requirement cannot be more than \$6,350. If they were to come back with a new proposal the rates would increase.

Councilor Arthur wanted to confirm that there is only a 1% increase. Mr. Polovina stated the current average base plan for an employee is \$610.00 the new Blue Cross Blue Shield base plan would be \$616.00.

Councilor Arthur asked if another plan will also be offered to employees. Mr. Polovina replied that plan is an upgrade and the employee would have to pay the additional cost.

Councilor Wiley asked if there was chance an employee could be uninsurable. Mr. Polovina responded, no, not at all, this is a guaranteed plan and all preexisting conditions have to be covered.

Councilor Wiley asked if there was a chance AvMed could come back and raise the rates before they sign the contract. Mr. Polovina replied "no" this is a firm offer for the next 12 months.

City Manager Jarboe stated the proposed plan has been to underwriting and AvMed is aware of all medical conditions.

Vice Mayor Jolly stated the City had an opportunity to go through December 1, 2013, with AvMed which would get us through to January 1, 2014. He asked why the City did not do that. Mr. Polovina explained that would allow the noncompliant plan to stay noncompliant through December of 2014 as opposed to January 1, 2014. This new proposed Blue Cross Blue Shield plan is already in compliance.

City Manager Jarboe added he did not want the City to be in a position to possibly be fined for not being ACA compliant. He recommended approval of the Florida Blue Cross Blue Shield plan.

Consensus: **FORWARD TO THE FOLLOWING REGULAR MEETING CONSENT AGENDA.**

PUBLIC COMMENTS / NONE

Adjournment

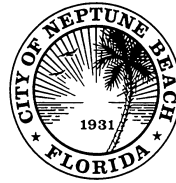
There being no further business, the meeting adjourned at 6:12 p.m.

Harriet Pruette, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
REGULAR CITY COUNCIL MEETING
NOVEMBER 4, 2013, AT 6:12 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 November 4, 2013, at 6:12 p.m. in the City Hall Council Chambers, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

STAFF:

Mayor Harriet Pruette
Vice Mayor John Jolly
Councilor Richard Arthur
Councilor Kara Tucker
Councilor Scott Wiley
City Attorney Patrick Krechowski
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

Director of Public Safety David Sembach

Order Call/Pledge

Mayor Pruette called the meeting to order at 6:12 p.m. and asked Vice Mayor Jolly to lead the pledge of allegiance.

AWARDS / PRESENTATIONS/ RECOGNITION OF GUESTS / NONE

APPROVAL OF MINUTES

Moved by Tucker, seconded by Arthur.

Minutes

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

OCTOBER 7, 2013, REGULAR CITY COUNCIL MEETING
OCTOBER 7, 2013, WORKSHOP CITY COUNCIL MEETING
OCTOBER 21, 2013, WORKSHOP CITY COUNCIL MEETING

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Tucker, Wiley, Pruette

Noes: 0

MOTION CARRIED

COMMUNICATIONS & CORRESPONDENCE

Mayor Pruette stated she is concerned about the condition of the sand dunes on the beach. She asked each Council member to take a walk on the beach and notice how people are abusing the dunes.

Councilor Wiley asked City Manager Jarboe for an update on the Pete's Bar Thanksgiving Day event. City Manager Jarboe replied they have applied for their permits.

CITY MANAGER REPORT

City Manager Jarboe reported the following:

- The City received over a million dollars in permit fees this month. There are three new houses under construction.
- The City Engineer and the Contractor for the Bal Harbour project found a number of places that can be open cut instead of having to band the pipes back thereby saving the city money. The money could be used towards Fourth Street and Fifth Street.
- There was one felony offense committed in the City last week.
- Things are starting to slow down with the beginning of the school year and the approaching holiday's.
- Finance Director Steve Ramsey is on vacation until Thursday and he would be on vacation from Thursday through Monday.
- He received several calls regarding the foxes. Those callers asked the City to leave the foxes alone.

COMMENTS FROM THE PUBLIC / NONE

CONSENT AGENDA

Employee Health Insurance EMPLOYEE HEALTH INSURANCE: Approval of Florida Blue Cross Blue Shield health insurance for employees.

Moved by Tucker, seconded by Jolly.

Motion: **TO APPROVE FLORIDA BLUE CROSS BLUE SHIELD AS THE CITY EMPLOYEE HEALTH PROVIDER.**

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Tucker, Wiley, Pruette

Noes: 0

MOTION CARRIED

VARIANCES / NONE

ORDINANCES

Ord. No. 2013-10 ORDINANCE NO. 2013-10, AMENDING THE OPERATING BUDGET FY 2013, SECOND READ AND PUBLIC HEARING: AN ORDINANCE AMENDING THE OPERATING BUDGET FOR THE CITY OF NEPTUNE BEACH FLORIDA FOR FISCAL YEAR 2013, BEGINNING OCTOBER 1, 2012 AND ENDING SEPTEMBER 30, 2013.

City Manager Jarboe stated this revises the budget to include grant money received and used that was not included in the original budget.

Mayor Pruette read Ordinance No. 2013-10 by title only and opened the public hearing. There being no comments from the public, the public hearing was closed.

Moved by Tucker, seconded by Jolly.

Motion: **TO ADOPT ORDINANCE NO. 2013-10 ON FIRST READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Tucker, Wiley, Pruette

Noes: 0

MOTION CARRIED

Ord. No. 2013-11 **ORDINANCE NO. 2013-11, ADDING CHAPTER 23, UTILITIES, SECTION 23-53, SAME RECOVERY OF CITY COST, SECOND READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA ADDING TO CHAPTER 23, UTILITIES SECTION 23-53 SAME RECOVERY OF CITY COST AND ESTABLISHING AN EFFECTIVE DATE.**

City Manager Jarboe explained the City cannot charge residents to replace existing sewer laterals. This amends the Code to coincide with State law.

Mayor Pruette read Ordinance No. 2013-11 by title only and opened the public hearing. There being no comments from the public, the public hearing was closed.

Moved by Tucker, seconded by Jolly.

Motion: **TO ADOPT ORDINANCE NO. 2013-11 ON SECOND READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Tucker, Wiley, Pruette

Noes: 0

MOTION CARRIED

Ord. No. 2013-12 **ORDINANCE NO. 2013-12, WATER & SEWER, FIRST READ: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA DELETING SECTION 23-90. IMPACT FEE REVENUE RESTRICTIONS AND ESTABLISHING AN EFFECTIVE DATE.**

City Manager Jarboe suggested deleting this section of the Code because it was only required by a grant and is no longer necessary.

Moved by Tucker, seconded by Arthur

Motion: **TO PASS ORDINANCE NO. 2013-12 ON FIRST READ.**

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Tucker, Wiley, Pruette

Noes: 0

MOTION CARRIED

OLD BUSINESS / NONE

NEW BUSINESS

Res. No. 2013-05 RESOLUTION NO. 2013-05: A RESOLUTION OF THE CITY OF NEPTUNE BEACH, FLORIDA REQUESTING THE FLORIDA DEPARTMENT OF TRANSPORTATION TO DESIGNATE STATE ROAD A1A IN THE CITY OF NEPTUNE BEACH, DUVAL AND NASSAU COUNTIES AS A FLORIDA SCENIC HIGHWAY.

City Manager Jarboe stated the designation will bring recognition to State Road A1A and the Mayport Ferry.

Moved by Tucker, seconded by Arthur.

Motion: **TO ADOPT RESOLUTION NO. 2013-05.**

Ayes: 5 – Arthur, Jolly, Tucker, Wiley, Pruette

Noes: 0

MOTION CARRIED

COUNCIL COMMENTS / NONE

Adjournment There being no further business, the meeting adjourned at 6:30 p.m.

Harriet Pruette, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk
Approved

Approved:



MINUTES
WORKSHOP CITY COUNCIL MEETING
OCTOBER 21, 2013 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 October 21, 2013 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 John Jolly
Councilor Richard Arthur
Councilor Kara Tucker
Councilor Scott Wiley
City Attorney Patrick Krechowski
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

COMMITTEE REPORTS / NONE

CITY MANAGER'S ACTION LIST

City Manager Jarboe reported on the following:

Preliminary work is underway for the Bal Harbour project. The benchmarks have been installed and surveys should be approved. To save money on the project Public Works will be ordering and storing the material.

There are two new houses under construction, one is on First Street between Hopkins Street and Seagate Avenue, the other one is in the 200 block of South Street.

Vice Mayor Jolly questioned when the construction project in Bal Harbour would cease for the Holidays. City Manager Jarboe replied the contractor would make the decision on when to give the crew time off for the holidays. The project will be done street by street so the entire neighborhood will not be disrupted at the same time.

Mayor Pruette stated she has heard many good comments regarding a city flyer that was handed out to residents. City Manager Jarboe replied they are given to new utility customers.

Mayor Pruette asked City Clerk Volpe if she had a list of Council consensuses. City Clerk Volpe stated she would place the list in the next agenda packet.

PUBLIC COMMENTS / NONE

PROPOSED ORDINANCES

Water & Sewer

ORDINANCE NO. 2013-XX, WATER & SEWER: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA DELETING SECTION 23-90. IMPACT FEE REVENUE RESTRICTIONS AND ESTABLISHING AN EFFECTIVE DATE.

City Manager Jarboe suggested deleting this section of the Code because it was only required by a grant and is no longer necessary.

Consensus: **FORWARD TO FIRST READ IN NOVEMBER.**

CONTRACTS / AGREEMENTS / NONE

ISSUE DEVELOPMENT

A1A/ Fl. Scenic Hwy.

RESOLUTION NO. 2013-XX: A RESOLUTION OF THE CITY OF NEPTUNE BEACH, FLORIDA REQUESTING THE FLORIDA DEPARTMENT OF TRANSPORTATION TO DESIGNATE STATE ROAD A1A IN THE CITY OF NEPTUNE BEACH, DUVAL AND NASSAU COUNTIES AS A FLORIDA SCENIC HIGHWAY.

Elaine Brown, 1302 Neptune Grove Lane East, stated the State has designated the 72 miles on State Road A1A from Ponte Vedra Beach to Flagler Beach as a Scenic Byway. The designation provides State assistance for tourism and economic development. She and Linda Lanier of Atlantic Beach wish to submit an application designating State Road A1A from Ponte Vedra Beach through Nassau County as a Scenic Byway with the name Ocean Islands Trail. Signs would be placed by the Florida Department of Transportation at no cost to the City.

Mrs. Brown asked to make the following change to the Resolution:

Whereas, the portion of State Road A1A in St. Johns and Flagler Counties has been designated as the Scenic Historic A1A Coastal Byway, ~~allowing for an extension of an existing route~~; and

Councilor Arthur questioned if the designation would allow the State to impose any restrictions on the City. Mrs. Brown stated once the State approves the application she will bring any requirements back to the Council for review.

Consensus: **STRIKE OUT "ALLOWING FOR AN EXTENSION OF AN EXISTING ROUTE" AND FORWARD TO THE NOVEMBER REGULAR MEETING.**

Pete's Bar Thanksgiving

PETE'S BAR THANKSGIVING DAY CELEBRATION: Mayor Pruette stated that Town Center did not have enough time to plan the event this year. Pete's Bar now wants to move forward with hosting the event as they have in the past. She would like the Town Center Agency to present a plan to Council to host the event next year.

City Manager Jarboe stated if approved Pete's Bar will need to obtain a license and insurance for the event. Public Works will set up the barriers.

Councilor Tucker asked if the \$2,000 the City contributed to the event would still be used for security. City Manager Jarboe replied "yes."

Vice Mayor Jolly clarified that Public Works will set up the barriers and our police would provide security and search backpacks. Coolers, dogs, skateboards, bicycles and tailgating will not allowed.

Mayor Pruette asked if Pete's Bar would provide additional security. City Manager Jarboe stated there would be additional outside security.

For the Record Mayor Pruette stated for the record that planning needed to begin earlier for next year's event.

Consensus: **CITY MANAGER JARBOE TO MOVE FORWARD WITH IT.**

Code
Enforcement

CODE ENFORCEMENT / CAT HOARDING ISSUE: City Manager Jarboe stated the State Attorney issued two warrants for the arrest of the individual hoarding the cats, for misdemeanor animal abuse. The warrants were served and the individual turned herself in. That would now go through the court system. The Code Enforcement Special Magistrate meeting regarding the issue will be held on Thursday, October 31, 2013 at 2:00 p.m.

PUBLIC COMMENTS / NONE

COUNCIL COMMENTS

Mayor Pruette stated there have been complaints of a fox running loose in a neighborhood within the City. City Manager Jarboe explained there is a citizen concerned animal control not trapping and capturing the foxes. The Department of Natural Resources is the only agency that can issue a permit for a trapper to catch them. Chief Sembach is reviewing the situation.

Councilor Wiley asked City Clerk Volpe if she could forward all City emails to their city email addresses. He also requested updating the webpage with photos of the "Yard of the Month" and the Artwalk.

Councilor Tucker stated that some events are missed because Council was not receiving the email invitations in time. She was contacted by the Keep Jacksonville Beautiful regarding National Recycle Day scheduled for Friday, November 15, 2013.

City Manager Jarboe stated he sent an email throughout the City that the Council Committee reviewing the Consolidation of the Beaches will be this week and he hoped there would be a good turnout.

Adjournment

There being no further business, the meeting adjourned at 6:40 p.m.

Harriet Pruette, Mayor

Attest:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
SPECIAL WORKSHOP CITY COUNCIL MEETING
OCTOBER 7, 2013 AT 6:30 P.M
CITY HALL, 116 FIRST STREET
NEPTUNE BEACH, FLORIDA

Pursuant to proper notice a Special Workshop Meeting of the City Council of the City of Neptune Beach was held September 23, 2013 at 6:30 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

STAFF:

Mayor Harriet Pruette
Councilor Richard Arthur
Councilor Kara Tucker
Councilor Scott Wiley
City Manager James Jarboe
City Clerk Lisa Volpe, CMC

Director of Public Safety David Sembach

ABSENT:

Vice Mayor John Jolly
City Attorney Patrick Krechowski

Order Call

Mayor Pruette called the special meeting to order at 6:30 p.m.

**Thanksgiving Day
Event**

THANKSGIVING DAY EVENT: Mayor Pruette thanked the Town Center business owners and asked City Manager Jarboe if he had any information for Council regarding the Thanksgiving Day event.

City Manager Jarboe explained historically Pete's Bar has held a Thanksgiving Day event for local residents to come together and socialize and drink bloody marys before returning home to roast their turkeys. The event has now become so popular that it has people attending from all over and has drifted into the streets. The large crowds have drawn concerns regarding safety. There have been instances in the past with dogs, skateboards, bicycles, etc. The City would like to see the event continue but there needs to be security requirements and responsibilities placed on the hosts to ensure people are safe.

Chief Sembach sent a letter to Pete's Bar several months ago listing some requirements for the event. Pete's Bar responded in a letter to the City that they would not be hosting the event this year based on those requirements. Ed Jones, representative for the Town Center Agency came forward advising that the Town Center Agency would be interested in hosting and coordinating the event. Mr. Jones was going to meet with other Town Center Merchants to see if they would be willing to support the event.

Ed Jones, 200 First Street, stated he met with the Town Center Merchants and Sliders Seafood, Lilly's Coffee Shop, Pete's Bar and Ocean 60 have agreed to participate and pay a fee to the Town Center Agency to cover the cost of the conditions the City has placed on the event.

Because Ocean 60 is located in Atlantic Beach they would like to put up a booth within the boundaries created for the event in Neptune Beach. The Green Room Brewery in Jacksonville Beach has agreed to create and donate a pumpkin beer for the event with the proceeds going to the Beaches Town Center Agency.

Councilor Wiley asked Mr. Jones if at this point the Beaches Town Center Agency was definitely going to host the event. Mr. Jones replied the final vote will be taken at their meeting this coming Thursday night. He spoke with the State Licensing Agency and they assured him that all participating businesses would be able to obtain their own individual license.

Councilor Wiley asked if the participants would need a permit from the City. City Manager Jarboe responded they would not need a permit. The Council would have to vote to waive the open container law for the time period of the event. This would allow open containers within the boundaries of the event only.

Councilor Wiley felt the \$2,000 the City has contributed to the event should be used for security only and asked how much that would amount to. Mr. Jones replied they estimated \$2,000 for security.

Mayor Pruette asked Chief Sembach what he estimated for the cost of security and barriers. Chief Sembach state police officers charge \$50.00 per hour with a four hour minimum. There are usually three so the cost for the officers would be at least \$600.00. City Manager Jarboe stated the barriers would cost approximately \$500.00 and there is also the cost for civilian security guards.

City Manager Jarboe stated it is important to have a plan for how the event is going to be handled and who is going to be responsible. Mr. Jones replied there will be a meeting with the volunteers this week to work out the details. The businesses have all agreed to assist with the setup and breaking down. Chief Sembach will take care of the security issues. He will report back to City Council after the meeting with the Beaches Town Center Agency and the meeting with the volunteers.

Tom Whittingslow, representative for Pete's Bar, stated the Pete's Thanksgiving Day event became more popular when the Beaches Leader ran an article one year the Wednesday before Thanksgiving Day. That was the year that the event spilled over into the streets. Pete's Bar decided not to host the event because they were uncomfortable having to tell the other participants how to run their businesses and asking them to pay their fair share. It started out years ago as a Pete's Bar Thanksgiving Day tradition. The other businesses have become involved and he felt that was fine. However, Pete's Bar had to have an insurance policy and the other businesses were operating without one. So everyone wasn't paying their share and it has gotten out of their control. He felt the event has now become a Neptune Beach event and Pete's Bar would like to see it continue.

Mayor Pruette asked Chief to clarify that there would be no dogs, skateboards, backpacks, bicycles, or music within the boundaries of the event. Chief Sembach replied coolers would also not be allowed. Backpacks are allowed into the event but will be searched to make sure there is no alcohol being brought in. The parking lot will be fenced off to avoid any tailgating.

City Manager Jarboe mentioned that Pete's Bar has always done an excellent job cleaning up the streets.

PUBLIC COMMENTS / NONE

Adjournment

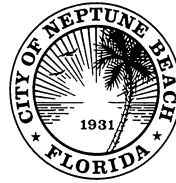
There being no further business, the meeting adjourned at 6:50 p.m.

Harriet Pruette, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
REGULAR CITY COUNCIL MEETING
OCTOBER 7, 2013, AT 6:00 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 October 7, 2013, at 6:00 p.m. in the City Hall Council Chambers, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

STAFF:

Mayor Harriet Pruette
Councilor Richard Arthur
Councilor Kara Tucker
Councilor Scott Wiley
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

Director of Public Safety David Sembach

ASENT:

Vice Mayor John Jolly
City Attorney Patrick Krechowski

Order Call/Pledge

Mayor Pruette called the meeting to order at 6:00 p.m. and asked Councilor Arthur to lead the pledge of allegiance.

AWARDS / PRESENTATIONS/ RECOGNITION OF GUESTS / NONE

APPROVAL OF MINUTES

Moved by Tucker, seconded by Arthur

Minutes

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

SEPTEMBER 9, 2013, REGULAR CITY COUNCIL MEETING
SEPTEMBER 23, 2013, SPECIAL CITY COUNCIL MEETING
SEPTEMBER 23, 2013, WORKSHOP CITY COUNCIL MEETING

Roll Call Vote:

Ayes: 4 – Arthur, Tucker, Wiley, Pruette

Noes: 0

MOTION CARRIED

COMMUNICATIONS & CORRESPONDENCE

City Manager Jarboe stated the deadline for the property owner who was brought before the Code Enforcement Special Magistrate for cat, hoarding and a foul odor ended today at 9:00 a.m. Building Official Don Ford and Community Development Director Amanda Askew went out to inspect the condition of the property this morning but the owner refused to let them inside the house. Beginning tomorrow the owner will be fined \$500.00 per day. He will be contacting the special magistrate to schedule a meeting this week. He is also looking into the possibility of obtaining a court order to allow entry into the home.

In addition the property owner has a new code violation for cutting down a tree without a permit which they left sitting in the front yard and is blocking the sidewalk. The owner is not allowed to occupy the home until all the code violations are corrected.

Mayor Pruette stated it appears the owner is living in the house. City Manager Jarboe stated the owner is only allowed inside the house for cleaning purposes.

Chief Sembach explained code violations are a civil matter and not a matter for the police department. He did speak with the property owner and informed her that Building Official Ford would be visiting and she would need to allow him entry. There is nothing in the Florida Statutes that would allow entry through a locked door or locked gate.

Mayor Pruette stated citizens are losing confidence in the code enforcement process and need some answers. She voiced concern regarding the amount of time it is taking to correct the code violation. Chief Sembach explained there is a legal process the City has to follow. She asked to place the issue on a workshop meeting agenda for more information.

Chief Sembach stated he looked through the front door of the house and it appears it has been cleaned up and there was no foul odor outside the house.

Mayor Pruette was concerned about the amount of money the issue was costing the City. City Manager Jarboe replied the work was done mostly by volunteers. The amount of the fine will more than cover the cost for the City.

Councilor Wiley asked what the next step in the process was. City Manager Jarboe stated Building Official Ford will inspect the house to determine if it meets the requirements ordered by the Special Magistrate. If it does not he will bring the property owner back before the Special Magistrate. Another option is to have the house condemned and demolished. Demolishing the house would cost the City approximately \$13,000.

Councilor Tucker asked the Chief if he would be able to do something if criminal charges were brought against the property owner. Chief Sembach replied he was going to meet with the State Attorney to determine whether or not this is a criminal matter.

CITY MANAGER REPORT

City Manager Jarboe reported the following:

- The flooding due to heavy rains is back to normal.
- There was a water main break today off of Florida Boulevard. Citizens were notified via the "phone tree." Citizens can register on our website to be included on the list.
- We have had the solar panels on City Hall for eleven months and we are \$550.00 ahead on the electric bill.

- He has requested from City of Jacksonville Councilman Bill Gulliford that the County fund the bridge in Jarboe Park and the beautification around City Hall.

City Clerk Lisa Volpe stated she has created a list of council actions and consensus's in an effort to prevent agenda items from being overlooked.

COMMENTS FROM THE PUBLIC

Robin Rutledge, 309 Oceanwood Drive, voiced concern regarding the condition of the property with the code violations that is next door to hers. She was upset that her mother, during her last few years, could not sit outside and enjoy the environment. She also voiced concern regarding the amount of time the process takes. She asked the City to use whatever laws available to make sure this situation does not happen again.

Rose Ann Beason, 217 Oceanwood Drive, stated the hoarding situation has been ongoing and each time it seems to get worse. She felt the only answer was to condemn the property and demolish the house.

CONSENT AGENDA

Fletcher Chorus APPROVAL OF THE FLETCHER HIGH SCHOOL CHORUS ANNUAL FALL PICNIC IN JARBOE PARK

Surplus Vehicles APPROVAL OF SURPLUS VEHICLES

Moved by Tucker, Seconded by Arthur

Motion: **TO APPROVE THE CONSENT AGENDA**

Roll Call Vote:

Ayes: 4 – Arthur, Tucker, Wiley, Pruette

Noes: 0

MOTION CARRIED

VARIANCES / NONE

ORDINANCES

Ord. No. 2013-09 ORDINANCE NO. 2013-09, AMENDING CHAPTER 27, DESIGN STANDARDS, SECOND READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH FLORIDA AMENDING CHAPTER 27, UNIFIED LAND DEVELOPMENT REGULATIONS, SECTION 27-476 STREET DESIGN STANDARDS AND PROVIDING AN EFFECTIVE DATE.

City Manager Jarboe explained this ordinance amends our Code to be consistent with the State requirements.

Mayor Pruette read Ordinance No. 2013-09 by title only and opened the public hearing.

There being no comments from the public, the public hearing was closed.

Moved by Tucker, seconded by Wiley

Motion: **TO ADOPT ORDINANCE NO. 2013-09 ON SECOND READ AND PUBLIC**

HEARING.

Roll Call Vote:

Ayes: 4 – Arthur, Tucker, Wiley, Pruette

Noes: 0

MOTION CARRIED

Ord. No. 2013-10 **ORDINANCE NO. 2013-10, AMENDING THE OPERATING BUDGET FY 2013, FIRST READ: AN ORDINANCE AMENDING THE OPERATING BUDGET FOR THE CITY OF NEPTUNE BEACH FLORIDA FOR FISCAL YEAR 2013, BEGINNING OCTOBER 1, 2012 AND ENDING SEPTEMBER 30, 2013.**

City Manager Jarboe stated the budget amendment is for the purchase of an animal control truck and some paving, that was paid for from grants received, that were not included in the original budget.

Moved by Tucker, seconded by Wiley

Motion: **TO PASS ORDINANCE NO. 2013-10 ON FIRST READ.**

Roll Call Vote:

Ayes: 4 – Arthur, Tucker, Wiley, Pruette

Noes: 0

MOTION CARRIED

Ord. No. 2013-11 **ORDINANCE NO. 2013-11, ADDING CHAPTER 23, UTILITIES. SECTION 23-53, SAME RECOVERY OF CITY COST, FIRST READ: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA ADDING TO CHAPTER 23, UTILITIES SECTION 23-53 SAME RECOVERY OF CITY COST AND ESTABLISHING AN EFFECTIVE DATE.**

City Manager Jarboe explained legally the City cannot charge property owners to replace existing laterals. This Ordinance holds the City responsible for the cost of replacing existing laterals.

Moved by Tucker, seconded by Wiley

Motion: **TO PASS ORDINANCE NO. 2013-11 ON FIRST READ.**

Roll Call Vote:

Ayes: 4 – Arthur, Tucker, Wiley, Pruette

Noes: 0

MOTION CARRIED

OLD BUSINESS / NONE

NEW BUSINESS / NONE

COUNCIL COMMENTS

Adjournment

There being no further business, the meeting adjourned at 6:30 p.m.

Harriet Pruetto, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk
Approved

Approved:



MINUTES
SPECIAL CITY COUNCIL MEETING
SEPTEMBER 23, 2013 AT 6:00 P.M
CITY HALL, 116 FIRST STREET
NEPTUNE BEACH, FLORIDA

Pursuant to proper notice a Special Meeting of the City Council of the City of Neptune Beach was held September 23, 2013 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 Kara Tucker
Councilor Richard Arthur
Councilor John Jolly
Councilor Scott Wiley
City Attorney Patrick Krechowski
City Manager James Jarboe
City Clerk Lisa Volpe, CMC

Building Official Don Ford
Director of Finance Steve Ramsey
Director of Public Safety David Sembach
Director of Public Services Leon Smith

Order Call

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

Ord. No. 2013-07

ORDINANCE NO. 2013-07, ADOPTING THE FINAL MILLAGE RATES AND LEVYING AD VALOREM TAXES, SECOND READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, ADOPTING FINAL MILLAGE RATES AND LEVYING AD VALOREM TAXES FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2013, AND ENDING SEPTEMBER 30, 2014; SETTING FORTH CERTAIN INFORMATION REGARDING "ROLLED-BACK-RATES"; DIRECTING THE CITY MANAGER TO ADJUST THE ADOPTED MILLAGE RATES IN THE EVENT OF CHANGES IN THE ASSESSMENT ROLL AND TAXABLE VALUE; PROVIDING AN EFFECTIVE DATE.

Mayor Pruette read for the record the TRIM, Truth in Millage notice. This is the millage public hearing for the City of Neptune Beach, Florida, the roll back rate for the City of Neptune Beach is 3.3756 mills, this rate reflects a zero point zero percent increase over the prior year's millage rate. This roll back rate is the rate that is to be levied in this Ordinance by the city council and the rate on the TRIM notice you received in mail was 3.5457, which is higher than the rate that is actually being levied tonight.

City Manager Jarboe stated this is the first roll back rate in five years that is actually a roll back.

Mayor Pruette read Ordinance No. 2013-07 by title only and opened the public hearing.

There being no comments from the public, the public hearing was closed.

Moved by Jolly, seconded by Tucker.

Motion: **TO ADOPT ORDINANCE NO. 2013-07 ON SECOND READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Tucker, Wiley, Pruette

Noes: 0

MOTION CARRIED

Ord. No. 2013-08 **ORDINANCE NO. 2013-08, ADOPTING A FINAL BUDGET, SECOND READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, ADOPTING A FINAL BUDGET AND APPROPRIATING FUNDS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2013, AND ENDING SEPTEMBER 30, 2014; PROVIDING AN EFFECTIVE DATE.**

City Manager Jarboe stated the General Fund budget is about \$450,000 less than it was five years ago.

Mayor Pruette read Ordinance No. 2013-08 by title only and opened the public hearing.

Lynda Padrta, 1113 First Street, was pleased that all the “nice to haves” have been trimmed from the budget. She hoped the City continued to provide the kind of services to keep the city a good, safe, clean, place to live.

There being no public comments the public comments the public hearing was closed.

Moved by Tucker, seconded by Jolly.

Motion: **TO ADOPT ORDINANCE NO. 2013-08 ON SECOND READ AND PUBLIC HEARING.**

Mayor Pruette thanked staff for cutting back on the budget without raising taxes while still maintaining quality services. She hoped the citizens would understand when they receive their tax bill that the City of Neptune Beach did not increase taxes but the county will be raising taxes.

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Tucker, Wiley, Pruette

Noes: 0

MOTION CARRIED

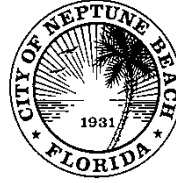
Adjournment There being no further business, the meeting adjourned at 6:05 p.m.

Harriet Pruette, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved:



MINUTES
WORKSHOP CITY COUNCIL MEETING
SEPTEMBER 23, 2013 AT 6:05 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 September 23, 2013 at 6:05 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

STAFF:

Mayor Harriet Pruette
Vice Mayor John Jolly
Councilor Richard Arthur
Councilor Kara Tucker
Councilor Scott Wiley
City Attorney Patrick Krechowski
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

Building Official Don Ford
Director of Finance Steve Ramsey
Director of Public Safety David Sembach
Director of Public Services Leon Smith

Call to Order/Roll
Call

Mayor Pruette called the meeting to order at 6:05 p.m.

PRESENTATIONS / NONE

COMMITTEE REPORTS / NONE

CITY MANAGER'S ACTION LIST

City Manager Jarboe reported on the following:

- The wastewater plant continues to meet the nitrogen goal required by the Department of Environmental Protection despite all the rain.
- Public Services Director Leon Smith met with the Jacksonville Public Services Director last week to discuss tipping fees. The City of Jacksonville offered to forego charging Neptune Beach a tipping fee for one year if the City gives them our two credits forever. This would amount to about 10% of what the credits are actually worth.
- He has asked City of Jacksonville Councilman Gulliford to help pay for the new aluminum bridge that would replace the walkover on the north side of Jarboe Park and also to consider funding the landscaping of City Hall.

Mayor Pruette stated City Manager Jarboe would be providing Council some information regarding tipping fees and credits for discussion at a future workshop meeting.

Mayor Pruette reminded Council members that they could add items to the City Manager's Action List. She asked City Manager Jarboe to place the issue of ants on the beach crosswalks.

City Manager Jarboe added he has received several calls about ants on the beach crosswalks. He has been given permission from the Department of Natural Resources to spray. Public Services Director Leon Smith has called McCall's Pest Control.

Councilor Wiley asked City Manager Jarboe to give Council an update on the parking situation behind City Hall. City Manager Jarboe explained there are drainage issues by the handicap parking space. He would be meeting with the property owner Rad Lovett to discuss the issues needed to be addressed before the City can issue a Certificate of Occupancy. A portion of the parking lot was closed off last week due to the installation of a large grease trap by the Flying Iguana and Tequila Bar. The grease trap they are installing is three times larger than what is required.

Councilor Arthur asked City Manager Jarboe to insure that the trash cans on the beach are being emptied in a timely manner, thereby taking away the food source for the ants, before the crosswalks are sprayed with a pesticide.

PUBLIC COMMENTS

Lynda Padrta, 1113 First Street, agreed extra costs are essential in order to handle the crowds at the Pete's Annual Thanksgiving Day event. She voiced concern regarding people entering the event area with drinks and dogs, and people having parties. She felt the event has grown into more than just a Pete's family event. She felt all of the participants in the event should work together to make the event happen.

Mary Ann Padrta, 1030 Second Street, stated she read about a city in California that used eminent domain to acquire mortgages of properties that were in bad condition once the mortgages were obtained they could foreclose on them or do whatever they wanted to do with them.

PROPOSED ORDINANCES

Ord. No. 2013-10 ORDINANCE NO. 2013-10, AMENDING THE OPERATING BUDGET FOR FISCAL YEAR 2013; AN ORDINANCE AMENDING THE OPERATING BUDGET FOR FISCAL YEAR 2013, BEGINNING OCTOBER 1, 2013 AND ENDING SEPTEMBER 20, 2014.

City Manager Jarboe stated the amendment is for the purchase of the animal control truck, paving and grants received that were not in the budget.

Consensus: **FORWARD TO THE OCTOBER REGULAR MEETING FOR FIRST READ.**

Ord. No. 2013-xx ORDINANCE NO. 2013-XX, UTILITIES, RECOVERY OF CITY COSTS; AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA ADDING TO CHAPTER 23, UTILITIES, SECTION 23-53, SAME RECOVERY OF CITY COST AND ESTABLISHING AN EFFECTIVE DATE.

City Manager Jarboe stated City Attorney Krechowski advised that the city could have the property owner pay for new infrastructure but cannot assess property owners for maintenance and rehabilitation.

Mayor Pruetto agreed to sponsor the ordinance

Consensus: **FORWARD TO THE OCTOBER REGULAR MEETING FOR FIRST READ.**

CONTRACTS / AGREEMENTS / NONE

ISSUE DEVELOPMENT

Auditors

SELECTION OF AUDITOR: City Attorney Krechowski stated Council voted on August 5, 2013 to select Purvis, Grey & Co. for auditing services. Two firms satisfied all requirements of the request for proposals and were ranked by the Finance Director based on several categories, one of which was compensation. Council reviewed the rankings and by a vote of 3 to 2 ranked the two companies and by a vote of 5 to 0 selected Purvis, Grey & Co. During the selection discussion each council member gave an explanation of their reasoning for ranking the two firms. On August 7, 2013, the firm of Masters, Smith & Wisby filed a protest of the Council's determination in selection. In order to ensure the City is in compliance with Florida law he asked that issue be revisited to ensure the record is accurate and completely reflects the reasons for not selecting the highest ranked firm as ranked by the finance director. He added the matter is not to be reopened and voted on again. He simply wanted to ensure that the record was clear.

On the record Mayor Pruetto asked the Council Member's that voted for Purvis, Grey & Co. to restate and confirm their reasoning for the record. She asked that their explanation be short and concise.

Councilor Tucker stated "for the record" the reason she voted for Purvis, Grey & Co. was that she wanted to have a new company review the financial records. She felt every few years it was good to change and have someone new review the books.

Councilor Wiley stated "for the record" both firms were excellent firms. The total points a firm could rank was 50 points. Masters, Smith & Wisby were ranked 49 points and Purvis, Grey & Co. was ranked 48 by the Finance Director. He reviewed the rankings and ranked them himself as a tie. He felt it was a good time to rotate the audit firm. Compensation was also a factor.

Councilor Arthur stated "for the record" his reasoning for choosing Purvis, Grey & Co. was that every five years as codes and laws change he felt it was in the best interest of the City to employ a different auditor to review the books from a new prospective to see if there is anything the City has missed or anything that should be handled differently.

Park Event

APPROVAL OF FLETCHER HIGH SCHOOL ANNUAL FALL CHORUS PICNIC IN JARBOE PARK: City Manager Jarboe explained the event would have approximately 50 students and adults. The event was held in Jarboe Park last year as well.

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

Surplus Vehicles

APPROVAL TO SURPLUS VEHICLES: City Manager Jarboe explained the surplus vehicles included the following: 1) two patrol vehicles, a lifeguard truck, and an animal control truck, from the Public Safety Department, 2) an old trailer, two ½ ton trucks, an aerial lift, an old pump and a ½ ton truck. a ¾ ton truck and a wheel balancer from the

Public Services Department. The City Clerk will place the surplus items on the Gov.com auction site.

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

Thanksgiving
Day

PETE'S BAR THANKSGIVING DAY CELEBRATION / COUNCILOR ARTHUR:
Councilor Arthur asked Chief Sembach to address the Council regarding the Thanksgiving Day celebration.

Chief Sembach stated he received a letter from Nancy Jensen, owner of Pete's Bar stated they would not be holding the Thanksgiving Day event this year due to the number and costs of the city's new requirements. They would be open for business as usual. He explained the event has grown larger and larger each year that he has worked here. The first year he was here a car could be driven down First Street, now the street has to be blocked off to accommodate the crowd.

He has noticed more alcohol consumption in the last couple of years. People are bringing in backpacks full of alcohol that are not purchased from any of our vendors. People are tailgating in the parking lots without joining the participation on First Street.

Last year he witnessed many people bringing their dogs. There was one pit bull that almost attacked a smaller dog because they were walking through the crowd and came upon the other unexpectedly.

He also witnessed a person on a skateboard slip off and the skateboard flew through the crowd striking a man in the ankle. There may have been a fight had the skateboarder not disappeared quickly.

There were also people riding bicycles.

He proposed limiting what could be brought into the event area like the City does for "Dancin in the Streets" event. This would prohibit pets, skateboards, bicycles, and outside alcohol.

City Manager Jarboe added another issue was lack of restroom facilities. Chief Sembach stated he has received complaints of people urinating in public.

Chief Sembach added that last year there were two television stations reporting on the event which also draws more people to the event.

Councilor Arthur asked Chief Sembach if he had an estimated attendance from last year. Chief Sembach replied between 9:00 a.m. and 10:00 a.m. there were a minimum of 100 people and growing more throughout the day. A conservative estimate would be 1,000 to 1,500 at peak.

Councilor Arthur questioned if Pete's would have to meet all the requirements of the City before they obtained a permit. City Manager Jarboe replied "yes." A letter from Chief Sembach had been sent to Pete's Bar, Island Girl, Lemon Bar and Sliders. The only response was from Pete's.

Councilor Arthur asked if there were the minimum requirements. Chief Sembach replied "yes" however they could be discussed.

Councilor Arthur asked if there was a standard procedure or matrix used for crowd volumes, restrooms, and security. Chief Sembach replied he did not think there were any standards.

Councilor Arthur questioned if any of the restaurants had applied for a permit. City Manager Jarboe responded "no."

Mayor Pruette questioned how the permit applied to drinking. Chief Sembach answered the permit from the City did not allow businesses the right to allow people to come in and get drinks and remove them from the premises that is governed by the State.

Mayor Pruette asked how other businesses could operate under one permit. City Manager Jarboe replied there were two ways to allow events. The City Manager can approve an event if it is non-profit. Council has to approve events that are hosted by businesses.

City Attorney Krechowski advised exploring the idea that whatever businesses wanted to be open during the event to apply for some type of permit.

Councilor Wiley asked what the hours of the event were. Chief Sembach replied last year the event was from 9:00 a.m. to 1:00 p.m.

Councilor Wiley asked what other businesses participated in the event. Chief Sembach replied last year the Island Girl Cigar Bar and Sliders. The Lemon Bar opened last year but did not participate in the event. The Flying Iguana and Tequila Bar may want to participate this year. City Manager Jarboe added North Beach Fish Camp would not be participating.

Councilor Wiley asked what the occupancy load capacity of Pete's was. Chief Sembach replied he was not sure. If they did not get a permit for the event people would not be allowed to bring their alcoholic beverages into the street. City Manager Jarboe added normally Pete's has a door monitor that limited the amount of people inside.

Councilor Wiley asked if Pete's obtained a permit for the event would Council have to approve the event with suggestions that the other participants agree to the terms. Chief Sembach replied it was a matter of what business would be responsible for obtaining the permit.

Councilor Wiley stated if Pete's was open a large number of people would come to Town Center. He was concerned that people would get the idea that the city was against the event.

Mayor Pruette stated Nancy Jenson informed her they would not be hosting the event this year. If they opened it would still place work on the City because of the crowd and people would be angry because they could not get inside. City Manager Jarboe stated he spoke to the Ed Jones with the Beaches Town Center Agency about the possibility of the agency hosting the event.

Councilor Tucker felt safety was a key issue. The event has become a tradition for Pete's Bar and she would like to see it continue.

City Manager Jarboe explained if the bars and restaurants are open on Thanksgiving Day they would not be allowed to have people leave the establishments with alcoholic beverages unless they have a license from the State to have a festival. If they did the State could take away their license and give them a fine.

Vice Mayor Jolly asked Chief Sembach how many officers were on duty on Thanksgiving Day. Chief Sembach replied there are three off duty officers that work the event, two before 9:00 a.m. and one more after 9:00 a.m. The ones normally on duty are not part of the security. He has a tough time getting officers to work on Thanksgiving Day.

Mayor Pruette suggested asked the City of Jacksonville Beach if some of their citizens on patrol would volunteer to work the event. Chief Sembach replied that was a possibility.

Vice Mayor Jolly asked if no one sponsored the event and paid for security if the funding for overtime for off duty officers would be placed on the city. Chief Sembach stated he would have to pay the officers overtime unless someone organized and hosted the event.

Ed Jones with the Beaches Town Center Agency stated he approached City Manager Jarboe with the idea of the Beaches Town Center Agency hosting the event. As a nonprofit agency they could obtain the permit and place participating businesses under their umbrella and hire them to provide alcohol for the event. He suggested the City sponsor the event and provide \$2,000 towards the security and other requirements.

Mayor Pruette questioned where the funds would come from. City Manager Jarboe stated the money could be used from the Convention Development Tax fund which is about what it would cost to pay off duty officers overtime. This way the City would not have to provide security, it would be paid for by the Beaches Town Center Agency.

Mr. Jones stated if they could pull the event together they would create a perimeter with barriers to prevent people from bringing in dogs, bikes, etc. the same way they did for "dancing in the streets." Any nonparticipating business that would be open during the event would not be allowed to participate in the street gathering.

Councilor Wiley asked if Pete's Bar was not going to open why is there going to be an event. Chief Sembach responded Ms. Jensen was not sure if they would be open on Thanksgiving. She would let him know once she decided.

Mr. Jones stated he had this week to try to pull it together and if other businesses did not want to participate it would be canceled.

City Manager Jarboe stated Councilor would have to approve the \$2,000 but he could approve the event itself.

Councilor Arthur liked the idea of Beaches Town Center Agency organizing and hosting the event. He added that the money generated would be invested in Town Center. He would support the \$2,000 sponsorship of the City.

Mayor Pruette felt this would benefit the City and Town Center.

Councilor Tucker agreed to support the event.

City Manager Jarboe suggested the consensus be to allow the City Manager to move forward and provide up to \$2,000 for the Thanksgiving Day event if the Beaches Town Center Agency holds the event.

Vice Mayor Jolly stated the \$2,000 would otherwise be spent paying off duty officer's overtime.

Consensus: **CITY MANAGER JARBOE COME UP WITH THE MONEY AND LET COUNCIL KNOW HOW HE IS DOING IT AND KEEP COUNCIL ABREAST. AND THEN IN TWO WEEKS GIVE US MORE INFORMATION.**

Code
Enforcement

CODE ENFORCEMENT: City Manager Jarboe asked Building Official Don Ford to report to the Council on recent code enforcement activity.

Building Official Don Ford explained he began keeping monthly activity reports on the code enforcement issues. Since the code enforcement officer position was eliminated the duties have been divided between himself, public services, and the community development director. The public services department is now handling the garbage complaints, the community development director is dealing with the zoning complaints, and he is handling all other complaints. Since last November there have been a total of 122 legitimate complaints and over 200 garbage complaints. City Manager Jarboe stated it has been more like 400 garbage complaints. He felt the system was working well overall.

City Manager Jarboe added the city has sent out 40 letters regarding garbage complaints to those who have not complied. By State law violators have up to 10 days to come into compliance after 10 days they received another letter informing them that they have to appear before the Code Enforcement Magistrate. Because of the days garbage is collected the only times the city can check on compliance is on Friday, Saturday and Sunday. Some garbage cans could be out all week and still be in compliance depending on the location.

Councilor Tucker stated she was aware of the notices and door hangers and felt the new system was working well.

Building Official Ford added that some people did not take the notices seriously until they have to face the special magistrate and have to pay a fine. City Manager Jarboe even then is sometimes difficult to collect the fine and the city has to place a lien on the property.

Councilor Wiley asked if there was one particular area in the city more prone to garbage complaints than others. Mr. Ford replied the area east of Third Street seems to have more complaints and that is mainly due to rental properties. Councilor Wiley asked if the property owners were notified if the tenants received a complaint. Mr. Ford replied the property owners were also sent a notice and the property owner is the one that has to face the special magistrate.

Councilor Wiley stated he was concerned about the snipe signs that are put out on the weekends. He asked who was responsible for picking them up. City Manager Jarboe replied the public service employees were responsible for picking up those signs and keeping the rights-of-way clean.

Councilor Arthur questioned if property owners were sent certified letters notifying them that their tenants were noncompliant. Mr. Ford answered "yes."

Mayor Pruette felt Mr. Ford was doing a good job acting as Code Enforcement Officer and doing his duties as Building Official. She asked if felt he could amply keep up with both. Mr. Ford replied "yes."

Consensus: **TO MOVE ALONG AND SEE HOW THINGS GO AND TAKE IT FROM THERE.**

Mayor Pruette asked City Manager Jarboe to add code enforcement to his action list and update Council on a monthly basis.

Councilor Wiley asked if Waste Pro could start picking up yard waste on Mondays in lieu of Wednesdays. City Manager Jarboe stated they could but the residents would have to pay more for the service.

City Attorney Krechowski explained last week the special magistrate issued an order upholding the notice of condemnation on the house of First Street where the balcony collapsed on July 4th. The property owner has a right to appeal if he chooses.

Vice Mayor Jolly asked if the house Council approved to be demolished at the September regular meeting had been demolished. Mr. Ford replied he was working with the bank that owns the property and they have hired a contractor. The contractor recently contacted the building department regarding how to obtain a permit to demolish it themselves.

City Manager Jarboe advised there was another house on Hopkins Street that needed to be condemned. The owner has to have a notice for a minimum of 120 days.

Bal Harbour

LATERALS FOR BAL HARBOUR: City Manager Jarboe explained the city was trying to figure out how to reduce the costs for the laterals in Bal Harbour. Director of Public Services Leon Smith met the contractor and decided on a new process which is a static approach where pipe busting is pulled instead of hammered in and does not damage the surrounding property.

Public Services Director Smith explained he met with the contractor and they discussed ideas to save money. The contractor suggested doing the static approach versus the numatic approach. The numatic approach is a hammering effect and the static approach is where they pull the pipe which does not have the damaging effect of pools and buildings. He also suggested leaving the sewer in the back which would save the city close to one million dollars. This method does not need a permit from the Department of Environmental Protection which also saves time and money.

City Manager Jarboe added the savings will allow the City to purchase our equipment without having to pay the contractors price or sales tax.

Mayor Pruette was pleased stating this will benefit both the city and the property owners in Bal Harbour.

City Manager Jarboe added the savings will also allow the city to do more work on Fourth and Fifth Streets south of the park.

Councilor Wiley asked how many homes the project will effect. Mr. Smith replied there were 92 homes in the area. Councilor Wiley stated this project did not have an effect on the storm drainage issues in Bal Harbour it was strictly for the sewer.

Councilor Wiley asked when the project would begin. Mr. Smith replied the project will begin within 30 days. Councilor Wiley asked when the project would be complete. Mr. Smith replied approximately 26 to 30 weeks.

City Manager Jarboe added the property owners would not have to pay for the lateral.

Councilor Wiley asked if the residents would be notified. Mr. Smith responded he would be meeting with each property owner individually.

PUBLIC COMMENTS

Ed Jones, 200 First Street, stated he was in need of volunteers for the Thanksgiving Day event. He also stated the Beaches Town Center Agency would be having a ribbon cutting ceremony for the landscaping project at the end of Orange Street. Their next project was landscaping of Town Center. He added the poorest looking landscaping in Town Center was the City Hall property. He requested the City purchase plants for the landscaping. He asked Council to place the issue of Town Center Christmas decorations on the October workshop meeting agenda.

Chris Oakey, 620 Camellia Terrace Drive, voiced concern regarding code enforcement. He asked the City Manager to separate garbage complaints from other code enforcement complaints on his action list. He was concerned that there was nothing in the code that states who is responsible for code enforcement.

Lynda Padrta, 1113 First Street, asked if the Thanksgiving Day event would encompass any of the vendors in Town Center including Atlantic Beach. She added the Merchants Association may be interested in participating in the Thanksgiving Day event. She felt full trash cans should not be allowed to sit on the curb until the day of pickup. She asked what the density was east of Third in the R-4 district.

COUNCIL COMMENTS

Councilor Jolly stated he would not be present for the October regular meeting.

Adjournment

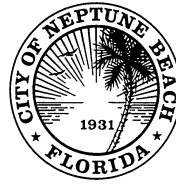
There being no further business, the meeting adjourned at 7:40 p.m.

Harriet Pruette, Mayor

Attest:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
REGULAR CITY COUNCIL MEETING
SEPTEMBER 9, 2013, AT 6:00 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 September 9, 2013, at 6:00 p.m. in the City Hall Council Chambers, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

STAFF:

Mayor Harriet Pruette
Vice Mayor John Jolly
Councilor Richard Arthur
Councilor Kara Tucker
Councilor Scott Wiley
City Attorney Patrick Krechowski
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

City Engineer Jim French
Director of Finance Steve Ramsey
Director of Public Safety David Sembach

Order Call/Pledge Mayor Pruette called the meeting to order at 6:00 p.m. and asked Councilor Wiley to lead the pledge of allegiance.

Ord. No. 2013-07 ORDINANCE NO. 2013-07, ADOPTING FINAL MILLAGE RATES, FIRST READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, ADOPTING FINAL MILLAGE RATES AND LEVYING AD VALOREM TAXES FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2013 AND ENDING SEPTEMBER 30, 2014; SETTING FORTH CERTAIN INFORMATION REGARDING "ROLLED-BACK RATES"; DIRECTING THE CITY MANAGER TO ADJUST THE ADOPTED MILLAGE RATES IN THE EVENT OF CHANGES IN THE ASSESSMENT ROLL AND TAXABLE VALUE; PROVIDING AN EFFECTIVE DATE.

City Manager Jarboe explained the millage rate FY2013/2014 reflects a small decrease from FY2012/2013.

Mayor Pruette read the "Truth in Millage" as follows: This is the millage public hearing for the City of Neptune Beach, Florida. The roll back rate for the City of Neptune Beach is 3.3756. This rate reflects the zero point zero increase over the prior year's millage rate. This roll back rate is the rate that is to be levied in this ordinance by the city council.

Mayor Pruette read Ordinance 2013-07 by title only and opened the public hearing.

There being no comments from the public, the public hearing was closed.

Moved by Jolly, seconded by Tucker.

Councilor Wiley complimented staff for preparing a budget that allowed the city a true roll back rate.

Mayor Pruette also thanked staff for preparing the budget without raising taxes.

Motion: **TO PASS ORDINANCE NO. 2013-07 ON FIRST READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Tucker, Wiley, Pruette

Noes: 0

MOTION CARRIED

Ord. No. 2013-08 **ORDINANCE NO. 2013-08, ADOPTING A FINAL BUDGET, FIRST READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH FLORIDA, ADOPTING A FINAL BUDGET AND APPROPRIATING FUNDS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2013 AND ENDING SEPTEMBER 30, 2014; PROVIDING AN EFFECTIVE DATE.**

City Manager Jarboe explained there was a slight increase in State Revenue this year which was a helpful with the preparation of the budget.

Mayor Pruette read Ordinance No. 2013-08 by title only and opened the public hearing.

Lynda Padrta, 1113 First Street, questioned if all unnecessary items had been removed from the budget. She felt there was room for savings by eliminating the need for public services employees to maintain the rights-of-way on First Street allowing them time to perform other necessary tasks. She was concerned that the city may be eliminating necessary services or decreasing the quality of life by continuing to cover expenses while keeping the revenue flat and questioned if that was a valid way to approach budgeting. She also questioned why the utility rates kept increasing.

There being no further comments from the public, the public hearing was closed.

Moved by Tucker, seconded by Jolly.

Motion: **TO PASS ORDINANCE NO. 2013-08 ON FIRST READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Tucker, Wiley, Pruette

Noes: 0

MOTION CARRIED

AWARDS / PRESENTATIONS/ RECOGNITION OF GUESTS / NONE

APPROVAL OF MINUTES

Moved by Tucker, seconded by Wiley.

Minutes

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

AUGUST 5, 2013, WORKSHOP CITY COUNCIL MEETING
AUGUST 5, 2013, REGULAR CITY COUNCIL MEETING
AUGUST 19, 2013, WORKSHOP CITY COUNCIL MEETING

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Tucker, Wiley, Pruette

Noes: 0

MOTION CARRIED**COMMUNICATIONS & CORRESPONDENCE / NONE****CITY MANAGER REPORT**

City Manager Jarboe reported the following:

- The Iguana and Tequila Bar should be opening by the end of September. The restaurant is installing an oversized grease trap that will help with overflows on grease clogs.
- The construction of the office and retail building on Second Street and Atlantic Boulevard seems to have slowed down. He had heard the owner had not secured a tenant which may be the reason the construction has slowed.

COMMENTS FROM THE PUBLIC

Alan Martin, 1113 First Street, questioned if the new construction at the Beaches Chapel had met all the city requirements because the sign stated they would be opening this fall. He voiced concern regarding vehicles parking too close to the edge of the ditch in the rear of the Beaches Chapel property and suggested placing something in front of the ditch to prevent them from parking so close.

CONSENT AGENDA / NONE**VARIANCES / NONE****ORDINANCES**

Ord. No. 2013-05 **ORDINANCE NO. 2013-05, AMENDING CHAPTER 2, ADMINISTRATION, POLICE OFFICERS' RETIREMENT SYSTEM, SECOND READ AND PUBLIC HEARING: 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 2-345, DEFINITIONS; AMENDING SECTION 2-349.11, MAXIMUM PENSION; PROVIDING FOR CODIFICATIONS; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL HERewith AND PROVIDING AN EFFECTIVE DATE.**

City Manager Jarboe explained this amendment is required by the Internal Revenue Service and has been approved by the Police Officers' Retirement Board and its attorney.

Mayor Pruette read Ordinance No. 2013-05 by title only and opened the public hearing.

There being no comments from the public, the public hearing was closed.

Moved by Jolly, seconded by Tucker.

Motion: **TO ADOPT ORDINANCE NO. 2013-05 ON SECOND READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Tucker, Wiley, Pruette

Noes: 0

MOTION CARRIED

Ord. No. 2013-06 **ORDINANCE NO. 2013-06, CHAPTER 23, UTILITIES, WATER AND SEWER SERVICES, SECOND READ AND PUBLIC HEARING: AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF NEPTUNE BEACH, FLORIDA CHAPTER 23 UTILITIES ARTICLE IV WATER AND SEWER SERVICE CHARGES SECTION 23-84(B)(C) AND (D) TO INCREASE WATER RATES AND AMENDING SECTION 23-85(A)(B) AND (C) TO INCREASE SEWER RATES; AND ESTABLISHING AN EFFECTIVE DATE.**

City Manager Jarboe explained this ordinance increases the water and sewer rates 3% as per the water and sewer rate study. This will also help fund the infrastructure for Bal Harbour.

Mayor Pruette read Ordinance No. 2013-06 by title only and opened the public hearing.

There being no public comments, the public hearing was closed.

Moved by Jolly, seconded by Tucker.

Mayor Pruette was pleased that the infrastructure work was beginning in Bal Harbour and felt it was a good start for the area west of Third Street.

Motion: **TO ADOPT ORDINANCE NO. 2013-06 ON SECOND READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Tucker, Wiley, Pruette

Noes: 0

MOTION CARRIED

Ord. No. 2013-09 **ORDINANCE NO. 2013-09, AMENDING CHAPTER 27, DESIGN STANDARDS, FIRST READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF N NEPTUNE BEACH FLORIDA AMENDING CHAPTER 27, UNIFIED LAND DEVELOPMENT REGULATIONS, SECTION 27-476 STREET DESIGN STANDARDS AND PROVIDING AN EFFECTIVE DATE.**

Mayor Pruette agreed to sponsor the Ordinance.

City Manager Jarboe stated our requirements for creating turn lanes are more stringent than the State requirements. He suggested changing the code to be consistent with the State.

Mayor Pruette read Ordinance No. 2013-09 by title only and opened the public hearing.

Lynda Padrta, 1113 First Street, questioned what other roads would be impacted by the ordinance.

There being no further comments from the public, the public hearing was closed.

Moved by Tucker, seconded by Jolly.

Motion: **TO PASS ORDINANCE NO. 2013-09 ON FIRST READ AND PUBLIC HEARING.**

Councilor Wiley questioned if the ordinance would affect the size of cul-de-sacs. City Engineer French replied "no", it did not address cul-de-sacs at all. It only affects collector roads and lane width.

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Tucker, Wiley, Pruette

Noes: 0

MOTION CARRIED

OLD BUSINESS / NONE

NEW BUSINESS

Res. No. 2013-05 **RESOLUTION NO. 2013-05, AUTHORIZING THE ISSUANCE OF WATER AND SEWER REVENUE NOTE, SERIES 2013A AND 2013B: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEPTUNE BEACH, FLORIDA, SUPPLEMENTING AND AMENDING RESOLUTION NO. 2001-19 OF THE CITY COUNCIL, ADOPTED AUGUST 6, 2001, FOR THE PURPOSE OF AUTHORIZING THE ISSUANCE BY THE CITY OF NEPTUNE BEACH, FLORIDA OF NOT EXCEEDING \$4,300,000 IN AGGREGATE PRINCIPAL AMOUNT OF WATER AND SEWER REVENUE NOTE, SERIES 2013A AND WATER AND SEWER REVENUE REFUNDING NOTE, SERIES 2013B (COLLECTIVELY, THE "SERIES 2013 NOTES") AS ADDITIONAL BONDS THEREUNDER FOR THE PURPOSE OF FINANCING IMPROVEMENTS TO THE WATER AND SEWER SYSTEM AND REFUNDING THE CITY'S OUTSTANDING WATER AND SEWER REVENUE REFUNDING BONDS, SERIES 2001 AND PAYING THE COSTS OF ISSUANCE OF THE SERIES 2013 NOTES; PROVIDING FOR CERTAIN COVENANTS AND AGREEMENTS BY THE CITY IN CONNECTION WITH THE ISSUANCE OF THE SERIES 2013 NOTES; ESTABLISHING OR PROVIDING FOR THE ESTABLISHMENT OF THE TERMS OF THE SERIES 2013 NOTES; AWARDED THE SALE OF THE SERIES 2013 A NOTE ON A NEGOTIATED BASIS TO BRANCH BANKING AND TRUST COMPANY AND THE SERIES 2013B NOTE ON A NEGOTIATED BASIS TO T.D. BANK, N.A. UPON THE TERMS SET FORTH HEREIN; APPOINTING A REGISTRAR, PAYING AGENT AND ESCROW AGENT; APPROVING THE FORM OF ESCROW DEPOSIT AGREEMENT; APPROVING CERTAIN AMENDMENTS TO THE BOND RESOLUTION; AUTHORIZING THE EXECUTION OF VARIOUS DOCUMENTS AND THE TAKING OF ALL NECESSARY ACTION IN CONNECTION WITH THE ISSUANCE AND DELIVERY OF SUCH NOTES; PROVIDING AN EFFECTIVE DATE; AND PROVIDING OTHER DETAILS WITH RESPECT THERETO.**

City Manager explained Resolution No. 2013-05 allows the City to borrow the money for a 15 year term for the water and sewer project in Bal Harbour. It also allows the City to refinance existing bonds for two and half years saving the City \$70,000.

Moved by Jolly, seconded by Tucker.

Motion: **TO ADOPT RESOLUTION NO. 2013-05.**

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Tucker, Wiley, Pruette

Noes: 0

MOTION CARRIED

1727 Hopkins
Creek Ln.

APPROVAL OF THE DEMOLITION OF 1727 HOPKINS CREEK LANE: City Manager Jarboe explained the building located at 1727 Hopkins Creek Lane was in a state of disrepair and had been condemned for two years. Hopefully, this will help persuade the owner, Wells Fargo Bank, to make the necessary repairs. If they do not make the repairs the City can demolish the structure because it is a potential danger to the public.

Moved by Tucker, seconded by Arthur.

Motion: **TO APPROVE THE DEMOLITION OF 1727 HOPKINS CREEK LANE.**

Mayor Pruette stated the lights had been on inside the condemned house. City Manager Jarboe replied Wells Fargo may have had the electricity turned on so they could evaluate the condition of the property. He has asked Building Official Don Ford to have the electricity turned off.

Councilor Arthur asked if Wells Fargo was the owner of the property. City Manager Jarboe responded yes, they were in the process of conducting an evaluation of the property to see if it was feasible to repair and place on the market.

Councilor Wiley questioned if the City had to own the house in order to demolish it. City Manager Jarboe replied 'no,' if Wells Fargo is not willing to do the necessary repairs to make the property safe for the community then the City can demolish it.

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Tucker, Wiley, Pruette

Noes: 0

MOTION CARRIED

Labor Agreement
/ Public Safety

APPROVAL OF LABOR AGREEMENT BETWEEN THE CITY OF NEPTUNE BEACH AND THE NEPTUNE BEACH PUBLIC SAFETY DEPARTMENT LABOR COUNCIL.

City Manager Jarboe stated the contract remains the same except there for a 3% salary increase for employees. This is the first salary increase for employees in six years.

Moved by Tucker, seconded by Jolly.

Motion: **TO APPROVE THE LABOR AGREEMENT BETWEEN THE CITY OF NEPTUNE BEACH AND THE NEPTUNE BEACH PUBLIC SAFETY DEPARTMENT LABOR COUNCIL.**

Roll Call Vote:

Ayes: 5 - Arthur, Jolly, Tucker, Wiley, Pruette

Noes: 0

MOTION CARRIED

Local 630

APPROVAL OF AGREEMENT BETWEEN NORTHEAST FLORIDA PUBLIC
EMPLOYEE'S LOCAL 630 AND THE CITY OF NEPTUNE BEACH, FLORIDA:

City Manager Jarboe stated the contract remains the same except for a 3% salary increase for employees. This is the first salary increase for employees in six years.

Moved by Tucker, seconded by Wiley.

Motion: **TO APPROVE THE AGREEMENT BETWEEN NORTHEAST FLORIDA
PUBLIC EMPLOYEE'S LOCAL 630 AND THE CITY OF NEPTUNE BEACH,
FLORIDA.**

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Tucker, Wiley, Pruette

Noes: 0

MOTION CARRIED

COUNCIL COMMENTS

Mayor Pruette asked City Manager Jarboe to take a look at the sign pollution in the Town Center parking area. She felt there were too many signs and it was unattractive.

City Manager Jarboe stated the 3% salary increase also includes the nonunion employees.

Mayor Pruette stated Council would be discussing the Pete's Thanksgiving Day celebration. City Manager Jarboe stated Councilor Arthur requested placing the item on the September workshop meeting agenda.

Adjournment

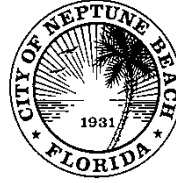
There being no further business, the meeting adjourned at 6:30 p.m.

Harriet Pruette, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk
Approved

Approved:



MINUTES
WORKSHOP CITY COUNCIL MEETING
AUGUST 19, 2013 AT 6:00 P.M
CITY HALL, 116 FIRST STREET
NEPTUNE BEACH, FLORIDA

Pursuant to proper notice a Workshop Meeting of the City Council of the City of Neptune Beach was held August 19, 2013 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 John Jolly
Councilor Richard Arthur
Councilor Kara Tucker
Councilor Scott Wiley
City Attorney Patrick Krechowski
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

Community Development Director Amanda Askew
Director of Public Safety David Sembach
Director of Public Services Leon Smith
Plant Division Supervisor Mark Greenwood

**Call to Order/Roll
Call**

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

PRESENTATIONS

**Bal Harbour
Bonds**

BAL HARBOUR INFRASTRUCTURE WATER & SEWER LOAN: Finance Director Steve Ramsey explained requests for proposals for two loans were received. The calculations were done independently by Dunlap & Associates. Dunlap & Associates will be attending the September regular meeting with a Resolution for Council to accept the loans. The best offer is for loan 2013A, for the Bal Harbour project, is from BB&T for 3.35% and the best offer for loan 2013B, for the refunding of water and sewer bonds issued in 2001, is from TD Bank for .99%.

Councilor Arthur asked if the rates were guaranteed. Finance Director Ramsey stated the new loan for Bal Harbour is locked for 45 days. The loan for the refinance is good until September 10th which is the closing date.

Vice Mayor Jolly asked if the 2013B loan was the revolving fund. Finance Director Ramsey replied the 2013B loan is a refinance of an old 2001 loan.

**Budget
2013/2014**

PROPOSED BUDGET FOR YEAR ENDING SEPTEMBER 30, 2014: Finance Director Ramsey explained the Budget was prepared using the roll back rate of 3.3756.

The big change in the budget this year is the loan for the Public Services building has been paid off and we are using that \$265,000 from the Better Jacksonville Plan to pay for paving.

The budget for the current year is short nearly \$24,000. Mayor Pruetto questioned how the city would make up for the shortage. Finance Director Ramsey replied the State revenues came in higher than expected and that would offset the loss.

The telecommunications tax is over \$8,000 higher and the cigarette tax is up about \$4,000.

The budget has been cut by \$400,000 since the 2006 budget.

Mayor Pruetto asked Mr. Ramsey if he was comfortable with the proposed budget. Mr. Ramsey replied "yes" the reserves are built up. If there is a major storm we would be able to survive.

Mr. Ramsey explained the only change in the budget is the life and health insurance. The health insurance increased 17% this year.

In the non-departmental budget there are two things to point out: 1) the debt service of \$265,000 and the solar system for the City Hall building is projecting to save approximately \$7,000 on the electric bill.

City Manager Jarboe stated there is \$6,000 more revenue in the animal control budget because the new animal control officer is writing more citations.

Councilor Wiley asked if there was a budget for the special magistrate. Mr. Ramsey responded the budget for the special magistrate was included in the legal counsel budget.

Councilor Wiley asked Mr. Ramsey if he felt comfortable the current year budget would be fully funded. Mr. Ramsey replied "yes" there is still money coming in from the State.

Mayor Pruetto stated Jacksonville Mayor Alvin Brown wanted to cut gas tax. She asked how that would impact our budget. Mr. Ramsey stated that is a special revenue fund of \$230,000.

City Manager Jarboe explained most of the general fund revenue was from property taxes and state revenue.

Mayor Pruetto asked if there was a budget for code enforcement. Mr. Ramsey replied the code enforcement budget was included in the police department budget.

CITY MANAGER'S ACTION LIST

Mayor Pruetto asked Plant Division Supervisor Mark Greenwood to explain the notice that was recently in the newspaper addressing concerns regarding the drinking water. Mr. Greenwood explained trihalomethanes is a compound formed when disinfection used to make water safe to drink reacts with natural organics. It is thought to be a possible cause for cancer but there is no proof. The Environmental Protection Agency requires notices if the level exceeds 80 parts per billion. The level was at 87 parts and they are currently taking measures to reduce the level. Other cities often have the same problem.

City Manager Jarboe reported on the following:

- He would be addressing Council regarding the property in Jarboe Park leased from Jacksonville Beach when the growing season is over and Public Works has time to work on the project.

PUBLIC COMMENTS

Christine Chin, 227A Margaret Street, voiced concern regarding overgrowth and trash. She approved of the newly adopted ordinance addressing trash and the storing of garbage cans.

Lynda Padrta, 1113 First Street, felt land use changes needed to be addressed regarding nonconforming lots.

Chris Oakey, 620 Camellia Terrace Drive, voiced concern regarding what he felt was a lack of code enforcement. He felt the city should notify new residents of the do's and don'ts regarding code enforcement.

Mary Ann Padrta, 1030 Second Street, felt it was unfair that she was not allowed to add a bathroom to her house because her lot was nonconforming.

PROPOSED ORDINANCES

Land Use

LAND USE CHANGE / NON CONFORMING PROPERTIES: Mayor Pruette stated the consensus at the February workshop meeting was to define the process of converting a multifamily home to a single family home and to define decks, porches, patios, and balconies.

City Attorney Krechowski stated he has added some definitions but it is difficult to make changes in one area of the code that did not impact other areas. There is a lot of language in the code regarding nonconforming lots and structures. One of the directions from the February meeting was also regarding the amount of greenspace in residential districts.

Vice Mayor Jolly suggested holding a workshop meeting to have Community Development Director Askew explain the reason for nonconforming properties.

Councilor Tucker felt our code should be consistent with the County code regarding converting multifamily homes to single family homes. She questioned why nonconforming lots could not apply for variances.

Councilor Wiley stated in the 60's and early 70's there were very few zoning regulations which created the now nonconforming lots. He asked Community Development Director Askew if the code allowed nonconforming lots to seek a variance. Ms. Askew replied there a lot of different considerations for nonconforming lots. If a structure did not meet the required setback in the front yard and the owner wanted to build a deck in the rear yard that would be allowed providing the rear yard met the setback requirements. Councilor Wiley asked if an owner wanted to add a porch on a nonconforming property would they be allowed to do so. Ms. Askew replied if it was a single family home they would be allowed but if it were a multifamily home they would not be allowed unless they converted it to single family.

Mayor Pruette read Section 27-146(a)(c) of the Code which prohibits a variance due to the duplex status and comprehensive plan density controls. She felt it would be better

to have a duplex with two units convert back to single family. Ms. Askew replied that is allowed.

Mayor Pruette felt the code did not make it easy to covert duplexes to single family because they are required to remove one of the electric meters and one of the water meters and there can only be one kitchen.

City Attorney Krechowski stated the difficulty with changing the code where nonconformities are concerned is that there are so many different types of nonconformities including lots, structures, uses, etc. He advised not making changes to the code just to fix one or two or three problems.

Mayor Pruette stated she would like for our code to be consistent with the county regarding converting multifamily to single family homes.

Councilor Arthur stated the changes are essentially definitions. City Attorney Krechowski replied and Section 27-244, Conversion and Expansion and some green space in the residential area.

Community Development Director Askew stated that the amount of green space in the Commercial district is 20%.

Mayor Pruette asked if it would be better to have more green space in commercial districts and less in residential. There is a property on Cherry Street that is completely filled up with pavers.

Mayor Pruette stated the Florida Building Code defines "Intensification of Use" as an increase in capacity of number of units of a residential or commercial building. Our Code defines it as change in a property structure or use resulting in increase requirements for parking, egress, occupancy load or fire regulations or expansion electrical, mechanical or plumbing system. She felt Council may need to review that as well.

Councilor Tucker asked if it would be a good idea to invite a representative of the property appraiser's office to a workshop meeting to discuss converting multifamily homes to single family homes.

Consensus: **CONTINUE WORKING ON THE ON AN ORDINANCE AND FORWARD FOR A FEW MONTHS.**

CONTRACTS / AGREEMENTS / NONE

ISSUE DEVELOPMENT

Florida Blvd.

FLORIDA BOULEVARD, ADDITION OF A RIGHT HAND TURN LANE; City Manager Jarboe stated our requirements for creating turn lanes are more stringent than the State requirements. He suggested changing the code to be consistent with the State.

Consensus: **FORWARD**

1727 Hopkins
Creek Lane

REQUEST TO APPROVE THE DEMOLITION OF THE HOUSE AT 1727 HOPKINS CREEK LANE; Building Official Don Ford explained the house at 1727 Hopkins Creek Lane has been condemned for almost two years. The house has changed ownership three times during that period. He asked permission to proceed with the demolition process in an effort to have the current owner to take action.

Consensus: **FORWARD**

Code
Enforcement

CODE ENFORCEMENT ACTION: Mayor Pruette explained about a year ago she informed City Manager Jarboe she had been receiving numerous complaints regarding code enforcement especially ease of Third Street. City Manager Jarboe advised her, he would have the Code Enforcement Officer take action. The most conscience homeowners were the ones who received citations rather than the most egregious and they became very upset. She would like for the City to hire a part time Code Enforcement Officer to work four hours a day.

For the Record

Mayor Pruette stated for the record "I feel we need somewhat proactive verses reactive and we need to be more balanced. We need a code enforcement officer that will be fair and reasonable, work with code violators to resolve the code violations, does not look for every shade of gray, to be professional and personal relation savvy, courteous and use "good common sense." I want to talk to you about "good common sense and being professional." When I was first elected Mayor, I was Mayor for about eight months and we okayed an event in the park called Relay for Life. Someone complained about the noise and the code enforcement official told them to turn it down, which they did and on Monday when I came into City Hall I got a ticket, as Mayor, for noise in the park. To me that was not good common professional sense. This is a simple matter, if we want it to be simple. We cannot go out and be perfect in code enforcement. I don't think any of us expect code enforcement to be perfect but I think what we need is to do is tell our City Manager the direction we want to see and the way we want code enforcement, whether we want proactive, reactive, or middle of the ground. I believe the City should educate people more or put out more information so that new people would get the code, I believe noise, trash, and dog defecation. Then I think we need to sit back and let Mr. Jarboe do his job with staff. We pay him enough money, this should not be complicated, and it's not our job to tell him how to find a way or find an answer to code enforcement. I think Mr. Jarboe knows what to do. I do believe a part time code enforcement officer would certainly help out."

Councilor Arthur suggested Council develop certain criteria that they want to see enforced in a proactive manner and draft a resolution.

Councilor Wiley stated most complaints that he receives are relating to trash cans and recycle bins not being picked up. He was concerned about bandit signs that are placed around the City on the weekends. He agreed the City should be proactive but disagreed that Council should choose what violations should be proactive. He was not sure that a part time code enforcement officer was necessary. He asked Building Official Don Ford if he felt he could handle all code enforcement. Mr. Ford responded based on the number of violations he seemed to be handling it well.

Councilor Wiley asked if Atlantic Beach was proactive or reactive. Mr. Ford answered Atlantic Beach was more reactive because they have more complaints than they can handle.

Councilor Wiley asked how the weekend violations could be taken care of. Mr. Ford replied in the past someone would take a Monday off and work on a Saturday.

Councilor Tucker agreed the City should be more proactive. She questioned how the number of violations compared to previous years. Mr. Ford replied before he took over the job there were no numbers so there are no numbers to compare with.

Vice Mayor Jolly suggested Council give direction to City Manager Jarboe and allow him to manage the code enforcement then if he feels the need to hire more staff he can come back and ask Council.

City Manager Jarboe suggested he and Building Official Don Ford come up with plan and provide that plan back to Council.

Consensus: **CITY MANAGER AND BUILDING OFFICIAL GET TOGETHER AND COME UP WITH A PLAN AND PROVIDE THAT PLAN TO COUNCIL.**

Bal Harbour

SEWER HOOK-UPS / BAL HARBOUR: City Manager Jarboe stated Council needed to make a decision regarding if the City or the 90 property owners in Bal Harbour should pay the costs for sewer connections. The cost will range from \$180,000 to \$220,000. He suggested the City pay the costs because of the unusual situation. He will ask the City Attorney to draft an Ordinance.

Vice Mayor Jolly stated when he worked for Jacksonville Electric Authority, they required the property owners to pay for sewer connections.

City Manager Jarboe stated it is an unusual situation because of the way the sewer was originally installed. They were put in backyards and now we are moving everything out front.

Mayor Pruette asked if there were any other subdivisions that had the sewer connections in the back. City Manager Jarboe replied the Oceanwood subdivision also had sewer hookups in the back.

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

PUBLIC COMMENTS

Alan Martin, 1113, First Street, felt most of the code enforcement issues regarding trash cans and recycle bins being left out.

Lynda Padrta, 1113 First Street, agreed nonconformities are a large issue and it is difficult to change the code concerning nonconformities when you don't know what they are. She liked the concept of dealing with code enforcement and the door hangers to notify violators. She felt the issue in the R-4 area was a number of people living in a small apartments having parties, generating a lot of trash and not respecting the City. She felt grass, garbage and dog defecation were main issues.

Chris Oakey, 620 Camellia Terrace Drive, stated code enforcement should be consistent throughout the city.

COUNCIL COMMENTS

Councilor Arthur stated the Town Center Agency was looking into commercial recycling in Town Center. They have also hired a landscape designer to upgrade the landscape in Town Center. He felt once Town Center upgraded the landscape that the City should consider upgrading the landscape at City Hall. He also requested public services install a few parking spaces at Basil Park.

Adjournment

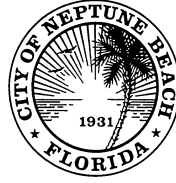
There being no further business, the meeting adjourned at 8:00 p.m.

Harriet Pruette, Mayor

Attest:

Lisa Volpe, CMC, City Clerk

Approved: _____



**MINUTES
WORKSHOP CITY COUNCIL MEETING
AUGUST 5, 2013, AT 6:00 P.M
CITY HALL, 116 FIRST STREET
NEPTUNE BEACH, FLORIDA**

Pursuant to proper notice a Workshop Meeting of the City Council of the City of Neptune Beach was held August 5, 2013 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 John Jolly
Councilor Richard Arthur
Councilor Kara Tucker
Councilor Scott Wiley
City Attorney Patrick Krechowski
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

Director of Finance Steve Ramsey
Director of Public Safety David Sembach

Call to Order/Roll
Call

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

PROPOSED ORDINANCES

Auditors

SELECTION OF AUDITORS:

Council discussed the qualifications and reputations of the firms that responded to the requests for proposals. Both firms were said to be highly qualified.

Consensus: **FORWARD TO THE FOLLOWING REGULAR MEETING FOR A
ROLE CALL VOTE.**

PUBLIC COMMENTS / NONE

Adjournment

There being no further business, the meeting adjourned at 6:05 p.m.

Harriet Pruette, Mayor

Attest:

Lisa Volpe, CMC, City Clerk

Approved: _____



**MINUTES
WORKSHOP CITY COUNCIL MEETING
JULY 15, 2013 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 July 15, 2013 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 John Jolly
Councilor Richard Arthur
Councilor Kara Tucker
Councilor Scott Wiley
City Attorney Patrick Krechowski
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

City Engineer Jim French
Director of Finance Steve Ramsey
Director of Public Safety David Sembach
Director of Public Services Leon Smith

**Call to Order/Roll
Call**

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

Mayor Pruette announced to be consistent with State law, there would be a Budget and TRIM meeting held on September 9, 2013 and September 23, 2013. City Manager Jarboe recommended holding the Regular City Council meeting on September 9, 2013 and the Workshop City Council meeting on September 23, 2013.

PRESENTATIONS

Auditor RFP's

AUDITOR REQUEST FOR PROPOSALS (RFP) COMPARISONS: Director of Finance Ramsey explained the auditor contract expired with our current auditors and requests for proposals were sent out in May. Proposals were received from Purvis, Grey and Co., Carr, Riggs, & Ingram, and Masters, Smith & Wisby. All three firms have excellent qualifications. Carr, Riggs, & Ingram proposal did not include the public entity crime statement required by Florida Statutes. The other two firms came in with proposals under the current budget level, Purvis, Grey's proposal was \$3,300 dollars less in for the first year and \$9,000 less over the three year period. Masters, Smith & Wisby maintains a local office in Ponte Vedra Beach and Purvis Grey's closest office is in Gainesville.

Purvis, Grey & Company: Rob Whiteside, a partner for the company, explained the company started in Florida in the 1940's. Their main office is in Gainesville and they have four other offices throughout the State. They are a governmental audit firm with two thirds of their work with cities, counties, school districts and special districts in

Florida. They have committed a team consisting of himself as the partner in charge as well as a manager, a senior and a staff accountant. They typically do pre-field work for three days in the summer and five to seven days final field work. He would be on site for most of the engagement.

Vice Mayor Jolly asked if the proposal included transportation or if there would be any additional charges. Mr. Whiteside replied transportation was included in the proposal however; there would be an extra charge for additional work or single audits.

Councilor Tucker asked how long the company has worked for our sister cities. Mr. Whiteside replied they have worked with Jacksonville Beach since 1993 and Atlantic Beach since before 1993.

Masters, Smith & Wisby, Gary Huggett, explained they have been the auditors for the past five years. It is hard for smaller local firms to maintain a presence in the auditing field in the governmental sector due to having to compete with larger firms. He felt their proposal was very fair considering where Neptune Beach would have been had Masters, Smith & Wisby presented their bid five years ago. He felt their company had saved the city a lot of money over the past five years. He further added the company has been in business since 1972. The main office is off Phillips Highway. They also have a satellite office in Ponte Vedra Beach. The proposal is for a not to exceed price and doesn't mean the price cannot be lower. It only means they cannot exceed that price.

Vice Mayor Jolly asked what their fee was for the past years. Mr. Huggett replied the cost was in the low \$3,000. They did not have a price increase for the last two years.

Vice Mayor Jolly asked what percent of their business involved government. Mr. Huggett responded they have one other governmental client, which is the City of St. Augustine, and several non-profits that fall under government auditing standards.

Mr. Huggett reminded Council the fee could not be the determining factor in the decision.

Mayor Pruette stated they have done a great job the past five years and she appreciated their hard work.

Consensus: **TO MOVE THE ISSUE TO THE NEXT COUNCIL MEETING AND HOLD A WORKSHOP BEFORE THE AUGUST REGULAR MEETING.**

City Manager Jarboe suggested meanwhile that the Council not consider any lobbying efforts from either firm and base their decision solely on the proposals.

CITY MANAGER'S ACTION LIST

City Manager Jarboe reported on the following:

- There was a recent issue with cat hoarding and the City of Jacksonville would not cooperate per the Interlocal Agreement.

Mayor Pruette stated she felt it was time for Council to consider taking legal action against the County for not complying with the Interlocal Agreement. She added many people were upset over the fact that the violator had been cited three times over the hoarding and the conditions of the home in the past.

City Manager Jarboe responded the violator went before Code Enforcement each time.

Councilor Arthur suggested placing the issue of Code Enforcement on a future workshop meeting agenda to review the standard operating procedures.

Councilor Wiley agreed the standard operating procedures needed to be reviewed. He was concerned the party may begin hoarding cats again.

Chief Sembach advised it is not against the law to hoard cats. There is no law that states how many cats can be living on one property. The violations cited were for swimming pool conditions and stacking of garbage.

Mayor Pruette asked if there was a State guideless regarding how many animals you can have on a property. Chief Sembach replied "no." Mayor Pruette felt Council needed to review and possibly amend the city ordinance because she did not want this to reoccur. City Manager Jarboe stated the Council may want to consider the issue at a workshop.

City Attorney Krechowski advised most cities treat this type of issue under the nuisance ordinance which gives the city more power.

Mayor Pruette stated she would meet with Representative Janet Adkins and ask her to bring it up with the State to see if they can take action.

Chief Sembach added the last time the property owner was cited she cleaned up the property so it passed inspection. When she went before the special magistrate last month she was ordered to clean up which she did not do. This allowed the city to take action to condemn the property and remove the cats. City Manager Jarboe explained an officer must have a legal reason to enter the property which is why it is difficult to prevent.

Councilor Wiley questioned what the condition of the property was currently. Chief Sembach replied the property had been condemned by the Building Official. The Building Official has given the property owner permission to enter the property with a responsible party to try to have it cleaned up. He personally felt the property could not be properly would not ever be habitable.

City Manager Action List (continued)

- The paving on Florida Boulevard is complete. The paving will again this week depending on the weather. The worst street in the City, which is 11th Street, will be completely redone.

PUBLIC COMMENTS

Judy Williams, 98 Orange Street, concerned about an empty lot behind her property, on Orange Street and Midway, becoming an eyesore due to parking, debris, weeds, and an odor. She also felt it was dangerous to the public. City Manager Jarboe stated he would speak with her regarding the issue.

Henny Schoonover, 214 Oceanfront, also voiced concern regarding the empty lot on Orange Street and Midway. She felt in was unsanitary.

PROPOSED ORDINANCES

PORF

ORDINANCE NO. 2013-05, AMENDING CHAPTER 2, ADMINISTRATION, POLICE OFFICERS' RETIREMENT SYSTEM, FIRST READ: 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 2-345, DEFINITIONS; AMENDING SECTION 2-349.11, MAXIMUM PENSION; PROVIDING FOR CODIFICATIONS; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING AN EFFECTIVE DATE

City Manager Jarboe stated the amendments were being made to be consistent with the new IRS guidelines.

Councilor Jolly expressed concern regarding the Council not hearing from any of the members of the Police Officers Pension Fund Board. City Manager Jarboe stated in the future he would ask the chairman of the Board to present the appeal to the council.

City Attorney Krechowski explained the Board and the Board Attorney had to approve the ordinance before forwarding it to Council.

Councilor Jolly agreed to sponsor Ordinance 2013-05.

Consensus: **FORWARD TO THE AUGUST REGULAR MEETING FOR FIRST READ.**

Variance

SECTION 27-147, REQUIRED FINDINGS TO ISSUE A VARIANCE: City Attorney Krechowski stated he would like to review the ordinance and bring forward it the council at a later date.

Consensus: **FORWARD TO THE AUGUST WORKSHOP MEETING.**

Special
Exceptions

SECTION 27-160, REQUIRED FINDINGS NEEDED TO RECOMMEND A SPECIAL EXCEPTION: City Attorney Krechowski stated he would like to review the ordinance and forward it the council at a later date.

Consensus: **FORWARD TO THE AUGUST WORKSHOP MEETING**

CONTRACTS / AGREEMENTS

Waste Pro

WASTE PRO, REQUEST FOR CONSUMER PRICE INDEX ADJUSTMENT: Dan Connell, Division Manager for Waste Pro, stated they were requesting a 2% Consumer Price Index Adjustment.

City Manager Jarboe explained this would not increase the monthly rate charged to the citizens. This is a request for cost of living from Waste Pro. The contract says the "council may grant it." It is not a requirement.

Vice Mayor Jolly asked if the amount had to be rounded to the nearest percent. City Manager Jarboe stated that they were requesting 2%.

Councilor Tucker asked when the last time they received an increase was. City Manager Jarboe replied this was on the agenda a few months ago but their representative at the time was unable to respond to questions by the Council and Council elected to postpone the issue.

Councilor Wiley stated the increase would amount to approximately \$18,000 to \$20,000. He questioned what the money would be used for. Mr. Connell replied the increase would be used for towards the cost of doing business.

Councilor Wiley questioned if they had been given a CPI since the contract began in 2006. City Manager Jarboe replied "no."

Mayor Pruette stated the city was considering allowing the County to take over the trash pickup due to the issue of tipping fees.

City Manager Jarboe stated expenses increase, the city employees' expenses have increase and they have not received an increase in recent memory.

Councilor Wiley stated he has a hesitation over taking any action due to the tipping fees issue.

Mayor Pruette hoped to resolve the issue with the County soon.

Councilor Tucker agreed to wait until the issue with the County was resolved.

Consensus: **TO NOT APPROVE A CPI FOR WASTE PRO UNTIL WE FIND OUT MORE FROM THE COUNTY.**

Jax Beach
Jarboe Park

CITY OF JACKSONVILLE BEACH, AGREEMENT FOR USE OF LAND IN JARBOE PARK: City Manager Jarboe explained the City of Jacksonville Beach no longer utilized the substation in Jarboe Park. Councilor Wiley had suggested the property be used for additional parking. City Attorney Krechowski created a lease agreement with Jacksonville Beach to use the property for additional parking for \$1.00 annually which was accepted by the Jacksonville Beach City Council. Mayor Pruette asked the City Manager to remind Beaches Chapel this will be for Jarboe Park parking not for their use.

Consensus: **FORWARD TO THE AUGUST REGULAR MEETING FOR APPROVAL.**

ISSUE DEVELOPMENT

Fla. Blvd.
Right Turn Lane

FLORIDA BOULEVARD, RIGHT HAND TURN LANE: City Manager Jarboe explained Mayor Pruette recently inquired about the possibility of creating a right turn lane on Florida Boulevard. City Engineer Jim French advised it would be complicated because our Code requirements are more stringent regarding lane size than the State guidelines. It would be less expensive if the Council amended our Code to coincide with the State.

Mayor Pruette stated there is an area that creates a partial right lane turn that vehicles try to squeeze into. If we cannot create a right hand turn lane she suggested changing the striping to prevent that from happening. City Manager Jarboe explained Florida Boulevard is the property of the Department of Transportation and whatever we chose to do we would need their permission.

City Engineer French explained our Code requires outside lanes to be 12 foot wide. The State requirement is 14 feet for outside lanes. If Council amends the Code to coincide with the State it would allow enough room to create a right turn lane. City Manager Jarboe suggested amending the Code and forwarding the proposed ordinance to a workshop.

Mayor Pruette suggested delaying the issue until the City could afford it. City Manager Jarboe recommended moving forward with the amendments for when the city would be able to afford or obtain a grant for the improvement.

Consensus: **REVIEW AND CONSIDER AMENDING THE CODE TO COINCIDE WITH THE STATE LANE SIZE LIMIT.**

July 4th Issues

JULY 4TH ISSUES / CHIEF SEMBACH: Chief Sembach stated the 4th of July partying began earlier this year. It usually starts around 2:00 p.m. but this year is starting around 11:00 a.m. When he came out at 2:00 p.m. the streets were already crowded and sidewalks were blocked. He also noticed there was more alcohol being consumed on the streets this year. He had all officers working 12 hours shifts during the period but at 2:23 p.m. a balcony fell and they were all trying to clear up that incident. The biggest problem was at First Street and Bay Street. Included himself there were three police officers tied up at location of the balcony failure for hours. With six units from Jacksonville, including himself there were a total of 15 police cars on the streets. The total incidents that day were 15 disturbance calls, four at Bay Street and First Street, all called in by officers, there were no citizen complaints from Bay Street and First Street. There were ten firework calls that day, and a total of six accidents. There was a loud band but no one complained about it or they would have broken it up. There was also a balcony collapse. Next year he would like to bring officers in earlier and start from the beginning.

Mayor Pruette asked how many citations were written. Chief Sembach responded there was one adult arrest and one juvenile arrest. He did not have a count of how many citations were written.

Mayor Pruette stated this year was the worst crowd she has seen in 30 years. She asked Chief Sembach to come up with some suggestions for controlling the crowd next year and report back to the Council in six months. She added the entire block at Bay Street was blocked due a two story water slide and people congregating. She felt the City has to do something to control the crowds and protect the residential community.

City Manager Jarboe explained writing a citation is a long process that can take a police officer off the street. Chief Sembach added there are two different types of citations, 1) a notice to appear, and 2) a traffic citation. A traffic citation can be written up in about five to ten minutes, a notice to appear can take up to one to three hours because the person has to have Identification and has to live in the 4th Judicial Circuit, otherwise and office has to take the person downtown for booking. He added the department opts to keep the streets and people as safe as possible and have the officers on the streets.

Councilor Tucker thanked the Chief and his officers for their actions and stated she was looking forward to his suggestions for improvements for next year.

Vice Mayor Jolly stated he rode along with a police office last year and realizes how long it takes to write citations. He felt the holiday had turned into a zoo. He also felt more security was necessary and the city needed to come up with something. He suggested getting more Jacksonville Sherriff Office Deputy's and spreading the work that this is not a partying city.

City Manager Jarboe state the main way to slow down the activities on the 4th of July was to eliminate the fireworks.

Chief Sembach felt that part of the problem was that Jacksonville Beach advertised zero tolerance so instead of going to Jacksonville Beach that brought more people to Neptune Beach.

Councilor Wiley stated this year First Street was like a zoo. He saw more people riding bicycles and partying in the streets. He felt it was a good idea about starting earlier and letting the police presence be known. He agreed the policies and procedures needed to be reviewed before next year.

Mayor Pruette felt it was important to keep people off the sidewalk so others can walk.

Councilor Arthur stated he saw many people falling over off their bicycles. He felt it was important for the city to establish in writing what our position is and send it out in the utility bills and also to provide signage for keeping people off the sidewalks and having open containers. He also suggested setting up temporary holding places for making arrests. Chief Sembach responded signs have been put out in the past and they have been stolen. He added that to provide holding cells there would need to be restrooms and a person to guard it. Councilor Arthur added the police needed to duplicate themselves as much as possible, provide the most exposure, and make some examples to show there are real consequences.

Mayor Pruette stated she appreciated the police officers for their actions. She asked Chief Sembach to return to the Council in March with some suggestions for next year.

City Manager Jarboe stated man power would make the biggest impact and the city would have to be willing to pay for additional officers.

City Attorney Krechowski added people are concerned about the City's liability. He felt the problem was the ratio of numbers between the police officers and the partiers.

Councilor Tucker suggested the Mayor and Chief's from the three beach cities get together for a joint meeting to discuss concerns and suggestions for a safer 4th of July.

Consensus: **TO HAVE THE CHIEF RETURN BEFORE THE COUNCIL IN MARCH WITH AN OPERATIONAL PLAN.**

PUBLIC COMMENTS

Lynda Padrta, 1113 First Street, voiced concerned about people partying on and in First Street on the 4th of July. She commended the actions of the police department.

Mike Miller, 106 Myra Street, voiced concern regarding the use of fireworks in the streets and on the beach on the 4th of July. He felt the fireworks should be banned. He suggested not allowing bicycling on First Street on July 4th. He commended the police department for their actions.

Susie Miller, 106 Myra Street, also voiced concern regarding the fireworks on July 4th. The bang from fireworks actually set off her car alarm five times at different hours during the night. When the balcony fell and streets were shut down there became more people on their street. She suggested strictly enforcing the signs at each beach access.

COUNCIL COMMENTS

Councilor Tucker thanked City Manager Jarboe for the presentation he gave at the Beaches Watch meeting adding that he did a great job on behalf of the City.

Councilor Arthur thanked Councilor Wiley for his efforts on the lease agreement with Jacksonville Beach for the property in Jarboe Park to be used for additional parking.

Mayor Pruette asked City Manager Jarboe to inform Beaches Chapel the parking spacing created in Jarboe Park is to be used for people visiting the park.

Adjournment

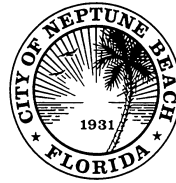
There being no further business, the meeting adjourned at 7:41 p.m.

Harriet Pruette, Mayor

Attest:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
REGULAR CITY COUNCIL MEETING
JULY 1, 2013, AT 6:00 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 July 1, 2013, at 6:00 p.m. in the City Hall Council Chambers, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

STAFF:

Mayor Harriet Pruette
Vice Mayor John Jolly
Councilor Richard Arthur
Councilor Kara Tucker
Councilor Scott Wiley
City Attorney Patrick Krechowski
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

Director of Public Safety David Sembach
Community Development Director Amanda Askew

Order Call/Pledge Mayor Pruette called the meeting to order at 6:00 p.m. and asked City Attorney Krechowski to lead the pledge of allegiance.

AWARDS / PRESENTATIONS/ RECOGNITION OF GUESTS / NONE

APPROVAL OF MINUTES

Moved by Tucker, seconded by Arthur.

Minutes

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

JUNE 10, 2013, REGULAR CITY COUNCIL MEETING
JUNE 17, 2013, WORKSHOP CITY COUNCIL MEETING
JUNE 17, 2013, EMERGENCY CITY COUNCIL MEETING

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Tucker, Wiley, Pruette

Noes: 0

MOTION CARRIED

COMMUNICATIONS & CORRESPONDENCE

Councilor Tucker stated the "Relay for Life First Coast Beaches" presented the City of Neptune Beach a plaque expressing their gratitude.

CITY MANAGER REPORT

City Manager Jarboe reported the following:

- There is an addendum to tonight's agenda for Council to consider the employee health insurance. Proposals were received and opened today. Only one proposal was received and that was from Av-med who is our current provider.

Mayor Pruette was concerned about the crowd presence for the Fourth of July. Chief Sembach explained there would be twelve to fifteen officers on duty. If there are any violations a "notice to appear" will be issued before a physical arrest was made. All illegal fireworks will be confiscated. The officers on duty are watching to make sure the people that created the incident in Jacksonville Beach on Memorial Day do not decide to move into Neptune Beach. If that occurs the officers will react accordingly.

COMMENTS FROM THE PUBLIC

Michael Aston, 1523 Summer Sands Drive, asked Council to support the Community Development Board's recommendation to deny the special exception at 1415 Atlantic Boulevard.

CONSENT AGENDA / NONE

VARIANCES / NONE

ORDINANCES

Ord. No. 2013-04 **ORDINANCE NO. 2013-04, CHAPTER 23, UTILITIES, SECOND READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, AMENDING ARTICLE IV, CHAPTER 23, UTILITIES, SECTION 23-87, NO FREE SERVICE, AND PROVIDING AN EFFECTIVE DATE.**

City Manager Jarboe explained this Ordinance will allow residents emptying their swimming pools to receive a discount on the sewer charge.

Mayor Pruette read Ordinance No. 2013-04 by title only and opened the public hearing. There being no public comments the public hearing was closed.

Moved by Jolly, seconded by Wiley.

Motion: **TO APPROVE ORDINANCE NO. 2013-04 ON SECOND READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Tucker, Wiley, Pruette

Noes: 0

MOTION CARRIED

OLD BUSINESS / NONE

NEW BUSINESS

CDB13-01
Special Exception
1415 Atlantic Blvd

CDB13-01, SPECIAL EXCEPTION FOR MOTOR VEHICLE SALES, 1415 ATLANTIC BOULEVARD: Mayor Pruette explained for special exceptions the code read as follows: City Council action at the next available meeting of the city council allowing for required notice as described in this division the city council shall approve, deny, or approve with conditions said application at the consideration of the comments and recommendations of the Community Development Board based on the standards as set forth in the division.

Community Development Director Amanda Askew explained the special exception is for motor vehicle sales. The property is located behind Atlantic Coast Bank on Atlantic Boulevard. The business is brokers dealing in automobiles, recreational vehicles and boats. The C-2 zoning district requires a special exception for any type of motor vehicle sales. The Community Development Board denied the application.

Councilor Wiley questioned why the auto brokerage business was not allowed in the C-2 zoning district. Ms. Askew replied the City allows for any type of brokerage in the C-2 zoning district but does allow on site storage of materials. It is because of the on site storage of vehicles that the brokerage is not allowed. This issue was brought forward due to Code violations.

Councilor Wiley asked if that would be considered "parking." City Manager Jarboe clarified "parking" is for the immediate use of the building. This is considered on site outdoor storage.

Community Development Director Askew stated the applicant is allowed to sell automobiles at the location as long as there are no vehicles stored on site.

Councilor Arthur asked what type of license is required for a broker. Ms. Askew replied the City regulate occupations through business tax receipts.

City Manager Jarboe added the State does require a license for automobile sales.

Councilor Arthur stated the property has a total of twenty eight parking spaces on site. Ms. Askew explained they are required to have one parking space per every 400 square feet. They did have sufficient parking.

Councilor Arthur questioned the history of complaints on the property. Ms. Askew responded there were two Code violations on the property dating back to June of 2007.

City Manager Jarboe added there have been a number of telephone and other complaints that had not been documented in writing.

Vice Mayor Jolly asked the business had a current license. Ms. Askew stated the City requires a business tax receipt in order to operate in Neptune Beach. City Manager Jarboe stated the business tax receipt describes the business as Investments.

Vice Mayor Jolly questioned if there was anything on the license that indicated they were not allowed on site storage of materials. Ms. Askew stated there is nothing on the license because it does not indicate that they are automobile brokers.

Mayor Pruette asked John Caputo, the applicant to address the Council.

John Caputo, 114 18th Avenue North, Jacksonville Beach, explained he did not wish to sell vehicles on the property. They wanted to be allowed permission to store up to five or six vehicles on the property from four to fifteen days maximum. The customer base is internet and 80% of the vehicles are shipped to Europe. They purchase automobiles from across the United States and on occasion have to have them shipped in. They then prepare the

paperwork and take them to the port for shipping. They have never and do not wish to operate a used car lot on the property. There is no signage on the property other than the name of the company on the front of the building. They have never used banners or flags to promote business on the property or advertised vehicles for sale. The types of vehicles they sell are classic or vintage as well as late model boats, cars, trucks, and motorcycles. They did not do any repairs or maintenance of the vehicles on the property. He emphasized there had been testimony that they have used car haulers to park on Brant Boulevard and that is simply not true.

Councilor Wiley questioned the type of license the business had. Mr. Caputo replied he had a used car retail license. Councilor Wiley asked how long the business had operated at the location. Mr. Caputo replied the business has been there for six years. Councilor Wiley asked if the business was doing anything different today than how they have operated in the past. Mr. Caputo responded "no" but they were ticketed for leaving vehicles parked overnight. Councilor Wiley asked how many vehicles they exported per month. Mr. Caputo replied on average seven to ten. Councilor Wiley asked if customers found the vehicles on the internet. Mr. Caputo replied "yes".

Moved by Jolly, seconded by Tucker.

Motion: **TO APPROVE THE RECOMMENDATION OF THE COMMUNITY DEVELOPMENT BOARD TO DENY CDB13-01.**

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Tucker, Wiley, Pruette

Noes: 0

MOTION CARRIED

CDB13-02
1112 Third St.

CDB13-02, SPECIAL EXCEPTION FOR WORKSHOP FACILITY, 1112 THIRD STREET: Community Development Director Askew the application is for a special exception for a worship facility. The property is located in the C-1 zoning district. The business is a Christian meditation center which would fall under the category of a worship facility. The Community Development Board has recommended approval.

Councilor Wiley questioned how long the business had been operating at the current location. Ms. Askew replied she moved the business "Cobalt Moon" from Lemon Street. Ms. Linda Kay, applicant stated she has been for the past four years.

Linda Kay, applicant explained the group has been meeting for over eleven years and the center has been in existence and licensed for four years in September.

Councilor Wiley asked if there was a charge for the meditation services provided. Ms. Kay responded "no". She added that she is a licensed massage therapist and she did charge for massages. The money also helps support the center along with donations.

Mayor Pruette asked if there had been any complaints on the property usage. Ms. Askew replied "no".

Councilor Arthur asked if the worship portion operated as a non-profit. Ms. Kay replied "yes" it was non-profit mediation center.

Mayor Pruette stated it was her opinion that a special exception should not be transferable. She also felt the Council needed to be more specific when making motions with special conditions. City Attorney Krechowski advised Council if they were going to add conditions to special exceptions those conditions needed to be included in the motion.

Moved by Jolly, seconded by Tucker.

Motion: **TO AFFIRM THE ACTION OF THE COMMUNITY DEVELOPMENT BOARD ON CDB13-02 WITH THE CONDITION THAT THE SPECIAL EXCEPTION IS NOT TRANSFERABLE TO ANOTHER OWNER WHETHER BY SALE OR LEASE OF THE PREMISES OR BY CORPORATION OR IDENTITY CHANGE OR REORGANIZATION OF THE APPLICANTS SPECIAL EXCEPTION**

Councilor Wiley suggested adding the condition to require the applicant to obtain a separate business tax receipt for the massage portion of the business.

Vice Mayor Jolly withdrew his motion to allow Councilor Wiley to make a new motion.

City Manager Jarboe stated it was not necessary to place that condition in the motion.

Vice Mayor Jolly reaffirmed his motion.

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Tucker, Wiley, Pruette

Noes: 0

MOTION CARRIED

Employee Health Insurance

EMPLOYEE HEALTH INSURANCE: City Manager Jarboe stated the Requests for Proposals for employee health insurance were received today. There was only one request received and that was from our current health insurance company. There was a 17% increase.

Moved by Tucker, seconded by Jolly.

Motion: **TO APPROVE AV-MED AS THE EMPLOYEE HEALTH INSURANCE FOR THE CITY OF NEPTUNE BEACH.**

Roll Call Vote:

Ayes: 5 - Arthur, Jolly, Tucker, Wiley, Pruette

Noes: 0

MOTION CARRIED

COUNCIL COMMENTS / NONE

Adjournment

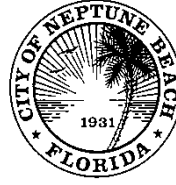
There being no further business, the meeting adjourned at 6:55 p.m.

Harriet Pruette, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk
Approved

Approved:



MINUTES
WORKSHOP CITY COUNCIL MEETING
JUNE 17, 2013 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 17, 2013 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 John Jolly
Councilor Richard Arthur
Councilor Kara Tucker
Councilor Scott Wiley
City Attorney Patrick Krechowski
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

Director of Public Services Leon Smith
City Engineer Jim French
Assistant Chief Tony Carrillo

**Call to Order/Roll
Call**

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

PRESENTATIONS

BURTON & ASSOCIATES / WATER RATE STUDY: Michael Burton, Burton & Associates, gave a presentation on the Water Rate Study. He recommended 3% annual adjustments throughout the ten year period beginning October 1, 2013. Revenues had been better than expected.

Vice Mayor Jolly asked how our rates compared with others. Mr. Burton replied our rates did not compare because we are a small built out community with aging infrastructure. The City of Jacksonville, Atlantic Beach and Jacksonville Beach have larger utilities. City Manager Jarboe stated upkeep and maintenance is a continuing issue.

Councilor Wiley questioned the amount of customers there were. Mr. Burton responded there were about 3,300 customers using an average of 5,000 gallons per household.

Councilor Arthur questioned the percentage used on conservation per year due to more energy efficient equipment. Mr. Burton replied ½% per year.

Councilor Arthur asked what they recommended for 2014 when the last rate study was conducted. Mr. Burton answered they had predicted 10% for water and 7% for sewer.

Things are much better now than what they previously predicted. Rates did need to be increased to be able to borrow money for much needed maintenance and upgrade of infrastructure.

Mayor Pruette thanked Mr. Burton for coming to the meeting and giving Council the information.

Police Report

Assistant Chief Tony Carrillo explained there were two incidents reported in the news this past week. It was reported that a boat capsized in Neptune Beach but it actually occurred in Atlantic Beach. A suspicious package was investigated in Neptune Beach and the bomb squad was called out. It turned out to be four bricks taped together with duct tape which are thought to be a training device for some runners.

CITY MANAGER'S ACTION LIST

City Manager Jarboe reported on the following:

- The 2014 budget process is underway and he is waiting for the final revenue figures.
- He is preparing to borrow funds for the Bal Harbour project.
- The solar panel system installed on the City Hall building has saved the city around \$600.00. He is working on obtaining another grant to place solar panels on the Senior Center and the Sewer Plant.
- The Police Department was able to obtain a grant to replace their laptops.

PUBLIC COMMENTS / NONE

PROPOSED ORDINANCES

Ord. No. 2013-04 ORDINANCE NO. 2014-04, CHAPTER 23, UTILITIES: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, AMENDING ARTICLE IV. CHAPTER 23 UTILITIES, SECTION 23-87 NO FREE SERVICE, AND PROVIDING AN EFFECTIVE DATE.

Mayor Pruette asked Councilor Wiley if he had any further questions. He stated his questions had been answered since the last meeting.

City Manager Jarboe stated this ordinance will allow discounts on pool water when it is not disposed of in the sewer system.

Consensus: **FORWARD TO THE JULY REGULAR MEETING FOR SECOND READ.**

CONTRACTS / AGREEMENTS / NONE

ISSUE DEVELOPMENT

CDB

CODE ENFORCEMENT BOARD / FINANCIAL DISCLOSURE FORMS: City Attorney Krechowski explained because of the Special Magistrate, the Code Enforcement Board does not meet on a regular basis. The members are questioning why they should be required to fill out the financial disclosure forms. He advised the City should keep the Board in place. He recommended that members resign if they did not want to fill out the form and not be replaced until they are needed.

Consensus: **TO NOT DISSOLVE THE BOARD BUT THE MAYOR WITH THE HELP OF THE CITY ATTORNEY WILL INFORM MEMBERS BY**

**LETTER THAT THEY CAN RESIGN IF THEY DO NOT WANT TO
CONTINUE WITH THE PAPER WORK.**

Drainage on 5th
Street

DRAINAGE ON 5TH STREET: Council Wiley was concerned about the drainage on 5th Street. He asked about the possibility of installing some type of system that would empty into the ditch behind Beaches Chapel. City Manager Jarboe stated there were a number of places in the city that flood for a very short period of time like every other city. He would research the cost and bring back to the Council.

Mayor Pruette stated a development order for Beaches Chapel was approved on June 20, 2011 with the condition that they provide some type of drainage. City Manager Jarboe added that Beaches Chapel will be required to conform to the conditions before they are issued a certificate of occupancy.

PUBLIC COMMENTS

Tim Slater, 573 Magnolia Street, stated he has been displaced from his home due to flooding because the 5th Street was over capacity and the City should be responsible for the drainage problems.

Lynda Padrta, 1113 First Street, hoped that Beaches Chapel would be a good neighbor and provide the required drainage.

COUNCIL COMMENTS

Vice Mayor Jolly asked how much money there was in the stormwater fund. Finance Director Ramsey replied there was \$50,000 or less in the stormwater fund. Vice Mayor Jolly stated the City will have to have money in order to address the drainage issue.

Adjournment

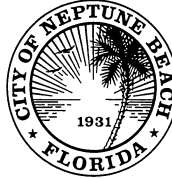
There being no further business, the meeting adjourned at 6:45 p.m.

Harriet Pruette, Mayor

Attest:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
SPECIAL CITY COUNCIL MEETING
EMERGENCY MEETING AT 6:45 P.M
June 17, 2013
CITY HALL, 116 FIRST STREET
NEPTUNE BEACH, FLORIDA

Pursuant to proper notice an Emergency Meeting of the City Council of the City of Neptune Beach was held June 17, 2013 at 6:45 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

STAFF:

Mayor Harriet Pruette
Vice Mayor Kara Tucker
Councilor Richard Arthur
Councilor John Jolly
Councilor Scott Wiley
City Attorney Patrick Krechowski
City Manager James Jarboe
City Clerk Lisa Volpe, CMC

Assistant Chief Tony Carrillo
Director of Finance Steve Ramsey

Order Call

Mayor Pruette called the emergency meeting to order at 6:45 p.m.

Res. No. 2013-03

RESOLUTION NO. 2013-03: A RESOLUTION OF THE CITY OF NEPTUNE BEACH, FLORIDA MAKING THE CITY OF JACKSONVILLE AWARE THAT TO CLOSE THE BEACHES LIBRARY WOULD BE A VIOLATION OF THE INTERLOCAL AGREEMENT BETWEEN NEPTUNE BEACH AND THE CITY OF JACKSONVILLE, WHO SERVES AS THE COUNTY GOVERNMENT.

Mayor Pruette explained the County was considering closing the Beaches Branch Library. The resolution was a formal opinion that would hopefully be heard by the City of Jacksonville.

Vice Mayor Jolly stated the Mayor of Jacksonville has had no communications with our City. He added they need to recognize that our City is independent and that we have an Interlocal agreement with them to provide us certain services.

Councilor Wiley favored the Resolution.

Councilor Arthur felt the City of Jacksonville needed to recognize that the Interlocal agreement exists.

Mayor Pruette stated she was frustrated by the lack of communications with the City of Jacksonville. Past Jacksonville Mayors met with Beach counterparts to talk about the issues.

Moved by Tucker, seconded by Jolly.

Motion: **TO ADOPT RESOLUTION 2013-03.**

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Tucker, Wiley, Pruette

Noes: 0

MOTION CARRIED

Adjournment

There being no further business, the meeting adjourned at 6:50 p.m.

Harriet Pruette, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
REGULAR CITY COUNCIL MEETING
JUNE 10, 2013, AT 6:00 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 June 10, 2013, at 6:00 p.m. in the City Hall Council Chambers, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

STAFF:

Mayor Harriet Pruette
Vice Mayor John Jolly
Councilor Richard Arthur
Councilor Kara Tucker
Councilor Scott Wiley
City Attorney Patrick Krechowski
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

City Engineer Jim French
Director of Finance Steve Ramsey
Director of Public Safety David Sembach
Director of Public Services Leon Smith

Order Call/Pledge

Mayor Pruette called the meeting to order at 6:00 p.m. and asked Councilor Tucker to lead the pledge of allegiance.

AWARDS / PRESENTATIONS/ RECOGNITION OF GUESTS / NONE

APPROVAL OF MINUTES

Moved by Tucker, seconded by Jolly.

Minutes

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

MAY 6, 2013, REGULAR CITY COUNCIL MEETING
MAY 20, 2013, WORKSHOP CITY COUNCIL MEETING

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Tucker, Wiley, Pruette

Noes: 0

MOTION CARRIED

COMMUNICATIONS & CORRESPONDENCE

Mayor Pruette asked Chief Sembach to give Council information regarding the upcoming July 4th holiday. Chief Sembach responded to help out with the crowd the Jacksonville

Sherriff's Office was lending Neptune Beach five officers and one sergeant and fifteen officers to Jacksonville Beach. Jacksonville Beach is going to cover the intersections of Third Street and Seagate Avenue and Penman Road at Beach Boulevard. The Florida Highway Patrol is going to work all the accidents.

City Manager Jarboe asked Chief Sembach to give Council information regarding residents coming back to the City after a storm evacuation. Chief Sembach replied anyone showing valid identification would be allowed back into the City.

City Clerk Volpe stated the Code Enforcement Board was placed on hold when the City hired a special magistrate. The board members are still required to fill out financial disclosures form although they have inactive. She suggested Council dissolve the board so the board members would not have to file disclosure forms.

Consensus: **FORWARD THE ISSUE OF THE CODE ENFORCEMENT BOARD TO THE JUNE WORKSHOP AGENDA.**

CITY MANAGER REPORT

City Manager Jarboe reported the following:

- During storms there was a lot of flooding in the usual areas but because of construction we had a lot of water in the parking lot. He is working with the developer to resolve the issue.
- The Request for Proposals for employee health insurance and an auditor have been published.
- There had been a lot of discussion regarding the Winn Dixie Shopping Center disbanding.

Councilor Wiley voiced concern regarding flooding at 5th Street and Bay Street. City Engineer French advised due to the construction at Beaches Chapel people were parking vehicles in that area and that may be what is preventing the water from draining into the ditch. This issue was placed on the June workshop agenda.

COMMENTS FROM THE PUBLIC / NONE

CONSENT AGENDA / NONE

VARIANCES / NONE

ORDINANCES

Ord. No. 2013-02 **ORDINANCE NO. 2013-02, STORMWATER MANAGEMENT, SECOND READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 27 UNIFIED LAND DEVELOPMENT REGULATIONS ARTICLE XII STORMWATER MANAGEMENT SEC. 27-512.GENERALLY AND SEC. 27-514. FINDINGS OF FACT AND SEC. 27-515.PURPOSE AND INTENT AND SEC. 27-516. DEFINITIONS AND SEC. 27-517. EXEMPTIONS AND SEC. 27-518. PERMITS NEEDED BEFORE ISSUANCES OF DEVELOPMENT ORDER AND SEC. 27-519. STORMWATER REQUIREMENT AND SEC. 27-520. EROSION AND SEDIMENT CONTROL AND EROSION CONTROL AND PROVIDING AN EFFECTIVE DATE.**

Mayor Pruette read Ordinance No. 2013-02 by title only and opened the public hearing. There being no comments from the public, the public hearing was closed.

Moved by Tucker, seconded by Jolly.

Motion: **TO ADOPT ORDINANCE NO. 2013-02 ON SECOND READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Tucker, Wiley, Pruette

Noes: 0

MOTION CARRIED

Ord. No. 2013-03 **ORDINANCE NO. 2013-03, SWIMMING POOLS, SECOND READ AND PUBLIC HEARING:** AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 20, SWIMMING POOLS, SECTION 20-12. DISPOSAL OF WASTEWATER AND PROVIDING AN EFFECTIVE DATE.

Mayor Pruette read Ordinance No. 2013-03 by title only and opened the public hearing. There being no comments the public, the public hearing was closed.

City Manager Jarboe stated this ordinance keeps the nitrogen out of the stormwater and is required by Department of Environmental Protection.

Moved by Tucker, seconded by Arthur.

Motion: **TO ADOPT ORDINANCE NO. 2013-03 ON SECOND READ AND PUBLIC HEARING.**

City Manager Jarboe stated he would notify the public through electric bills, the Cast-a-Line and the website.

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Tucker, Wiley, Pruette

Noes: 0

MOTION CARRIED

Ord. No. 2013-04 **ORDINANCE NO. 2013-04, CHAPTER 23, UTILITIES, FIRST READ:** AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, AMENDING ARTICLE IV. CHAPTER 23. UTILITIES, SECTION 23-87. NO FREE SERVICE, AND PROVIDING AN EFFECTIVE DATE.

Councilor Arthur agreed to sponsor the Ordinance.

City Manager Jarboe explained this is the swimming pool relief ordinance. It gives residents relief on the sewer when draining swimming pools.

Councilor Wiley questioned how this gives relief on the sewer but in the ordinance it reads "no free service will shall be furnished or charged to any person whatsoever."

Mayor Pruette stated council could send the ordinance back to a workshop for discussion.

City Manager Jarboe explained there is no free service in the Code for sewer. This gives an addendum so residents with swimming pools can get a discount on the sewer when they change their swimming pool water.

Councilor Wiley questioned what the difference was in the Code and this Ordinance.

City Manager Jarboe stated what is different is the areas that are striked through and now underlined. What is not underlined is what is already in the Code.

Mayor Pruette suggested passing the Ordinance on first read and send back to workshop.

City Manager Jarboe stated this Ordinance was suggested by the Council.

Moved by Jolly, seconded by Tucker.

Motion: **TO PASS ORDINANCE 2013-04 ON FIRST READ AND FORWARD TO THE JUNE WORKSHOP AGENDA FOR DISCUSSION.**

Gives an addendum so people with swimming pools can get a discount on the sewer when they change the water.

Roll Call Vote:

Ayes: 4 – Arthur, Jolly, Tucker, Pruette

Noes: 1 – Wiley

MOTION CARRIED

OLD BUSINESS / NONE

NEW BUSINESS / NONE

COUNCIL COMMENTS

Vice Mayor Jolly thanked everyone for their concern and support over his recent family tragedy.

Adjournment

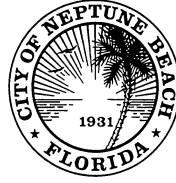
There being no further business, the meeting adjourned at 6:40 p.m.

Harriet Pruette, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved:



**MINUTES
WORKSHOP CITY COUNCIL MEETING
MAY 20, 2013 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 May 20, 2013 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 John Jolly
Councilor Richard Arthur
Councilor Kara Tucker
Councilor Scott Wiley
City Attorney Patrick Krechowski
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

Director of Public Services Leon Smith
Director of Public Safety David Sembach
City Engineer Jim French

**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:

- Because the last payment has been made on the Public Services building the City will have \$200,000 more per year to use for repaving. The City will begin repaving streets sometime in July and do little each year. The streets South of Florida Blvd will be paved last since there is infrastructure work to be done.
- He is working with Jacksonville City Councilman Gulliford on the possibility of repaving Florida Boulevard.

Mayor Pruette asked Chief Sembach to report on the "Dancing in the Streets" event which was held last Saturday. Chief Sembach reported Neptune Beach made one arrest and Atlantic Beach made one arrest, both were alcohol related.

PUBLIC COMMENTS / NONE

PROPOSED ORDINANCES

Ord. No. 2013-02 ORDINANCE NO. 2013-02, STORMWATER MANAGEMENT: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 27. UNIFIED LAND DEVELOPMENT REGULATIONS, ARTICLE XII. STORMWATER MANAGEMENT, SEC. 27-512. GENERALLY, AND SEC. 27-514. FINDINGS OF FACT AND SEC. 27-515. PURPOSE AND INTENT AND SEC. 27-516. DEFINITIONS AND SEC. 27-517. EXEMPTIONS AND SEC. 27-518. PERMITS NEEDED BEFORE ISSUANCE OF DEVELOPMENT ORDER, AND SEC. 27-519. STORMWATER REQUIREMENT AND SEC. 27-520. EROSION AND SEDIMENT CONTROL AND EROSION CONTROL AND PROVIDING AN EFFECTIVE DATE.

They did not feel the City could effectively enforce the requirements for the MS4 permit.

Councilor Wiley questioned Section 27-516 Definitions. Pre-development shall mean the "historical condition" of a parcel of land prior to any land disturbing activities that have taken place. City Engineer French replied from an impairment standpoint they were going to use not what "exist today" but get a reduction in those impairments so we can make improvements to Hopkins Creek. Also because of the aging drainage system this will require the developer to treat stormwater on site.

Councilor Wiley questioned when residential properties would be affected. City Engineer French replied residential properties would only be affected if they are over 4,000 square feet.

Councilor Wiley questioned what would be considered a "redevelopment." City Engineer French responded redevelopment is when the entire structure on the property is removed and a new structure is erected.

Councilor Wiley asked if the majority of the language in this proposed ordinance was dictated by the Department of Environmental Protection. City Engineer French replied "yes."

Councilor Arthur questioned how the proposed ordinance came about. City Engineer French responded the DEP reviewed our Code and felt the language needed to be amended. City Manager Jarboe added the DEP audits the city each year for the MS4 permit.

Vice Mayor Jolly questioned how this ordinance would have affected the recently redeveloped Publix property. City Engineer French answered the owner would have been required to provide more drainage to reduce the amount of stormwater that they are discharging into the system.

Councilor Wiley asked if there any exceptions to the ordinance. City Engineer French answered, as with any ordinance, a developer can apply for a variance.

Mayor Pruette asked City Manager Jarboe is this mandated by the State. City Engineer French replied the State cannot force the City to amend the ordinance but they levy fines. This allows the City more control to manage stormwater and reduce the impacts on existing residents.

Consensus: **FORWARD TO THE JUNE REGULAR MEETING FOR SECOND READ AND PUBLIC HEARING.**

Ord. No. 2013-03 ORDINANCE NO. 2013-03: DISPOSAL OF WASTEWATER: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 20, SWIMMING POOLS, SECTION 20-12, DISPOSAL OF WASTEWATER AND PROVIDING AN EFFECTIVE DATE.

Councilor Tucker asked if this ordinance was also mandated by the State. City Manager Jarboe answered "yes."

City Manager Jarboe explained, to notify the public, the City will place a flyer in with the Beaches Energy electric bills. There will also be a notice on our website and at the front counter.

Vice Mayor Jolly stated Section 20-12. 2) Disposal of wastewater and pool water should read as follows: Swimming pool water shall either be discharged into the City sanitary sewer or, after dechlorination, may be discharged into a stormwater system.

Councilor Wiley questioned how the ordinance would be enforced. City Engineer French responded residents would not be allowed a credit for sewer and it's a question of trying to do the best the city can do.

Councilor Arthur stated residents and citizens needed to be informed of this ordinance as well. City Manager Jarboe replied "yes" as well as the local pool companies.

Mayor Pruette asked if a permit would be required to dechlorinate. City Engineer French replied that was not in the ordinance.

Consensus: **FORWARD TO THE JUNE REGULAR MEETING FOR SECOND READ AND PUBLIC HEARING.**

Water & Sewer
Charge

ORDINANCE NO. 2013-XX, WATER AND SEWER SERVICE CHARGES: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING ARTICLE IV. CHAPTER 23 SECTION 23-87. NO FREE SERVICE, AND PROVIDING AN EFFECTIVE DATE.

City Manager Jarboe stated this ordinance will allow discounts on pool water when it is not disposed of in the sewer system.

Consensus: **FORWARD TO THE JUNE REGULAR MEETING FOR FIRST READ.**

CONTRACTS / AGREEMENTS / NONE

ISSUE DEVELOPMENT

Audit Services

REQUEST FOR PROPOSALS FOR AUDIT SERVICES: City Manager Jarboe explained the City has used the same auditors for the past five years. He felt it was time to put out a request for proposals.

PUBLIC COMMENTS / NONE

COUNCIL COMMENTS

Mayor Pruette stated she would be absent from the June 3rd regular meeting because Fletcher High School graduation was on that day at 5:00 p.m. She stated Council either choose someone to chair the meeting or move the meeting to the following Tuesday.

City Attorney Krechowski stated he would not be available for a meeting on June 4th.

Councilor Wiley suggested moving the meeting to Tuesday the 4th.

Consensus: **MOVE THE JUNE REGULAR MEETING FROM THE 3RD TO THE 4TH.**

Adjournment

There being no further business, the meeting adjourned at 6:40 p.m.

Harriet Pruetten, Mayor

Attest:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
REGULAR CITY COUNCIL MEETING
MAY 6, 2013, AT 6:00 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 May 6, 2013, at 6:00 p.m. in the City Hall Council Chambers, 116 First Street, Neptune Beach, Florida.

Attendance**IN ATTENDANCE:****STAFF:**

Mayor Harriet Pruette
Vice Mayor John Jolly
Councilor Richard Arthur
Councilor Kara Tucker
Councilor Scott Wiley
City Attorney Patrick Krechowski
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

City Engineer Jim French
Director of Finance Steve Ramsey
Director of Public Safety David Sembach
Director of Public Services Leon Smith

Order Call/Pledge

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

AWARDS / PRESENTATIONS/ RECOGNITION OF GUESTS

Employee of the Year

Mayor Pruette presented Employee of the Year for 2012 plaques to Lead Wastewater Operator Amy Coleman and Officer Liam Toal.

Audit

Gary Hugget, Representative for Master, Smith & Wisby, presented the audit report.

APPROVAL OF MINUTES

Moved by Tucker, seconded by Jolly.

Minutes

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

APRIL 1, 2013, REGULAR CITY COUNCIL MEETING
APRIL 15, 2013, WORKSHOP CITY COUNCIL MEETING

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Tucker, Wiley, Pruette

Noes: 0

MOTION CARRIED

COMMUNICATIONS & CORRESPONDENCE

Mayor Pruette stated there are signs on the beach describing the different colored flags for the tide conditions. She questioned why there were never any flags out on the beach.

Councilor Tucker complimented city staff for supporting the "Relay for Life" event and the "Opening of the Beaches Parade."

City Clerk Volpe stated the Code has been updated on the website. She asked Council members to bring in their Code books so they can be updated.

Mayor Pruette stated City Clerk Volpe has taken up photography and she took the picture that was on the City Annual Financial Report.

CITY MANAGER REPORT

City Manager Jarboe reported the following:

- A car went through the Bicycle Shop building over the weekend. No one was hurt.
- He would be meeting with the representatives conducting the Town Center Parking Study on Thursday.

COMMENTS FROM THE PUBLIC / NONE**CONSENT AGENDA**

Res. No. 2013-02 RESOLUTION NO. 2013-02: A RESOLUTION ALLOWING THE CITY MANAGER TO EXECUTE AND DELIVER THE ATLANTIC BOULEVARD MAINTENANCE AGREEMENT TO THE FLORIDA DEPARTMENT OF TRANSPORTATION.

Forfeiture Funds Use of Forfeiture Funds for Accreditation and the purchase of a SQL Server Processor License.

Moved by Jolly, seconded by Tucker.

Motion: **TO APPROVE THE CONSENT AGENDA.**

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Tucker, Wiley, Pruette

Noes: 0

MOTION CARRIED

VARIANCES / NONE**ORDINANCES**

Ord. No. 2013-01 ORDINANCE NO. 2013-01, CHAPTER 27, SECOND READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING AND DELETING THE CODE OF ORDINANCES CHAPTER 27 UNIFIED LAND DEVELOPMENT REGULATIONS; SEC. 27-15. DEFINITIONS, SEC. 27-402. APPLICABILITY, SEC. 27-403. FINDINGS OF FACT, SEC. 27-404. PURPOSE AND INTENT OBJECTIVES, SEC. 27-405. GENERAL PROVISIONS, SEC. 27-406. DEFINITIONS, SEC. 27-409, SUBDIVISIONS, SEC. 27-410. SITE IMPROVEMENTS, UTILITIES AND LIMITATIONS, SEC. 27-412. OTHER DEVELOPMENT, SEC. 27-413.

FISCAL IMPACT STATEMENT, SEC. 27-414. APPLICABILITY, SEC. 27-415. REPEALER, SEC. 27-416. INCLUSION INTO THE CODE OF ORDINANCES, SEC. 27-417, SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

City Manager Jarboe stated this ordinance is required by the State and the Federal Emergency Agency for the City to be reimbursed for damages after a serious storm.

Mayor Pruette read Ordinance 2013-01 by title only and opened the public hearing. There being no comments from the public, the public hearing was closed.

Moved by Tucker, seconded by Jolly.

Motion: **TO ADOPT ORDINANCE NO. 2013-01 ON SECOND READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Tucker, Wiley, Pruette

Noes: 0

MOTION CARRIED

Ord. No. 2013-02 **ORDINANCE NO. 2013-02, STORMWATER MANAGEMENT, FIRST READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 27 UNIFIED LAND DEVELOPMENT REGULATIONS ARTICLE XII STORMWATER MANAGEMENT SEC. 27-512.GENERALLY AND SEC. 27-514. FINDINGS OF FACT AND SEC. 27-515.PURPOSE AND INTENT AND SEC. 27-516. DEFINITIONS AND SEC. 27-517. EXEMPTIONS AND SEC. 27-518. PERMITS NEEDED BEFORE ISSUANCES OF DEVELOPMENT ORDER AND SEC. 27-519. STORMWATER REQUIREMENT AND SEC. 27-520. EROSION AND SEDIMENT CONTROL AND EROSION CONTROL AND PROVIDING AN EFFECTIVE DATE.**

City Manager Jarboe stated the Department of Environmental Protection also recommended these amendments to the stormwater management ordinance. They did not feel the City could effectively enforce the requirements for the MS4 permit.

Mayor Pruette read Ordinance 2013-02 by title only and opened the public hearing. There being no comments from the public, the public hearing was closed.

Vice Mayor Jolly agreed to sponsor the Ordinance.

Moved by Jolly, seconded by Tucker.

Motion: **TO PASS ORDINANCE NO. 2013-02 ON FIRST READ AND PUBLIC HEARING AND FORWARD THE MAY WORKSHOP MEETING.**

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Tucker, Wiley, Pruette

Noes: 0

MOTION CARRIED

Ord. No. 2013-03 **ORDINANCE NO. 2013-03, SWIMMING POOLS, FIRST READ: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 20, SWIMMING POOLS, SECTION 20-12. DISPOSAL OF WASTEWATER AND PROVIDING AN EFFECTIVE DATE.**

Councilor Arthur agreed to sponsor this ordinance.

City Manager Jarboe stated this is required by the Department of Environmental Protection. He recommended forwarding it to the May workshop meeting.

Moved by Tucker, seconded by Jolly.

Motion: **TO PASS ORDINANCE NO. 2013-03 ON FIRST READ AND FORWARD TO THE MAY WORKSHOP MEETING.**

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Tucker, Wiley, Pruette

Noes: 0

MOTION CARRIED

OLD BUSINESS / NONE

NEW BUSINESS / NONE

COUNCIL COMMENTS

Adjournment

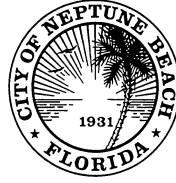
There being no further business, the meeting adjourned at 6:40 p.m.

Harriet Pruette, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved:



**MINUTES
WORKSHOP CITY COUNCIL MEETING
APRIL 15, 2013 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 15, 2013 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 John Jolly
Councilor Richard Arthur
Councilor Kara Tucker
Councilor Scott Wiley
City Attorney Patrick Krechowski
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

Director of Public Services Leon Smith
Director of Public Safety David Sembach
City Engineer Jim French
Lieutenant Adam Militello

**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:

- Lemon Street will be closed tomorrow to install an electric line.
- Town Center did a report on traffic.
- The electric bill this month was a credit of \$176.00.

PUBLIC COMMENTS

Mark Taro, 2112 First Street, stated he was in the software business and offered his assistance to the Police Department to ensure they get the correct license.

Lynda Padrta, 1113 First Street, stated she was in the software industry and asked the Police Department to be sure they get the correct license.

PROPOSED ORDINANCESDisposal of
Wastewater

ORDINANCE NO. 2013-XX: DISPOSAL OF WASTEWATER: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 20, SWIMMING POOLS, SECTION 20-12, DISPOSAL OF WASTEWATER AND PROVIDING AN EFFECTIVE DATE.

City Manager Jarboe explained the City received a letter from the Department of Environmental Protection stating they did not feel the City could effectively enforce the requirements for the MS4 permit.

Public Services Director Leon Smith explained the Department of Environmental Protection conducted a review of our Code and determined the City did not have legal authority to enforce the requirements of our MS4 permit. These proposed amendments will allow the City to enforce the requirements of our MS4 permit.

Vice Mayor Jolly stated his neighborhood did not have a sanitation system or stormwater. City Engineer Jim French explained the drainage in his neighborhood flows into Hopkins Creek or another natural waterway. A chlorinated pool discharge into a natural waterway is considered an illicit discharge by State criteria. The pool water would have to be de-chlorinated before being discharged or be pumped out and taken somewhere else for discharge.

City Attorney Krechowski advised if you don't have a sanitary sewer system then the pool owner would have to decide to either de-chlorinate the water or have it pumped and taken somewhere else. If they discharged it into the City system the City would be violation.

City Engineer French added there is a provision in the Ordinance for emergencies that allows the City to flush fire hydrants and for water main breaks.

Councilor Wiley questioned how the City would know if a property owner was going to drain their swimming pool. City Engineer French replied this is a problem and the public needed to be educated. This Ordinance will allow the City to enforce the requirements and bring us into compliance with the MS4 permit.

City Manager Jarboe stated this Ordinance will allow the City to take code enforcement action against a citizen caught discharging swimming pool water into the system.

City Attorney Krechowski explained the correspondence received from DEP stated the City lacked the authority to enforce the requirements for the MS4 permit. This Ordinance will allow us to coincide with the requirements of DEP and give the City authority to enforce action and take corrective measures to keep in compliance with the MS4 permit. If we do not amend the Ordinance we are in violation of our MS4 permit.

Councilor Arthur stated the City needed to provide clear instructions to citizens.

Councilor Arthur stated when a property owner fills a swimming pool with water the City gives them credit on the sewer. City Manager Jarboe replied property owners are draining pool water into the stormwater system and therefore they are not paying for sewer. Now that the water has to be treated and discharged into the sewer system the City is required to charge for sewer unless Council amends the water and sewer Code to give property owners a credit for it.

Mayor Pruette questioned how citizens would be notified of these instructions for discharging swimming pool water. City Manager Jarboe responded the City would put the information in a newsletter and have it sent out in the electric bills.

City Manager Jarboe suggested Council consider amending the water and sewer ordinance to allow credit for draining pools. Mayor Pruette replied she would like to place that on the May workshop agenda.

Vice Mayor Jolly agreed to sponsor the ordinance.

Consensus: **FORWARD TO THE MAY REGULAR MEETING FOR FIRST READ AND CONSIDER AMENDING THE WATER AND SEWER ORDINANCE AT THE MAY WORKSHOP MEETING.**

Stormwater
Management

ORDINANCE NO. 2013-XX, STORMWATER MANAGEMENT: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 27. UNIFIED LAND DEVELOPMENT REGULATIONS, ARTICLE XII. STORMWATER MANAGEMENT, SEC. 27-512. GENERALLY, AND SEC. 27-514. FINDINGS OF FACT AND SEC. 27-515. PURPOSE AND INTENT AND SEC. 27-516. DEFINITIONS AND SEC. 27-517. EXEMPTIONS AND SEC. 27-518. PERMITS NEEDED BEFORE ISSUANCE OF DEVELOPMENT ORDER, AND SEC. 27-519. STORMWATER REQUIREMENT AND SEC. 27-520. EROSION AND SEDIMENT CONTROL AND EROSION CONTROL AND PROVIDING AN EFFECTIVE DATE.

City Manager Jarboe stated the Department of Environmental Protection also recommended these amendments to the stormwater management ordinance. They did not feel the City could effectively enforce the requirements for the MS4 permit.

City Engineer French explained this Ordinance will allow the City the authority to conduct inspections and other requirements of the MS4 permit and coincide with the Comprehensive Plan. It will also allow the City to protect existing properties and the infrastructure.

Councilor Wiley questioned what effect this will have on future development. City Engineer French replied this would affect new subdivisions and redevelopment of commercial properties. The Department of Environmental Protection is requiring the City to amend the Code so the City can enforce the requirements of the MS4 permit otherwise they are going to enforce it on the City. This will allow the City the ability to ensure developers are doing what they are suppose to do so that the City does not have to take corrective action in the future.

Vice Mayor Jolly questioned if this would have had an effect on the redevelopment of Beaches Chapel. City Engineer French replied this Ordinance would have required Beaches Chapel to provide some treatment and install a pump.

City Attorney Krechowski stated this ordinance will bring our MS4 permit into compliance with the requirements of the Department of Environmental Protection.

Consensus: **FORWARD TO THE MAY REGULAR MEETING AND HOLD A WORKSHOP MEETING BEFORE THE REGULAR MEETING TO DISCUSS THIS ORDINANCE.**

CONTRACTS / AGREEMENTS

Waste Pro

WASTE PRO / CONSUMER PRICE INDEX ADJUSTMENT OF 2%: Scott Kason, Representative for Waste Pro, introduced himself to the Council.

Mayor Pruette suggested deferring this until the City meets with Jacksonville City Councilman Bill Gulliford to discuss options with trash services.

Consensus: **TO DEFER UNTIL AFTER WE HEAR FROM JACKSONVILLE CITY COUNCILMAN BILL GULLIFORD.**

Res. 2013-02
FDOT

RESOLUTION NO. 2013-02: A RESOLUTION ALLOWING THE CITY MANAGER TO EXECUTE AND DELIVER THE ATLANTIC BOULEVARD MAINTENANCE AGREEMENT TO THE FLORIDA DEPARTMENT OF TRANSPORTATION.

City Manager Jarboe explained the City makes a little money by cleaning the waterway.

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

ISSUE DEVELOPMENT

Forfeiture Funds

REQUEST TO USE FORFEITURE FUNDS: Public Safety Director David Sembach explained he would like to use forfeiture funds to pay for Accreditation and purchase a SQL Server Processor License. Lt. Adam Militello explained when the department purchased the new Records Management server for the new software they were advised the department would need to purchase our own license.

Mayor Pruette questioned if he was comfortable with this vendor.

Councilor Tucker asked what the Jacksonville Beach and Atlantic Beach used. Lt. Militello replied Jacksonville Beach Police Department uses the exact same software vendor. Atlantic Beach Police Department is using a different software vendor.

Councilor Wiley asked if the software would need to be upgraded in the future. Lt. Militello stated he was not sure and would have to rely on the vendor.

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

PUBLIC COMMENTS

Lynda Padrta, 1113 First Street, supported the ordinance for swimming pool drainage.

COUNCIL COMMENTS

Mayor Pruette reminded everyone the Beach cities would be hosting the Northeast Florida League of Cities dinner in May and donations of door prizes were needed.

Mayor Pruette stated she was pleased with the amount of the \$176.00 credit on electric bill for City Hall.

Councilor Tucker advised she was writing a letter to support an eagle scout. She would be in Washington DC this coming Friday to meet with the Federal Delegation.

Councilor Wiley asked when Town Center was having the "Dancin in the Streets" event. City Clerk Volpe stated the event would take place on May 18th.

Mayor Pruetto stated Town Center would be decorated with red, white and blue lights and flags for July 4th.

Adjournment

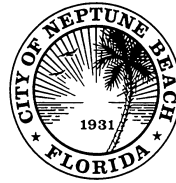
There being no further business, the meeting adjourned at 6:55 p.m.

Attest:

Harriet Pruetto, Mayor

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
REGULAR CITY COUNCIL MEETING
APRIL 1, 2013, AT 6:00 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 April 1, 2013, at 6:00 p.m. in the City Hall Council Chambers, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

STAFF:

Mayor Harriet Pruette
Vice Mayor John Jolly
Councilor Richard Arthur
Councilor Kara Tucker
Councilor Scott Wiley
City Attorney Patrick Krechowski
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

Director of Public Safety David Sembach

Order Call/Pledge

Mayor Pruette called the meeting to order at 6:00 p.m. and asked Councilor Wiley to lead the pledge of allegiance.

AWARDS / PRESENTATIONS/ RECOGNITION OF GUESTS

Mayor Pruette presented a plaque to John Reeve in appreciation of his service on the Code Enforcement Board from January 1995 to September 2003, Board of Appeals from May 2004 to August 2009, and the Community Development Board from 2010 to 2013.

Mayor Pruette presented a plaque to Chief David Sembach in recognition of an article that was published in the Beaches Leader regarding his opposition of internet cafes.

APPROVAL OF MINUTES

Moved by Tucker, seconded by Arthur.

Minutes

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

FEBRUARY 4, 2013, REGULAR CITY COUNCIL MEETING
FEBRUARY 19, 2013, WORKSHOP CITY COUNCIL MEETING
MARCH 18, 2013, WORKSHOP CITY COUNCIL MEETING

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Tucker, Wiley, Pruette

Noes: 0

MOTION CARRIED

COMMUNICATIONS & CORRESPONDENCE / NONE

CITY MANAGER REPORT

City Manager Jarboe reported the following:

- The City of Jacksonville Beach is going to pave Seagate Avenue.
- Construction of the new trash compactors in the parking lot is underway.
- The Sewer Plant inspection report reflects the employees are doing an outstanding job.
- Channel 4 interviewed with Building Official Don Ford and aired a report regarding the new solar panels on City Hall.
- The audit report will be presented to Council at the May Regular meeting.
- The drainage project for Beaches Chapel has been completed.

COMMENTS FROM THE PUBLIC / NONE

CONSENT AGENDA / NONE

VARIANCES / NONE

ORDINANCES

Ord. No. 2013-01 **ORDINANCE NO. 2013-01, FIRST READ: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING AND DELETING THE CODE OF ORDINANCES CHAPTER 27 UNIFIED LAND DEVELOPMENT REGULATIONS; SEC. 27-15. DEFINITIONS, SEC. 27-402. APPLICABILITY, SEC. 27-403. FINDINGS OF FACT, SEC. 27-404. PURPOSE AND INTENT OBJECTIVES, SEC. 27-405. GENERAL PROVISIONS, SEC. 27-406. DEFINITIONS, SEC. 27-409, SUBDIVISIONS, SEC. 27-410. SITE IMPROVEMENTS, UTILITIES AND LIMITATIONS, SEC. 27-412. OTHER DEVELOPMENT, SEC. 27-413. FISCAL IMPACT STATEMENT, SEC. 27-414. APPLICABILITY, SEC. 27-415. REPEALER, SEC. 27-416. INCLUSION INTO THE CODE OF ORDINANCES, SEC. 27-417, SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.**

City Manager Jarboe stated this ordinance is required by the Federal Emergency Agency in order for the City to be reimbursed for damages after a serious storm.

Mayor Pruette read Ordinance No. 2013-01 by title only and opened the public hearing. There being no comments from the public, the public hearing was closed.

Moved by Tucker, seconded by Jolly.

Motion: **TO PASS ORDINANCE NO. 2013-01 ON FIRST READ.**

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Tucker, Wiley, Pruette

Noes: 0

MOTION CARRIED

OLD BUSINESS

Res. No. 2013-01 RESOLUTION NO. 2013-01: A RESOLUTION APPOINTING MEMBERS TO THE COMMUNITY DEVELOPMENT BOARD AND THE POLICE OFFICERS RETIREMENT FUND BOARD.

Mayor Pruette introduced appointee Tony Mazzola.

Moved by Tucker, seconded by Jolly.

Motion: **TO ADOPT RESOLUTION NO. 2013-01.**

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Tucker, Wiley, Pruette

Noes: 0

MOTION CARRIED

NEW BUSINESS / NONE**COUNCIL COMMENTS**

Councilor Wiley asked City Attorney Krechowski to update the Council on the amendments to the land use code. City Attorney Krechowski replied the stormwater ordinance will be on the April workshop meeting and the land use amendments will be presented to the Council at the May workshop meeting.

Councilor Wiley stated the Easter in Park event was a great success.

Mayor Pruette asked Councilor Tucker to update the Council on her discussion with State Representative Janet Adkins. Councilor Tucker stated they discussed funding for the ferry and the pension funds issues.

Mayor Pruette wished City Manager Jarboe a happy birthday.

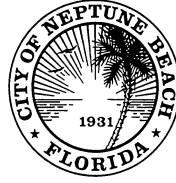
Adjournment There being no further business, the meeting adjourned at 6:15 p.m.

Harriet Pruette, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved:



**MINUTES
WORKSHOP CITY COUNCIL MEETING
MARCH 18, 2013 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 March 18, 2013 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 John Jolly
Councilor Richard Arthur
Councilor Kara Tucker
Councilor Scott Wiley
City Attorney Patrick Krechowski
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

Building Official Don Ford
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:

- The property on the corner of Atlantic Boulevard and Second Street has begun construction.
- The property of the old Sun Dog Diner will soon begin construction and that portion of Atlantic Boulevard will be congested. He has asked the individual business owners in the area to speak with the landlord if they have any complaints.
- Last month the electric bill for City Hall was only \$6.00 due to the new solar panels that were installed. This month the bill was \$165.00. It was higher because of the cold weather a lot of heating was needed.

City Manager Jarboe stated Florida Boulevard will be closed for a few days due to the Bal Harbour drainage project.

PUBLIC COMMENTS

Lynda Padrta, 1113 First Street, questioned the need for the proposed ordinance for the flood plain.

PROPOSED ORDINANCES

Flood Plain

ORDINANCE NO. 2013-XX, FLOOD PLAIN: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING AND DELETING THE CODE OF ORDINANCES CHAPTER 27 UNIFIED LAND DEVELOPMENT REGULATIONS; SEC. 27-15, DEFINITIONS, SEC. 27-402. APPLICABILITY, SEC. 27-403. FINDINGS OF FACT, SEC. 27-27-404. PURPOSE AND INTENT OBJECTIVES, SEC. 27-405. GENERAL PROVISIONS, SEC. 27-406. DEFINITIONS, SEC. 27-409. SUBDIVISIONS, SEC. 27-410. SITE IMPROVEMENTS, UTILITIES AND LIMITATIONS, SEC. 27-412. OTHER DEVELOPMENT, SEC. 27-413. FISCAL IMPACT STATEMENT, SEC. 27-414. APPLICABILITY, SEC. 27-415. REPEALER, SEC. 27-416. INCLUSION INTO THE CODE OF ORDINANCES, SEC. 27-417. SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

City Manager Jarboe stated this ordinance is required by the Federal Emergency Agency in order for the City to be reimbursed for damages after a serious storm. The entire State has to adopt a similar ordinance. We needed to have this adopted before June. The City Manager stated this was the second time the city had to amend this ordinance. Mayor Pruette stated she did not have much confidence in the state.

Councilor Wiley questioned how the ordinance affected the variances. Mr. Ford replied the ordinance is referring to elevation variances.

Consensus: **FORWARD TO THE APRIL REGULAR MEETING FOR FIRST READ.**

CONTRACTS / AGREEMENTS / NONE**ISSUE DEVELOPMENT**

Code
Enforcement

CODE ENFORCEMENT MAGISTRATE: City Manager Jarboe explained it has been a year since the City began using a Code Enforcement Magistrate and Council wanted to review the decision after one year.

Mayor Pruette asked Building Official Don Ford if he was comfortable using the Magistrate for code enforcement. Mr. Ford replied there was only two cases this year to appear before the Magistrate. Both of those cases were in compliance before the date of their appearance. He felt the magistrate was stronger than a code enforcement board.

Councilor Wiley questioned when the City should go ahead and dissolve the Code Enforcement Board rather than having them on standby. City Attorney Krechowski stated he spoke with the Magistrate recently and he is moving to a new law firm. He did not anticipate any problems but will let him know if anything arises.

Mayor Pruette asked City Attorney Krechowski if he felt it was better to use a Magistrate for legal purposes. Mr. Krechowski responded it puts the City in a stronger position.

City Manager Jarboe stated the Code Enforcement Board should remain in case the Magistrate becomes unavailable. City Attorney Krechowski added keeping the Board is an option for the City to fall back on.

Councilor Arthur questioned if using the Magistrate saved the City any money. City Manager Jarboe recommended he prepare a comparative analysis for Council.

Councilor Arthur recommended coming up with a contingency plan other than the Code Enforcement Board in case the Magistrate was not available.

Consensus: **HAVE THE MAGISTRATE REMAIN AND THE CITY MANAGER BRING BACK MORE INFORMATION TO ANOTHER WORKSHOP.**

Res. No. 2013-01 **RESOLUTION 2013-01: A RESOLUTION APPOINTING MEMBERS TO THE COMMUNITY DEVELOPEMNT BOARD AND THE POLICE OFFICERS RETIREMENT FUND BOARD.**

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

Councilor Arthur requested the Police Retirement Fund Board present a quarterly review to the Council.

Canceling Mtgs. **PROCEDURE FOR CANCELING MEETINGS:** City Manager Jarboe stated Councilor Wiley expressed some concerns regarded the March regular meeting which was canceled by Mayor Pruette, City Manager Jarboe and City Clerk Volpe, due to the lack of an agenda.

Councilor Wiley stated he felt a procedure for canceling meetings should be in place to properly notify other Council members and the public. He suggested perhaps having the City Manager poll all Council members to see if the majority agreed the meeting should be canceled. City Attorney Krechowski stated it++ was illegal for the City Manager to poll Council members.

Councilor Arthur asked if there currently a procedure for canceling meetings. City Attorney Krechowski stated there was nothing in the Code relating to canceling meetings. City Manager Jarboe added the tradition when for canceling meetings when there are no items on an agenda is for the City Manager, Mayor, and City Clerk to make the decision.

Mayor Pruette stated she is involved because she chairs the meetings. She felt the current method of canceling meetings was working.

City Clerk Volpe stated she has worked for the City since 1994 and this was the first time since she has been employed that a meeting was canceled due to lack of an agenda items.

Councilor Jolly stated he was comfortable leaving the method as it stands.

Councilor Wiley felt meetings should not be canceled. There is an area for public comments and the meetings should be held for the public to come and speak even when there are no other agenda items.

Mayor Pruette stated notifications for canceled meetings were on the doors of City Hall and posted on the website. She added it is very rare to have to cancel a meeting due to lack of agenda items.

City Attorney Krechowski stated the requirement is notify the public when a meeting is scheduled.

Consensus: **LEAVE IT ALONE.**

PUBLIC COMMENTS

Lynda Padrta, 1113 First Street, stated in the 15 years she has lived in Neptune Beach only a couple of meetings had been canceled and she did not feel that her right to speak was compromised.

COUNCIL COMMENTS

City Attorney Krechowski explained he was working on a stormwater ordinance and a land use ordinance. He asked if the Council wanted them both on the April workshop meeting agenda or if they wanted to one at the April workshop meeting and the other at the May workshop meeting.

Mayor Pruette asked Mr. Krechowski which of the ordinances was more important. City Attorney Krechowski replied the stormwater ordinance would be more important.

Consensus: **TO PLACE THE STORMWATER ORDINANCE ON THE APRIL WORKSHOP MEETING AND THE LAND USE ORDINANCE ON THE MAY WORKSHOP MEETING.**

Adjournment

There being no further business, the meeting adjourned at 6:40 p.m.

Harriet Pruette, Mayor

Attest:

Lisa Volpe, CMC, City Clerk

Approved: _____



**MINUTES
WORKSHOP CITY COUNCIL MEETING
FEBRUARY 19, 2013 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 February 19, 2013 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 John Jolly
Councilor Richard Arthur
Councilor Scott Wiley
City Attorney Patrick Krechowski
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

Community Development Director Amanda Askew
Director of Public Safety David Sembach
Building Official Don Ford

ABSENT:

Councilor Kara Tucker

**Call to Order/Roll
Call**

Mayor Pruette called the meeting to order at 6:00 p.m. and asked for a moment of silence for the passing of Retired Police Officer Billy Jones.

PRESENTATIONS / NONE

CITY MANAGER'S ACTION LIST

City Manager Jarboe reported on the following:

- With the use of the newly installed solar power panels on the City Hall building the electric bill for City Hall was only \$6.41 for the month, which is the base charge.
- The City of Jacksonville Beach is repairing wiring throughout the City.
- He and Mayor Pruette attended a meeting with Jacksonville City Councilmember Bill Gulliford, and their Solid Waste Committee. The discussion was regarding tipping fees. It was suggested that the City of Jacksonville collect the trash for Neptune Beach or have the option to piggyback off the trash collection services for the City of Jacksonville. City of Jacksonville Mayor Brown indicated he would be meeting back with us shortly.

PUBLIC COMMENTS

Lynda Padrta, 1113 First Street, stated she bought half of the duplex on First Street in 1999 and the other half in 2001. She tied the properties together at the County level in 2002 and had it defined as a single family home. She currently receives one annual tax bill and insurance bill. In 2005 she was issued a permit by the City to extend the rear balcony around to the front of one side of the house. In 2010 she requested a permit to continue the balcony across the front of home and was denied by the City. She was informed the permit was denied because the property was nonconforming and the City records indicate the property is still a duplex yet the Code had not changed since she pulled the first permit in 2005. She was also told for the City to determine the property as single family she would need to remove a kitchen and remove one of the water meters and one of the electric meters. She asked Council to consider amending the Code to allow her to extend her balcony.

Deborah & Brittany Kight, 602 First Street, bought and share the duplex. They were able to build a deck in front yard and would like to know if they would be able to install a semi circle driveway. .

David Baker, 1102 First Street, would like to see the City allow Ms. Padrta to complete the balcony across the front of her house because he has to look at it everyday.

Christy Maurer, 125 Cedar Street, stated she was discouraged to make any improvements to her home because she was told by the City that the property is nonconforming.

Deke Cobb, 114 Cherry Street, stated he was currently remodeling his sixplex and would like to add a balcony to the roof line. He has a door on the second level of his home that leads to nowhere and he would like to make it safe.

Jeff Tyrell, 700 & 702 First Street, stated he was told his property was nonconforming and he could not make improvements to it. He would like to convert to a single family but it would be costly to remove a kitchen and two meters. He was also told he could not apply for a variance.

Rick Sauls, 1026 Cedar Street, stated he asked the City for a permit a few years ago to replace his six foot privacy fence and was informed the maximum height for privacy fencing was four feet. He repaired the existing six foot privacy fence but felt he should have been able to replace the rotted six foot fence with a new six fence.

Jeff Case, 709 First Street, felt the variance process was an awful process to go through. He asked Council to review the rules and regulations.

Chris Owen, 207 Florida Boulevard, encouraged Council to find a way to allow older homes east of Third Street to be modernized without all the red tape.

Richard Keene, 733 Bay Street, stated there is certain criteria the Community Development Board must follow in order to approve a variance request. The Board members must find a positive on each of the seven criteria or vote "no." He felt that placed a bind on the Board. He added the purpose of a nonconforming status was to force the nonconformities to change and become conforming.

PROPOSED ORDINANCES / NONE**CONTRACTS / AGREEMENTS / NONE****ISSUE DEVELOPMENT**Chapter 27
Land Use

CHAPTER 27, LAND USE: Mayor Pruette felt many of the nonconformities have given Neptune Beach its charm and character. However, citizens have expressed frustration, confusion and resentment regarding what they perceive to see as inconsistent land use. She felt Council needed to resolve these issues and better serve the citizens.

Mayor Pruette handed out pictures of conforming and nonconforming properties to Council members and asked them to follow along as she spoke briefly on each of them.

Page 1) Mayor Pruette explained the property at 614 Midway Street abutted three streets and is a nonconforming property. The owner wanted to install a small pervious paved driveway to their backyard pool area. The City denied the permit stating there must be a compelling need for the driveway because parking spaces are lost east of Third Street and it counts against the City for beach re-nourishment funding.

Page 2) Mayor Pruette explained the property at 628 Midway Street is directly behind 614 Midway Street and was also a nonconforming property. This owner was issued a permit over a year to place pavers on the City easement while the 614 Midway Street was denied.

Page 3, 4 & 5) Mayor Pruette explained the property at 220 Magnolia Street is a brand new conforming development. This originally was exactly what the City envisioned when the Land Use Code was revised.

Page 6) Mayor Pruette explained this picture is what 220 Magnolia currently looks like. It is not what the council envisioned. Since then the owner was allowed to place more pavers in the backyard with an in ground pool which is impervious. She added additional city easement was granted for the front yard when the porch was converted into a carport. The home already had two spacious garages. Then they were allowed to install a solid seven foot fence around the entire backyard and up the side of the property without a permit.

Page 7) Mayor Pruette explained the property at 602 First Street is a nonconforming duplex. The City permitted the owner to remove the concrete patio and install a nice deck around her home.

Page 8) Mayor Pruette explained the property at 602 First Street did not replace a patio with a deck. It was a sidewalk that was removed to be replaced by a wood deck. She was also concerned about a fire hazard due to the house having only one exterior door.

Page 9) Mayor Pruette explained the property at 1113 & 1115 was a nonconforming duplex. The owner owns and lives in both units. In 2005 the owner was permitted to erect a long balcony on the west end of the house. She had to have plans drawn by an engineer which cost her around \$800.00. A year or two ago she applied for a permit to extend the deck across the house but was denied because it did not meet the setbacks and it would be an intensive use of the property. She was also told she would have to remove plumbing and one of the water and electric meters for the City to consider the property a single family home. Section 27-235(5) of the Code reads open or enclosed fire escapes, outside stairways and balconies may extend up to four feet from the building into a required yard. Mayor Pruette felt the property owner should be able to extend her deck.

Page 10) Mayor Pruette explained the property at 114 Cherry Street was a nonconforming property with a door to nowhere the property owner wanted to erect a deck to the roofline but was denied.

Page 11) Mayor Pruette explained the property at 125 Cherry Street had one unit on left and added another unit on the right. It is now a duplex with a swimming pool. Last year they were permitted to add an area above the garage with a nice balcony and tie them together with one meter.

Page 12) Mayor Pruette explained the property owner of 125 Cedar Street wanted to install pavers and wanted to put in a room over the garage they were denied and discouraged by the city.

Page 13) Mayor Pruette stated the owner of the property at 700 & 702 First Street has a nonconforming duplex and has been discouraged from converting it into a single family home.

Page 14) Mayor Pruette stated the property at 100 Cherry Street was recently developed. This was an example of what the Land Use Code was not intended to look like. The entire front yard was filled with pavers and it looks like a parking lot. Several people have complained about this.

Mayor Pruette stated she did not want to completely revise the Land Use Code. She would like to review and add definitions for decks, porches, balconies, compelling needs, and landings. She also wanted to review the criteria for converting multi-family homes into single family homes to make it easier on the property owner to convert.

Councilor Wiley stated the original intent of nonconformities was that there is a problem with density and parking east of Third Street. He agreed the areas needed to be reviewed. He felt each nonconforming property had its own issues and hardships. He suggested sending recommendations to the Community Development Board for their recommendations.

Councilor Arthur felt it was unfair to compare one nonconforming lot with another without looking at the finding of facts because each has its own hardship. He agreed to look at nonconformities and multi-family homes. He asked for specific language to review and was concerned about changing other areas of the Code.

Mayor Pruette stated the specific language would be drafted by the City Attorney.

Vice Mayor Jolly asked what the procedure was to make amendments to the Land Use Code. City Manager Jarboe replied the amendments are done by ordinance. The Community Development Board reviews the ordinance and two public hearings are held. If it changes the density there may be a need to amend the COMP plan as well.

Vice Mayor Jolly agreed there should be a definition for the criteria of converting multifamily to single family. City Manager Jarboe explained normally if there are two or more meters then they are considered two or more units. It is difficult to keep control because as long as there are two or meters the house could be converted back to multifamily.

Vice Mayor Jolly agreed the City should encourage property owners to convert multifamily homes to single family homes. He felt Council should give direction to staff.

City Attorney Krechowski advised when dealing with density and a coastal high hazard you are going to get the attention of the State and that process will come to a halt. He felt Council should task the Community Development Board the responsibility of reviewing and researching the areas in question and make their recommendations to Council. The findings of facts may be modified but they are required for variances.

Mayor Pruette asked Community Development Director Askew where in the Code was the criteria for converting multifamily homes to single family homes. Mrs. Askew responded there are no instructions for converting multifamily homes to single family homes. The definition of "living unit" is located in Chapter 27-15.

Mayor Pruette asked Ms. Askew to explain why the property at 1115 First Street was denied an application to extend their balcony when they already had a balcony on one side of the house. Ms. Askew explained the property is nonconforming because the physical structure does not meet the setback requirement and the number of units she has on the property. The code states in Article 18 that it is the intent of the chapter that nonconformities shall not be enlarged upon, expanded, intensified nor be used as grounds for adding other structures. Additions can be made to nonconforming structures provided that all conditions conform to Chapter 27. If the property was a single family home she would be able to add to as long as what she was adding to met the Code then it would not need a variance request. She cannot do anything unless she converts to a single family home.

Mayor Pruette asked if there was anywhere in the Code that states you have to take out additional water meters and remove plumbing in order to be considered single family. City Manager Jarboe replied "no" but that was the standard method used by most cities. He suggested adding the language in the Code.

Mayor Pruette felt there should be specific language in the Code that spells out how to convert multifamily to single family. She asked City Attorney Krechowski to come up with some language that specifies how to convert multifamily to single family and definitions for decks, porches, balconies, patios, and landings.

Councilor Arthur questioned if the property at 1113 & 1115 First Street was nonconforming because of the duplex. Mrs. Askew replied she has not seen a survey of the property but on the plot plan it appears the structure does not meet the setbacks. She believed the portion where they want to extend the balcony would be conforming if the property was converted from multifamily to single family.

Councilor Wiley was concerned that Section 27-146 prevented a nonconforming property owner from applying for a variance. He feels this has caused problems and also needs to be reconsidered.

Vice Mayor Jolly agreed the City needed to define the process of going from multifamily to single family. It would be good for the City because it would lower the density east of Third Street.

Mayor Pruette asked Community Development Director Askew what was the percentage of nonconformities east of Third Street. Mrs. Askew replied that would be a very high percentage of at least 80 or more.

Mayor Pruette asked if there was a consensus on the Council.

Councilor Arthur felt the language should be as specific as possible, define the process of converting from multifamily to single family and the variance process for nonconforming properties. He did not want to challenge the COMP plan.

Mayor Pruette felt it would be a credit for the city to go from multifamily to single family because it would lower the density. City Manager Jarboe thought if the changes affected the COMP plan, the City may be able to justify that with the State.

Mayor Pruette advised the citizens Section 27-133 allows for property owners to appeal decisions of the City Manager or his designee to the Community Development Board.

Consensus: **TO DEFINE THE PROCESS OF CONVERTING FROM MULTIFAMILY TO SINGLE FAMILY AND THE VARIANCE PROCESS FOR NONCONFORMING PROPERTIES AND DEFINE DECKS, PORCHES, PATIOS, BALCONIES, COMPELLING NEEDS, AND LANDINGS.**

PUBLIC COMMENTS

David Baker, 1102 First Street, felt when property owners apply for a variance the board members should go out and look at the total picture of the property and be able to use a common sense approach.

Jeff Case, 709 First Street, felt limiting additions to the footprint would prevent people from wanting to live in Neptune Beach.

Amy Roberts, 642 Midway Street, felt she should not have to provide parking on the right-of-way of her property for other tenants where landlords do not have enough parking.

Lynda Padrta, 1113 & 1115 First Street, felt approval for variances should not have to meet all seven finding of facts and the City should limit pervious paving. She also stated that if the City were to find ways to go from multifamily to single family would help with our COMP plan.

COUNCIL COMMENTS

Mayor Pruette thanked Community Development Director Askew and Building Official Ford.

Councilor Wiley stated he appreciated Waste Pro sending out information regarding types of items that can be recycled. He added that he attended the meeting of School Board Member Fred Lee at Fletcher Junior High and Fletcher Senior High and was impressed with what they were doing. He also thanked Community Development Director Askew and Building Official Ford.

Councilor Arthur stated he was looking forward to reviewing the language the City Attorney recommends.

Vice Mayor Jolly agreed the property owner of 1113 & 1115 First Street needed to extend the balcony across the front of the house because it was an eyesore.

Mayor Pruette complemented City Attorney Krechowski.

Adjournment

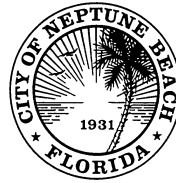
There being no further business, the meeting adjourned at 7:25 p.m.

Harriet Pruette, Mayor

Attest:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
REGULAR CITY COUNCIL MEETING
FEBRUARY 4, 2013, AT 6:00 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 February 4, 2013, at 6:00 p.m. in the City Hall Council Chambers, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

STAFF:

Mayor Harriet Pruette
Councilor Richard Arthur
Councilor Kara Tucker
Councilor Scott Wiley
City Attorney Patrick Krechowski
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

Director of Public Safety David Sembach

ABSENT:

Vice Mayor John Jolly

Order Call/Pledge

Mayor Pruette called the meeting to order at 6:00 p.m. and asked City Clerk Lisa Volpe to lead the pledge of allegiance.

AWARDS / PRESENTATIONS/ RECOGNITION OF GUESTS / NONE

APPROVAL OF MINUTES

Moved by Tucker, seconded by Arthur.

Minutes

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

JANUARY 7, 2013, WORKSHOP CITY COUNCIL MEETING
JANUARY 7, 2013, REGULAR CITY COUNCIL MEETING
JANUARY 22, 2013, WORKSHOP CITY COUNCIL MEETING

Roll Call Vote:

Ayes: 4 – Arthur, Tucker, Wiley, Pruette

Noes: 0

Absent: 1 - Jolly

MOTION CARRIED

COMMUNICATIONS & CORRESPONDENCE

City Clerk Volpe reminded everyone the February workshop meeting would be held on Tuesday, February 19, 2013.

CITY MANAGER REPORT

City Manager Jarboe reported the following:

- He gave Council a printout of recent Code Enforcement activity. The printout includes the reported complaints and the actions that were taken. He would begin giving Council a printout on the activity on a monthly basis. Mayor Pruette asked if this was going to be a monthly report. City Manager Jarboe replied "yes."
- The Public Safety Department was able to obtain two new vehicles through a grant. They also received an award through the Click it or Ticket Program that paid for the lights and fixtures on the vehicles. The City did not have to spend any money out of its General Fund to purchase those vehicles.

COMMENTS FROM THE PUBLIC

Fred Lee, 1501 Big Tree Road, stated Council members will be receiving a personal invitation from him to a reception to meet the new school superintendent on February 21, from 6:30 p.m. to 8:00 p.m. at Fletcher High School in the Media Center. He would also like to send a copy of his schedule for visiting schools in the district inviting Council to attend.

Sybil Ansbacher, 2008 Strand Street, voiced concern regarding six or seven garbage cans and recycling bins that seem to be permanent fixtures on Margaret Street.

Mayor Pruette stated she spoke with City Manager Jarboe and he is going to provide information about the garbage at a future workshop meeting.

CONSENT AGENDA

Approval for the purchase of a new animal control truck.

Moved by Tucker, seconded by Arthur.

Motion: **TO APPROVE THE PURCHASE OF A NEW ANIMAL TRUCK.**

Roll Call Vote:

Ayes: 4 – Arthur, Tucker, Wiley, Pruette

Noes: 0

Absent: 1 – Jolly

City Manager Jarboe stated this was not actually for the purchase of a new animal control truck because we don't want to put a new truck on the beach. An old truck from Public Services will be used as the animal control truck and the old truck will be replaced with the new truck.

VARIANCES / NONE**ORDINANCES / NONE****OLD BUSINESS / NONE**

NEW BUSINESS / NONE

COUNCIL COMMENTS

Councilor Wiley stated the new playground equipment in Jarboe Park is being used and enjoyed.

Mayor Pruetto stated Council will be discussing Land Use issues at the February workshop meeting and she requests the presence of Community Development Director Askew and Building Official Don Ford.

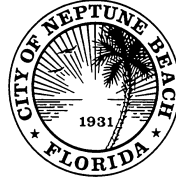
Adjournment There being no further business, the meeting adjourned at 6:12 p.m.

Harriet Pruetto, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved:



MINUTES
WORKSHOP CITY COUNCIL MEETING
JANUARY 22, 2013 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 22, 2013 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 John Jolly
Councilor Richard Arthur
Councilor Kara Tucker
Councilor Scott Wiley
City Attorney Patrick Krechowski
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

Director of Public Safety David Sembach
Community Development Director Amanda Askew

Call to Order/Roll
Call

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

PRESENTATIONS

Tobacco
Prevention

TOBACCO PREVENTION: Teresa Myers, representative for Students Working Against Tobacco, presented a plaque to the City for adopting a Resolution urging retailers to cease the sale of candy flavored tobacco products.

Jax 2025 / JCCI

JAX 2025 PRESENTATION / JCCI: Ben Warner, President and CEO Jacksonville Community Council, Inc., explained Jax 2025 was formed to create a community led vision for the future of Jacksonville. A survey was mailed out to citizens that had connections with Jacksonville asking to let them know what needed to be improved or changed in the region in regards to transportation, education, safety and environmental protection. The Community Council will be taking the different ideas from the survey and trimming them to statements of vision and purpose and describe the idea of community that they would like to create by the year 2025. Their next meeting will be on February 2, at the Prime Osborne Center and everyone is invited to attend. They will also meet in March and April. The final report will be released May 18, 2013.

Mayor Pruette asked if there was a representative from the beaches on the Council. Mr. Warner replied "yes."

Town Center
Parking

BEACHES TOWN CENTER PARKING TASK FORCE: Jay Handline, President, Beaches Town Center Parking Task Force, stated in July 2012 some private property owners took action to protect their parking spaces in Town Center for their merchants. As a result the Beaches Town Center Parking Task Force was formed to identify solutions to the parking problem. They tried to draft a policy to have employee offsite parking but the insurance requirements and regulations were too costly. They contacted Envision Design to conduct a 90 day parking study that will provide multiple solutions for consideration by all the stake holders. The study would begin on February 1, 2013 and at the end of three months they would meet and provide recommendations relative to a shared parking solution.

Mayor Pruette questioned if all the Town Center merchants had agreed to the cost of the study. Mr. Handline replied all the merchants that attended the meetings were on board.

Councilor Tucker asked Mr. Handline if they were asking the City to contribute to the funding. Mr. Handline responded the stake holders have contributed and they already raised the necessary funding for the study.

Vice Mayor Jolly explained he had asked for the parking issue to be placed on a workshop agenda. He now wished to defer the issue until after the conclusion of the study.

Councilor Arthur asked who the interested parties were. Mr. Handline replied the interested parties are The Merchants Association, Town Center Agency, the private property owners, the City of Atlantic Beach and the City of Neptune Beach.

Councilor Arthur stated he would like to see a mission statement for the Task Force. Mr. Handline replied he would provide a mission statement.

Councilor Wiley supported the parking study. He asked that Envision Design look at the study objectively and recommend practical solutions.

CITY MANAGER'S ACTION LIST

City Manager Jarboe reported on the following:

- Because of the newly installed solar power panels on the City Hall building the electric bill for City Hall was only \$85.86 for the month.
- Building Official Don Ford is currently working on obtaining a grant to install solar power panels on the Public Services building.

Councilor Arthur asked City Manager Jarboe what the average electric bill was for the Public Services building. City Manager Jarboe replied the water and sewer electric bill for the water and sewer plant averaged \$500,000 per year. The Public Services building itself was about the same as City Hall was before the solar panels were installed.

Councilor Wiley asked City Manager Jarboe if he knew how much longer AT&T would be working on the right-of-way. City Manager Jarboe replied it was a Department of Transportation right-of-way and he had no authority to give them a time limit to complete the project.

Councilor Arthur asked if the Town Center barricade improvement was completed. City Manager Jarboe responded they still had a few more things to do.

Councilor Arthur asked if it was the City's responsibility to maintain the landscaping. City Manager Jarboe replied "yes."

PUBLIC COMMENTS

Patricia Hazouri, 207 Florida Boulevard, recommended the City establish an e-mail service to provide information to citizens regarding City business. She also voiced concern about pedestrian and bicycle safety. Also she and several of her neighbors did not receive a copy of the new garbage ordinance.

PROPOSED ORDINANCES / NONE

CONTRACTS / AGREEMENTS / NONE

ISSUE DEVELOPMENT

Animal Control Truck

APPROVAL TO REPLACE THE ANIMAL CONTROL TRUCK: City Manager Jarboe explained our mechanic has advised the animal control vehicle is rusted out and in need of replacement. Chief Sembach looked at the possibility of purchasing a used 4 wheel drive but found it wasn't much more to purchase a new truck under the State or Sheriffs contract. We can purchase a brand new Ford F150 4 wheel drive truck for \$17,200 under the state contract or \$18,000 under the sheriffs contract. He suggested purchasing the new truck for the Public Services department and taking one of their old truck for use by animal control.

Councilor Arthur questioned what the life expectancy on a new truck was. City Manager Jarboe replied the old truck from Public Services would probably have a life expectancy of 2 or 3 years.

Consensus: **TO PLACE ON THE FEBRUARY CONSENT AGENDA GIVING THE CITY MANAGER THE AUTHORITY NOT TO EXCEED \$18,000.**

Chapter 27 Fences

CHAPTER 27, FENCES: City Attorney Krechowski stated he was in the process of updating Chapter 27-330 and would urged Council members to give him their thoughts and recommendations. He would work with City Manager Jarboe to tighten up and add consistency which seemed to be an issue with the current Code.

Community Development Director Askew advised there two sections of the Code addressed fences, Section 27-329 and Section 27-330. There was an interpretation issue between the two regarding whether it allowed an eight foot fence to be erected completely all the way around a yard, or just a portion of a yard.

Mayor Pruette suggested defining the word "surrounding" in Section 27-329(4) which reads as follows: Safety fences, Swimming pools and hot tubs shall be surrounded by an approved wall or fence, which is at least four (4) feet in height, but not over seven (7) feet, and controls unrestrained admittance to the enclosed area through the use of self-closing gates. The pool shall be setback at least three (3) feet from the wall or fence, as measured to the lip of the pool. Mayor Pruette stated as an example one property owner was allowed to place an eight foot fence around a swimming pool as well as extending the fencing down the side of house toward the street.

Community Development Director Askew stated the State required a minimum of a 4 foot fence to be placed around swimming pools with gates that are self-latching. There was no requirement on the height of the fence and it does not specify where the fence should end or begin.

Mayor Pruette stated she did not want to strike out Section 27-330(3) encouraging fences that allow air flow because the lots east of Third Street were so close together that it could negatively impact the neighbors.

Councilor Tucker questioned if existing fences would be grandfathered in. Ms. Askew replied under the current code they would be grandfathered in but when the fence needed to be replaced it would have to be in compliance with the current Code at that time.

Vice Mayor Jolly questioned how the height of fences would be measured. He added as an example if the fence was raised an inch or two would it be considered above the height limit. Ms. Askew replied the point of measurement was the natural lay of the land on the interior lot side.

Councilor Arthur felt it made more sense for the point of measurement to be on the outside of the lot. He agreed with not striking out Section 27-330(3) regarding fencing that allowed air flow.

Councilor Arthur questioned whether or not "Third Street" should be removed from Section 27-330(2) which reads as follows: Any fence located adjacent to a public right-of-way or private road shall be placed with the finished side facing that right-of-way. In residential zoning districts, fences walls or hedges shall not exceed six (6) feet in height when placed in exterior side yards abutting a principal arterial (Third Street.) Ms. Askew responded that Third Street was the only area designated in the Code as a principal arterial.

Councilor Arthur questioned the proposal of striking out "~~but not over eight (8) feet~~" which in Section 27-329(3) and changing it to read "Swimming pools and hot tubs shall be surrounded by an approved wall or fence, which is at least four (4) feet in height, but not to exceed six (6) feet." Ms. Askew replied she made the proposed amendment so the Code would be clearer that if a safety fence extends into the front yard it is a required four (4) feet in front.

Mayor Pruette stated the variance process would still be place for unique circumstances.

Councilor Arthur questioned if double sided lots would be allowed to place fences in the front yard. Ms. Askew advised double sided lots would be limited to four (4) feet. She added the Department of Environmental Protection would not allow even a four (4) foot fence on the Oceanside.

Mayor Pruette stated that could be an issue for oceanfront property owners. City Manager Jarboe replied the variance process was in place for certain situations.

Councilor Wiley questioned if privacy fences were considered safety fences. Ms. Askew answered that they are considered safety fences however the smooth side of the fence has to be on the outside of the property with the pool, otherwise people would be able to climb over the fence. Another option is what is called a "baby barrier," a type of screen mesh. She added that the State also requires properties with swimming pools have an alarm on all windows and doors.

Councilor Wiley questioned if an alarm was required on fence gates. Ms. Askew answered an alarm is not required on fence gates but they did have to be self-latching so that they automatically close when the gate is opened.

Councilor Wiley asked if above ground pools were included. Ms. Askew replied the City did not permit above ground pools.

Councilor Wiley stated he was not in favor of allowing eight (8) foot fences in residential neighborhoods. He questioned the proposed code change to allow eight (8) foot fences to go on a residential property abutting a commercial property but only that portion where the property abuts commercial property. Ms. Askew stated she would research the issue.

Councilor Wiley stated Section 27-330(4) referring to the "clear visibility triangle" was not defined as to the distance of the triangle.

City Manager Jarboe asked the Council to contact City Attorney Krechowski if they had any other questions or amendments.

Consensus: **FORWARD TO THE FEBRUARY WORKSHOP MEETING.**

PUBLIC COMMENTS

Lynda Padrta, 1113 First Street, suggested Council be careful while considering amendments to Chapter 27 because one change can impact another.

COUNCIL COMMENTS

Councilor Arthur questioned was our set out rate for recycling. City Manager Jarboe replied he was waiting for Waste Pro to give him the figures.

Mayor Pruette passed out a letter to Council regarding "land use issues" and she was placing the subject matter on the February workshop meeting agenda for discussion. She was concerned that some property owners not being able to apply for a variance and other land use issues.

Councilor Wiley felt the garbage can lids may create a problem on windy days. He also asked if a newsletter regarding the recycling could be created and sent out in the electric bills. City Manager Jarboe replied Waste Pro was currently working on such a newsletter.

Adjournment

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

Harriet Pruette, Mayor

Attest:

Lisa Volpe, CMC, City Clerk

Approved: _____



**MINUTES
WORKSHOP CITY COUNCIL MEETING
JANUARY 7, 2013, 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 7, 2013 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 John Jolly
Councilor Richard Arthur
Councilor Kara Tucker
Councilor Scott Wiley
City Attorney Patrick Krechowski
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

Assistant Chief Tony Carrillo
Community Development Director Askew

**Call to Order/Roll
Call**

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

PROPOSED ORDINANCES

Garbage

ORDINANCE 2012-12, GARBAGE, TRASH, AND INDUSTRIAL WASTE: AN ORDINANCE AMENDING CHAPTER 11, GARBAGE, TRASH AND INDUSTRIAL WASTE, ARTICLE I, IN GENERAL AND ARTICLE II, GARBAGE AND TRASH OF THE CODE OF ORDINANCES OF THE CITY OF NEPTUNE BEACH, FLORIDA AND ESTABLISHING AN EFFECTIVE DATE.

City Attorney Krechowski stated the Ordinance offers clarity and consistency regarding garbage collection. He felt it may need to be amended in the future depending on how the City is able to administer enforcement and the reaction from the public.

Councilor Tucker voiced concern regarding enforcement and mandatory recycling for businesses. She was open to moving forward with the Ordinance as it stands and amending it in the future if necessary.

Vice Mayor Jolly questioned if the Ordinance allowed someone from the City to pick up residential trash cans and return them to the yards. City Attorney Krechowski replied the Ordinance did not provide for City employees to pick up trash containers. The way the Ordinance is written, violations of this Ordinance will be treated the same as any other violation.

Vice Mayor Jolly questioned if someone left their garbage can out, how would it be enforced. How would the City identify who the trash can belonged to and what would the next step be. City Attorney Krechowski replied it would be treated under the normal course of any other violation.

Councilor Arthur questioned if "secure plastic bag" should be defined under the definition of "garbage container." City Attorney Krechowski responded "no" because "garbage container" is different and "secure plastic bag" is defined in other areas of the Ordinance.

Councilor Arthur questioned if Section 11-110 gave authority to the City Manager to enforce a violation. City Attorney replied "no" Section 11-110 refers to the person doing the enforcement.

Councilor Arthur asked the City Attorney if he felt it would be better to have individual penalties provided for this Ordinance. City Attorney Krechowski explained it would be inconsistent to provide a different set of penalties to a specific section of the Code. It is more consistent to have one section of the code to reference penalties for code violations. City Manager Jarboe added in extreme cases he or his designee could issue a ticket after a warning.

Councilor Arthur stated he still opposed allowing plastic bags to be placed curbside for garbage collection. He added if code enforcement was an issue Council should consider amending Chapter 1.12 regarding enforcement rules.

Councilor Wiley stated Section 11-47 referred to Chapter 162 of the Florida Statutes. He asked City Attorney Krechowski to clarify Chapter 162. City Attorney Krechowski explained Chapter 162 is the State Statute that allows local governments the authority to create code enforcement boards or to appoint a special magistrate. It also covers procedures for code enforcement.

Councilor Wiley asked if violators would be issued a citation. City Manager Jarboe replied the violation would be handled like any other code violation through the Code Enforcement Officer. If the situation needed immediate attention he or his designee would have the authority to issue a citation.

Councilor Wiley felt the City should wait until figures are received regarding tipping fees before considering making commercial recycling mandatory. He would like to hear from the commercial establishments regarding the issue.

City Manager Jarboe stated the suggestion for mandatory commercial recycling originated from Town Center Agency President, Ed Jones. Some commercial establishments are already in the process of setting it up.

Mayor Pruette asked City Manager Jarboe if Council were to impose mandatory recycling on businesses if they would be given notification and allowed ample time to speak on the issue. City Manager Jarboe replied "yes."

Mayor Pruette explained the Ordinance says "the city manager may establish a mandatory commercial recycling program consistent with State Statute." This Ordinance does not make it mandatory. She added that residential properties have been required to recycle for almost 20 years. She stated commercial establishments generated a tremendous amount of recyclable material that goes into the landfill and she felt they should do their fair share. The more recyclables we can keep from going into the landfill, the more money we save the taxpaying citizens.

Mayor Pruette asked City Manager Jarboe when the trash collection company was going to ask the City to reimburse them for tipping fees. City Manager Jarboe replied the issue would be on the January workshop agenda.

City Manager Jarboe stated he received a bill from the City of Jacksonville for tipping fees for yard trash and he returned it to them because it was contrary to the Interlocal agreement.

Mayor Pruette felt allowing the City Manager to establish mandatory commercial recycling for business should be left in the Ordinance.

Consensus: **FORWARD TO THE FOLLOWING REGULAR MEETING FOR A VOTE.**

PUBLIC COMMENTS

Lynda Padrta, 1113 First Street, felt if citizens were required to recycle businesses should also be required. She was concerned about how the Ordinance would be enforced, specifically with multi-family units.

Councilor Wiley asked City Manager Jarboe if it was mandatory for residential properties to recycle. City Manager stated residential properties were required to recycle under the State of Florida.

Adjournment

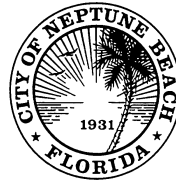
There being no further business, the meeting adjourned at 6:25 p.m.

Harriet Pruette, Mayor

Attest:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
REGULAR CITY COUNCIL MEETING
JANUARY 7, 2013, AT 6:25 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 7, 2013, at 6:25 p.m. in the City Hall Council Chambers, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

STAFF:

Mayor Harriet Pruette
Vice Mayor John Jolly
Councilor Richard Arthur
Councilor Kara Tucker
Councilor Scott Wiley
City Attorney Patrick Krechowski
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

Assistant Chief Tony Carrillo
Community Development Director Amanda Askew

Order Call/Pledge

Mayor Pruette called the meeting to order at 6:25 p.m. and asked Vice Mayor Jolly to lead the pledge of allegiance.

AWARDS / PRESENTATIONS/ RECOGNITION OF GUESTS / NONE

APPROVAL OF MINUTES

Moved by Tucker, seconded by Jolly.

Minutes

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

DECEMBER 4, 2012, REGULAR CITY COUNCIL MEETING
DECEMBER 4, 2012, SPECIAL CITY COUNCIL MEETING

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Tucker, Wiley, Pruette
Noes: 0

MOTION CARRIED

COMMUNICATIONS & CORRESPONDENCE

Mayor Pruette commented that she has received several nice comments regarding the Town Center landscape project at the barricade on Lemon Street and First Street.

Councilor Tucker requested an update on an e-mail and public comment regarding dog waste and the installation of a one-way street sign on Strand Street. City Manager Jarboe replied the one-way street sign has been ordered.

Councilor Arthur questioned how much work remained to complete the Town Center barricade project. Mayor Pruette replied they were going to install a fence and some pavers. City Manager Jarboe added the project was being coordinated with the Jacksonville Electric Authority and the City's Public Services Department.

City Attorney Krechowski stated he and Atlantic Beach City Attorney met the General Counsel Office for the City of Jacksonville on December 12, 2012, regarding tipping fees and the Interlocal agreement.

City Clerk Volpe stated due to the Martin Luther King holiday, the January workshop meeting would be held on Tuesday, January 22, 2013.

CITY MANAGER REPORT

City Manager Jarboe stated the solar panels on City Hall are working effectively. The first electric bill received since the installation was for \$65.00.

Community Development Director Askew explained the old playground equipment in Jarboe Park would be removed by our Public Services Department on Thursday and Friday of this week. The new playground equipment was scheduled to be installed by Earthscape on Monday. The new equipment is made of 99% recycled plastic and will be ADA compliant.

Mayor Pruette questioned where the funding for the new playground came from. City Manager Jarboe replied the funding came from the Convention Development Tax and was included in the approved budget.

Councilor Arthur asked what the life expectancy was on the new playground equipment. Community Development Director Askew replied the life expectancy was 20 years.

COMMENTS FROM THE PUBLIC

Alan Martin, 1113 First Street, felt the city needed to enforce restrictions placed on variances. He was concerned about drinks being placed on the railing of the balcony of the North Beach Fish Camp.

CONSENT AGENDA / NONE

VARIANCES / NONE

ORDINANCES

Ord. No. 2012-12 ORDINANCE NO. 2012-12, AMENDING CHAPTER 11, GARBAGE, TRASH, AND INDUSTRIAL WASTE, SECOND READ AND PUBLIC HEARING: AN ORDINANCE AMENDING CHAPTER 11, GARBAGE, TRASH AND INDUSTRIAL WASTE, ARTICLE I. IN GENERAL AND ARTICLE II. GARBAGE AND TRASH OF THE CODE OF ORDINANCES OF THE CITY OF NEPTUNE BEACH, FLORIDA AND PROVIDING AN EFFECTIVE DATE.

Mayor Pruette read Ordinance No. 2012-12 by title only and opened the public hearing.

There being no comments from the public, the public hearing was closed.

Moved by Tucker, seconded by Jolly.

Motion: **TO APPROVE ORDINANCE NO. 2012-12 ON SECOND READ AND PUBLIC COMMENTS.**

Councilor Wiley stated he would like to amend the Ordinance to eliminate Section 11-112, commercial recycling.

Moved by Wiley.

Amendment to **TO ELIMINATE SECTION 11-112, COMMERCIAL RECYCLING.**
the Motion

AMENDMENT FAILED DUE TO LACK OF A SECOND.

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Tucker, Wiley, Pruette

Noes: 0

MOTION CARRIED

OLD BUSINESS / NONE

NEW BUSINESS

CDB12-06
207 Atlantic Blvd.
Al's Pizza

CDB12-06, DEVELOPMENT ORDER, AL'S PIZZA PARTNERS, INC., 207 ATLANTIC BOULEVARD: Community Development Director Askew explained the existing building is being remodeled. The applicant is proposing a complete façade change with a new roof over the leased outdoor dining along the Atlantic Boulevard right-of-way, a new architectural tower at the corner of the building and new outdoor seating area on private property along the western side of the building. In the Central Business District there is an automatic 50% reduction in required parking spaces. The required parking is 122 and the applicant has a total of 149.

Vice Mayor Jolly asked Mrs. Askew to describe the Pine Hall pavers. Ms. Askew explained the applicant proposes to install Pine Hall "StormPave" permeable pavers in the area for outdoor seating. They are considered 100% permeable.

Councilor Wiley asked if the restaurant would have live entertainment in the late evenings.

Mayor Pruette called on the applicant, Mr. Al Mansur to respond to the question.

Mr. Mansur replied they intended to have live entertainment at the end of the night after dinner hours.

Mayor Pruette asked if the outdoor seating area would be closed after dinner hours when there was live entertainment. Mr. Mansur answered "yes."

Councilor Wiley asked if there would be outdoor speakers. Mr. Mansur answered "no."

Councilor Arthur asked if the original palm trees on the west elevation would remain. Mr. Mansur replied they are mostly all staying in place. A couple of the palm trees may have to be relocated to arrange the tables in the right area. Hope Van Nortwick added all the palm trees will remain, one or two may be slightly relocated.

Councilor Arthur asked if there would be planters between the fencing. Hope Van Nortwick replied they are required to have the rail between the public and the serving area. In order to prevent having so much railing they planned to add some planters in between.

Councilor Wiley questioned if the required parking spaces for the restaurant were located in the private parking lots behind City Hall and across the street from the Public Safety Building. Mrs. Askew replied "yes."

Moved by Tucker, seconded by Arthur.

Motion: **TO APPROVE THE RECOMMENDATION OF THE COMMUNITY DEVELOPMENT BOARD FOR THE DEVELOPMENT AT 207 ATLANTIC BOULEVARD.**

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Tucker, Wiley, Pruette

Noes: 0

MOTION CARRIED

CDB12-07
207 Atlantic Blvd
Al's Pizza

CDB12-07, SPECIAL EXCEPTION FOR OUTDOOR DINING, AL'S PIZZA PARTNERS, INC., 207 ATLANTIC BOULEVARD:

Moved by Pruette, seconded by Jolly.

Motion: **TO APPROVE THE RECOMMENDATION OF THE COMMUNITY DEVELOPMENT BOARD WITH THE CONDITION THAT THERE IS NO BLOCKAGE OF PRIVATE SIDEWALK OR DRIVE OUT AND NO OUTSIDE MUSIC.**

City Manager Jarboe explained there have been problems in the past with bands blocking the drive out from the parking lot while loading and unloading band equipment.

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Tucker, Wiley, Pruette

Noes: 0

MOTION CARRIED

COUNCIL COMMENTS

Councilor Tucker asked when the Denny's Restaurant would open. City Manager Jarboe stated Denny's has been issued a Certificate of Occupancy. The City was not the hold up. The property owner and the franchisee were in discussion and they should be open around the 20th.

Councilor Wiley asked the Beaches Leader reporter to put in the article that the workshop meeting would be held on Tuesday, January 22nd in lieu of the 21st.

Councilor Wiley asked if the pamphlet regarding recycling could be placed in the electric bills. City Manager Jarboe replied that Waste Pro is required to send out notices regarding recycling.

Councilor Wiley stated he would like Council to address the 50% automatic reduction in parking spaces in the Central Business District. Mayor Pruette suggested he place the issue on a workshop agenda.

Councilor Tucker requested Ordinance No. 2012-12 be placed on the website. City Manager Jarboe commented staff would send the information regarding the new garbage ordinance in the electric and water bills and place it on the website.

Vice Mayor Jolly asked to place "public parking" on a workshop agenda as unfinished business from last year.

Vice Mayor Jolly stated he would also like to workshop and discuss the police pension plan.

City Manager Jarboe suggested discussing the police pension during the upcoming budget process.

Councilor Arthur asked if the City had any appointed members on the Police Officers' Pension Fund Board. Mayor Pruette replied the two City appointed seats were open and she is looking for people willing to serve.

Vice Mayor Jolly asked about the Beaches Chapel Drainage project. City Manager Jarboe responded the City has not started their part of the process.

Adjournment

There being no further business, the meeting adjourned at 6:55 p.m.

Harriet Pruette, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved:



MINUTES
SPECIAL CITY COUNCIL MEETING
DECEMBER 4, 2012, AT 7:00 P.M.
CITY HALL, 116 FIRST STREET
NEPTUNE BEACH, FLORIDA

Pursuant to proper notice a Special Meeting of the City Council of the City of Neptune Beach was held December 4, 2012, at 7:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

The following Council members and staff were in attendance:

Mayor Harriet Pruette
Vice Mayor Kara Tucker
Councilor Richard Arthur
Councilor John Jolly
Councilor Scott Wiley
City Attorney Patrick Krechowski
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

STAFF:
Director of Public Safety Chief Sembach

Order call

Mayor Pruette called the special meeting to order at 7:00 p.m.

Invocation and Pledge

Mayor Pruette asked Judge Flower to lead the pledge of allegiance.

Oaths of Office

OATHS OF OFFICE:

Judge Gary Flower administered the Oath of Office to Vice Mayor Kara Tucker, Councilor Scott Wiley and Mayor Harriet Pruette, whereupon they each, respectively, assumed the duties of their elected office.

Mayor Pruette recognized Jacksonville Beach Mayor Charlie Latham, Jacksonville Beach Vice Mayor Tom Taylor, Jacksonville Beach City Council Keith Doherty, Supervisor of Elections Jerry Holland, and retired Admiral Bill Lynch.

**Presentation of
Certificate of Election**

PRESENTATION OF CERTIFICATE OF ELECTION: City Clerk Volpe presented a Certificate of Election to Kara Tucker for Seat 3, Scott Wiley for Seat 2, and Harriet Pruette for Seat 1.

Council Comments

Vice Mayor Tucker thanked Judge Flower for swearing her in and referenced her many accomplishments while serving as Vice Mayor.

Councilor Arthur stated he looked forward to working with the Council for the next four years. He welcomed Councilor Wiley back to the Council after 43 years.

Councilor Wiley recognized his wife, sisters, and brother-in-law's presence. He stated it is a privilege and an honor to once again serve the citizens of Neptune Beach. He appreciates the opportunity and looks forward to working with the Council.

Mayor Pruette stated every day she gives thanks for the blessing, honor and privilege of serving Neptune Beach. She thanked her supporters for believing in her and putting their trust in her. She thanked City Manager Jarboe and staff for everything they do for the City. She added she is looking forward to working with the Council.

Mayor Pruette presented Judge Flower a key to the City in appreciation for him administering the oath to the new Council members.

Appointment of
Vice- Mayor

ELECTION OF VICE-MAYOR: Pursuant to Section 2.04(b), City Charter, Mayor Pruette opened the floor for nominations for Vice Mayor.

Councilor Arthur nominated Councilor Jolly to serve as Vice Mayor. He added that Vice Mayor Tucker did an excellent job serving as Vice Mayor for the past two years.

Mayor Pruette asked Councilor Jolly if he accepted the nomination. Councilor Jolly replied "yes" he would accept the nomination.

Councilor Wiley felt Vice Mayor Tucker has done an excellent job serving as Vice Mayor for the past two years and he would like to nominate her to serve another term Vice Mayor.

Mayor Pruette asked Vice Mayor Tucker if she accepted the nomination. Vice Mayor Tucker stated she would accept the nomination.

Mayor Pruette stated Councilor Jolly was a retired captain in the U.S. Reserves and has also worked in the Duval County Auditor's office. He was also in a management position with J.E.A. He knows the players and he knows the process and he certainly is not bashful and will speak up. She felt the City needed his experience in dealing with the tipping fee issue with the County.

There being no further nominations, Mayor Pruette closed the floor and asked City Clerk Volpe to call the roll

Mayor Pruette asked City Clerk Volpe to do a call roll vote and ask each Council member to name who they chose to serve as Vice Mayor.

Roll Call Vote:

Kara Tucker	2 – Tucker, Wiley
John Jolly	3 – Arthur, Jolly, Pruette

Results: **COUNCILOR JOHN JOLLY TO SERVE AS VICE MAYOR.**

Adjournment

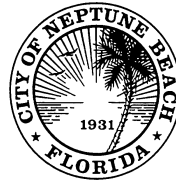
There being no further business, the meeting adjourned at 7:25 p.m.

Harriet Pruette, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
REGULAR CITY COUNCIL MEETING
DECEMBER 4, 2012, AT 6:00 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 December 4, 2012, at 6:00 p.m. in the City Hall Council Chambers, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

STAFF:

Mayor Harriet Pruette
Vice Mayor Kara Tucker
Councilor Richard Arthur
Councilor John Jolly
Councilor Scott Wiley
City Attorney Patrick Krechowski
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

Director of Public Safety David Sembach

Order Call/Pledge Mayor Pruette called the meeting to order at 6:00 p.m. and led the pledge of allegiance.

AWARDS / PRESENTATIONS/ RECOGNITION OF GUESTS

APPROVAL OF MINUTES

Moved by Tucker, seconded by Jolly.

Minutes

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

NOVEMBER 5, 2012, REGULAR CITY COUNCIL MEETING
NOVEMBER 19, 2012, WORKSHOP CITY COUNCIL MEETING

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Tucker, Wiley, Pruette

Noes: 0

MOTION CARRIED

COMMUNICATIONS & CORRESPONDENCE

Mayor Pruette stated she would like to place the issue of the Pete's Bar Thanksgiving event on a future workshop meeting agenda to discuss Chief Sembach's suggested changes. She thanked Chief Sembach for his memo and felt we needed to look at some

changes in order to keep the event.

Mayor Pruette stated for the record "as representatives of the citizens it is the Council's duty to bring citizens issues to staff and to amend ordinances if necessary." She had been receiving complaints from citizens regarding the recently built homes east of Third Street covering too much of the lots and not leaving enough green space or space for parking. She has also received complaints regarding inconsistencies in the application of the Land Use Code. Therefore, she would like to place Chapter 18, Section 18-4 and Chapter 27, Land Use Code on the January workshop agenda. She also would like to place the issue of enforcing the garbage ordinance on the January workshop agenda.

City Clerk Lisa Volpe stated she was preparing the Council meeting calendar for next year and asked Council if they would prefer to move the Monday meetings that fell on holidays to the following Tuesday as recommended by Councilor Wiley.

Consensus: **TO HOLD COUNCIL MEETINGS ON TUESDAYS FOLLOWING MONDAY HOLIDAYS.**

City Attorney Krechowski announced he and Atlantic Beach City Attorney Alan Jensen will be meeting with an Assistant General Counsel for the City of Jacksonville on Thursday, December 6th to discuss the Interlocal Agreement, specifically the tipping fees.

CITY MANAGER REPORT

City Manager Jarboe reported the following:

- The Town Center beautification project for Orange Street has started.
- The new solar power system is saving the City money. When the sun is shining the City is breaking even and on cloudy days the City is still saving 20 to 50 percent on electricity.
- The Environmental Protection Agency will be implementing new standards on nitrogen. He is hoping that the City will not have to retrofit the nitrogen plan to conform to the new requirements.
- Chief Sembach has recommended some changes for the Pete's Thanksgiving Day event. He has suggested that it be handled in the same manner as the "Dancin' in the Street" event.

COMMENTS FROM THE PUBLIC

Ed Jones, 200 First Street, requested the City share some of the funds received from Waste Pro for holiday lighting with the Beaches Town Center Agency.

City Manager Jarboe stated he would place the issue of the Holiday Lighting funds on the January workshop agenda.

Brain McDonald, 107 North Street, voiced concern about dog defecation. He suggested that police officers ticket dog owners if they catch them in the act of not picking up after their dog. He also suggested that a "one-way" street sign be placed at North Street and Strand.

Lynda Padrta, 1113 First Street, voiced concern regarding the Land Use Code.

CONSENT AGENDA

SIDEWALK LEASE AGREEMENT / AL'S PIZZA PARTNERS, INC.

RELAY FOR LIFE EVENT / JARBOE PARK

RESOLUTION NO. 2012-09: A RESOLUTION OF THE CITY OF NEPTUNE BEACH, FLORIDA MAKING THE "26.2 WITH DONNA" MARATHON A RECOGNIZED COMMUNITY EVENT IN NEPTUNE BEACH.

Moved by Tucker, seconded by Jolly.

Motion: **TO APPROVE THE CONSENT AGENDA.**

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Tucker, Wiley, Pruette

Noes: 0

MOTION CARRIED

VARIANCES / NONE**ORDINANCES**

Ord. No. 2012-10 ORDINANCE NO. 2012-10, AMENDING THE OPERATING BUDGET, SECOND READ AND PUBLIC HEARING: AN ORDINANCE AMENDING THE OPERATING BUDGET FOR THE CITY OF NEPTUNE BEACH, FLORIDA FOR FISCAL YEAR 2012, BEGINNING OCTOBER 1, 2011 AND ENDING SEPTEMBER 30, 2012.

City Manager Jarboe explained the Ordinance will allow grant revenue that was received to be included in the budget.

Mayor Pruette read Ordinance No. 2012-10 by title only and opened the public hearing, there being no comments from the public, the public hearing was closed.

Moved by Jolly, seconded by Tucker.

Motion: **TO ADOPT ORDINANCE NO. 2012-10 ON SECOND READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Tucker, Wiley, Pruette

Noes: 0

MOTION CARRIED

Ord. No. 2012-11 ORDINANCE NO. 2012-11, AMENDING CHAPTER 27, UNIFIED LAND DEVELOPMENT REGULATIONS, FLOODPLAINS, SECOND READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING AND DELETING THE CODE OF ORDINANCES CHAPTER 27 UNIFIED LAND DEVELOPMENT REGULATIONS; SEC. 27-15. DEFINITIONS, SEC. 27-150. SPECIAL PROVISIONS WHERE VARIANCE IS SOUGHT TO REQUIREMENTS IN SPECIAL FLOOD HAZARD AREAS, SEC. 27-401. GENERAL, SEC. 27-402. APPLICABILITY, SEC. 27-403. FINDINGS OF FACT, SEC. 27-404. PURPOSE AND INTENT OBJECTIVES, SEC. 27-405. GENERAL PROVISIONS, SEC. 27-406. DEFINITIONS, SEC. 27-407. STANDARDS FOR REDUCING FLOOD HAZARDS IN SPECIAL FLOOD HAZARD DISTRICTS, SEC. 27-408. ENFORCEMENT AND PENALTIES, SEC. 27-409. SUBDIVISIONS, SEC. 27-410. SITE IMPROVEMENTS, UTILITIES AND LIMITATIONS, SEC. 27-411. TANKS, SEC. 27-412. OTHER DEVELOPMENT, SEC. 27-413. FISCAL IMPACT STATEMENT, SEC. 27-414. APPLICABILITY, SEC. 27-415. REPEALER, SEC.

27-416. INCLUSION INTO THE CODE OF ORDINANCES, SEC. 27-417. SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

Mayor Pruette read Ordinance No. 2012-11 by title only and opened the public hearing.

Richard Keene, 733 Bay Street, stated when the Community Development Board met he couldn't make the meeting because he was out of town. He sent out an e-mail to the council with suggestions to clean up some inconsistencies in the draft. He asked if the council has looked at his suggestions.

There being no further comments from the public, the public hearing was closed.

Moved by Jolly, seconded by Tucker.

Motion: **TO ADOPT ORDINANCE NO. 2012-11 ON SECOND READ AND PUBLIC HEARING.**

Mayor Pruette felt the Ordinance had not been fully edited for potential conflicts and therefore she would not be supporting it.

Roll Call Vote:

Ayes: 4 – Arthur, Jolly, Tucker, Wiley

Noes: 1 – Pruette

MOTION CARRIED

Ord. No. 2012-12 **ORDINANCE NO. 2012-12, AMENDING CHAPTER 11, GARBAGE, FIRST READ: AN ORDINANCE AMENDING CHAPTER 11, GARBAGE, TRASH AND INDUSTRIAL WASTE, ARTICLE I. IN GENERAL AND ARTICLE II. GARBAGE AND TRASH OF THE CODE OF ORDINANCES OF THE CITY OF NEPTUNE BEACH, FLORIDA AND PROVIDING AN EFFECTIVE DATE.**

Motion: **TO PASS ORDINANCE 2012-12 ON FIRST READ.**

City Manager Jarboe suggested placing Ordinance No. 2012-12 on the January workshop agenda for further editing.

Councilor Arthur stated he did not support the use of placing plastic bags of garbage at the curb for pickup, and therefore he would not be supporting the Ordinance.

Moved by Tucker, seconded by Jolly.

Roll Call Vote:

Ayes: 4 – Jolly, Tucker, Wiley, Pruette

Noes: 1 – Arthur

MOTION CARRIED

OLD BUSINESS / NONE

NEW BUSINESS / NONE

COUNCIL COMMENTS / NONE

Adjournment There being no further business, the meeting adjourned at 6:30 p.m.

Harriet Pruette, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved:



**MINUTES
WORKSHOP CITY COUNCIL MEETING
NOVEMBER 19, 2012, 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 November 19, 2012 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 Kara Tucker
Councilor Richard Arthur
Councilor John Jolly
Councilor Scott Wiley
City Attorney Patrick Krechowski
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

Director of Public Safety David Sembach
Director of Public Services Leon Smith
City Engineer Jim French

**Call to Order/Roll
Call**

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

CITY MANAGER'S ACTION LIST

City Manager Jarboe reported on the following:

- The solar power for the City Hall building was officially turned on today.
- The annual audit has begun.
- Denny's is projecting a December 15th opening date.
- The owner of the building at 123 Lemon Street has applied for a demolition permit. They plan on building a single family home on the lot.
- The City is trying to resolve an issue in Town Center regarding two hour parking signs.
- The parking lot monitoring has slowed down.
- The plans for the old Sun Dog have not been submitted but it will be a Mexican restaurant.
- Rad Lovett plans to move forward soon with the building project on the corner of Second Street and Atlantic Boulevard.
- The Holiday Decorations will be going up soon.

Councilor Jolly stated the developing of additional parking spaces at Second Street and Lemon Street was still on the action list. He asked City Manager Jarboe if he was waiting for a decision from the Council. City Manager Jarboe stated Council will need to

make a decision regarding revoking the lease agreement with Mr. Lovett to create 15 parking spaces or to create eight parallel parking spaces without revoking the lease agreement.

PUBLIC COMMENTS

Donna Deegan, of the "26.2 With Donna Marathon," stated she wanted to thank everyone for their support of the event each year. It continues to be her intention to hope for a cure for breast cancer. She is looking forward to many more years of participation. If there is anything she can do personally to make the event better or easier on the City she will be happy to do so.

PRESENTATIONS

Bal Harbour /
Flood
Engineering

FLOOD ENGINEERING FOR BAL HARBOUR: Mayor Pruette introduced Ki Hong Pak, PE, CFM of Gemini Engineering & Sciences, Inc.

City Manager Jarboe stated Mr. Pak is a well respected engineer dealing with floodplain issues. He felt we were lucky to have his services for this project.

Mr. Ki Hong Pak made a presentation on the pilot study for the stormwater and drainage improvements in Bal Harbour. He explained the pilot study encompassed figuring out the existing situation, compiling information and using GIS system software to duplicate and visualize the existing flooding conditions and create different improvement scenarios. Out of the different improvement scenarios the best result was to create a bypass that would provide a secondary outlet to bypass the system that goes past the Beaches Chapel and direct it down to the canal. This would improve the flooding quite a bit but the area is so low that unless you elevate everything or increase the drainage system completely it will be very difficult to solve the situation.

Councilor Jolly asked Mr. Pak if what he was saying is "that even with the improvement there will continue to be flooding." Mr. Pak responded "yes" depending on the magnitude of the storm.

Mayor Pruette questioned if this would create flooding in another area. Mr. Pak replied they looked at different impacts upstream and downstream and there would be an increase of water along the ditch of about a tenth of a foot.

Mayor Pruette stated years ago the City conducted a study that revealed there were 8 to 9 areas throughout the City that had flooding problems. The worst area is Bal Harbour because it also has raw sewage entering homes. City Manager Jarboe explained in the next year and a half the City is going to try to do the construction of the sanitary sewer one street at a time so that it doesn't completely disrupt the Bal Harbour community. That is a separate issue to be addressed.

Councilor Jolly questioned where the funding for the pilot study came from. City Manager Jarboe replied the City provided the funding for the pilot study. He explained it was part of the process to be able to qualify for federal funding. He is hoping to get funding from FEMA to improve all the trouble areas.

Councilor Wiley questioned if the water would be directed down Bay Street across or running down the Westside of Fifth Street to enter into the drainage ditch or would it be running on the eastside. Mr. Pak stated it makes more sense to hit it on the downstream side of Florida Boulevard but that would be on the detailed design.

Councilor Wiley stated the existing pipe has an L Shape where the water gets bogged down. He asked if there was anything that could be done to create a straighter path across and into the ditch. Mr. Pak replied the L shape created less than a tenth of a foot of impact. He felt the 90 degree turn was inconsequential.

Councilor Wiley asked what the estimated cost would be to get the water to move faster and to solve some of the issues in Bal Harbour. City Manager Jarboe replied it would cost approximately \$780,000.

Councilor Wiley asked if the City could receive grant money to fund the project. City Manager Jarboe stated the City planned to apply for every possible grant. Councilor Wiley asked if we should get other areas of the City involved. City Manager Jarboe replied he would know how much to apply for once the federal budget is adopted.

Councilor Wiley asked if the improvement would create any adverse effects on other areas of the City. Mr. Pak replied that was included in the study. City Engineer Jim French stated it would be prudent to double check on any adverse effects, but the City did not have the funds to study a bigger model. It is an engineering judgment that the improvement would not likely cause an impact in other areas of the City.

PROPOSED ORDINANCES

Garbage

ORDINANCE NO. 2012-XX, GARBAGE: AN ORDINANCE AMENDING CHAPTER 11, GARBAGE, TRASH, AND INDUSTRIAL WASTE; ARTICLE I. IN GENERAL; AND ARTICLE II. GARBAGE AND TRASH OF THE CODE OF ORDINANCES OF THE CITY OF NEPTUNE BEACH, FLORIDA AND PROVIDING AN EFFECTIVE DATE.

City Manager Jarboe explained City Attorney Krechowski has provided a model Ordinance for Council to consider and make suggestions and recommendations for changes.

City Attorney Krechowski stated he needed guidance from the Council on Section 11-26(c) regarding the time that garbage containers could be placed curbside for collection. He added Section 11-47 regarding enforcement. He would like to strike the work "buckhorn" from Section 11-106(b).

Vice Mayor Tucker asked City Attorney Krechowski what his recommendation was on the placement of garbage containers for collection. City Attorney Krechowski advised he leave it at 12 hours prior to the assigned day of collection.

Mayor Pruette felt it would be difficult to enforce. City Attorney Krechowski agreed it was going to be difficult to enforce because residents would be putting trash containers out at different times of day and the garbage trucks come at different times.

Vice Mayor Tucker suggested changing Section 11-30. – Services for persons with disability as follows: Upon receipt of proper notice, the City shall render assistance and make provisions for those persons with ~~disability~~ disabilities to the extent that it would not be practical to place garbage containers at curbside.

Vice Mayor Tucker agreed to allow residents wanting to use trash bags instead of trash containers to be able to do so.

Councilor Jolly suggested either changing the time to 12:00 p.m. although he would prefer it to be after 6:00 p.m. City Manager Jarboe added that most cities say no earlier than 6:00 p.m. the day of collection.

City Attorney Krechowski questioned if the Council wanted to set different times for when trash bags could be put out for collection and when trash containers could be set out.

Councilor Wiley felt the Ordinance was placing a lot of restrictions that would be difficult to enforce. He felt the trash bags should not be set out for collection until 6:00 a.m. the day of and trash containers should be set out the night before. He felt that language would suffice without setting a definite time. City Attorney Krechowski felt the problem with that was people were leaving trash containers out all the time.

Councilor Wiley stated he was not in favor of Section 11-112. He did not think the City should make commercial recycling mandatory.

City Manager Jarboe explained the City did not profit from making it commercial recycling mandatory. It would lessen the amount of waste going into the landfill and save the money so the City does not have to raise the rates of the residents to cover the cost of the landfill.

Councilor Arthur felt the time frame of 12 hours prior was agreeable. He did not support allowing the use of plastic bags and felt that "secure plastic bags" should be removed from Section 11-1.

Mayor Pruette felt "securable lid" should be removed from Section 11-26. City Attorney Krechowski stated the securable lid was for trash containers placed curbside the night before collection. If people did not want to put a lid on the trash container they would be allowed to place the container curbside the day of collection.

Mayor Pruette felt once the Ordinance is adopted the citizens needed to be given a friendly reminder instead of a warning taking enforcement action. City Manager Jarboe explained the difficulty with that is the City needed to send a certified letter before taking enforcement action.

Councilor Arthur suggested adding a definition for "secure plastic bag" in Section 11-1. City Attorney Krechowski agreed to add the definition. Councilor Arthur asked if we could limit secure plastic bags to one per property. City Attorney Krechowski stated there is a one bag limit in the Ordinance.

Consensus: **LEAVE SECTION 11-26(C) AS IS AND FORWARD TO FIRST READ.**

CONTRACTS / AGREEMENTS

Al's Pizza
Partners

SIDEWALK LEASE AGREEMENT / AL'S PIZZA PARTNERS, INC.: City Manager Jarboe recommended placing this on the consent agenda. This is basically the same lease for the seating area used by Sun Dog.

Councilor Wiley questioned if this would be the same type of restaurant.

Al Mansuer, owner of Al's Pizza Partners, Inc., stated it was going to a Mexican style restaurant and they would have the same seating capacity and lay out as Sun Dog.

Councilor Arthur asked if there was any difference in the lease. Mr. Mansuer replied it would be the same amount of tables and the same amount of chairs.

Vice Mayor Tucker stated she would support the lease agreement.

Councilor Jolly agreed to place the lease agreement on the consent agenda.

Consensus: **TO PLACE THE SIDEWALK LEASE AGREEMENT FOR AL'S PIZZA PARTNERS, INC. ON THE CONSENT AGENDA.**

ISSUE DEVELOPMENT

26.2 Donna
Marathon

RESOLUTION NO. 2012-XX: A RESOLUTION OF THE CITY OF NEPTUNE BEACH, FLORIDA MAKING THE "26.2 WITH DONNA" MARATHON A RECOGNIZED COMMUNITY EVENT IN NEPTUNE BEACH.

Consensus: **TO PLACE THE 26.2 DONNA MARATHON RESOLUTION ON THE CONSENT AGENDA.**

Relay for Life

RELAY FOR LIFE EVENT: City Manager Jarboe stated the Relay-for-Life event has previously been held in Jarboe Park except for the past two years. He was concerned about the large event taking place in the residential area due to the noise and parking. He felt the Cancer Society did a great job and the research they provide is outstanding. But he did not recommend the event being held in Jarboe Park. He was concerned the event would end up being shut down after the second noise complaint. He also felt it would interfere with the Saturday Green Market. He suggested if Council approved the event that the Green Market not be held on that Saturday.

Vice Mayor Tucker supported the event being held in Jarboe Park.

Councilor Jolly agreed with the concerns of the City Manager. He would not want to approve the event and then have it end up being shut down due to noise complaints.

Councilor Arthur supported the event being held in Jarboe Park with concessions. He also would not want to take away from the Green Market. He suggested making an offer to the event coordinator to downsize the event and make some concessions regarding the noise ordinance and parking.

Mayor Pruette stated she received several complaints from the Relay-for-Life event in the past and even received a ticket for a noise ordinance complaint. She would hate to approve it and then have it shut down.

Councilor Wiley stated Relay-for-Life was held in Jarboe Park in 2003, 2004, 2006, 2007, 2008, and 2009. It was approved in 2011, but they decided to hold the event at a different location. The approvals were 5 to 0 votes. He supported the event being held in Jarboe Park.

Patricia Hunt, Coordinator of the Event, explained in 2011 there was some miscommunication and they were under the impression that they were denied to hold the event in Jarboe Park, otherwise they would never have left Jarboe Park. This helps support cancer research, education and helping families in times of need. They have addressed the noise issue in the past by having a professional help with the sound system. They will not have music after 9:00 p.m. or if so it would be on a very low key. The size of the stage will not be as large as previously. The event was held at Latham Plaza last year and Fletcher High School the year before.

Mayor Pruette suggested turning the stage so that it would face the beach. She felt that might help with noise.

Ms. Hunt stated she would be open to that suggestion.

City Attorney Krechowski stated there is a special permit provision in the noise ordinance.

Director of Public Safety Sembach explained if the music is loud and they receive a complaint they will have to respond to the complaint. They cannot write a citation on the first complaint but if the complaints are continuous they will have to take action.

Councilor Jolly asked if they would not park in the parking spaces designated for the Green Market.

Ms. Hunt explained she reached out to the Beaches Chapel and there is a possibility they will be able to use a portion of their parking lot.

Mayor Pruette questioned the timing of the event. Ms. Hunt explained it is an 18 hour event. The event starts at 12:00 p.m. on Saturday and ends at 8:00 a.m. Sunday morning.

Consensus: **FORWARD TO THE REGULAR AGENDA FOR A VOTE.**

PUBLIC COMMENTS

David Black, 601 Magnolia Street, thanked the City for being trying to resolve the flooding issues in Bal Harbour. He supported the Relay-for-Life event being held in Jarboe Park.

Tim Slater, 573 Magnolia Street, thanked the engineers for the additional data. His family is still displaced after tropical storm Debby because they had over \$100,000 damage. He was neutral on the Relay-for-Life event being held in Jarboe Park.

William Robinson, 633 Magnolia Street, questioned the drainage presentation. He asked for an update on the Beaches Chapel improvements. City Manager Jarboe asked Mr. Robinson to contact him by telephone and he would answer his questions. He supported the Relay-for-Life event being held in Jarboe Park. He felt it would be no worse that the noise coming from the Beaches Chapel.

Vita Hope, 324 Driftwood Road, was concerned about the number of trash bags. She places two bags out for collection.

COUNCIL COMMENTS

City Clerk Volpe reminded Council the swearing in of new Council members would be held on the December 4, 2012 at 7:00 p.m. The regular City Council meeting would normally be held on December 3, 2012. She questioned if Council would prefer combining the meetings.

Consensus: **TO COMBINE THE MEETINGS STARTING AT 6:00 P.M.**

City Manager Jarboe stated in the past few years Council has not held a workshop meeting in December. He questioned if Council wanted to hold a workshop meeting this December.

Consensus: **TO NOT HOLD A WORKSHOP MEETING IN DECEMBER.**

Councilor Jolly asked City Clerk Volpe to create a Council meeting calendar for next year.

Mayor Pruetto stated there are two issues in the Bal Harbour neighborhood, water in the streets and sewer in the streets. City Manager Jarboe has assured us he would be working on the flooding.

Adjournment

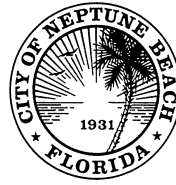
There being no further business, the meeting adjourned at 8:00 p.m.

Attest:

Harriet Pruetto, Mayor

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
REGULAR CITY COUNCIL MEETING
NOVEMBER 5, 2012, AT 6:00 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 November 5, 2012, at 6:00 p.m. in the City Hall Council Chambers, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

STAFF:

Mayor Harriet Pruette
Vice Mayor Kara Tucker
Councilor Richard Arthur
Councilor John Jolly
Councilor Scott Wiley
City Attorney Patrick Krechowski
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

Director of Public Safety David Sembach

Order Call/Pledge

Mayor Pruette called the meeting to order at 6:00 p.m. and asked Boy Scout Troop 837 to lead the Pledge of Allegiance.

AWARDS / PRESENTATIONS/ RECOGNITION OF GUESTS

APPROVAL OF MINUTES

Moved by Tucker, seconded by Jolly.

Minutes

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

SEPTEMBER 24, 2012, WORKSHOP CITY COUNCIL MEETING
OCTOBER 1, 2012, REGULAR CITY COUNCIL MEETING
OCTOBER 15, 2012, WORKSHOP CITY COUNCIL MEETING
OCTOBER 15, 2012, SPECIAL CITY COUNCIL MEETING

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Tucker, Wiley, Pruette

Noes: 0

MOTION CARRIED

COMMUNICATIONS & CORRESPONDENCE

City Attorney Krechowski advised he and Alan Jensen, Atlantic Beach City Attorney, were in the process of drafting a letter to Cindy Laquidara, City of Jacksonville General Counsel in an effort to get her attention and some assistance in getting cooperation from the City of Jacksonville staff and Mayor Alvin Brown's office, regarding tipping fees.

City Manager Jarboe stated the City of Jacksonville had not responded to any of our letters or telephone calls to them regarding tipping fees.

Mayor Pruette added when she and City Manager Jarboe tried to contact Mayor Alvin Brown, no one would let them speak to him and he never responded.

CITY MANAGER REPORT

City Manager Jarboe reported the following:

- Public Services have completed their portion of the installation of the solar panel system for City Hall. The electrician will be finishing up this week. He plans to hold a ceremony sometime next week. The solar panels should save the City approximately \$600.00 per month.

COMMENTS FROM THE PUBLIC

Vita Hope, 324 Driftwood Road, stated she would like to be allowed to continue placing her garbage out for pick up in garbage bags in lieu of having to use a trash container.

Agenda
Amendment

APPROVAL OF THE ANNUAL THANKSGIVING DAY EVENT ON THURSDAY, NOVEMBER 22, 2012: Mayor Pruette introduced Mary Ann Marshal, Aide for State Representative Janet Adkins. Ms. Marshal explained when Mayor Pruette called Ms. Adkins asking for her help regarding the permit to hold the Thanksgiving Day event, she and her staff immediately went to work making telephone calls to Tallahassee. Thanks to Mayor Pruette and State Representative Janet Adkins the State is willing to work with Town Center in regards to obtaining the "extension of premises" license to allow the annual event to be held.

City Manager Jarboe stated at the October workshop meeting the consensus of Council was to move the event forward for approval. Tonight the Council is doing its normal function of approving the event, however it is up to the State to approve the license.

Mayor Pruette stated she appreciated Mrs. Adkins and Mrs. Marshal for their assistance.

Vice Mayor Tucker felt this is a great community event that has been a tradition for 27 years. It is a lot of fun and provides publicity for the Town Center businesses and merchants.

Councilor Wiley complimented State Representative Janet Adkins for her quick response and stated we appreciate everything that her office has done to help.

Moved by Tucker, seconded by Arthur.

Motion: **TO APPROVE THE ANNUAL THANKSGIVING DAY EVENT AS OUTLINED IN 12-D OF THE AGENDA.**

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Tucker, Wiley, Pruette

Noes: 0

MOTION CARRIED

Nancy Jensen, owner of Pete's Bar, stated she appreciated the help of Mayor Pruette and State Representative Janet Adkins.

CONSENT AGENDA / NONE

VARIANCES / NONE

ORDINANCES

Ord. No. 2012-10 ORDINANCE NO. 2012-10, AMENDING THE OPERATING BUDGET, FIRST READ: AN ORDINANCE AMENDING THE OPERATING BUDGET FOR THE CITY OF NEPTUNE BEACH, FLORIDA FOR FISCAL YEAR 2012, BEGINNING OCTOBER 1, 2012, AND ENDING SEPTEMBER 30, 2012.

City Manager Jarboe explained the Ordinance is to allow the grant revenue that was received to be included in the budget.

Moved by Jolly, seconded by Tucker.

Motion: TO PASS ORDINANCE 2012-10 ON FIRST READ.

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Tucker, Wiley, Pruette

Noes: 0

MOTION CARRIED

Ord. No. 2012-11 ORDINANCE NO. 2012-11, AMENDING SECTION 27, UNIFIED LAND DEVELOPMENT REGULATIONS, FLOODPLAIN, FIRST READ: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH FLORIDA AMENDING AND DELETING THE CODE OF ORDINANCES CHAPTER 27 UNIFIED LAND DEVELOPMENT REGULATIONS; SEC. 27-15. DEFINITIONS, SEC. 27-150. SPECIAL PROVISIONS WHERE VARIANCE IS SOUGHT TO REQUIREMENTS IN SPECIAL FLOOD HAZARD AREAS, SEC. 27-401. GENERAL, SEC. 27-402. APPLICABILITY, SEC. 27-403. FINDINGS OF FACT, SEC. 27-404. PURPOSE AND INTENT OBJECTIVES, SEC. 27-405. GENERAL PROVISIONS, SEC. 27-406. DEFINITIONS, SEC. 27-407. STANDARDS FOR REDUCING FLOOD HAZARDS IN SPECIAL FLOOD HAZARD DISTRICTS, SEC. 27-408. ENFORCEMENT AND PENALTIES, SEC. 27-409. SUBDIVISIONS, SEC. 27-410. SITE IMPROVEMENTS, UTILITIES AND LIMITATIONS, SEC. 27-411. TANKS, SEC. 27-412. OTHER DEVELOPMENT, SEC. 27-413. FISCAL IMPACT STATEMENT, SEC. 27-414. APPLICABILITY, SEC. 27-415. REPEALER, SEC. 27-416. INCLUSION INTO THE CODE OF ORDINANCES, SEC. 27-417. SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

Mayor Pruette read Ordinance No. 2012-11 by title only and opened the public hearing.

There being no comments from the public, the public hearing was closed.

Moved by Tucker, seconded by Jolly.

Motion: TO PASS ORDINANCE NO. 2012-11 ON FIRST READ AND PUBLIC HEARING.

Councilor Jolly stated he would sponsor the Ordinance.

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Tucker, Wiley, Pruette

Noes: 0

MOTION CARRIED

OLD BUSINESS / NONE

NEW BUSINESS

Res. No. 2012-06 RESOLUTION NO. 2012-06: A RESOLUTION APPOINTING MEMBERS TO THE COMMUNITY DEVELOPMENT BOARD.

The two new alternate members of the Community Development Board, Aaron Evens and John Muhler, introduced themselves to the Council.

Moved by Wiley, seconded by Tucker.

Motion: **TO ADOPT RESOLUTION NO. 2012-06.**

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Tucker, Wiley, Pruette

Noes: 0

MOTION CARRIED

Res. No. 2012-07 RESOLUTION NO. 2012-07: A RESOLUTION OF THE CITY OF NEPTUNE BEACH, FLORIDA SETTING A GOAL OF TWENTY (20) PERCENT FOR THE CITY'S RESERVE FUNDS.

City Manager Jarboe explained there is a new rule that requires cities to adopt a resolution setting a goal for reserve accounts.

Councilor Wiley questioned once the goal of 20% was reached if the city would continue to add money to the reserve fund. City Manager Jarboe explained the goal is set at 20% and it was better to set the goal at a manageable level because if the goal is not reached it may be necessary to raise taxes.

Moved by Jolly, seconded by Tucker.

Motion: **TO ADOPT RESOLUTION NO. 2012-07.**

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Tucker, Wiley, Pruette

Noes: 0

MOTION CARRIED

Res. No. 2012-08 RESOLUTION 2012-08: A RESOLUTION FOR A LEGISLATIVE BODY RELATING TO A MONEY PURCHASE PLAN.

City Manager Jarboe explained a money purchase plan, called a 401A, allows employees not to be required to contribute 3% of their salaries to their retirement accounts. This will

be for a one year period only. Both unions are recommending employees not do this unless it is a dire necessity.

Moved by Jolly, seconded by Wiley.

Motion: **TO APPROVE RESOLUTION NO. 2012-08.**

Mayor Pruette asked City Manager Jarboe to let the Council know in a few months how many employees have decided to not make the 3% contribution.

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Tucker, Wiley, Pruette

Noes: 0

MOTION CARRIED

Local 630

APPROVAL OF THE NORTHEAST FLORIDA PUBLIC EMPLOYEE'S LOCAL 630 AGREEMENT: City Manager Jarboe explained this is basically the same contract as last year. The one addition to the contract is that it adds an additional sliding holiday that can be taken with the approval of the supervisor of the department.

Councilor Jolly stated he was curious, because the contract is for a fiscal year period, why did it state the sliding holiday must be taken during the calendar year. City Attorney Krechowski replied personal leave is based per calendar year.

Moved by Jolly, seconded by Tucker.

Motion: **TO APPROVE THE NORTHEAST FLORIDA PUBLIC EMPLOYEE'S LOCAL 630 AGREEMENT FOR FISCAL YEAR 2012/2013.**

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Tucker, Wiley, Pruette

Noes: 0

MOTION CARRIED

Public Safety
Union

APPROVAL OF THE NEPTUNE BEACH PUBLIC SAFETY DEPARTMENT LABOR COUNCIL AGREEMENT: City Manager Jarboe explained there are two additional changes to the agreement: 1) the addition of a sliding holiday, and 2) If there is no money in the education fund employees will not be reimbursed for education. He added the fund is set up under State Statute and because so many public safety employees are taking courses to further their education the fund has run out.

Moved by Tucker, seconded by Jolly.

Motion: **TO APPROVE THE NEPTUNE BEACH PUBLIC SAFETY DEPARTMENT LABOR COUNCIL AGREEMENT.**

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Tucker, Wiley, Pruette

Noes: 0

MOTION CARRIED

COUNCIL COMMENTS

Mayor Pruette thanked Boy Scout Troop 837 for their presence.

Adjournment

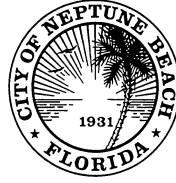
There being no further business, the meeting adjourned at 6:30 p.m.

Harriet Pruette, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved:



MINUTES
WORKSHOP CITY COUNCIL MEETING
OCTOBER 15, 2012, 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 October 15, 2012 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 Kara Tucker
Councilor Richard Arthur
Councilor John Jolly
Councilor Scott Wiley
City Attorney Patrick Krechowski
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

Director of Public Safety David Sembach
Director of Finance Steve Ramsey

**Call to Order/Roll
Call**

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

PRESENTATIONS

**BLFN / Green
Market**

**REPORT FROM BEACHES LOCAL FOOD NETWORK HIGHLIGHTING THE
BEACHES GREEN MARKET, COMMUNITY GARDEN AND CHILDREN'S GARDEN:**

Devon Ritch, Director of Beaches Local Food Network, explained over 26,000 shoppers have visited the Green Market so far this year. They have over 2,050 e-mail contacts that they reach each week with their newsletter. The newsletter includes what vendors will be present that week and what they are featuring. It also provides information regarding recipes, community events, and posts articles. The Green Market is stronger than ever. They have over 35 vendors, 16 are farmers offering produce, meat, dairy and seasonal fruits. A Foundation Academy School garden is going to offer vegetables this coming Saturday. The plots in the Community Garden are full as of this past weekend after advertising for new gardeners and giving priority to Neptune Beach residents. The Children's Garden has hosted classes for the Beaches Chapel, a Local Girl Scout Troop, and KinderCare. A plant sale fundraiser was held this past weekend and almost \$500 was raised towards the Community Garden and the Children's Garden Outreach Programs. They are planning a fundraising dinner in early February which will feature our market farmer's produce, dairy, seafood, meats and local breweries. They are kick starting a sponsorship campaign for 2012/2013 with a focus on Neptune Beach small businesses.

Jennifer Keskinen, Community Garden Manager, stated she has been focusing on the improving the appearance of the garden. They removed an unattractive fence and bordered the garden with a low wood border and a mulched pathway. They are going to paint the shed. The Garden has 24 plots, 7 of those belong to Neptune Beach residents. The New Leaf School is going to be renting a plot for their students. They have set aside one of the plots to raise food for needy families and will be working with the local churches to provide the food.

Amy Tous-Parker stated the Garden has experienced great success this past year. They have an average of between 17 and 22 children that come with their parents. They hold workshops every other Saturday that are free and open to the public. This past summer they created a wish list of items for the garden including harvest baskets, wooden benches, garden hoses, chopping blocs, etc. She is happy to report that we have such a great community and all of the items on the wish list were met. They just kick started the fall workshop series.

Councilor Wiley asked if the Community Garden received any grant money. Ms. Ritch replied a small grant was once received before she became director. That grant was used to make a presentation board with laminated pictures which is placed out every week.

Councilor Wiley questioned how many people visited the Green Market on a typical Saturday. Ms. Ritch replied approximately between 600 and 1,000 depending on the season.

Councilor Arthur stated he could see the improvements on the grounds. He asked them to think about reseeding and grassing the area of the market before summer because of the dust and dirt.

Vice Mayor Tucker asked who the contact person was for the Community Garden. Mr. Ritch responded she was the contact person. She could be reached by phone or e-mail.

Councilor Jolly commended them for working with children and teaching them where food comes from and how it is grown.

Vice Mayor Tucker asked if they had any problems with parking. Ms. Ritch replied "no."

City Manager Jarboe stated he has not received any complaints so everything must be going well. He did remind them that their yearly "rent" needs to be paid.

Mayor Pruette stated she heard many positive comments about the garden and the market.

CITY MANAGER'S ACTION LIST

City Manager Jarboe reported on the following:

- The City is still waiting on parts from California to complete the Solar Panel Project.
- The construction for the new Denny's Restaurant is in progress and should be completed by end of the year or January.

Mayor Pruette asked City Manager Jarboe to remove the items from the Action List that have been completed. City Manager Jarboe replied he would remove those items before the next Action List was placed on the agenda.

PUBLIC COMMENTS

Ed Jones, 200 First Street, voiced concern about Southcoast Partnership signage and parking attendants deterring and preventing non-tenant customers of Southcoast from parking on public property. He suggested creating a round table for parties interested in the parking issues. He felt that may be a more effective way to solve the issue.

Teri Methrin, stated there were many items that could be recycled that people are not aware of. She would like the city to get the word out to residents regarding what items are allowed to be recycled.

Chris Chin, 227 Margaret Street, voiced concern about the proposed garbage ordinance. She felt there was a problem with people leaving their trash containers out 24/7. She asked that reasonable time be set for putting out trash in the afternoon and collecting the container from the curb. She supported allowing Mr. Lovett, Southcoast Partnership, to provide the materials for the new public parking spaces at Second Street and Lemon Street.

PROPOSED ORDINANCES

Budget
Amendment

ORDINANCE NO. 2012-XX, AMENDING THE 2011/2012 BUDGET: AN ORDINANCE AMENDING THE OPERATING BUDGET FOR THE CITY OF NEPTUNE BEACH, FLORIDA FOR FISCAL YEAR 2011, BEGINNING OCTOBER 1, 2011 AND ENDING SEPTEMBER 30, 2012.

City Manager Jarboe explained the grant revenue received by the City last year has to be included in the budget for the audit.

Consensus: **FORWARD TO THE NOVEMBER REGULAR MEETING FOR FIRST READ.**

Floodplain

ORDINANCE NO. 2012-XX, UPDATING THE FLOODPLAIN: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH FLORIDA, AMENDING AND DELETING THE CODE OF ORDINANCES CHAPTER 27 UNIFIED LAND DEVELOPMENT REGULATIONS; SEC. 27-3. AUTHORITY, SEC. 27-15. DEFINITIONS, SEC. 27-150. SPECIAL PROVISIONS WHERE VARIANCE IS SOUGHT TO REQUIREMENTS IN SPECIAL FLOOD HAZARD AREAS, SEC. 27-402. APPLICABILITY, SEC. 27-403. FINDINGS OF FACT, SEC. 27-404. PURPOSE AND INTENT, SEC. 27-405. GENERAL PROVISIONS, SEC. 27-406. DEFINITIONS, SEC. 27-407. ESTABLISHMENT OF SPECIAL FLOOD HAZARD DISTRICTS, COASTAL HIGH HAZARD DISTRICTS AND SHALLOW FLOODING DISTRICTS, SEC. 27-408. CERTIFICATION REQUIRED SEC. 27-410. STANDARDS FOR REDUCING FLOOD HAZARDS IN COASTAL HIGH HAZARD DISTRICTS, SEC. 27-411. STANDARDS FOR REDUCING FLOOD HAZARDS IN SHALLOW FLOODING DISTRICTS, SEC. 27-412. PERMIT AND APPROVAL PROCEDURES, SEC. 27-413. PROCEDURE FOR APPEAL, SEC. 27-414. ADMINISTRATION, SEC. 27-416. MANUFACTURED BUILDINGS, SEC. 27-417. RECREATION VEHICLES AND PROVIDING AN EFFECTIVE DATE.

City Manager Jarboe explained the floodplain ordinance needs to be updated to coincide with the State. This will allow homeowners in flood zones to obtain homeowner's insurance at a discounted rate.

Councilor Jolly questioned if Section 27-409, manufactured homes should be included. City Manager Jarboe responded "yes" if for some reason the Land Use Code was

changed.

Consensus: **FORWARD TO THE NOVEMBER REGULAR MEETING FOR FIRST READ.**

Garbage / Trash ORDINANCE NO. 2012-XX, GARBAGE, TRASH AND INDUSTRIAL WASTE: AN ORDINANCE AMENDING CHAPTER 11 GARBAGE TRASH AND INDUSTRIAL WASTE ARTICLE I IN GENERAL AND ARTICLE II GARBAGE AND TRASH OF THE CODE OF ORDINANCES OF THE CITY OF NEPTUNE BEACH, FLORIDA AND PROVIDING AN EFFECTIVE DATE.

Mayor Pruette suggested placing this on the November workshop for further discussion before going to first read.

Vice Mayor Tucker voiced concern about enforcement and educating residents about Section 11-26(c) which requires that containers cannot be placed for collection more than twelve (12) hours prior to the assigned day of collection.

Councilor Jolly questioned in lieu of twelve (12) hours should there be a specific time of day for example after 6:00 p.m.

City Attorney Krechowski understood the concerns regarding Section 11-26(c) but there needs to be a reasonable time. He was open to suggestions.

Councilor Jolly recommended striking out "except upon the written approval of the city manager" and inserting "unless in a garbage container." City Attorney Krechowski advised that would not prevent someone from filling up their garage with garbage.

Councilor Jolly suggested adding tree limbs and palm fronds in Section 11-84.

Councilor Arthur questioned if Section 11-26(c) would allow people to place garbage in a plastic bag out for collection instead of it being in a container.

City Attorney Krechowski stated there is an option for a secured plastic bag as long as it is placed out no earlier than 6:00 a.m. on the assigned day of collection.

Councilor Arthur stated garbage containers are defined but plastic bags are not defined. He opposed allowing plastic bags because animals could get into them and they are unsightly and smelly.

Councilor Arthur was concerned there was no definition for the recycling placement.

Councilor Wiley felt small families that did not generate much trash should be allowed to place a bag for collection. He did not see an issue with storing garbage in a garage as long as it was in a container with a lid.

City Attorney Krechowski agreed "storage of garbage in garages" would be better placed in the nuisance ordinance.

Councilor Wiley disagreed with Section 11-12, mandatory commercial recycling. He felt it should be encouraged but not mandatory.

City Manager Jarboe explained the reason he wanted it mandatory was to save the city money in garbage tipping fees.

Mayor Pruette felt residents on "side corner lots" should be required to keep their trash containers in the back of the house except when put out for collection so that trash cannot be seen from the street.

Mayor Pruette suggested enforcing this by using the noise ordinance approach of a warning for the first violation and a fine if it continues rather than spending money on code enforcement letters.

Councilor Arthur felt allowing trash to be collected in plastic bags was not the direction to go aesthetically.

Vice Mayor Tucker supported allowing bags.

Councilor Jolly supported giving residents the option to use bag or a can for trash. He added if bags did not work and it became a problem, the ordinance could be amended.

Councilor Wiley also supported giving residents the option to choose between bags or containers.

City Attorney Krechowski asked if Council would like for him to add enforcement procedures to the ordinance. Mayor Pruette replied she would like the enforcement to be made friendly.

City Manager Jarboe advised the City did not have the staff required to enforce the ordinance.

City Attorney Krechowski advised if the City was going to enact enforcement it would need to be directed toward the property owner. City Manager Jarboe agreed that would be the only way to effectively enforce the ordinance.

City Attorney Krechowski asked for a specific time period for placement of trash for collection. City Manager Jarboe replied the City of Jacksonville allows trash to be placed out after 6:00 a.m. on the day of collection.

Consensus: **TO ALLOW TRASH TO BE PLACED FOR PICK UP IN BAGS.**

CONTRACTS / AGREEMENTS / NONE

ISSUE DEVELOPMENT

Town Center Parking

PARKING AGREEMENT: City Manager Jarboe explained the revocable lease agreement between the City and Southcoast Partnership was created in 1991 when Town Center was beginning to enhance the development and more parking was needed. Since then the City has developed parking in different areas on the city rights - of-way. If the lease with Southcoast is revoked, at the end of 90 days, the back parking lot across from the Public Safety building would lose 7 or 8 parking spaces. The City would then gain 15 on the other side. That would be a net gain of 7 parking spaces. With the proposed agreement with Rad Lovett, he would pay for the cost of materials to enhance the new parking spaces. Without the agreement, the new spaces would look like the ones the City recently created across from the Public Safety building on Second Street. He questioned however, if Mr. Lovett or someone else would be paying for the materials.

City Attorney Krechowski stated the agreement he has drafted for Council to consider addresses all parties concerns. Mr. Lovett would not agree to any other conditions. He felt the way the agreement is drafted it would not expose the City to future litigation.

Mayor Pruette questioned if Mr. Krechowski felt the city property would be protected. Mr. Krechowski replied the City is not abandoning the property and he made that very clear to Mr. Lovett.

Vice Mayor Tucker expressed concern about opening up the City for litigation. She felt paragraphs 7 and 8 should clarify exactly who would be paying for the materials.

City Attorney Krechowski advised Southcoast Partnership would be required to provide documentation of what they paid for the materials.

Vice Mayor Tucker wanted to ensure the new spaces would be for public use. City Attorney Krechowski replied it does allow for public parking.

Mayor Pruette suggested placing signs that the spaces were for public parking.

Vice Mayor Tucker stated she wanted to ensure the agreement that the City will continue to work with the Town Center Agency and Rad Lovett.

Councilor Jolly asked if this was the final draft. City Attorney Krechowski replied if the Council made substantial changes Mr. Lovett would need to be consulted.

Councilor Jolly felt the agreement should include a clause that if Mr. Lovett decided not to use the right-of-way for parking then the agreement is terminated. City Attorney Krechowski explained Mr. Lovett could not use the right-of-way for anything other than parking. Mr. Lovett has no rights to the property other than what is in the agreement.

Councilor Jolly questioned who would provide the signage. City Attorney Krechowski replied it would be better if the City provided the signage. City Manager Jarboe stated it would be easier if the City installed the signage.

Councilor Wiley stated he did not support the agreement the way it is currently written. He was concerned about the amount the term of 10 years. He felt it would be better if the City was able to take back the property if necessary.

Councilor Arthur felt the agreement was one-sided, as an offer of what Mr. Lovett is willing to do. It does not define the type of materials that would be used to create the parking spaces or the cost of the materials. City Attorney Krechowski responded the design would have to be approved by the Council.

Councilor Arthur felt the risk was too great for what the City would be gaining in return and it would be unwise to negotiate an agreement without all the facts. He would like to revoke the lease and make it simple by allowing them to put signs on their property and the City to put signs on our property.

City Attorney Krechowski advised the City was not giving away any land in this agreement. There would be no transfer of interest of the property in the agreement.

Councilor Arthur stated the City has leases with other businesses for sidewalk use and the City is being compensated for the use.

Mayor Pruette stated the parking issue is really a private matter between two of the biggest property owners in Town Center, Ed Jones and Rad Lovett. She explained Ed Jones owns the parking lot that we are discussing on Second Street and Lemon Street and he leases to Rad Lovett for a profit. The parking signs are what caused the issue.

She suggested that Ed Jones negotiate something with Rad Lovett regarding their parking agreement, like lowering the monthly lease amount and sharing the parking lot. This would give 200 First Street businesses more parking since they only have 10-13 right now.

Mayor Pruette also brought up the issue of garbage dumpsters on city easements. If the dumpsters were not on the easements the City would be able to put in motorcycle parking spaces.

Consensus: **FORWARD TO THE FOLLOWING MEETING FOR A VOTE.**

Ed Jones, 200 First Street, stated 200 First Street had a total of 18 parking spaces. He supported the agreement between the City and Mr. Lovett.

Compensation for
Damages

DETERMINATION OF COMPENSATION FOR DAMAGED CELL PHONES AND SUNGLASSES LEFT ON THE BEACH: City Manager Jarboe explained two cell phones and a pair of sunglasses were damaged on the beach on June 20, 2012. The property owners contacted the City and the City filed a claim with the Florida League of Cities on July 2, 2012. On August 24, 2012, the Florida League of Cities sent out a 50% settlement offer letter to the claimants. The claimants rejected the 50% settlement and it is up to Council to go beyond the settlement offer.

Councilor Wiley questioned if the Council normally settle claims that were turned down by the insurance company. City Manager Jarboe replied he did not think this has happened in the past. The claimants are basically asking the City to pay for the damages for the cell phones and sunglasses.

Councilor Arthur asked who determined the \$800 value of the items. He felt the 50% settlement offer from the insurance company was reasonable and fair. He did not want to set a precedent for the City Council to override the insurance company and initiate payments outside of what the insurance company offers.

Dr. John Von Tron, 1012 Oceanfront, felt the insurance company should be responsible for 100% of the value because their reasoning was incorrect. He asked the City to contact the insurance adjusters and explain they have denied the claim for incorrect reasons.

Steve Price, 233 Tallwood Road, Jax Beach, felt the kids should not be held responsible for the lifeguards running over their property. He also felt the insurance company had no clue as to what happened and they should be responsible.

Public Safety Director Sembach explained the property was left in a rut in the soft sand during a full moon high tide. The tide was almost up to the dunes and just wide enough for a truck to get through. He felt the kids made a mistake and the 50% settlement offer was more than generous. The Lifeguard Captain, the Lifeguard Lieutenant and a Lifeguard on duty were present in the audience if anyone had any questions.

Vice Mayor Tucker agreed the City should not set a precedent for future insurance settlements. Insurance settlements should be left up to the insurance company to determine.

Councilor Jolly agreed the City should not set a precedent.

Mayor Pruette stated people leave their personal items on the beach and go into the water and often forget the tide is getting higher. She was concerned that the insurance company reported they should have placed their items in the sand dunes because it is

unlawful to disturb the sand dunes. She felt it was an accident and asked the City Manager Jarboe write a letter to the Florida League of Cities Insurance requesting them to reconsider the settlement offer.

Consensus: **LET CITY MANAGER JARBOE AND INSURANCE COMPANY HANDLE IT.**

COUNCIL COMMENTS / NONE

Adjournment

There being no further business, the meeting adjourned at 8:10 p.m.

Attest:

Harriet Pruetten, Mayor

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
SPECIAL CITY COUNCIL MEETING
OCTOBER 15, 2012 AT 8:10 P.M
CITY HALL, 116 FIRST STREET
NEPTUNE BEACH, FLORIDA

Pursuant to proper notice a Special Meeting of the City Council of the City of Neptune Beach was held October 15, 2012 at 8:10 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

STAFF:

Mayor Harriet Pruette
Vice Mayor Kara Tucker
Councilor Richard Arthur
Councilor John Jolly
Councilor Scott Wiley
City Attorney Patrick Krechowski
City Manager James Jarboe
City Clerk Lisa Volpe, CMC

Director of Public Safety David Sembach
Director of Finance Steve Ramsey

Order Call

Mayor Pruette called the special meeting to order at 8:10 p.m.

**Parking
Agreement**

TOWN CENTER PARKING AGREEMENT: City Manager Jarboe stated if a motion was not made it stays status quote.

Councilor Wiley felt Council owed it to Rad Lovett to make a vote on the amendment.

Moved by Wiley, seconded by Arthur

Motion: **THAT THE AMENDMENT TO THE 1991 REVOKABLE LICENSE PARKING THIS DRAFT NOT BE ACCEPTED AS WRITTEN.**

Mayor Pruette stated the consensus was that we stay status quo, in this motion are we getting rid of the 1991 revocable lease agreement.

City Clerk Volpe reminded the council that a "Yes" vote would deny the amendment.

City Manager Jarboe explained this would mean the proposed agreement is not being approved by the Council at this time.

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Tucker, Wiley, Pruette
Noes: 0

MOTION CARRIED

COUNCIL COMMENTS

Mayor Pruette questioned if the City would be moving forward adding parking spaces in Town Center.

City Manager Jarboe explained the cost is time and labor. The materials we would use would be a couple of hundred dollars at most. I don't think we should do that until we get something settled.

City Manager Jarboe explained the vegetation would be removed.

Councilor Arthur take a further look and little more time more thought into it to make it look nice.

Consensus: **TO WAIT UNTIL MORE INFORMATION IS GATHERED.**

Adjournment

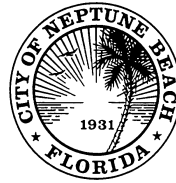
There being no further business, the meeting adjourned at 8:15 p.m.

Harriet Pruette, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
REGULAR CITY COUNCIL MEETING
OCTOBER 1, 2012, AT 6:00 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 October 1, 2012, at 6:00 p.m. in the City Hall Council Chambers, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

STAFF:

Mayor Harriet Pruette
Vice Mayor Kara Tucker
Councilor Richard Arthur
Councilor John Jolly
Councilor Scott Wiley
City Attorney Patrick Krechowski
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

Director of Public Safety David Sembach
Director of Public Services Leon Smith

Order Call/Pledge

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

AWARDS / PRESENTATIONS/ RECOGNITION OF GUESTS

APPROVAL OF MINUTES

Moved by Tucker, seconded by Jolly.

Minutes

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

SEPTEMBER 10, 2012, SPECIAL CITY COUNCIL MEETING
SEPTEMBER 10, 2012, WORKSHOP CITY COUNCIL MEETING
SEPTEMBER 10, 2012, REGULAR CITY COUNCIL MEETING
SEPTEMBER 24, 2012, SPECIAL CITY COUNCIL MEETING

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Tucker, Wiley, Pruette

Noes: 0

MOTION CARRIED

COMMUNICATIONS & CORRESPONDENCE / NONE

CITY MANAGER REPORT

City Manager Jarboe reported the following:

- The taxable value of properties in Neptune Beach has been reduced by 1.23%. He has the authority to increase the millage rate, because the amount is over 1%, but he has elected not to do so unless otherwise advised by the Council.
- The contractor for Denny's is supposed to begin construction next Wednesday and says the construction will be completed by Thanksgiving.
- He cautioned citizens to lock their vehicle doors because there have been a number of vehicles burglaries recently
- The results of the Bal Harbour drainage study will be reported to Council in approximately three weeks.

COMMENTS FROM THE PUBLIC

Mayor Pruette opened the public hearing.

Ed Jones, 200 First Street, supported revoking the lease agreement for the use of the public right-of-way for parking and rewriting the agreement to add that the public is allowed to use the parking.

There being no further comments from the public, the public hearing was closed.

CONSENT AGENDA / NONE**VARIANCES / NONE****ORDINANCES / NONE****OLD BUSINESS / NONE****NEW BUSINESS**

Full Time City
Engineer

APPROVAL OF A FULL TIME ENGINEER POSITION: City Manager Jarboe explained the City would save money by hiring a full-time engineer for the Bal Harbour project. The annual salary would not come from the general fund it would come out of the water and sewer fund.

Moved by Jolly, seconded by Arthur

Motion: **APPROVAL TO HIRE A FULL TIME ENGINEER.**

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Tucker, Wiley, Pruette

Noes: 0

MOTION CARRIED

Res. No. 2012-05

RESOLUTION NO. 2012-05: A RESOLUTION OF THE CITY OF NEPTUNE BEACH, FLORIDA REVOKING THE LEASE AGREEMENT FOR THE USE OF THE PUBLIC RIGHT-OF-WAY FOR PRIVATE PARKING.

City Attorney Krechowski asked Council to table this item until the October workshop meeting when he would be able to provide a detailed draft agreement.

Consensus: **TO FORWARD THE REVOKABLE PARKING LEASE AGREEMENT TO THE OCTOBER WORKSHOP MEETING.**

City Manager Jarboe suggested holding a special meeting after the October workshop to finalize the parking situation.

Consensus: **TO HOLD A SPECIAL MEETING AFTER THE OCTOBER WORKSHOP MEETING TO VOTE ON THE PARKING AGREEMENT.**

CDB12-04
1455 Atlantic
Blvd.

CBD12-04 / SPECIAL EXCEPTION FOR OUTDOOR SEATING / 1455 ATLANTIC BOULEVARD: Mr. Wadie Bakkar, owner of the property at 1455 Atlantic Boulevard, submitted an application for a special exception for outdoor seating. The seating will be on private property in the parking lot in front of the restaurant formerly known as Hala's. Two parking spaces and a landscaped area will be converted into a covered outdoor seating area. The Community Development Board and staff have recommended approval.

Moved by Tucker, seconded by Jolly

Motion: **TO APPROVE CDB12-04 / SPECIAL EXCEPTION FOR OUTDOOR SEATING FOR 1455 ATLANTIC BOULEVARD.**

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Tucker, Wiley, Pruette

Noes: 0

MOTION CARRIED

CDB12-05
309 Atlantic Blvd.

CDB12-04 / SPECIAL EXCEPTION FOR OUTDOOR SEATING / 309 ATLANTIC BOULEVARD: Mr. Stanton Hudmon, representative for Yogaberry, 309 Atlantic Boulevard, submitted an application for a special exception for outdoor seating. The seating will be on private property located on a new deck area on the west side of the building. The Community Development Board and staff have recommended approval.

Moved by Tucker, seconded by Jolly

Motion: **TO APPROVE CDB12-05 / SPECIAL EXCEPTION FOR OUTDOOR SEATING FOR 309 ATLANTIC BOULEVARD.**

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Tucker, Wiley, Pruette

Noes: 0

MOTION CARRIED

COUNCIL COMMENTS

Mayor Pruette felt Council may want to consider employee parking when looking at parking requirements for the Central Business District. She suggested bringing this to a workshop meeting.

City Attorney Krechowski stated he was working on the proposed garbage ordinance and welcomed any suggestions or recommendations from Council before the October workshop meeting.

Councilor Wiley stated businesses in the Central Business District currently received a 50% reduction in parking requirements based on the current Code. He agreed the parking requirements in the Central Business District needed to be reconsidered in the near future.

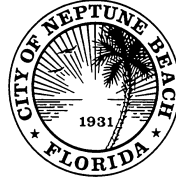
Adjournment There being no further business, the meeting adjourned at 6:45 p.m.

Harriet Pruette, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved:



**MINUTES
WORKSHOP CITY COUNCIL MEETING
SEPTEMBER 24, 2012, AT 6:05 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 September 24, 2012 at 6:05 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

STAFF:

Mayor Harriet Pruette
Vice Mayor Kara Tucker
Councilor Richard Arthur
Councilor John Jolly
Councilor Scott Wiley
City Attorney Patrick Krechowski
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

Director of Public Safety David Sembach
Director of Finance Steve Ramsey

Call to Order/Roll
Call

Mayor Pruette called the meeting to order at 6:05 p.m.

PRESENTATIONS / NONE

CITY MANAGER'S ACTION LIST

City Manager Jarboe reported on the following:

- Public Services is waiting on parts needed to complete the installation of the solar panel system at City Hall. Once the installation is complete a ribbon cutting ceremony will be planned.
- Public Services is working to improve the drainage in Bal Harbour. They have replaced a major sewer line and three manholes. Engineers are reviewing improvement options using a computer model that simulates problems and gives options for corrections. They plan to review these options with Council at a future workshop meeting.

Councilor Jolly stated Chapter 18 dealing with Right-of-ways was still on the City Manager's Action List. He questioned if Council was still interested in pursuing the issue. City Manager Jarboe explained the issue dealt with the MS-4 stormwater permit.

Consensus: **TO REMOVE THIS ITEM FROM THE CITY MANAGER ACTION LIST.**

PUBLIC COMMENTS / NONE

PROPOSED ORDINANCES

Chapter 11,
Garbage

CHAPTER 11, GARBAGE, TRASH AND INDUSTRIAL WASTE: Mayor Pruette stated the current garbage ordinance was adopted in 1958 and she felt it needed to be updated.

City Manager Jarboe explained the proposed ordinance before Council was drafted by City Attorney Krechowski. He mentioned it is mandatory for commercial businesses to recycle because it reduces the volume of garbage collection and there is less waste entering the landfill. They are free to choose the vendor of their choice.

Mayor Pruette stated a new development in Town Center will be using a compactable trash container. She felt this should be encouraged throughout Town Center.

City Attorney Krechowski explained the proposed ordinance before Council is only a draft. He welcomed any comments or suggestions from Council.

Vice Mayor Tucker agreed the garbage ordinance needed to be updated. She felt it should be left up to the individual if they preferred to use lids on their trash containers.

Councilor Jolly felt Section 11-45 needed to be removed because it did not allow storage of garbage in garages.

Councilor Jolly felt Section 11-107 relating to handicapped services and assistance should include trash containers as well as recycling materials. City Manager Jarboe agreed it should be added in the ordinance. He suggested also adding a notification requirement.

Councilor Jolly questioned how the ordinance would be enforced. Mayor Pruette suggested bringing the enforcement issue back after discussion.

Councilor Wiley was concerned about trash containers being left out after pickup.

Councilor Wiley questioned if Section 11-43, requiring containers to be kept tightly covered at all times except while depositing garbage, should be included or removed.

Councilor Wiley questioned if the city should be able to condemn a container if it is in bad shape.

Councilor Wiley questioned if the 10% franchise fee in Section 11-67 was a fixed amount. City Manager Jarboe replied the 10% franchise fee is a condition included in the trash pickup contract.

Councilor Wiley questioned how the City would enforce Section 11-84, relating to yard debris being blown or left in the street.

Councilor Wiley suggested changing Section 11-112, to "voluntary" commercial recycling for businesses in Section 11-112 in lieu of "mandatory." He opposed placing mandatory conditions on commercial businesses.

Councilor Arthur felt the City needed to maintain a reactive approach to enforcing this ordinance. He agreed the language in the ordinance needed to be updated.

Councilor Arthur felt "one-half the depth of the premises from such street" needed to be clarified in Section 11-44.

Councilor Arthur stated Section 11-84, requiring tree limbs not to exceed 3 feet in length, should be consistent with the service provider.

Councilor Arthur questioned if there should be a defined location for recycling pickup. City Manager Jarboe responded "yes."

Councilor Arthur felt the requirement for lids on trash containers should be removed.

Mayor Pruette voiced concern about trash can lids ending up in streets and driveways.

Mayor Pruette suggested adding a requirement with reasonable times to place trash out for pickup and when they should be put away so that trash or containers did not remain in the city right-of-way for days at a time.

Mayor Pruette felt "abode" in Section 11-28 needed to be defined.

Mayor Pruette stated that in Section 11-84 requires that all yard debris except trees and tree limbs shall be bagged and in other sections it says you cannot use bags. She felt this should be consistent throughout. She added that Florida Statutes require that all trash be bagged.

Mayor Pruette stated some citizens would like to be able to have their trash picked up in bags instead of containers and she would like for Council to discuss that option. City Manager Jarboe replied he would be concerned about placing bags of trash out in the streets because west of Third Street there are possums and raccoons and east of Third Street there are squirrels and rats that may tear open bags open.

Councilor Jolly was concerned that yard waste may be placed for pick up within 7 days. He felt the number of days should be less. City Manager Jarboe replied it takes 7 days to make it workable.

Mayor Pruette suggested garbage containers be tightly covered at all times except while depositing or disposing of garbage. She removes her lids before taking the containers out for pickup so that they do not get blown around and ran over in the streets.

City Attorney Krechowski stated he needed direction from the Council as to if the City wanted to require lids on containers or allow trash pickup to be placed in bags.

Consensus: **FORWARD TO THE OCTOBER WORKSHOP MEETING.**

CONTRACTS / AGREEMENTS / NONE

ISSUE DEVELOPMENT

Full Time
Engineer

HIRING OF A FULL TIME ENGINEER: City Manager Jarboe explained we currently have a part time engineer on staff working 30 hours per week. He estimates it will save \$500,000 over the next five years to have our own engineer instead of having to hire an outside firm to design the Bal Harbour project.

Councilor Arthur agreed with the recommendation.

Mayor Pruette also agreed with the recommendation.

Councilor Wiley stated the Bal Harbour project was going to be expensive. He was convinced that the City needed a full time engineer. He wanted to do a comparison and look at other options.

Councilor Jolly questioned what percentage of the cost of a full time engineer would be capitalized. Finance Director Ramsey replied 50% would be capitalized. The money would not be coming out of the general fund. It would come out of the water and sewer fund.

Vice Mayor Tucker agreed with Councilor Wiley. She asked how long the City has had a part time engineer. City Manager Jarboe replied two or three years.

Vice Mayor Tucker voiced concern about the tight budget. City Manager Jarboe stated the money is there because it was included in the study conducted by Burton & Associates. It would cost the City more money if we have to hire an outside firm.

Consensus: **FORWARD TO THE OCTOBER REGULAR COUNCIL MEETING FOR A VOTE.**

Public Parking

ADDITIONAL PUBLIC PARKING / SECOND STREET AND LEMON STREET: City Manager Jarboe stated he met with City Attorney Krechowski and Rad Lovett, representative for Southcoast Capital Partnership, regarding options for additional parking spaces at Second Street and Lemon Street. At the meeting, Mr. Lovett advised he would agree to add "City Hall" parking to the existing parking lot signage. He would allow all Town Center visitors to park in the lots on Mondays, Tuesdays, and Wednesdays until 5:00 p.m., but not employees of those businesses. He would agree to provide the materials for the additional public parking on Second Street and Lemon Street, but he would need some guarantee it would be worth his effort.

City Attorney Krechowski suggested a ten year guarantee because that is what is left of the existing lease agreement. Also, if for any reason the City wanted to get out of the lease agreement there would need to be an "out clause" in the agreement. The "out clause" would need to provide a prorated amount of consideration to reimburse Mr. Lovett for a portion of the materials.

Vice Mayor Tucker stated she agreed with the conditions however, she would prefer that the parking signs be removed completely.

Councilor Jolly questioned how many new parking spaces this would provide for the City. City Manager Jarboe replied it would provide approximately 15 additional spaces. The City would provide the labor and Mr. Lovett would provide the materials.

Councilor Jolly voiced concern that the City was not receiving any type of compensation for leasing the property to Mr. Lovett while other businesses leasing rights-of-way for outdoor seating and dining have agreements that compensate the City for the use of the property. He would like for Mr. Lovett to pay a minimal amount of compensation to the City. City Manager Jarboe stated the property belongs to Ed Jones.

Councilor Jolly added that for his support Mr. Lovett would have to add "City Hall" parking to the existing signage. He suggested Mr. Lovett extend the daily parking allowance to Thursday and Fridays also, if it did not affect his tenants businesses on Monday, Tuesday and Wednesdays.

Councilor Arthur questioned if the City revoked the lease agreement if Mr. Lovett would lose any of his current spaces. City Manager Jarboe replied he would not lose any spaces. He would also still be within his parking requirements.

Councilor Arthur would prefer the signage to read "public parking" in lieu of "City Hall parking" otherwise he felt it would be confusing to the public. He would also like for him to open the lots to the public during the day each day. City Attorney Krechowski stated Mr. Lovett was not willing to open the lots to the public during daytime hours each day.

Councilor Arthur suggested taking into consideration the landscaping and making the parking lots attractive. Mayor Pruette suggested removing the tall shrubbery and planting trees.

City Manager Jarboe stated Mr. Lovett was going to open the parking on a trial basis during the day on Mondays, Tuesdays, and Wednesdays to see how it works. He may be willing to extend the days depending on how well it works out. City Attorney Krechowski added that Mr. Lovett made it abundantly clear that he would not accept that as a condition.

Councilor Wiley wished Mr. Lovett would reconsider the parking signage. City Manager Jarboe replied Mr. Lovett was not willing to reconsider the signs. He added that the signs have been there for 20 years, the current ones are just larger than the old ones.

Councilor Wiley stated he was not in favor of a ten year lease agreement without an escape clause. He would like to see a diagram of how many parking spaces the City would be gaining. He felt an additional 15 spaces was not going to solve the parking problem the City if facing in Town Center.

Mayor Pruette felt 15 more parking spaces were better than none and any additional spaces would be advantageous. Mr. Lovett is willing to spend \$30,000 for the materials and she felt it would be an advantage to the City.

City Attorney Krechowski explained the City could revoke the current lease agreement and take back the property. The new proposal would be for a term of 10 years and include an escape clause for the City. The escape clause would allow some type of prorated consideration to Mr. Lovett for expenses of the materials. Mr. Lovett seemed agreeable to that arrangement.

City Attorney Krechowski stated he would present Council a draft agreement with the terms discussed for the October regular meeting.

Councilor Jolly suggested having the Resolution to revoke the agreement also on the agenda in case an agreement could not be reached.

Consensus: **TO HAVE THE CITY ATTORNEY DRAFT AN AGREEMENT AND FORWARD TO THE OCTOBER REGULAR MEETING.**

PUBLIC COMMENTS

David Baker, 1102 First Street, felt citizens should be able to use garbage bags for trash pickup. He also suggested the City consider sharing the cost of an engineer with the cities of Atlantic Beach and Jacksonville Beach.

COUNCIL COMMENTS / NONE

Adjournment

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

Attest:

Harriet Pruetten, Mayor

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
SPECIAL CITY COUNCIL MEETING
SEPTEMBER 24, 2012 AT 6:00 P.M
CITY HALL, 116 FIRST STREET
NEPTUNE BEACH, FLORIDA

Pursuant to proper notice a Special Meeting of the City Council of the City of Neptune Beach was held September 24, 2012 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 Kara Tucker
Councilor Richard Arthur
Councilor John Jolly
Councilor Scott Wiley
City Attorney Patrick Krechowski
City Manager James Jarboe
City Clerk Lisa Volpe, CMC

Director of Public Safety David Sembach
Director of Finance Steve Ramsey

Order Call

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

Ord. No. 2012-08

ORDINANCE NO. 2012-08, ADOPTING THE FINAL MILLAGE RATES, SECOND READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, ADOPTING FINAL MILLAGE RATES AND LEVYING AD VALOREM TAXES FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2012, AND ENDING SEPTEMBER 30, 2013; SETTING FORTH CERTAIN INFORMATION REGARDING "ROLLED-BACK-RATES"; DIRECTING THE CITY MANAGER TO ADJUST THE ADOPTED MILLAGE RATES IN THE EVENT OF CHANGES IN THE ASSESSMENT ROLL AND TAXABLE VALUE; PROVIDING AN EFFECTIVE DATE.

Mayor Pruette read Ordinance No. 2012-08 by title only and opened the public hearing.

There being no comments from the public, the public hearing was closed.

Moved by Jolly, seconded by Tucker.

Motion: **TO ADOPT ORDINANCE NO. 2012-08 ON SECOND READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Tucker, Wiley, Pruette
Noes: 0

MOTION CARRIED

Ord. No. 2012-09 ORDINANCE NO. 2012-09, ADOPTING A FINAL BUDGET, SECOND READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, ADOPTING A FINAL BUDGET AND APPROPRIATING FUNDS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2012, AND ENDING SEPTEMBER 30, 2013; PROVIDING AN EFFECTIVE DATE.

Mayor Pruette read Ordinance No. 2012-09 by title only and opened the public hearing.

There being no public comments the public comments the public hearing was closed.

Moved by Tucker, seconded by Arthur.

Motion: **TO ADOPT ORDINANCE NO. 2012-09 ON SECOND READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Tucker, Wiley, Pruette

Noes: 0

MOTION CARRIED

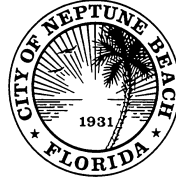
Adjournment There being no further business, the meeting adjourned at 6:05 p.m.

Harriet Pruette, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



**MINUTES
WORKSHOP CITY COUNCIL MEETING
SEPTEMBER 10, 2012, AT 6:10 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 September 10, 2012 at 6:10 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

STAFF:

Mayor Harriet Pruette
Vice Mayor Kara Tucker
Councilor Richard Arthur
Councilor John Jolly
Councilor Scott Wiley
City Attorney Patrick Krechowski
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

Director of Public Safety David Sembach
Director of Finance Steve Ramsey

Call to Order/Roll
Call

Mayor Pruette called the meeting to order at 6:10 p.m.

PRESENTATIONS / NONE

CITY MANAGER'S ACTION LIST

City Manager Jarboe reported on the following:

- The engineering firm is set to begin conducting a study on the Bal Harbour drainage issue. If it is finished in time he will present it to Council at the October workshop.
- The City has applied for several floodplain grants and reimbursement from FEMA for damages caused by the tropical storm.

PUBLIC COMMENTS / NONE

PROPOSED ORDINANCES / NONE

CONTRACTS / AGREEMENTS / NONE

ISSUE DEVELOPMENT

Town Center
Parking

TOWN CENTER PARKING: Mayor Pruette stated the Council should consider the following three options: 1) working in partnership with Southcoast Capital Partnership to implement additional parking, 2) installing additional parking along Lemon and Second without the help from Southcoast Capital Partnership, or 3) not create any additional parking. She recommended City Manager Jarboe and City Attorney Krechowski meet with Southcoast Capital and report back to Council with a plan for Council to consider. She felt it was advantageous to create as much public parking as possible. She asked City Attorney Krechowski for a legal opinion regarding the "parking signs" in the parking lots owned by Southcoast Capital Partnership.

City Attorney Krechowski advised nothing has been brought to his attention to indicate the signs are not allowable as permitted by the City.

City Manager Jarboe stated the signs are legal.

Vice Mayor Tucker agreed with Mayor Pruette's recommendation.

Councilor Jolly agreed with Mayor Pruette's recommendation. He had issues with the City leasing property without being compensated. He felt there should be some monetary benefit to the City.

Councilor Arthur felt the City should look into escrowing funds to create the additional parking without help from Southcoast Capital. He suggested perhaps partnering with Town Center to raise the funds. He asked that the plan presented for Council consideration include a timeline for the actions of each side.

City Manager Jarboe stated he would present a plan at the October workshop meeting.

Councilor Wiley felt the parking signs were unfriendly. He agreed it was a good idea for the City Attorney and City Manager to meet with Rad Lovett, owner of Southcoast Capital. He suggested if the City decided to lease the property to Southcoast that there is some compensation for the City. He also would like to include in the agreement a clause that would allow the City to take the property back.

City Manager Jarboe stated, if the City revoked the lease, the parking would not look as nice. However, the appearance could improve when the City had more money.

Consensus: **FOR THE CITY MANAGER AND CITY ATTORNEY TO MEET WITH RAD LOVETT, OWNER OF SOUTHCOAST CAPITAL AND REPORT BACK TO THE COUNCIL FOR CONSIDERATION.**

Hickory Marsh
Replat

HICKORY MARSH REPLAT: Mayor Pruette explained the Replat involves combining 1315 Hickory Marsh Lane and 1325 Hickory Marsh Lane into one lot. The property owners are Thomas and Tanya Anderson and the contractor is Eric Henderson.

City Manager Jarboe explained the homeowners would like to combine their two lots. Originally they wanted to install a swimming pool on the second lot, but swimming pools are not allowed on a lot without a structure. They have built a structure on the lot and they now want to combine the two lots with a breezeway. The city attorney has reviewed the notes and is comfortable with it.

City Attorney Krechowski stated he reviewed the language in the general notes and cleaned it up so the perpetual easements are protected.

Mayor Pruette asked if the lot would ever be able to be subdivided once they are

combined. City Manager Jarboe replied "yes" with the approval of the Council.

Consensus: **FORWARD TO THE REGULAR MEETING FOR APPROVAL.**

PUBLIC COMMENTS / NONE

COUNCIL COMMENTS / NONE

Adjournment

There being no further business, the meeting adjourned at 6:25 p.m.

Attest:

Harriet Pruetten, Mayor

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
SPECIAL CITY COUNCIL MEETING
SEPTEMBER 10, 2012 AT 6:00 P.M
CITY HALL, 116 FIRST STREET
NEPTUNE BEACH, FLORIDA

Pursuant to proper notice a Special Meeting of the City Council of the City of Neptune Beach was held September 10, 2012 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 Kara Tucker
Councilor Richard Arthur
Councilor John Jolly
Councilor Scott Wiley
City Attorney Patrick Krechowski
City Manager James Jarboe
City Clerk Lisa Volpe, CMC

Director of Public Safety David Sembach
Director of Finance Steve Ramsey

Order Call

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

Ord. No. 2012-08

ORDINANCE NO. 2012-08, ADOPTING THE FINAL MILLAGE RATES, FIRST READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, ADOPTING FINAL MILLAGE RATES AND LEVYING AD VALOREM TAXES FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2012, AND ENDING SEPTEMBER 30, 2013; SETTING FORTH CERTAIN INFORMATION REGARDING "ROLLED-BACK-RATES"; DIRECTING THE CITY MANAGER TO ADJUST THE ADOPTED MILLAGE RATES IN THE EVENT OF CHANGES IN THE ASSESSMENT ROLL AND TAXABLE VALUE; PROVIDING AN EFFECTIVE DATE.

City Manager Jarboe explained the "Roll Back Rate" is less than 1% increase and provides the same amount of revenue as last year.

Mayor Pruette read the Truth in Millage: This is the millage public hearing for the City of Neptune Beach, Florida. The roll-back-rate for the City of Neptune Beach is 3.3759 mills. The millage rate to be adopted is 3.3759 mills, which is a zero point zero increase over the roll-back-rate.

Mayor Pruette opened the public hearing. There being no comments from the public, the public hearing was closed.

Councilor Wiley stated he met with City Manager Jarboe and Finance Director Ramsey and viewed the proposed budget line item by line item. The millage rate that we are currently operating on is 3.3443. The roll-back-rate is 3.3759, which is .0316 mills and generates \$20,350. The total property assessments dropped by 5% or close to \$33,000,000. The

Jacksonville Beach Electric Franchise projects an 11% decrease in revenue. The Telecommunication Tax is also down 11%. The employee health insurance increased 32% to 37%. He looked over every angle and felt the proposed budget was extremely tight.

Councilor Jolly stated next year would be even more difficult due to 12 proposed constitutional amendments. Five of the amendments would add more homestead exemptions, making the property assessments less next year than they are this year.

Councilor Wiley stated the constitutional amendments are going to be very crucial to some municipalities.

Moved by Jolly, seconded by Tucker

Motion: **TO PASS ORDINANCE NO. 2012-08 ON FIRST READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Tucker, Wiley, Pruette

Noes: 0

MOTION CARRIED

Ord. No. 2012-09

ORDINANCE NO. 2012-09, ADOPTING A FINAL BUDGET, FIRST READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, ADOPTING A FINAL BUDGET AND APPROPRIATING FUNDS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2012, AND ENDING SEPTEMBER 30, 2013; PROVIDING AN EFFECTIVE DATE.

City Manager Jarboe explained the only increase in the budget was for employee health insurance.

Mayor Pruette opened the public hearing. There being no comments from the public, the public hearing was closed.

Moved by Tucker, seconded by Arthur

Motion: **TO PASS ORDINANCE NO. 2012-09 ON FIRST READ AND PUBLIC HEARING.**

Mayor Pruette asked Council members if they found anything more in the budget they felt could be cut. Councilor Wiley stated the city needed to keep an eye on the Jacksonville Beach Electric Franchise because it was trending downward. The final budget for this year is \$4,643,811.00, which is less than last year's budget of \$4,657,891.00.

Vice Mayor Tucker stated she also went over the budget line item by line item and did not find anywhere that it could be cut.

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Tucker, Wiley, Pruette

Noes: 0

MOTION CARRIED

Adjournment

There being no further business, the meeting adjourned at 6:10 p.m.

Harriet Pruetto, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
REGULAR CITY COUNCIL MEETING
SEPTEMBER 10, 2012, AT 6:25 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 September 10, 2012, at 6:25 p.m. in the City Hall Council Chambers, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

STAFF:

Mayor Harriet Pruette
Vice Mayor Kara Tucker
Councilor Richard Arthur
Councilor John Jolly
Councilor Scott Wiley
City Attorney Patrick Krechowski
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

Director of Finance Steve Ramsey
Director of Public Safety David Sembach

Order Call/Pledge Mayor Pruette called the meeting to order at 6:25 p.m.

AWARDS / PRESENTATIONS/ RECOGNITION OF GUESTS / NONE

APPROVAL OF MINUTES

Moved by Tucker, seconded by Jolly

Minutes

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

AUGUST 6, 2012, REGULAR CITY COUNCIL MEETING
AUGUST 20, 2012, SPECIAL CITY COUNCIL MEETING
AUGUST 20, 2012, WORKSHOP CITY COUNCIL MEETING

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Tucker, Wiley, Pruette
Noes: 0

MOTION CARRIED

COMMUNICATIONS & CORRESPONDENCE

Mayor Pruette stated she would be placing the issue of trash collection on the September workshop agenda.

City Clerk Volpe stated the September workshop and special meeting are scheduled for the 24th. City Manager Jarboe explained our Budget hearing could not coincide with the City of Jacksonville and the Duval County School Board.

CITY MANAGER REPORT / NONE

COMMENTS FROM THE PUBLIC / NONE

Mayor Pruette opened the public hearing.

There being no comments from the public, the public hearing was closed.

CONSENT AGENDA

SPECIAL EVENT IN JARBOE PARK / FLETCHER HIGH SCHOOL CHORUS

Moved by Tucker, seconded by Arthur

Motion: **TO APPROVE THE CONSENT AGENDA.**

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Tucker, Wiley, Pruette

Noes: 0

MOTION CARRIED

VARIANCES / NONE

ORDINANCES / NONE

OLD BUSINESS / NONE

NEW BUSINESS

Town Center
Parking

TOWN CENTER PARKING:

Moved by Tucker, seconded by Jolly

Motion: **FOR CITY MANAGER JARBOE AND CITY ATTORNEY KRECHOWSKI TO MEET WITH SOUTHCOAST CAPITAL AND RETURN THE FINDINGS TO COUNCIL AT THE OCTOBER 15, 2012 WORKSHOP MEETING.**

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Tucker, Wiley, Pruette

Noes: 0

MOTION CARRIED

Hickory Marsh
Plat

HICKORY MARSH PLAT:

Moved by Tucker, seconded by Jolly

Motion: **TO APPROVE THE HICKORY MARSH PLAT.**

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Tucker, Wiley, Pruette

Noes: 0

MOTION CARRIED

COUNCIL COMMENTS / NONE

Adjournment

There being no further business, the meeting adjourned at 6:35 p.m.

Harriet Pruette, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved:



**Minutes
Budget Meeting
Mayor Pruette and Councilor Wiley
Thursday, August 23, 2012 at 8:00 a.m.**

Pursuant to proper notice the meeting came to order at 8:00 a.m.

In attendance were: Mayor Harriet Pruette, Councilor Scott Wiley, City Manager Jim Jarboe, Director of Finance Steve Ramsey, and Deputy City Clerk Karla Strait, CMC.

Mayor Pruette stated she had never called a meeting one on one with another Council member nor did she intend to do it again. But because Councilor Wiley was new and had been in Neptune Beach for a long time she wanted to bring him up to date on infrastructure, paving, water and sewer lines and Bal Harbour problems. She explained how new paving had taken place east of Third Street in 2004 and also new water and lines.

She also wanted to discuss the Reserve Funds. She felt it would be fiscally irresponsible to take money from the Reserves. The Reserves were mandatory for the City's credit rating and the City would need to borrow money to fix the drainage and sewage problem in the Bal Harbour neighborhood. She mentioned funding for the Senior Center was never intended to come from City funds but without grant money the City Manager has found a way to fund it.

Mayor Pruette asked Councilor Wiley if he had taken the "Republican Anti Tax Pledge" which was a pledge to "not raise taxes under any circumstances." Councilor Wiley responded he had not taken such a pledge.

Councilor Wiley felt \$20,340 was a small amount for a 4.2 million budget. He questioned if the \$20,340 could be cut from the budget somewhere without having to raise taxes.

City Manager Jarboe stated it is not a tax increase, it is a rate increase. The Budget has been cut to the bones. The only place to take the \$20,340, without reducing staff, is from the Reserves. Reducing staff would be difficult because of "bumping" rights. He stated we could make a full time position a part time position. All travel has been eliminated except for in the case of certifications. All memberships have been cut. He did not want to cut First Call. Mayor Pruette added she had cut her subscriptions for the Florida League of Mayors and redesigned the Council stationary.

Director of Finance Ramsey stated property tax makes up about 50% of the Budget. If the City goes with the “roll back rate” this year we would receive the same revenue as last year.

Councilor Wiley felt it would not be fiscally irresponsible to take the money from Reserves. There was enough money in reserves. He questioned if you have enough money in Reserves, do you continue to put money in the Reserves. Mayor Pruette stated incoming revenue would not be any better next year or the next several years. She did not want to start using money from the Reserves because she felt it would set a precedent for the following years.

City Manager Jarboe stated the State recommends 25% of the operating budget be placed in Reserves in case of emergencies.

Director of Finance Ramsey stated it was a Council decision whether or not to continue putting money in Reserves.

Mayor Pruette was concerned about having money in Reserves in order to borrow money for infrastructure. She would not support taking the \$20,340 from the Reserve Fund.

City Manager Jarboe stated it was possible the revenue may increase and there may be extra money at the end of the year.

Councilor Wiley stated he was not opposed to fixing the infrastructure in Bal Harbour. He was not against the Senior Center and he did not want to reduce staff.

City Manager Jarboe suggested Councilor Wiley schedule a time to meet with himself and Director of Finance Ramsey to go over the budget line item by line item to see if any more cuts could be made.

Director of Finance Ramsey stated the City has to show a strong Reserve Fund in order to obtain loans.

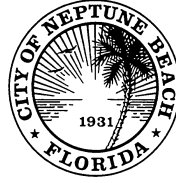
Councilor Wiley stated it didn’t seem likely that he would have any support to take the \$20,340 from the Reserve Fund. He agreed to meet with City Manager Jarboe and Director of Finance Ramsey the following morning at 8:30 a.m.

Meeting was adjourned at 8:38 a.m.

ATTEST:

Karla Strait, CMC
Deputy City Clerk

Date



**MINUTES
WORKSHOP CITY COUNCIL MEETING
AUGUST 20, 2012, AT 6:00 P.M
CITY HALL, 116 FIRST STREET
NEPTUNE BEACH, FLORIDA**

Pursuant to proper notice a Workshop Meeting of the City Council of the City of Neptune Beach was held August 20, 2012 at 6:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

Mayor Harriet Pruette (arrived 6:15 p.m.)
Vice Mayor Kara Tucker
Councilor Richard Arthur
Councilor John Jolly
City Attorney Patrick Krechowski (arrived 6:10 p.m.)
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

STAFF:

Director of Public Safety David Sembach
Director of Finance Steve Ramsey

Call to Order/Roll
Call

Vice Mayor Tucker 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 is currently working with Finance Director Steve Ramsey on the FY 2012 / 2013 budget.

PUBLIC COMMENTS / NONE

PROPOSED ORDINANCES / NONE

CONTRACTS / AGREEMENTS / NONE

ISSUE DEVELOPMENT

Fletcher High
Chorus

SPECIAL EVENT IN JARBOE PARK / FLETCHER HIGH SCHOOL CHORUS: Jane Palmer, Fletcher High School Chorus Director, requested use of the main pavilion in Jarboe Park on Saturday, October 27, 2012. This will be a fall picnic for the Fletcher High School Chorus.

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

Town Center
Parking

TOWN CENTER PARKING / RAD LOVETT: Mr. Jarboe explained in an effort to create additional parking, the City has considered revoking the agreement with Southcoast Capital / Rad Lovett, on the right-of-way on Second Street between Lemon and Orange Streets. This would allow the City to create an additional 15 to 19 public parking spaces. At the August 6th workshop meeting, Mr. Lovett asked the city to reconsider revoking the license. He indicated he would be willing to hire an engineer to design a parking area on the right-of-way using a pervious surface material. He also agreed to provide the materials to create the additional parking spaces, if the city provided the labor and did not revoke the agreement.

Mr. Rad Lovett produced a design to add 16 new standard parking spaces and 6 new motorcycle parking spaces. He also proposed an agreement between the City of Neptune Beach and Southcoast Capital Partnership with the following responsibilities:

Southcoast Responsibilities

1. Oversee and pay for engineering required
2. Provide / raise funds to pay for site work, materials and landscape
3. Manage construction

Neptune Beach Responsibilities

1. Manager permit process
2. Provide labor for curbs and paver work
3. Maintenance of new parking area
4. Provide easement to Southcoast (approx 1,150 sq. ft.)

Councilor Arthur voiced concern that the "no parking" signs did not include City Hall parking and the City owned the six parking spaces directly behind the City Hall building. Mr. Lovett stated he could modify the signs to make it clear parking was available for City Hall.

Mr. Lovett stated he has always complied with City parking requirements without requesting variances but a majority of Town Center businesses have. It is his belief that other businesses in Town Center did not have enough parking because they were given variances for parking requirements. He has spent over 2 million dollars on parking lots, and wants to make certain his tenants customers have first use of the parking spaces.

Mr. Lovett explained if the city revoked the agreement he would lose 8 parking spaces but he would still be in compliance with the City's parking requirements. He did not have to spend \$30,000 to help create the additional parking spaces but he was trying to help the city. He added removing the "parking signs" was not an issue that was on the table.

Councilor Arthur questioned if the three new signs were negotiable. Mr. Lovett responded beach goers were using the parking lots and not visiting the establishments. His tenants have encouraged him to put up the signs. Councilor Arthur asked if all of tenants felt equally on the direction of the signs. Mr. Lovett replied almost every tenant was represented at the last meeting.

Mr. Lovett added that he was open to any suggestions. He felt the City has taken a very proactive approach in taking advantage of rights-of-way to provide parking. He applauded the City for taking the initiative to add these new spaces. He is also actively involved in working on a program that would take employee parking for his establishments to an area off site. He felt that would solve 90% of the problem.

Councilor Arthur felt the parking attendants created a hostile environment. Mr. Lovett explained the parking attendants were there to prevent having to tow vehicles, not to be hostile.

Councilor Arthur stated he understood the City had an opportunity to work together with Southcoast whereas the city provides the labor and Mr. Lovett provides the materials to create the new parking. He would like some type of amendment to the existing signage especially behind City Hall. Mr. Lovett replied he was willing to make an amendment to the signs to add the six parking spaces behind City Hall.

City Manager Jarboe stated the issue was to make a decision on whether or not the City wanted to work with Southcoast Partnership to create additional parking on Second Street.

Mayor Pruette apologized for being late and asked Vice Tucker for her thoughts on the issue.

Vice Mayor Tucker asked Mr. Lovett if he was willing to remove the parking signs. Mr. Lovett replied "no." It is his property, he paid for it and it benefited his tenants.

Vice Mayor Tucker questioned if there were any plans for landscaping the proposed additional spaces. Mr. Lovett replied it had not been discussed. He is open to suggestions and feedback.

Mayor Pruette felt the signs were intimidating 24 hours a day. Mr. Lovett was concerned if the signs are removed anyone could park in the lots whenever they wanted and that would create a problem for his tenants. He was not sure what the right balance was.

Councilor Jolly questioned if the City revokes the lease would Mr. Lovett remain in compliance with the parking requirements. City Manager Jarboe responded "yes."

Mayor Pruette felt the signs were unfriendly. She felt Neptune Beach and Atlantic Beach needed to stop allowing variances for parking in Town Center.

Mr. Lovett stated he would not accept any conditions from the City on his offer to provide the design engineering and materials for the new parking. He added he did not see any other landlords volunteering to help with expenses for additional parking in the area.

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

Recess /
Reconvene

Mayor Pruette called a recess at 6:40 p.m. and opened the special meeting. The meeting reconvened at 6:44 p.m.

FY 2012/2013
Budget

FISCAL YEAR 2012 / 2013 WORKING BUDGET: City Manager Jarboe stated the budget is being presented to the Council using the "roll back rate."

Director of Finance Steve Ramsey explained the budget was put together using the "roll back rate" which would increase the millage rate by .0316%.

City Manager Jarboe stated the main increase in the budget is the employee health insurance which has increased 30%. Mr. Ramsey added he sent out "requests for proposals" for health insurance. All of the major insurance companies declined to bid.

Councilor Jolly questioned the dollar amount of the 30% health insurance increase. Mr. Ramsey replied the 30% increase amounted to almost \$70,000.

Revenues

Mr. Ramsey explained the budget shows a decline in revenue because it does not include grant money. Grants could not be included until they are received. There is also a decrease of \$10,000 in the Telecommunications Tax.

Councilor Arthur questioned if the lower banking fees were included in the budget. Mr. Ramsey replied the lower banking fees are reflected in the utility account.

Councilor Arthur asked if the lower utility rate for City Hall, due to the new solar panels, was reflected in the budget. Mr. Ramsey replied it was not included because he did not know what the amount of savings would be. City Manager Jarboe added he hoped the solar panels would save \$7,000 to \$8,000 per year.

Councilor Wiley questioned how much money the City might receive in grant money for the year. Mr. Ramsey responded we may receive \$80,000 to \$90,000. He would bring Council an amended budget in October that will reflect those incomes and expenditures. He added hopefully the City will get enough grant money to purchase two new police vehicles.

Councilor Wiley asked if we received grant money for the Senior Center. Mr. Ramsey replied that is reflected in the "Special Revenue Funds." City Manager Jarboe added the CDBG grant money for the Senior Center has decreased from \$100,000 down to about \$50,000.

Expenditures

Mr. Ramsey explained there is not a great increase in expenditures because this is the sixth year in a row of budget cuts. There is a 30% increase in the health insurance for each department.

Legal Counsel

A budget of \$1,200 was created for the Special Magistrate for code enforcement.

Non Departmental

A salary of \$9,926 is in the "non departmental" regular salaries for a part time person hired to clean City Hall and clean up around. The \$265,000 payment on the debt service for the loan to construct the new City Yard buildings is also reflected in this fund. The debt will be paid off this year. The fund also shows a transfer of \$11,858 to help fund the Senior Center.

Councilor Arthur commended staff for setting up the ten year loan for the construction of the new city services buildings and not extending it for a longer term.

Councilor Arthur questioned the 15% increase in retirement contributions. Mr. Ramsey stated the police pension fund is doing well this year.

Mayor Pruette stated she was looking for a replacement for David Linger on the Police Officers Retirement Fund Board, if anyone knew of someone that would like to be appointed.

City Manager Jarboe suggested holding a workshop meeting after the budget concerning pension reform.

Animal Control	There is a decrease in the salary for animal control due to the hiring of a new animal control officer. The savings is \$13,000 in this fund.
Public Works	Mr. Ramsey explained the \$145,000 on utilities is for streetlights and lighting in the parks. In addition to public works there are separate budgets for water, sewer, stormwater and sanitation.
Lifeguards	<p>The lifeguard budget remains the same as the prior year.</p> <p>Mr. Ramsey stated when he began working for the City there were approximately 80 employees, it is now down to 65 full time employees. Mayor Pruette asked how many part time employees worked for the City. Mr. Ramsey replied there are two regular part time employees, not including lifeguards and crossing guards, and there may be a part time dispatcher.</p> <p>The budget has decreased 5.24% since fiscal year 2006.</p>
Special Revenue Funds	<p>Special Revenue Funds are specifically designated to be spent in certain areas only.</p> <p>The Police Education Fund can only be used for police officer training. The revenue in this fund has decreased.</p> <p>The Community Development Block Grant is for the Senior Center and it has also decreased and is expected to continue to decrease.</p> <p>The Convention Development Tax Fund money comes from the two hotels in the City. This money can be used for lifeguard equipment and playground equipment. We plan to use this money for new playground equipment. Two pieces of playground equipment would cost approximately \$35,000.</p> <p>The Local Option Gas Tax can only be used to repair streets, sidewalks and drainage. This fund has decreased 4%.</p> <p>The Radio Community Fund is decreased because ticket revenue is low. This money can be used for supplies.</p> <p>The Better Jacksonville Fund can be used for capital improvements.</p> <p>Mayor Pruette asked Mr. Ramsey to explain what Town Center expenditures. Mr. Ramsey explained those expenditures are for maintenance, electricity, flowers and tree trimming. This cost is shared with Atlantic Beach.</p> <p>Councilor Jolly questioned asked where the money we receive for maintenance of the overpass by the Florida Department of Transportation was located in the budget. Mr. Ramsey replied that was in the General Fund. The amount is \$27,012 which also includes \$4,000 for reimbursement for streetlights.</p> <p>The Water and Sewer Fund shows a slight increase in electricity for the new sewer plant because the new system uses more power to operate.</p> <p>Mr. Ramsey stated there is \$440,000 in the reserve fund, which is what is required by the bond holders.</p>

Councilor Jolly questioned if there was money for engineering for the Bal Harbour neighborhood drainage issue. Mr. Ramsey replied there is \$118,500 in the budget under "other contractual services."

Sanitation Fund The Sanitation Fund has a 30% increase in health insurance.

City Manager Jarboe stated the City just completed a major project upgrading the sewer plant. The interest rate on one of the loans was under 2% and the other was in the low 3%.

Mayor Pruette stated she reviewed the audit from 2011 and quoted "the overall financial position of the City of Neptune Beach had improved by 28%." This proves the City has been financially responsible under adverse times.

Stormwater Utility Fund The Stormwater Utility Fund shows a 30% increase in health insurance.

Police Retirement Fund The Police Retirement Fund shows a 15% increase in the City's contributions.

Capital Requests

Capital Requests Public Services Director Leon Smith requested the following and explained the uses of the equipment:

Wastewater	<u>Capital Request</u>	<u>Allocation Percentage</u>	<u>Cost</u>
	RTU – (SCADA) for 2 Lift Stations	100%	12,000
	New Conveyor for Belt Press	100%	8,500
	Pioneer Pump P-3	100%	5,100
	Benchtop Spectrophotometer (Plant)	100%	5,000
	Electronic Pressure Switch	100%	1,500
Water	Ethernet Radios & Bridge for Tower	100%	12,000
	Computers	100%	2,000
	3" Mud Pump	100%	1,700
	Map Printer	100%	1,600

Director of Finance Steve Ramsey explained the following capital requests;

	<u>Capital Request</u>	<u>FY 2013</u>	<u>FY 2014</u>	<u>FY2015</u>	<u>FY 2016</u>	<u>FY 2017</u>	<u>Total</u>
Parks	Playground Equipment	35,000					35,000
	Total	35,000					35,000
Various	Manhole Replacements	25,000	25,000	25,000	25,000	25,000	125,000
	Various Line Projects	50,000	50,000	50,000	50,000	50,000	250,000
	Paving		150,000	150,000	150,000	150,000	600,000

	Total	75,000	225,000	225,000	225,000	225,000	975,000
Wastewater	Manhole & Sewer Rehab	27,000	27,000	27,000	27,000	27,000	135,000
	In-Pipe	33,000	33,000	33,000	33,000	33,000	165,000
	Effluent Pumps Replacement	20,000	20,000				20,000
	Pick-up Truck		25,000			25,000	50,000
	Sewer Line Replacement		3,500,000				3,500,000
	Total		80,000	3,605,000	60,000	85,000	3,890,000
Water	Truck Replacement			28,500			28,500
	Water Line Replacement		125,000	125,000	125,000	125,000	500,000
	Total		125,000	153,500	125,000	125,000	528,500
Stormwater	Multi-Terrain loader	50,000					50,000
	Replacement Dump Truck		32,500			32,500	65,000
	Backhoe			80,000			80,000
	Total	50,000	32,500	80,000		32,500	195,000

Council Comments

Council Comments

Mayor Pruette explained she was informed months ago by City Manager Jarboe that this year the City may have to lay off employees or raise taxes to balance the budget. She was very pleased with the budget presented.

City Manager Jarboe explained the original quote for health insurance was for a 37 ½ percent. We were able to reduce it to 30% by requesting proposals.

Mayor Pruette stated the first read on the tentative millage rate will be Monday, September 10, 2012.

City Manager Jarboe explained the proposed millage rate is not what the budget is based on. The budget is based on the "roll back rate."

Councilor Wiley stated the proposed budget was calculated using the "roll back rate" which raises the current millage rate. The millage rate increase would cover the

\$20,340 shortage. He recommended finding a way to cut the \$20,340 from the budget or taking the difference from the Reserve Funds without raising the millage rate.

Mayor Pruette felt it would be fiscally irresponsible to take the money from the reserves. She would be open to finding a way to cut the \$20,340. The reserves were not an option, they are mandatory for the City's credit rating in order to borrow money.

Mayor Pruette felt top priority should be focused on the Bal Harbour drainage and sewer issue because raw sewage was backing up from the manholes.

Councilor Wiley stated taking \$20,340 from the reserves would not rob the fund. It would be a temporary move to keep the current millage rate. He felt we could find \$20,340 in budget cuts.

Councilor Arthur agreed with Mayor Pruette. He opposed taking the money from the reserves. He added that the increase only amounted to \$2.60 per month on \$100,000 taxable value. There may be some small places to cut the budget but he would like to see specifics.

Councilor Jolly stated the budget is tight. The \$70,000 increase in health insurance and the \$40,000 increase in pension contributions put a tight squeeze on the budget. With the proposed "roll back rate" the median household would be required to pay an additional \$4.31 per year.

Mayor Pruette welcomed Councilor Wiley to the Council.

Councilor Wiley thanked Council for appointing him and stated he is looking forward to working with the Council.

Vice Mayor Tucker welcomed Councilor Wiley and thanked staff for working with the Council on the budget.

City Manager Jarboe stated he would meet with any Council member one on one to further discuss and review the budget if anyone was interested.

PUBLIC COMMENTS / NONE

COUNCIL COMMENTS / NONE

Adjournment

There being no further business, the meeting adjourned at 7:45 p.m.

Harriet Pruette, Mayor

Attest:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
SPECIAL CITY COUNCIL MEETING
AUGUST 20, 2012 AT 6:40 P.M
CITY HALL, 116 FIRST STREET
NEPTUNE BEACH, FLORIDA

Pursuant to proper notice a Special Meeting of the City Council of the City of Neptune Beach was held August 20, 2012 at 6:40 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

STAFF:

Mayor Harriet Pruette
Vice Mayor Kara Tucker
Councilor Richard Arthur
Councilor John Jolly
City Attorney Patrick Krechowski
City Manager James Jarboe
City Clerk Lisa Volpe, CMC

Director of Public Safety David Sembach
Director of Finance Steve Ramsey

Order Call

Mayor Pruette called the special meeting to order at 6:40 p.m.

**Resignation &
Replacement
Councilor Pardee**

RESIGNATION OF COUNCILOR PARDEE: Mayor Pruette asked Councilor Elect Scott Wiley if he was prepared to fill the remaining term of Councilor Eric Pardee. Mr. Wiley responded "yes."

City Attorney Krechowski stated for the record: "It was his understanding of the Charter and the law that whenever someone is appointed to fill the remainder of a term they will be an appointee for the remaining duration of that term only. If you appoint Mr. Wiley he would be completing Mr. Pardee's term as an appointee and would need to be sworn in as such. In December he would need to be sworn in as a Council member, at which time his appointment to complete Mr. Pardee's term would end, and his term would be begin as an elected official, according to the City Code and Charter."

Moved by Tucker, seconded by Jolly.

Motion: **TO APPOINT COUNCILOR ELECT SCOTT WILEY TO COMPLETE THE REMAINDER OF ERIC PARDEE'S TERM.**

Roll Call Vote:

Ayes: 4 – Arthur, Jolly, Tucker, Pruette
Noes: 0

MOTION CARRIED

City Clerk Lisa Volpe administered the Oath of Office to Scott Wiley, whereupon, he respectively, assumed the duties of their elected office.

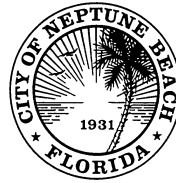
Adjournment There being no further business, the meeting adjourned at 6:44 p.m.

Harriet Pruette, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
REGULAR CITY COUNCIL MEETING
AUGUST 6, 2012, AT 6:00 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 August 6, 2012, at 6:00 p.m. in the City Hall Council Chambers, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

STAFF:

Mayor Harriet Pruette
Vice Mayor Kara Tucker
Councilor Richard Arthur
Councilor John Jolly
Councilor Eric Pardee
City Attorney Patrick Krechowski
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

Director of Public Safety David Sembach

Order Call/Pledge Mayor Pruette called the meeting to order at 6:00 p.m. and asked

AWARDS / PRESENTATIONS/ RECOGNITION OF GUESTS / NONE

APPROVAL OF MINUTES

Moved by Tucker, seconded by Arthur.

Minutes

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

JULY 2, 2012, REGULAR CITY COUNCIL MEETING
JULY 2, 2012, WORKSHOP CITY COUNCIL MEETING

Councilor Jolly stated page 2 of the July 2, 2012 minutes referred to tropical storm "Beryl" and needed to be amended to refer to tropical "Debby."

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Pardee, Tucker, Pruette

Noes: 0

MOTION CARRIED

COMMUNICATIONS & CORRESPONDENCE

Mayor Pruette stated City Manager Jarboe has scheduled three budget workshop meetings. Vice Mayor Tucker asked City Manager Jarboe to confirm the meeting dates. City Manager Jarboe confirmed the meeting dates as follows: August 20th, September 10th, and September 24th.

CITY MANAGER REPORT

City Manager Jarboe reported on the following:

Barricades had to be placed on First Street over the weekend due to flooding caused by heavy rains.

There were no reports of homes flooded or sewer backups during the heavy rains.

He is working with FEMA for reimbursement for water and sewer damages caused by Tropical Storm Debby.

The Public Service staff is still working on the completion of the solar panel project for City Hall.

Mayor Pruette stated one neighborhood was without electricity for about an hour and a half due to the storm. City Manager Jarboe replied there was a lightning strike near the public services building that may have cause the outage.

Councilor Arthur questioned how much longer until the solar panel project would be completed. City Manager Jarboe replied once staff was available it should only take another four or five days to complete.

COMMENTS FROM THE PUBLIC / NONE

Mayor Pruette opened the public hearing

There being no comments from the public, the public hearing was closed.

CONSENT AGENDA / NONE

VARIANCES / NONE

ORDINANCES / NONE

OLD BUSINESS / NONE

NEW BUSINESS

St. Johns River
Ferry

ST. JOHNS RIVER FERRY: Elaine Brown, St. Johns River Ferry Task Force, stated the Ferry Commission was looking into obtaining grant money to help fund the St. Johns River Ferry. She explained an impact study in 1986 showed that over 200 jobs would be lost without the operation of the ferry. She felt losing the ferry would have a huge effect on the economy and businesses throughout the beaches. A "Ferry Rally" is scheduled to be held on August 25th. There will be bands, food and artists and the ferry will be free to ride all day.

Mayor Pruette thanked Mrs. Brown for her efforts on the "Ferry Task Force." She stated she spoke with City of Jacksonville Councilman John Crescimbeni and he felt the funds would be raised to keep the ferry.

Vice Mayor Tucker also thanked Mrs. Brown for her efforts and for addressing the Council.

Councilor Pardee questioned Elaine Brown's personal finance interest in maintaining the ferry operation. He stated Mrs. Brown was the contact person on a real estate sign located on a property across the street from the ferry.

Elaine Brown responded she has been selling properties and doing business in the area long before the announcement that Jaxport would no longer be funding the ferry. She would continue doing business and selling property whether the ferry stays or not.

Councilor Arthur thanked Mrs. Brown for her service on the St. Johns River Ferry Task Force and trying to save the ferry. Mrs. Brown responded she was very confident the ferry will be saved.

Councilor Jolly questioned if the ferry was located in the United States. Mrs. Brown replied "yes." Councilor Jolly questioned how much money the federal government was contributing to the operation of the ferry. Mrs. Brown replied "none."

Councilor Jolly questioned if the ferry was located in Florida. Mrs. Brown replied "yes." Councilor Jolly questioned if the State of Florida was contributing to the operation of the ferry. Mrs. Brown replied "no."

Councilor Jolly questioned if the ferry was located in Jacksonville. Mrs. Brown replied "yes." Councilor Jolly questioned if the City of Jacksonville was contributing to the operation of the ferry. Mrs. Brown responded Jaxport has obligated \$200,000 for the ferry operation. Councilor Jolly stated Jaxport was an agency, not the City of Jacksonville and again questioned if the City of Jacksonville was contributing toward the operation of the ferry. Mrs. Brown responded Duval County has proposed an ordinance that would obligate \$100,000 toward funding for the ferry and Mayor Alvin Brown has committed to another \$100,000.

Councilor Jolly stated City of Jacksonville Mayor Alvin Brown sent a letter to the Neptune Beach City Council in June indicating, due to budget restraints, there would be no money from the City of Jacksonville to continue the operation of the ferry. Mrs. Brown responded she did not receive a copy of that letter.

Councilor Jolly questioned if the ferry was located in Neptune Beach. Mrs. Brown replied "no."

Councilor Jolly explained his point was that Neptune Beach was being asked to donate money to the St. Johns River Ferry when the Ferry did not operate in Neptune Beach. Mrs. Brown stated she understood and it was frustrating. Atlantic Beach and Jacksonville Beach have agreed to donate \$5,000.

City Manager Jarboe stated City of Jacksonville Councilman Bill Gulliford had suggested that we use "bed tax" funds. He explained Neptune Beach did not have a "bed tax" fund but did have a "convention development tax" which we could not use toward the ferry because we are limited in what we can use it for.

Mayor Pruette stated she received donations for her campaign and was fortunate that not to have an opponent. She returned a lot of the money to her supporters. Several citizens requested that she donate the money to the City. She would like to donate approximately \$650.00 to the City. She suggested if Council was in favor, they could vote to donate \$500.00 of the money to support the ferry.

Councilor Pardee stated the Council agreed not to use the City as a platform to donate money toward causes. He felt Mayor Pruette was using the City as a platform to donate her surplus campaign money to the "St. Johns River Ferry." He requested that she make the donation personally without funneling the money through the City.

Mayor Pruette responded her constituents asked her to donate the surplus campaign funds to the City budget and if the Council wanted to donate the money to the ferry they could vote to do so, otherwise, the money will remain in the city budget to be used for another specific purpose.

Councilor Pardee stated the Council agreed at an earlier Council meeting not to donate money to organizations through the City.

City Manager Jarboe explained the money would go into the 2012/2013 budget and the Council can decide during the budget process how to allocate the money.

Vice Mayor Tucker felt because beaches residents use the ferry the City should support it in some capacity.

Councilor Jolly stated if the City had any extra funds it would be because of the efforts of city staff. City employees had not received a salary increase in the past five years. Therefore, he thought any excess money should be given to the employees. He did not have an issue allocating the money from Mayor Pruette's campaign fund to support the ferry. Mayor Pruette stated the \$650.00 will be in the city budget and Council could allocate the money however they wished.

Vice Mayor Tucker stated she was fine with tabling the issue at this point and discussing and voting on the allocation at a later date.

Mayor Pruette stated she has donated money from her campaign account to the City in the past. City Manager Jarboe explained that money was used for trees in Jarboe Park.

Parking Lease

REVOKING OF PARKING LEASE: City Manager Jarboe explained Southcoast Capital Partnership recently replacing the parking signs in there privately owned parking lots and hired parking monitors to prevent people from parking in them unless they were patronizing their tenants' stores and restaurants. This has created complaints from other businesses in Town Center. In an effort to create additional parking, the City has considered revoking the agreement with Southcoast Capital on the right-of-way on Second Street between Lemon Street and Orange Street. This would allow the City to create an additional 15 to 19 public parking spaces.

Rad Lovett, Owner of Southcoast Capital Partnership, stated he was notified last week that the City was considering revoking the license agreement for the 11 feet of right-of-way abutting their parking lot on the corner of Second Street and Lemon Street. After meeting with City Manager Jarboe and Mayor Pruette, he hired an engineer to design a parking area on the right-of-way using a pervious surface to avoid the cost of providing retention under their parking lot. He asked the Council to delay the decision to revoke the license agreement until they could review the plan designed by the engineer. He added that he was aware the City was short on funds and they would agree to provide the materials if the City staff would provide the labor to create the additional parking spaces.

Mayor Pruette stated the Council could delay the decision until the August workshop meeting or hold a special meeting before the September regular meeting to discuss the parking solution.

Councilor Jolly stated Southcoast Capital disturbed a lot of people by placing the new parking signs and hiring the parking monitors.

Mr. Lovett responded they have 52 more spaces than the City requires for their properties. He felt the parking issue was created by the fact that there is no parking for Lemon Bar customers, other than the Seahorse Motel parking which charged a \$5.00 parking fee. This causes the Lemon Bar customers to park in the free parking spaces which takes up spaces for their tenants customers.

Mr. Lovett also mentioned that Southcoast Capital Partnership gave 8 parking spaces behind City Hall to the City several years ago. He felt they have been doing their job in promoting the downtown area and solving parking issues.

Mr. Lovett added he and his tenants were working with city also by moving their employee parking offsite and providing valet services.

For the Record City Manager Jarboe stated for record Southcoast did not give the City property. The City traded them the property for the property located between Mezzaluna and City Hall.

Mayor Pruette questioned if they intended to tow City Hall employees' vehicles. Mr. Lovett replied the parking problem was mostly during the day. He added he wanted to ensure the parking lot was serving his tenants who helped pay for the maintenance and taxes of the property. At the same time he wanted to work with City.

Mayor Pruette stated we would have Mr. Lovett back to discuss the details of the additional parking on Second Street between Lemon Street and Orange Street.

Councilor Arthur was concerned that once they started towing vehicles it would create a fear factor and people would be worried about their vehicles being towed. He felt adding additional parking would help the issue.

Mr. Lovett stated, for the record, "no vehicles had been towed as a result of the new parking signs and the parking lot monitors."

Curtis Winter, owner of Sun Dog Restaurant, stated the Town Center businesses had a group meeting and discussed creating a valet service that would be affordable to everyone.

Mr. Lovett concluded that it was his hope that working with the City and creating a valet parking system would add a lot of available parking spaces in the Town Center area.

COUNCIL COMMENTS / NONE

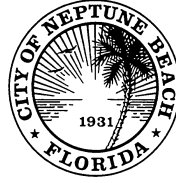
Adjournment There being no further business, the meeting adjourned at 6:40 p.m.

Harriet Pruette, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved:



**MINUTES
WORKSHOP CITY COUNCIL MEETING
JULY 2, 2012, AT 6:18 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 July 2, 2012 at 6:18 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

STAFF:

Mayor Harriet Pruette
Vice Mayor Kara Tucker
Councilor John Jolly
Councilor Eric Pardee
City Attorney Patrick Krechowski
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

Director of Public Safety David Sembach

ABSENT:

Councilor Richard Arthur

**Call to Order/Roll
Call**

Mayor Pruette called the meeting to order at 6:18 p.m.

PROPOSED ORDINANCES

**Right-of-Way
Use**

ORDINANCE NO. 2012-XX, USE OF PUBLIC RIGHT-OF-WAY: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, AMENDING CHAPTER 18, STREETS, SIDEWALKS AND OTHER PUBLIC PLACES, SECTION 18-4 USE OF PUBLIC RIGHT-OF-WAY, ADDING SECTION 18-4(B) RULES, AND PROVIDING AN EFFECTIVE DATE.

City Manager Jarboe stated the version of the Ordinance placed in the agenda packet was incorrect. The correct version provided by City Attorney Krechowski was at their places.

City Attorney Krechowski apologized for not having the correct version of the proposed ordinance to the City Clerk's Office in time to be placed in the agenda packets.

City Attorney Krechowski explained the amendments as follows:

On the second page some detail was deleted and language regarding certain items and activities has been changed.

He added number 15, a process for application and review and number 16, notice of appeal.

He felt irrigation needed to be addressed in the ordinance.

Mayor Pruette suggested the following amendments:

~~15- 17.~~ All approved work as outlined by the right-of-way permit must be completed in ~~six (6)~~ three (3) months. Failure to complete work will result in an expired permit.

14. Define the "need" for driveways.

Vice Mayor Tucker was concerned about educating citizens and allowing a time frame as to when the Ordinance would take effect. She also wanted to make sure the citizens were informed of the new regulations the City is required to follow.

Councilor Jolly supported the ordinance because it sets policy and gives direction to the City Manager. He suggested the following amendments:

Whereas, the City Council of the City of Neptune Beach, Florida has determined that certain unpermitted activities within the public right-of-ways may contribute to potential non-compliance with the City's Municipal Separate Storm Sewer System Permit (MS-4) as issued by the State of Florida.

Councilor Jolly questioned 12, regarding improvements made in the right-of-way by the property owner shall not create more than fifty (50) percent impervious area or 4,000 square feet. City Manager Jarboe responded this was addressed in (b) Rules.

Councilor Pardee stated he did not have time to read the new version of the ordinance and compare it to the one in the agenda packet. He did not have any questions or suggestions at this time.

Consensus: **TO FORWARD TO ANOTHER WORKSHOP NEXT MONTH FOR DISCUSSION.**

Mayor Pruette voiced concern about enforcement of the Ordinance.

City Manager Jarboe explained the way the Code currently exist it allows the City Manager to basically approve right-of-way permits for whatever he felt was reasonable. He did not think the City Manager should have that type of authority and that Council should set a policy.

PUBLIC COMMENTS

Richard Keene, 733 Bay Street, stated he sent an e-mail to Council on June 18, 2012 regarding suggestions for Section 27-378 and 27-480. He asked Council to please consider his suggestions. He also voiced concern regarding enforcement. He felt the Ordinance was an overburden of legislative authority on property and citizens rights.

Adjournment

There being no further business, the meeting adjourned at 6:35 p.m.

Harriet Pruette, Mayor

Attest:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
REGULAR CITY COUNCIL MEETING
JULY 2, 2012, AT 6:00 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 July 2, 2012, at 6:00 p.m. in the City Hall Council Chambers, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

STAFF:

Mayor Harriet Pruette
Vice Mayor Kara Tucker
Councilor John Jolly
Councilor Eric Pardee
City Attorney Patrick Krechowski
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

Director of Public Safety David Sembach

ABSENT:

Councilor Richard Arthur

Order Call/Pledge

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

AWARDS / PRESENTATIONS/ RECOGNITION OF GUESTS / NONE

APPROVAL OF MINUTES

Moved by Tucker, seconded by Pardee

Minutes

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

JUNE 4, 2012, REGULAR CITY COUNCIL MEETING
JUNE 18, 2012, SPECIAL CITY COUNCIL MEETING
JUNE 18, 2012, WORKSHOP CITY COUNCIL MEETING

Roll Call Vote:

Ayes: 4 – Jolly, Pardee, Tucker, Pruette

Noes: 0

Absent: 1 – Arthur

MOTION CARRIED

COMMUNICATIONS & CORRESPONDENCE / NONE**CITY MANAGER REPORT**

City Manager Jarboe reported on the following:

Tropical Storm Debby

There were problems with flooding on First Street during Tropical Storm Debby. As soon as the tide went out the flooding drained.

Two houses reported stormwater intrusion caused by Tropical Storm Debby. One was located on Seagate Avenue and one was on First Street.

Burton and Associates are conducting a study to determine when the City will be able to afford upgrading the sewer.

Mayor Pruette questioned how many homes had sewage intrusion. City Manager Jarboe replied approximately twelve houses had sewage intrusion. Mayor Pruette stated the City has discussed sewer replacement for the past ten years and she would like to make it a priority. City Manager Jarboe replied unless Council wanted to assess each homeowner or raise water and sewer rates we could not start the process until we had the money in reserves.

Councilor Jolly added the Council would be meeting with Burton and Associates this month. They will be able to inform us as to how the City is doing financially and determine how much we can start doing.

Mayor Pruette suggested holding a workshop meeting before the end of this year to discuss the sewer issues.

Vice Mayor Tucker stated she was looking forward to the results of the study by Burton and Associates.

COMMENTS FROM THE PUBLIC

Mayor Pruette opened the public hearing.

Richard Keene, 733 Bay Street, stated six houses in the Bal Harbour neighborhood had water intrusion in the garage and two had in house intrusion during tropical storm Beryl. He suggested ways to improve the drainage the Bal Harbour.

There being no further comments from the public, the public hearing was closed.

CONSENT AGENDA

Forfeiture Funds

PERMISSION TO USE FORFEITURE FUNDS / PURCHASE NEW MONITORS FOR THE PUBLIC SAFETY DEPARTMENT

Moved by Tucker, seconded by Jolly.

Motion: **TO APPROVE THE CONSENT AGENDA.**

Roll Call Vote:

Ayes: 4 – Jolly, Pardee, Tucker, Pruette

Noes: 0

Absent: 1 – Arthur

MOTION CARRIED

VARIANCES / NONE

ORDINANCES / NONE

OLD BUSINESS / NONE

NEW BUSINESS / NONE

COUNCIL COMMENTS

Mayor Pruette questioned the progress of increasing the voltage of outdoor lighting in Town Center. City Manager Jarboe stated he was talking with an electrician to determine what could be done to increase the voltage.

Adjournment

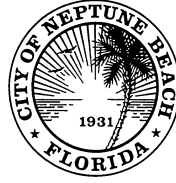
There being no further business, the meeting adjourned at 6:18 p.m.

Harriet Pruette, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved:



**MINUTES
WORKSHOP CITY COUNCIL MEETING
JUNE 18, 2012, AT 6:03 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 18, 2012 at 6:03 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

STAFF:

Mayor Harriet Pruette
Vice Mayor Kara Tucker
Councilor Richard Arthur
Councilor Eric Pardee
City Attorney Patrick Krechowski
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

Director of Public Safety David Sembach
Community Development Director Amanda Askew

ABSENT:

Councilor John Jolly

Call to Order/Roll
Call

Mayor Pruette called the meeting to order at 6:03 p.m.

PRESENTATIONS

TIP

NORTH FLORIDA TRANSPORTATION PLANNING ORGANIZATION /
TRANSPORTATION IMPROVEMENT PROGRAM FY 2012/13 – 2016/17: Denise Bunnewith gave a presentation regarding upcoming transportation improvements.

Mayor Pruette explained there was not enough room at the intersection of Florida Boulevard and A1A for a right turn lane. She asked Ms. Bunnewith to relay a request to DOT to have the curb on Florida Boulevard moved over two feet to allow enough space to add a right turn lane. Ms. Bunnewith stated she would look into it. City Manager Jarboe stated Florida Boulevard was not a county road.

CITY MANAGER'S ACTION LIST

City Manager Jarboe reported on the following:

- The City Hall solar power project has begun and Public Services will continue installation over the next 4 to 8 weeks.
- The Public Service Department is also removing the rocks and mulch around

- the City Hall building in order to be in compliance with the MS-4 Permit.
- The Beaches Town Center Agency will soon be ready to start on the beautification project at Orange Street and First Street.
- The Denny's Restaurant owner has confirmed plans to move forward with the new construction.

Councilor Pardee was pleased with the amount of funds the Senior Activities Center has raised this year. He added the free tax service at the Senior Center was a huge benefit to the members.

Vice Mayor Tucker questioned the progress of the Beaches Chapel project. City Manager Jarboe responded Beaches Chapel received their permit to begin construction. They have until June 20, 2012 to have their first inspection.

Councilor Arthur questioned if there was any new information regarding the placement of a road between the K-mart shopping center and the Publix shopping center. City Manager Jarboe responded there was no new information.

PUBLIC COMMENTS

Scott Wiley, 723 Davis Street, voiced concern regarding the proposed ordinances for rights-of-way uses and accessory structures.

PROPOSED ORDINANCES

Accessory Structures

ORDINANCE NO. 2012-XX, ACCESSORY STRUCTURES: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES CHAPTER 27 UNIFIED LAND DEVELOPMENT REGULATIONS, SEC. 27-328 – OTHER ACCESSORY STRUCTURES AND PROVIDING AN EFFECTIVE DATE.

Councilor Pardee explained he proposed this Ordinance because newer model air conditioning units are much quieter and should no longer be required to be placed 10 feet from the property line. This Ordinance would allow outdoor air conditioning compressors to be placed up to two feet from a side property lot line. He explained air conditioning units do not run at full efficiency when noise barrier walls are placed around them because they block the air flow. The noise from outdoor air conditioning units is addressed in the noise section of the Code. The City of Jacksonville has already adopted a similar Ordinance. Councilor Jolly suggested at the April workshop meeting to not allow A/C units to be placed in side yards and he disagrees with that suggestion.

Councilor Arthur stated he would like A/C units to have some type of visual barrier because they are so close to neighboring properties.

City Manager Jarboe explained the existing ordinance has an exception to the 10 foot setback requirement. We currently allow A/C units in side yards if they have a barrier wall which mainly affects properties east of Third Street. He added that Councilor Jolly had suggested allowing them in side yards as long as they met proper setback requirements.

Mayor Pruette did not support placing A/C units 2 feet or less away from another property. She stated she would to amend Section 27-328 to read as follows:

Air conditioning compressors serving central systems (other than window units) or other mechanical equipment designed to serve the principal structure may be located in any required rear yards, but not in any required front yard or side yard, and not less than ~~ten (10) feet from any side lot line.~~

Vice Mayor Tucker asked if this would place a hardship on property owners. Community Development Director Askew replied the way the ordinance is proposed it will affect new construction or replacement of existing A/C units.

Mayor Pruette stated placement of A/C units two feet from a property line would have a huge impact on a neighboring property.

City Attorney Krechowski explained the ordinance states, two feet or less, which means the A/C unit would have to be placed at least two feet or more.

Councilor Pardee stated "never mind" and withdrew the proposed ordinance.

Consensus: **THE ORDINANCE WAS WITHDRAWN.**

Right-of-Way
Use

ORDINANCE NO. 2012-XX, USE OF PUBLIC RIGHT-OF-WAY: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA ADDING TO SECTION 18-4 USE OF PUBLIC RIGHT-OF-WAY.

Community Development Director Askew explained the following ordinances are related to the MS-4 permit and stormwater drainage requirements. The purpose of the proposed ordinances is to help meet the State mandated requirements for the MS-4 permit and prevent being fined by the Department of Environmental Protection. She further explained the City is having issues with property owners placing items in the rights-of-way that get into our storm drains and sewer lines. These items include mulch, stones, trees and shrubs. There is also an issue with property owners planting on top of water meter boxes and other utilities. These proposed ordinances will create some guidelines as to what items are allowed in our rights-of-way.

City Manager Jarboe stated right-of-way permits are currently required and require a locate for underground utilities to prevent damage.

Mayor Pruette was concerned these ordinances would pit neighbor against neighbor. She felt City Attorney Krechowski should thoroughly review the ordinances again and they should be placed on the July workshop agenda.

City Manager Jarboe stated the City could be substantially fined if we do not conform to the requirements of the MS-4 permit.

Mayor Pruette stated the City needed to educate property owners of the new right-of-way ordinances and why the City had to adopt them.

Vice Mayor Tucker agreed with having City Attorney Krechowski review these ordinances thoroughly. She felt the City should abide with the State requirements. She also agreed with forwarding the ordinances to the July workshop meeting.

Councilor Pardee suggested added that a plumbing permit also be required for irrigation in the rights-of-way.

Councilor Arthur agreed Council should take another look at the language in these ordinances. He also felt property owners needed to be aware of why the City is adopting these ordinances. He added Council needed to consider how code enforcement should react and enforce the new rules. He felt they needed to be equally enforced.

Mayor Pruette felt if there was a safety issue with items in the rights-of-way the City should be able to go out and remove the items. She added the State should step in and aid the small cities when it came to unfunded mandates because we did not have the resources or man power to enforce these ordinances. She suggested sending information regarding the right-of-way requirements in the utility bills and also on the city website.

City Attorney Krechowski stated the issue of rights-of-way uses should be addressed in the Code and not just addressed only from an administration standpoint. He felt there had to be something specifically in the ordinances as well as somewhere for property owners could go to educate themselves on what they can and cannot do in rights-of-way, and why.

Mayor Pruette asked City Attorney Krechowski to thoroughly review the ordinances before discussion at the July workshop meeting.

Councilor Pardee suggested added the following language in Section 18-4. Use of public right-of-way (b) 7. No irrigation lines or sprinkler heads can be placed in the right-of-way unless an approved permit is issued.

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

Dedication of
Right-of-Way

ORDINANCE NO. 2012-XX, DEDICATION OF RIGHT-OF-WAY: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, AMENDING ARTICLE X, STREETS, SIDEWALKS, AND RIGHTS-OF-WAY, CHAPTER 27, UNIFIED LAND DEVELOPMENT REGULATIONS, SECTION 27-478, DEDICATION OF RIGHT-OF-WAY AND PROVIDING AN EFFECTIVE DATE.

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

Driveway Aprons
/ Pavement
Material

ORDINANCE NO. 2012-XX, DRIVEWAY APRONS AND PAVEMENT MATERIAL: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, AMENDING CHAPTER 27, ARTICLE X, STREETS, SIDEWALKS, AND RIGHTS-OF-WAY, SECTION 27-480, DRIVEWAY APRONS AND PAVEMENT MATERIAL AND PROVIDING AN EFFECTIVE DATE.

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

Stormwater
Management

ORDINANCE NO. 2012-XX, STORMWATER MANAGEMENT: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 27 UNIFIED LAND DEVELOPMENT REGULATIONS, ARTICLE XII STORMWATER MANAGEMENT AND EROSION CONTROL; SECTION 27-516 DEFINITIONS; SECTION 27-517 EXEMPTIONS SECTION 27-518 PERMITS NEEDED BEFORE ISSUANCE OF DEVELOPMENT ORDER; SECTION 27-519 STORMWATER MANAGEMENT REQUIREMENTS; SECTION 27-520 EROSION AND SEDIMENT CONTROL AND PROVIDING AN EFFECTIVE DATE.

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

CONTRACTS / AGREEMENTS / NONE

ISSUE DEVELOPMENT

Corner Lots

LAND CODE ISSUES / CORNER LOTS: Community Development Director Askew explained there have been recent complaints regarding how trash containers are being placed on corner lots. The Code states that trash containers are allowed in front yards

only on trash pickup days. They are not allowed to be placed in front yards on non-trash pickup days. The complaints stem from property owners not understanding what should be considered the front yard on a corner lot. She added there are also some instances in the city where a lot is considered a triple corner lot meaning there are three street sides to the lot. There are also issues regarding fences on triple street frontage lots.

Mayor Pruette stated she would like to consider this issue in the future.

Forfeiture Funds

FORFEITURE FUNDS: Public Safety Director Sembach explained the Public Safety Department received a grant to install a new record management program. The monitors do not accommodate the new software. He was requesting the use of \$2,100 in forfeiture funds to purchase new monitors.

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

PUBLIC COMMENTS

John Reeve, 132 Hopkins Street, suggested passing out information regarding rights-of-way to citizens when they come in to turn on their utility services.

Mayor Pruette asked City Manager Jarboe if John Reeve would have to change his right-of-way. City Manager Jarboe replied "no."

COUNCIL COMMENTS

Councilor Pardee was concerned about the dim lighting in Town Center and asked City Manager Jarboe to address the issue with the Town Center Agency.

Mayor Pruette also voiced concern regarding the lighting in Town Center and asked Chief Sembach if he had received any complaints. Chief Sembach agreed the dim lighting was a safety issue. City Manager Jarboe stated he would address the situation with the Town Center Agency.

Adjournment

There being no further business, the meeting adjourned at 7:00 p.m.

Harriet Pruette, Mayor

Attest:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
SPECIAL CITY COUNCIL MEETING
JUNE 18, 2012 AT 6:00 P.M
CITY HALL, 116 FIRST STREET
NEPTUNE BEACH, FLORIDA

Pursuant to proper notice a Special Meeting of the City Council of the City of Neptune Beach was held June 18, 2012 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 Kara Tucker
Councilor Richard Arthur
Councilor Eric Pardee
City Attorney Patrick Krechowski
City Manager James Jarboe
City Clerk Lisa Volpe, CMC

Director of Public Safety David Sembach
Community Development Director Amanda Askew

ABSENT:

Councilor John Jolly

Order Call

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

**Employee Health
Ins. RFP**

REQUEST FOR PROPOSALS / EMPLOYEE HEALTH INSURANCE: City Manager Jarboe explained the City's current insurance provider has indicated there would be a 39% increase in health insurance rates for the upcoming year. He requested permission of the Council to send out request for proposals for a new insurance provider.

Moved by Tucker, seconded by Arthur.

Motion: **TO APPROVE REQUEST FOR PROPOSALS FOR EMPLOYEE HEALTH INSURANCE.**

Roll Call Vote:

Ayes: 4 – Arthur, Pardee, Tucker, Pruette

Noes: 0

Absent: 1 - Jolly

MOTION CARRIED

Adjournment

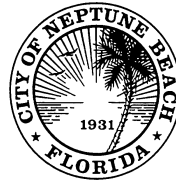
There being no further business, the meeting adjourned at 6:03 p.m.

Harriet Pruetto, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
REGULAR CITY COUNCIL MEETING
JUNE 4, 2012, AT 6:00 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 June 4, 2012, at 6:00 p.m. in the City Hall Council Chambers, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

STAFF:

Mayor Harriet Pruette
Councilor Richard Arthur
Vice Mayor Kara Tucker
Councilor John Jolly
City Attorney Patrick Krechowski
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

Assistant Police Chief Tony Carrillo

ABSENT:

Councilor Eric Pardee

Order Call/Pledge

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

AWARDS / PRESENTATIONS/ RECOGNITION OF GUESTS / NONE

APPROVAL OF MINUTES

Moved by Tucker, seconded by Jolly

Minutes

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

MAY 7, 2012, REGULAR CITY COUNCIL MEETING

Roll Call Vote:

Ayes: 4 – Arthur Jolly, Tucker, Pruette

Noes: 0

Absent: 1 – Pardee

MOTION CARRIED

COMMUNICATIONS & CORRESPONDENCE

Councilor Jolly commended and thanked staff for doing a great job responding to Tropical Storm Beryl.

Vice Mayor Tucker thanked staff for being in constant contact with Council throughout the duration of the storm.

City Clerk Volpe reminded everyone this week is qualifying week. Mayor Harriet Pruette, Vice Mayor Kara Tucker and Scott Wiley have been qualified.

CITY MANAGER REPORT

City Manager Jarboe reported on the following:

- A total of ten trees came down due to Tropical Storm Beryl. There were no reports of any serious damage.
- Denny's restaurant plans to move forward. They would like to be open for business in three months.
- The K-mart shopping center questioned if the city had any plans regarding a roadway between their shopping center and the Publix shopping center. Mr. Jarboe asked them to contact Regency Center. He would follow up with Regency Center in the next few days.
- The estimated preliminary taxable base for the year is \$644,898,589. This will decrease our ad valorem based revenue approximately \$15,500 from last year.

Mayor Pruette questioned the construction progress for the North Beach Fish Camp. City Manager Jarboe responded the construction was moving forward but he was awaiting information regarding public safety access.

COMMENTS FROM THE PUBLIC

Mayor Pruette opened the public hearing.

There being no comments from the public, the public hearing was closed.

CONSENT AGENDA / NONE**VARIANCES / NONE****ORDINANCES / NONE****OLD BUSINESS / NONE****NEW BUSINESS**

Surplus Vehicle SURPLUS VEHICLE / 2001 CHEVROLET IMPALA: City Manager Jarboe stated the vehicle has 98,000 miles on it and is in need of major repairs.

Moved by Tucker, seconded by Arthur

Motion: **TO SURPLUS THE 2001 CHEVROLET IMPALA.**

Roll Call Vote:

Ayes: 4 – Arthur, Jolly, Tucker, Pruette

Noes: 0

Absent: 1 – Pardee

MOTION CARRIED

Forfeiture Money

REQUEST TO USE FORFEITURE MONEY / SUPPLEMENT THE PURCHASE OF A NEW POLICE VEHICLE: City Manager Jarboe stated forfeiture money came from the confiscation of real property. The court awards the property to us and we in turn sell the property and the money goes into the forfeiture funds. These funds can only be used for certain things. In this case it will replace an undercover car.

Moved by Jolly, seconded by Tucker.

Motion: **TO APPROVE THE USE OF FORFEITURE MONEY FOR THE PURCHASE OF A NEW VEHICLE.**

Roll Call Vote:

Ayes: 4 – Arthur, Jolly, Tucker, Pruette

Noes: 0

Absent: 1 – Pardee

MOTION CARRIED**COUNCIL COMMENTS**

Councilor Jolly stated he would be absent for the June workshop meeting.

Councilor Arthur wished a happy birthday to City Attorney Krechowski.

Adjournment

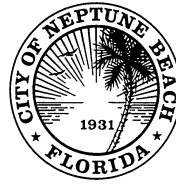
There being no further business, the meeting adjourned at 6:10 p.m.

Harriet Pruette, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved:



MINUTES
REGULAR CITY COUNCIL MEETING
MAY 7, 2012, AT 6:00 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 May 7, 2012, at 6:00 p.m. in the City Hall Council Chambers, 116 First Street, Neptune Beach, Florida.

Attendance**IN ATTENDANCE:****STAFF:**

Mayor Harriet Pruette
Vice Mayor Kara Tucker
Councilor John Jolly
Councilor Eric Pardee
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

Community Development Director Amanda Askew
Director of Public Safety David Sembach

ABSENT:

Councilor Richard Arthur
City Attorney Patrick Krechowski

Order Call/Pledge

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

AWARDS / PRESENTATIONS/ RECOGNITION OF GUESTS

Employee of the Year

EMPLOYEE OF THE YEAR AWARD: Mayor Pruette presented the "Employee of the Year" awards to both Samantha Jones and Jay Bennett.

Sergeant Promotion

PROMOTION TO SERGEANT / DUSTIN KAMPPI: Chief Sembach stated Officer Dustin Kampi was selected to be promoted to Sergeant and asked Sergeant Ricky Pike to pin on his badge.

Representative Janet Adkins

REPRESENTATIVE JANET H. ADKINS, DISTRICT 12 / LEGISLATIVE UPDATE: Representative Janet Adkins gave a presentation on the legislative update relating to the economy and unemployment rate.

Audit Presentation

PRESENTATION OF AUDIT / MASTERS, SMITH AND WISBY: Gary Huggett, Masters, Smith and Wisby, gave a presentation regarding the city audit and stated the City is moving in a positive direction.

Councilor Jolly questioned if any evidence of internal control deficiencies was found during the audit. Mr. Huggett replied they did make a couple of suggestions regarding management but they were not related to internal control deficiency.

Councilor Jolly questioned if the auditors felt they were under any undue influence by staff. Mr. Huggett replied "no."

Mayor Pruette stated the audit shows that the City has been financially responsible under these adverse times and conditions. She thanked staff for working together to accomplish this.

APPROVAL OF MINUTES

Moved by Jolly, seconded by Tucker.

Minutes

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

APRIL 2, 2012, REGULAR CITY COUNCIL MEETING
APRIL 16, 2012, SPECIAL CITY COUNCIL MEETING
APRIL 16, 2012, WORKSHOP CITY COUNCIL MEETING

Roll Call Vote:

Ayes: 4 – Jolly, Pardee, Tucker, Pruette

Noes: 0

Absent: 1 – Arthur

MOTION CARRIED

COMMUNICATIONS & CORRESPONDENCE

Councilor Jolly also thanked staff for doing a great job financially.

City Clerk Volpe reminded everyone this year is an election year. Seats one, two and three are up for reelection. To date one person has filled out the required paperwork to run for each of those seats. The qualifying period is June 4, 2012 through June 8, 2012.

CITY MANAGER REPORT

City Manager Jarboe reported on the following:

- Beaches Chapel has plans to move the old church to Jacksonville Beach next month.
- Beaches Chapel has submitted plans for their expansion and those plans are currently under review by our city engineer and development director.
- There are 3 or 4 parties involved in the Denny's project. They are resolving conflicts and hopefully will move forward with the project in June.
- There will be no workshop meeting this month.
- The North Beach Fish Camp plan to build outside of the footprint will be addressed tonight.

COMMENTS FROM THE PUBLIC

Mayor Pruette opened the public hearing.

Lynda Padrta, 1113 First Street, opposed the variance to allow construction of the second floor of North Beach Fish Camp to extend over the city right-of-way.

There being no further comments from the public, the public hearing was closed.

CONSENT AGENDA / NONE

VARIANCES / NONE

ORDINANCES

Ord. No.2012-07 ORDINANCE NO. 2012-07, 2012-2022 COMPREHENSIVE PLAN, FIRST READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA ADOPTING THE 2012-2022 COMPREHENSIVE LAND USE PLAN; GOALS, OBJECTIVES AND POLICIES; THE FUTURE LAND USE ELEMENT; TRANSPORTATION ELEMENT; HOUSING ELEMENT; INFRASTRUCTURE ELEMENT; COASTAL / CONSERVATION ELEMENT; RECREATION AND OPEN SPACE ELEMENT; INTERGOVERNMENTAL COORDINATION ELEMENT; CAPITAL IMPROVEMENTS ELEMENT; PUBLIC SCHOOL FACILITIES ELEMENT; ESTABLISHING THE FUTURE LAND USE MAP PROVIDING FOR INTENT; AUTHORITY; FINDINGS OF CONSISTENCY FINDINGS OF FACT; SEVERABILITY; RECORDATION AND AN EFFECTIVE DATE.

Community Development Director Askew explained the Comprehensive Plan establishes the City's overall goals, objectives and policies. The main goal and objective is to protect and maintain the residential character of the City. This 2012-2022 Comprehensive Plan replaces the 2010 Comprehensive Plan. Other than State mandated requirements there are no other significant changes. It will have to be reviewed and approved by the State before second and final read.

Mayor Pruette read Ordinance No. 2012-07 by title only and opened the public hearing.

There being no comments from the public, the public hearing was closed.

Moved by Tucker, seconded by Pardee.

Motion: **TO PASS ORDINANCE NO. 2012-07 ON FIRST READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 4 – Jolly, Pardee, Tucker, Pruette

Noes: 0

Absent: 1 – Arthur

MOTION CARRIED

OLD BUSINESS / NONE

NEW BUSINESS

V12-04
100 First St.
Southcoast

V012-04, VARIANCE REQUEST SOUTHCOAST CAPITAL, 100 FIRST STREET:
Community Development Director Askew explained Southcoast Capital was seeking a variance to Section 27-229-1 to build a balcony that will encroach 4 feet over the right-of-way for the second story balcony at the corner of Atlantic Boulevard and First Street. A variance to the front yard and corner side yard is required because the balcony will be on the corner which affects both setbacks. The 4 x 13 balcony will be located over an existing

roof overhang and will not encroach any further into the right-of-way.

Todd Bosco, Bosco Building Contractors, explained the purpose of the balcony was to create a scenic overlook, there would not be any people out on the balcony.

Councilor Jolly questioned if the City would be liable for any injuries obtained from people falling off the balcony or dropping items off the balcony and onto the sidewalk. City Manager replied one of the conditions of the Community Development Board was to require them to hold an insurance policy indemnifying the City.

City Manager Jarboe stated the Council may want to add the condition that if a new business comes in, they would need to seek approval of the Council to keep the balcony.

Moved by Pruette, seconded by Tucker.

Motion: **TO APPROVE VARIANCE V12-04 FOR REQUEST ONE AND TWO WITH THE REQUIREMENT THAT THE LEASE HOLDER MUST HAVE AN INDEMNIFICATION AGREEMENT BETWEEN THEM AND THE CITY FOR GENERAL LIABILITY INSURANCE IN THE AMOUNT OF ONE MILLION PER PERSON AND TWO MILLION PER OCCURANCE WITH THE CITY NAMED AS ADDITIONAL INSURED AND IF THIS BUSINESS CLOSSES A NEW OWNER WILL HAVE TO REQUEST A NEW VARIANCE.**

Roll Call Vote:

Ayes: 4 – Pardee, Jolly, Tucker, Pruette

Noes: 0

Absent: 1 – Arthur

MOTION CARRIED

CDB12-03
100 First St.
Southcoast

CDB12-03, DEVELOPMENT ORDER SOUTHCOAST CAPITAL, 100 FIRST STREET:
Community Development Director Askew explained the applicant is requesting to expand the second floor 467 square feet. They are decreasing the total number of seats thereby decreasing the demand for parking.

Councilor Jolly questioned when the restaurant would open. Mr. Bosco replied they would like to open the second week of June. He asked if they could start construction tomorrow.

Community Development Director advised there was a 30 day appeal period on the variance.

City Clerk Volpe clarified he could begin construction on everything except the balcony for 30 days.

Moved by Pruette, seconded by Tucker.

Motion: **TO APPROVE CDB12-03, DEVELOPMENT ORDER BASED ON THE RECOMMENDATION OF THE COMMUNITY DEVELOPMENT BOARD ADDING THAT ALL REPAIRS IN THE CITY RIGHT-OF-WAY MUST BE REPAIRED AND REVIEWED AND APPROVED BY THE BUILDING OFFICIAL.**

Roll Call Vote:

Ayes: 4 – Jolly, Pardee, Tucker, Pruette

Noes: 0

Absent: 1 – Arthur

MOTION CARRIED

Jarboe Park
Reservation

APPROVAL OF JARBOE PARK RESERVATION APPLICATION / NEPTUNE BEACH
ELEMENTARY: City Manager Jarboe recommended approval of the application.

Moved by Jolly, seconded by Tucker.

Motion: **TO APPROVE THE REQUEST TO USE THE PARK BY THE NEPTUNE
BEACH ELEMENTARY SCHOOL.**

Roll Call Vote:

Ayes: 4 – Jolly, Pardee, Tucker, Pruette

Noes: 0

Absent: 1 – Arthur

MOTION CARRIED

Res. No. 2012-05 RESOLUTION 2012-05: A RESOLUTION APPOINTING MEMBERS TO THE
COMMUNITY DEVELOPMENT BOARD.

Mr. Lee Hutton introduced himself to the Council.

Moved by Jolly, seconded by Tucker.

Motion: **TO APPROVE RESOLUTION 2012-05.**

Roll Call Vote:

Ayes: 4 – Jolly, Pardee, Tucker, Pruette

Noes: 0

Absent: 1 – Arthur

MOTION CARRIED**COUNCIL COMMENTS / NONE**

Adjournment

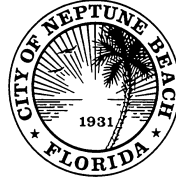
There being no further business, the meeting adjourned at 7:00 p.m.

Harriet Pruette, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved:



**MINUTES
WORKSHOP CITY COUNCIL MEETING
APRIL 16, 2012, AT 6:03 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 16, 2012 at 6:03 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

STAFF:

Mayor Harriet Pruette
Vice Mayor Kara Tucker
Councilor Richard Arthur
Councilor John Jolly
Councilor Eric Pardee
City Attorney Patrick Krechowski
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

Director of Public Safety David Sembach
Community Development Director Amanda Askew

**Call to Order/Roll
Call**

Mayor Pruette called the meeting to order at 6:03 p.m.

PRESENTATIONS

Audit

PRESENTATION OF AUDIT, MASTERS, SMITH & WISBY:

City Manager Jarboe stated this item was removed from the agenda.

FLC / Pensions

FLORIDA LEAGUE OF CITIES / PENSION: Mr. Paul Shamoun, Account Executive, Florida League of Cities, gave a PowerPoint presentation regarding the defined benefit plan administered by the Florida League.

CITY MANAGER'S ACTION LIST

City Manager Jarboe reported on the following:

- The presentation of the audit by Masters, Smith and Wisby, will be given at the May regular meeting.
- The Beaches Town Center Agency is prepared to move forward with the beautification of the intersection at First Street and Orange Street.
- The solar equipment for the City Hall Solar Project has been ordered.
- The reuse water project should be implemented by July.
- The Butterfly Garden has been refurbished by a family that wanted to set up a

memorial in their daughter's memory.

- The City was working with a Boy Scout Troop to provide them with a project that would help them obtain their merit badges.

Mayor Pruette suggested the Boy Scout Troop paint the benches in the Butterfly Garden.

PUBLIC COMMENTS

Lynda Padrta, 1113 First Street, felt the City would save money by allowing the Florida League of Cities to administer the defined benefit plan. She opposed the proposed ordinance that would allow air conditioning compressors to be placed within 2 feet of the side lot line. She was concerned about the landscaping maintenance provided by the City on the right-of-way on First Street. She felt if the City could not do a better job of maintaining the rights-of-way the abutting property owners should be allowed to maintain them.

Jeff Bertsch, 509 Myra Street, Representative of the Beaches Democratic Party, stated the Democratic Party has been banned from having a booth at the "Dancin' in the Streets" event. He suggested Council deny a permit for the event unless they agree to allow the presence of political booths.

PROPOSED ORDINANCES

Accessory Structures

ORDINANCE NO. 2012-XX, ACCESSORY STRUCTURES RELATED TO AIR CONDITIONING COMPRESSORS: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES CHAPTER 27 UNIFIED LAND DEVELOPMENT REGULATIONS, SEC. 27-328 – OTHER ACCESSORY STRUCTURES AND PROVIDING AN EFFECTIVE DATE.

Councilor Pardee explained he proposed this Ordinance because newer model air conditioning units are much quieter. This Ordinance would allow outdoor air conditioning compressors to be placed up to two feet from a side property lot line. He explained air conditioning units do not run at full efficiency when noise barrier walls are placed around them because they block the air flow. The noise from outdoor air conditioning units is addressed in the noise section of the Code. The City of Jacksonville has already adopted a similar Ordinance.

Councilor Arthur expressed concern regarding the visual aspect. Councilor Pardee replied there was a difference between a visual screening and providing a noise barrier wall around an air conditioning compressor.

City Manager Jarboe stated air conditioning compressors are currently allowed in side yards without requiring a visual barrier.

Councilor Jolly proposed amending Councilor Pardee's proposed Ordinance by striking out "two feet" to read as follows:

Section 27-328. c. Air conditioning compressors serving central systems (other than window units) or other mechanical equipment designed to serve the principal structure may be located in any required rear yards, but not in any required front or side yard, and ~~not less than two (2) ten (10) feet from any side lot line, except in the following instances:~~

City Manager Jarboe suggested forwarding the proposed Ordinance to the May workshop.

City Attorney Krechowski added he would like to review the Ordinance more thoroughly.

Consensus: **FORWARD TO THE MAY WORKSHOP MEETING FOR FUTHER DISCUSSION.**

CONTRACTS / AGREEMENTS / NONE

ISSUE DEVELOPMENT

Right-of-way
Encroachments

RIGHT OF WAY ENCROACHMENTS / PERVIOUS PAVERS: City Manager Jarboe was concerned about homeowners assuming the rights-of-way as their personal property. He felt some of the landscaping in the rights-of-way have created safety issues, are interfering with the infrastructure, and adding to the nitrogen draining into the storm water system. This is a liability for the City and the Public Safety Department would be issuing Code violations to those homeowners who have landscaped the rights-of-ways without obtaining a permit.

Mayor Pruette asked City Manager Jarboe if he was more concerned about the safety issue or the infrastructure. City Manager Jarboe replied his main concern was the safety issue. He was also concerned that the City could be fined for not complying with the MS4 permit based on the nitrogen levels.

City Attorney Krechowski agreed these issues increased the City's liability.

Councilor Arthur questioned if a homeowner was allowed to plant flowers, etc. City Manager Jarboe replied "yes" but they have to apply for a right-of-way permit.

Mayor Pruette stated many years ago sidewalks were placed on First Street for the handicap but they flood during heavy rains and the rain stands for several days afterwards. She suggested adding pervious pavers or weeping holes where the street meets the sidewalk to absorb the water so the sidewalk can be used.

City Manager Jarboe stated he would gather more information and report to Council.

Consensus: **HAVE THE CITY MANAGER GATHER MORE INFORMATION FOR THE PLACEMENT OF PAVERS OR WEEPING HOLES ON THE FIRST STREET SIDEWALK.**

Delgado
2042 Marye Brant
Loop South

JERRY DELGADO – 2042 MARYE BRANT LOOP SOUTH – REQUEST TO BUILD A DOCK ON CITY PROPERTY:

City Manager Jarboe stated this item was removed from the agenda because Mr. Delgado has not provided all the information to make a valid decision.

2012 / 2022
Comp Plan

2012 – 2022 COMPREHENSIVE PLAN: City Manager Jarboe stated one of the reasons Community Development Director Askew was hired was for her ability to update the Comprehensive Plan and save the City money.

Community Development Director Askew explained she was in the process of updating the 2010 Comprehensive Plan. The Department of Community Affairs governs the Comprehensive Plan and they have a list of requirements that must be included. Many of the goals, objectives and policies in the 2010 Comprehensive Plan remain the same in the 2012/2022 Comprehensive Plan. The most important aspect of the City is to maintain the residential character and that has not changed. There were two changes not included that are not in the original agenda packet; 1) on page A1 she references

the "Future Land Use Map" as FLUM throughout the document, and 2) City Attorney Krechowski suggested adding information regarding oceanfront fortification in the coastal conservation element.

City Manager Jarboe recommended forwarding the COMP Plan to the May regular meeting for first read. He added that many state agencies also had to review the Plan. Council will have an opportunity to make amendments at a workshop meeting if necessary.

Consensus: **FORWARD TO THE MAY REGULAR COUNCIL MEETING FOR FIRST READ.**

PUBLIC COMMENTS / NONE

COUNCIL COMMENTS / NONE

Adjournment

There being no further business, the meeting adjourned at 6:50 p.m.

Harriet Pruetten, Mayor

Attest:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
SPECIAL CITY COUNCIL MEETING
APRIL 16, 2012 AT 6:00 P.M
CITY HALL, 116 FIRST STREET
NEPTUNE BEACH, FLORIDA

Pursuant to proper notice a Special Meeting of the City Council of the City of Neptune Beach was held April 16, 2012 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 Kara Tucker
Councilor Richard Arthur
Councilor John Jolly
Councilor Eric Pardee
City Attorney Patrick Krechowski
City Manager James Jarboe
City Clerk Lisa Volpe, CMC

Director of Public Safety David Sembach
Community Development Director Amanda Askew

Order Call

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

**Altman /
Settlement**

SETTLEMENT AGREEMENT / ALTMAN VS. CITY OF NEPTUNE BEACH: City Attorney Krechowski stated he spoke with each Council member individually regarding the terms of the settlement agreement. This is a compromise to avoid further costs. It was also an opportunity to identify and correct some problematic Code language. He recommended approval of the agreement.

Moved by Tucker, seconded by Arthur.

Motion: **TO APPROVE THE SETTLEMENT AGREEMENT FOR ALTMAN VS. CITY OF NEPTUNE BEACH.**

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Pardee, Tucker, Pruette

Noes: 0

Mayor Pruette stated her yes vote was with prejudice.

MOTION CARRIED

Adjournment

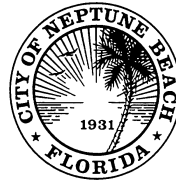
There being no further business, the meeting adjourned at 6:03 p.m.

Harriet Pruetto, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
REGULAR CITY COUNCIL MEETING
APRIL 2, 2012, AT 6:00 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 April 2, 2012, at 6:00 p.m. in the City Hall Council Chambers, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

STAFF:

Mayor Harriet Pruette
Vice Mayor Kara Tucker
Councilor Richard Arthur
Councilor John Jolly
Councilor Eric Pardee
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

Director of Public Safety David Sembach

ABSENT:

City Attorney Patrick Krechowski

Order Call/Pledge

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

AWARDS / PRESENTATIONS/ RECOGNITION OF GUESTS / NONE

APPROVAL OF MINUTES

Moved by Tucker, seconded by Jolly.

Minutes

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

MARCH 5, 2012, REGULAR CITY COUNCIL MEETING
MARCH 19, 2012, WORKSHOP CITY COUNCIL MEETING

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Pardee, Tucker, Pruette

Noes: 0

MOTION CARRIED

COMMUNICATIONS & CORRESPONDENCE

Mayor Pruette reminded everyone the "Annual Spring in the Park" event will be held this coming Friday, April 6th.

CITY MANAGER REPORT

City Manager Jarboe reported public services would be repairing some rusted railings on the water tower. The City has an agreement with a contractor for the maintenance of the water tower and City Attorney Krechowski is aware of the issue.

COMMENTS FROM THE PUBLIC

Mayor Pruette opened the public hearing.

Lynda Padrta, 1113 First Street, voiced concern regarding bicyclists on First Street and thanked City Manager Jarboe for promoting safety on First Street.

There being no further comments from the public, the public hearing was closed.

CONSENT AGENDA

North Beach Fish
Camp

SIDEWALK LEASE AGREEMENT / NORTH BEACH FISH CAMP

Moved by Tucker, seconded by Jolly.

Motion: **TO APPROVE THE SIDEWALK LEASE AGREEMENT WITH NORTH BEACH FISH CAMP.**

Ayes: 5 – Arthur, Jolly, Pardee, Tucker, Pruette
Noes: 0

MOTION CARRIED

VARIANCES / NONE

ORDINANCES

Ord. No.2012-03

ORDINANCE NO. 2012-03, BUILDING AREA REQUIREMENTS, SECOND READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, AMENDING ARTICLE IV, LAND USE, CHAPTER 27, UNIFIED LAND DEVELOPMENT REGULATIONS, SECTION 27-237, BUILDING AREA REQUIREMENTS AND PROVIDING AN EFFECTIVE DATE.

City Manager Jarboe explained this Ordinance clearly defines the definition of "gross floor area" in the R-4 zoning district, by explaining how the gross floor area is calculated. He felt this would help clear up any confusion.

Mayor Pruette read Ordinance No. 2012-13 by title only and opened the public hearing.

There being no comments from the public, the public hearing was closed.

Moved by Jolly, seconded by Tucker.

Motion: **TO ADOPT ORDINANCE NO. 2012-03 ON SECOND READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Pardee, Tucker, Pruette

Noes: 0

MOTION CARRIED

Ord. No. 2012-04 ORDINANCE NO. 2012-04, FRONT YARD SETBACK REQUIREMENTS SECOND READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES CHAPTER 27 UNIFIED LAND DEVELOPMENT REGULATIONS, SECTION 27-231, FRONT YARD SETBACK REQUIREMENTS AND PROVIDING AN EFFECTIVE DATE.

City Manager Jarboe stated this Ordinance clearly defined “front yards on corner lots” and makes the definition more consistent with other sections of the Code.

Mayor Pruette read Ordinance No. 2012-04 by title only and opened the public hearing.

There being no comments from the public, the public hearing was closed.

Moved by Jolly, seconded by Tucker.

Motion: **TO ADOPT ORDINANCE NO. 2012-04 ON SECOND READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Pardee, Tucker, Pruette

Noes: 0

MOTION CARRIED

Ord. No. 2012-05 ORDINANCE NO. 2012-05, ACCESSORY STRUCTURES, SECOND READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES CHAPTER 27 UNIFIED LAND DEVELOPMENT REGULATIONS, SECTION 27-328, OTHER ACCESSORY STRUCTURES AND PROVIDING AN EFFECTIVE DATE.

City Manager Jarboe explained this Ordinance defines accessory structures and limits the actual number of accessory structures allowed on one lot.

Mayor Pruette read Ordinance No. 2012-05 by title only and opened the public hearing.

There being no comments from the public, the public hearing was closed.

Moved by Tucker, seconded by Jolly.

Motion: **TO ADOPT ORDINANCE NO. 2012-05 ON SECOND READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Pardee, Tucker, Pruette

Noes: 0

MOTION CARRIED

Ord. No. 2012-06 ORDINANCE NO. 2012-06, FLORIDA FRIENDLY LANDSCAPING, SECOND READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, ADDING CHAPTER 24, VEGETATION, ARTICLE II, FLORIDA FRIENDLY LANDSCAPING AND PROVIDING AN EFFECTIVE DATE.

City Manager Jarboe explained we are required by the State to adopt this Ordinance because we have impaired waters.

Mayor Pruette read Ordinance No. 2012-06 by title only and opened the public hearing.

There being no comments from the public, the public hearing was closed.

Moved by Jolly, seconded by Tucker.

Motion: **TO ADOPT ORDINANCE 2012-06 ON SECOND READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Pardee, Tucker, Pruette

Noes: 0

MOTION CARRIED

OLD BUSINESS

Banking Services AGREEMENT FOR BANKING SERVICES / BBVA COMPASS: City Manager Jarboe explained proposals were received for banking services. Director of Finance Steve Ramsey reviewed the proposals along with their references and recommends BBVA Compass Bank for the contract. The proposal from BBVA Compass included no banking fees which would save the City approximately \$12,000 per year. They also did not require a balance in the account in order to accrue interest.

Moved by Pardee, seconded by Tucker.

Motion: **TO APPROVE BBVA COMPASS FOR BANKING SERVICES.**

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Pardee, Tucker, Pruette

Noes: 0

MOTION CARRIED

NEW BUSINESS

CDB12-01 CDB12-01 / SMASH BURGER / 628 ATLANTIC BOULEVARD / SPECIAL EXCEPTION FOR OUTDOOR SEATING: City Manager Jarboe explained this request is very similar to other restaurants in the area and would help create some ambiance. It will also help the restaurant attract more customers.
Smash Burger
628 Atlantic Blvd.

Moved by Tucker, seconded by Jolly.

Motion: **TO APPROVE THE SPECIAL EXCEPTION FOR OUTDOOR SEATING FOR SMASH BURGER.**

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Pardee, Tucker, Pruette

Noes: 0

MOTION CARRIED

Res. No. 2012-03 RESOLUTION NO. 2012-03: A RESOLUTION APPOINTING MEMBERS TO THE COMMUNITY DEVELOPMENT BOARD.

Moved by Tucker, seconded by Arthur.

Motion: **TO ADOPT RESOLUTION NO. 2012-03.**

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Pardee, Tucker, Pruette

Noes: 0

Amended Agenda Mayor Pruette amended the agenda to add the following Resolution.

Res. No. 2012-04 RESOLUTION 2012-04: A RESOLUTION ALLOWING THE CITY MANAGER TO EXECUTE AND DELIVER THE ATLANTIC BOULEVARD MAINTENANCE AGREEMENT TO THE FLORIDA DEPARTMENT OF TRANSPORTATION.

City Manager Jarboe explained the Florida Department of Transportation reimburses the City approximately \$5,000 to maintain the area of Atlantic Boulevard by the bridge.

Moved by Jolly, seconded by Tucker.

Motion: **TO ADOPT RESOLUTION NO. 2012-04.**

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Pardee, Tucker, Pruette

Noes: 0

MOTION CARRIED

COUNCIL COMMENTS

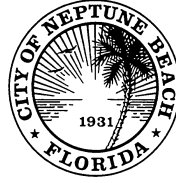
Adjournment There being no further business, the meeting adjourned at 6:20 p.m.

Harriet Pruette, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved:



**MINUTES
WORKSHOP CITY COUNCIL MEETING
MARCH 19, 2012, 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 March 19, 2012 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 Kara Tucker
Councilor Richard Arthur
Councilor John Jolly
City Attorney Patrick Krechowski
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

Director of Public Safety David Sembach

ABSENT:

Councilor Eric Pardee

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:

- The Audit should be ready to be presented to the Council at the April workshop meeting.
- The banking RFP is on the agenda for tonight.
- Burton & Associates will be studying the city's water and sewer rates this year and will be giving the final report to the Council.

Mayor Pruette questioned the number of vacant and foreclosed homes throughout the city and if they were detrimental to water and sewer revenue. City Manager Jarboe responded there are approximately less than 40 vacant or foreclosed homes within the City and they did decrease the amount of water and sewer revenues.

PUBLIC COMMENTS / NONE

PROPOSED ORDINANCES / NONE**CONTRACTS / AGREEMENTS**

North Beach
Fish Camp

SIDEWALK LEASE AGREEMENT / NORTH BEACH FISH CAMP: City Manager Jarboe explained the North Beach Fish Camp was moving into the old Carribbee Key restaurant and they would like to continue leasing the outdoor seating area. The terms of the agreement would remain the same.

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

ISSUE DEVELOPMENT

Banking
Proposals

REQUEST FOR PROPOSALS / BANKING: City Manager Jarboe explained request for proposals for banking services were due on February 28, 2012, at 2:00 p.m. Five proposals were received. Director of Finance Steve Ramsey reviewed all five proposals along with their references and has recommended BBVA Compass Bank for the contract. The proposal from BBVA Compass included no banking fees which would save the City approximately \$12,000 per year. They also did not require a balance in the account in order to accrue interest. Other banks require a 2.7 million to 3 million dollar account balance before interest is accrued. There is a branch located within five miles of the City.

Mayor Pruette questioned if BBVA Compass was guaranteed by the State. City Manager Jarboe replied State law requires all banks to be qualified depositories. The City also requires the bank to fully insure the funds.

Councilor Arthur questioned the length of the agreement. City Manager Jarboe responded the agreement would be for five years with a 90 day cancelation terms.

Consensus: **FORWARD TO THE APRIL REGULAR MEETING FOR APPROVAL.**

PUBLIC COMMENTS / NONE**COUNCIL COMMENTS**

Mayor Pruette stated City Manager Jarboe wrote a good letter to Jacksonville City Councilman Bill Gulliford in response to his letter regarding funding for the St. Johns River Ferry.

City Manager Jarboe explained Neptune Beach did not receive "bed tax" revenue that could be used towards funding for the Ferry. All "bed tax" revenue went to the City of Jacksonville. Neptune Beach does receive "convention development tax" revenue. However, the "convention development tax" revenue was not much and it is limited in use. The "convention development tax" can only be used for recreational purposes.

Adjournment

There being no further business, the meeting adjourned at 6:08 p.m.

Harriet Pruette, Mayor

Attest:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
REGULAR CITY COUNCIL MEETING
MARCH 5, 2012, AT 6:00 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 February 6, 2012, at 6:00 p.m. in the City Hall Council Chambers, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

STAFF:

Mayor Harriet Pruette
Vice Mayor Kara Tucker
Councilor John Jolly
Councilor Eric Pardee
City Attorney Patrick Krechowski
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

Asst. Chief Anthony Carrillo
Director of Public Safety David Sembach

ABSENT:

Councilor Richard Arthur

Order Call/Pledge

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

AWARDS / PRESENTATIONS/ RECOGNITION OF GUESTS / NONE

APPROVAL OF MINUTES

Moved by Tucker, seconded by Pardee.

Minutes

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

FEBRUARY 6, 2012, REGULAR CITY COUNCIL MEETING
FEBRUARY 21, 2012, WORKSHOP CITY COUNCIL MEETING

Roll Call Vote:

Ayes: 4 – Jolly, Pardee, Tucker, Pruette

Noes: 0

Absent: 1 – Arthur

MOTION CARRIED

COMMUNICATIONS & CORRESPONDENCE

Mayor Pruette stated City Manager Jarboe amended the agenda to include Resolution 2012-02, a lease agreement with Southcoast Capital.

City Manager Jarboe explained Caribbee Key abandoned their lease agreement with the City when they went out of business and moved out of their building. He was concerned about the City being liable for any accidents that may occur on the property. The owner of the property, Southcoast Capital, has agreed to take over the lease and pay the past due rent owed by the former tenant. The lease agreement will allow Southcoast Capital to obtain insurance for the property and indemnify the City of any liability.

Councilor Pardee questioned if the lease would need to be updated when a new tenant occupies the property. City Manager Jarboe responded that would be up to Southcoast Capital.

Res. No. 2012-02 **RESOLUTION NO. 2012-02: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEPTUNE BEACH, FLORIDA AUTHORIZING THE LEASE AGREEMENT BETWEEN THE CITY OF NEPTUNE BEACH AND SOUTHCOAST CAPITAL.**

Moved by Pardee, seconded by Tucker.

Motion: **TO ADOPT RESOLUTION 2012-02.**

Roll Call Vote:

Ayes: 4 – Jolly, Pardee, Tucker, Pruette

Noes: 0

Absent: 1 – Arthur

MOTION CARRIED

CITY MANAGER REPORT

Mark Greenwood, the Wastewater Treatment Plant operator, and Jim French, the engineer for the City, would be giving presentations regarding our nitrogen project to the Department of Environment Protection. Our nitrogen project is going to be published in a number of professional journals.

COMMENTS FROM THE PUBLIC

Lynda Padrta, 1113 First Street, supported the Florida Friendly Landscaping ordinance. She felt the solar panel system for City Hall would be an asset to the City. She was proud of the way the City approached the nitrogen issue by using new technology.

Chris Dickerson, 1510 First Street, owner of Taco Food Truck, asked Council to consider allowing food trucks throughout the City.

CONSENT AGENDA / NONE**VARIANCES / NONE****ORDINANCES**

Ord. No. 2012-01 ORDINANCE NO. 2012-01, AMENDING CHAPTER 2, POLICE OFFICERS' RETIREMENT SYSTEM, FIRST READ: 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 2-345, DEFINITIONS; AMENDING SECTION 2-348, FINANCES AND FUND MANAGEMENT PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING AN EFFECTIVE DATE.

City Manager Jarboe explained the amendments recommended by the Board of Trustees.

Mayor Pruetto read Ordinance No. 2012-01 by title only and opened the public hearing.

Lynda Padrta, 1113 First Street, supported the amendments but urged Council not to overfund because of low returns because of the city's limited tax revenues.

There being no further comments from the public, the public hearing was closed.

Moved by Jolly, seconded by Tucker.

Motion: **TO ADOPT ORDINANCE NO. 2012-01 WITH THE CHANGES APPROVED AT THE WORKSHOP ON SECOND READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 4 – Jolly, Pardee, Tucker, Pruetto

Noes: 0

Absent: 1 – Arthur

MOTION CARRIED

Ord. No. 2012-02 ORDINANCE NO. 2012-02, AMENDING COMPETITIVE BIDDING, FIRST READ: AN ORDINANCE AMENDING CHAPTER 2, ARTICLE VI, SECTION 2-337, COMPETITIVE BIDDING; WRITTEN CONTRACTS AND SECTION 2-378, WRITTEN REQUEST TO COUNCIL; APPROVAL; BID INVITATIONS, OF THE CODE OF ORDINANCES OF THE CITY OF NEPTUNE BEACH, FLORIDA.

City Manager Jarboe explained this ordinance would update the purchasing code, allowing administration to purchase up to \$25,000, excluding vehicles, without having to advertise for bids. The current code allows up to \$10,000.

Mayor Pruetto read Ordinance 2012-02 by title only and opened the public hearing.

There being no comments from the public, the public hearing was closed.

Moved by Pardee, seconded by Tucker.

Motion: **TO ADOPT ORDINANCE NO. 2012-02 ON SECOND READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 4 – Jolly, Pardee, Tucker, Pruetto

Noes: 0

Absent: 1 – Arthur

MOTION CARRIED

Ord. No.2012-03 ORDINANCE NO. 2012-03, BUILDING AREA REQUIREMENTS, FIRST READ: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, AMENDING ARTICLE IV, LAND USE, CHAPTER 27, UNIFIED LAND DEVELOPMENT REGULATIONS, SECTION 27-237, BUILDING AREA REQUIREMENTS AND PROVIDING AN EFFECTIVE DATE.

City Manager Jarboe explained this Ordinance clearly defines the definition of "gross floor area." He felt it was not clearly defined in the previous ordinance and this will help clear up any confusion.

Mayor Pruetto read Ordinance No. 2012-13 by title only and opened the public hearing.

There being no comments from the public, the public hearing was closed.

Moved by Tucker, seconded by Jolly.

Motion: **TO APPROVE PASS ORDINANCE NO. 2012-03 ON FIRST READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 4 – Jolly, Pardee, Tucker, Pruetto

Noes: 0

Absent: 1 – Arthur

MOTION CARRIED

Ord. No. 2012-04 ORDINANCE NO. 2012-04, FRONT YARD SETBACK REQUIREMENTS FIRST READ: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES CHAPTER 27 UNIFIED LAND DEVELOPMENT REGULATIONS, SECTION 27-231, FRONT YARD SETBACK REQUIREMENTS AND PROVIDING AN EFFECTIVE DATE.

City Manager Jarboe stated this Ordinance clearly defined "front yards on corner lots" and makes the definition more consistent in other parts of the Code.

Mayor Pruetto read Ordinance No. 2012-04 by title only and opened the public hearing.

There being no comments from the public, the public hearing was closed.

Moved by Jolly, seconded by Tucker.

Motion: **TO PASS ORDINANCE NO. 2012-04 ON FIRST READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 4 – Jolly, Pardee, Tucker, Pruetto

Noes: 0

Absent: 1 – Arthur

MOTION CARRIED

Ord. No. 2012-05 ORDINANCE NO. 2012-05, ACCESSORY STRUCTURES, FIRST READ: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES CHAPTER 27 UNIFIED LAND DEVELOPMENT REGULATIONS, SECTION 27-328, OTHER ACCESSORY STRUCTURES AND PROVIDING AN EFFECTIVE DATE.

City Manager Jarboe explained this Ordinance defines accessory structures.

Mayor Pruette read Ordinance No. 2012-05 by title only and opened the public hearing.

There being no comments from the public, the public hearing was closed.

Moved by Jolly, seconded by Tucker.

Motion: **TO PASS ORDINANCE NO. 2012-05 ON FIRST READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 4 – Jolly, Pardee, Tucker, Pruette

Noes: 0

Absent: 1 – Arthur

MOTION CARRIED

Ord. No. 2012-06 **ORDINANCE NO. 2012-06, FLORIDA FRIENDLY LANDSCAPING, FIRST READ: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, ADDING CHAPTER 24, VEGETATION, ARTICLE II, FLORIDA FRIENDLY LANDSCAPING AND PROVIDING AN EFFECTIVE DATE.**

City Manager Jarboe explained we are required by the State to adopt this Ordinance because we have impaired waters.

Moved by Jolly, seconded by Tucker.

Motion: **TO PASS ORDINANCE 2012-06 WITH THE INCLUSION OF THE NEW PAGE FOUR.**

Roll Call Vote:

Ayes: 4 – Jolly, Pardee, Tucker, Pruette

Noes: 0

Absent: 1 – Arthur

MOTION CARRIED

OLD BUSINESS

Solar Panels **SOLAR PANEL PROJECT / CITY HALL:** City Manager Jarboe explained Building Official Don Ford has been working on the solar panel project. It was advertised for bids twice however no bids were received. He would like the Council to waive the Code to allow quotes on the project and select one of the three vendors recommended by the Building Official.

City Attorney Krechowski explained Council previously approved the manufacturer to be a sole source. However, due to publicity we received quotes from other entities. The Code needs to be waived now to receive the quotes from the other entities.

Don Ford stated he has been working on the project for almost five years. Grant money will cover the cost of the project. He recommended A1A Solar, a local company that will supply the material and oversee the installation of the project.

Councilor Jolly questioned the amount of the grants. Mr. Ford stated the Federal grant was for \$75,675.00 and the grant from the City of Jacksonville is for \$40,000.

Councilor Jolly stated for verification that the materials will cost approximately \$100,000 and the only way we can do the project is if City staff installs it on the roof. Mr. Ford stated that was correct.

City Manager Jarboe stated a licensed electrician would have to hookup the system to the panel box. The grant money would also cover this cost.

Vice Mayor Tucker questioned if the project would be covered by the grants with no cost to the City. Mr. Ford stated that was correct.

Councilor Pardee questioned the condition of the roof. Mr. Ford replied the solar panel system would not be attached to the roof and could be removed if the roof needed to be replaced.

Councilor Pardee asked if City Hall would be temporarily without power. Mr. Ford responded the system was very simple and the changeover would take approximately two hours.

Mayor Pruette questioned the wind load of the system. Mr. Ford stated the system was designed to withstand 120 mile per hour winds.

City Manager Jarboe stated the solar panels would save the City approximately \$8,000 to \$9,000 per year.

Mayor Pruette asked City Manager Jarboe if felt comfortable that staff could adequately install the system. Mr. Jarboe replied yes, each panel fits into an adjacent panel, and it would be very to install.

Vice Mayor Tucker asked how long it would take to install the system. Mr. Ford stated A1A Solar was about three weeks out on delivery. Once the materials were delivered it should take approximately one week to install the system.

Moved by Jolly, seconded by Tucker.

Motion: **TO WAIVE THE CODE SO THE CITY CAN TAKE BIDS FROM MANUFACTURERS AND RETAILERS.**

Roll Call Vote:

Ayes: 4 – Jolly, Pardee, Tucker, Pruette

Noes: 0

Absent: 1 – Arthur

MOTION CARRIED

Moved by Jolly, seconded by Pardee.

Motion: **TO APPROVE SELECTION OF A1A SOLAR AS THE CITY'S SOLAR PANEL SUPPLIER.**

Roll Call Vote:

Ayes: 4 – Jolly, Pardee, Tucker, Pruette

Noes: 0

Absent: 1 – Arthur

MOTION CARRIED

NEW BUSINESS / NONE

COUNCIL COMMENTS

Adjournment There being no further business, the meeting adjourned at 6:40 p.m.

Harriet Pruetten, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved:



**MINUTES
WORKSHOP CITY COUNCIL MEETING
FEBRUARY 21, 2012, 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 February 21, 2012 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 Kara Tucker
Councilor Richard Arthur
Councilor John Jolly
Councilor Eric Pardee
City Attorney Patrick Krechowski
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

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

**Call to Order/Roll
Call**

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

City Attorney Krechowski announced a shade meeting will be held on March 5, 2012, at 5:30 p.m. to discuss pending litigation with the city.

PRESENTATIONS / NONE

CITY MANAGER'S ACTION LIST

City Manager Jarboe reported on the following:

- Thursday our engineer and Mark Greenwood will be going to DEP to do a presentation on our nitrogen system for other cities to become familiar with it.

PUBLIC COMMENTS / NONE

PROPOSED ORDINANCES

**Ord. No. 2012-01
PORF**

ORDINANCE NO. 2012-01, AMENDING CHAPTER 2, POLICE OFFICERS' RETIREMENT SYSTEM: 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 2-345, DEFINITIONS; AMENDING SECTION 2-348, FINANCES AND FUND

MANAGEMENT PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING AN EFFECTIVE DATE.

City Manager Jarboe gave staff's recommendations for changes.

Consensus: **AMEND AND FORWARD TO THE MARCH REGULAR COUNCIL MEETING FOR SECOND READ AND PUBLIC HEARING.**

Councilor Jolly stated he spoke with the Florida League of Cities and would like them to come in to give a presentation on options for the pension. City manager Jarboe said he would set that up for the April workshop since one council member will not be in attendance at the March workshop.

Mayor Pruette felt the recommendations were conservative and placed less liability on the city.

Ord. No. 2012-xx
Accessory
Structures

ORDINANCE NO. 2012-xx, ACCESSORY STRUCTURES: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES CHAPTER 27 UNIFIED LAND DEVELOPMENT REGULATIONS, SECTION 27-328, OTHER ACCESSORY STRUCTURES AND PROVIDING AN EFFECTIVE DATE.

Community Development Director Askew stated the three ordinances were for clean up purposes and were recommended by the Community Development Board.

Councilor Pardee questioned why there were no sponsors for the ordinances and if the city attorney had looked at them. City Attorney Krechowski stated he had no problems with them. City Manager Jarboe stated from now on he would find a sponsor.

Councilor Jolly agreed to sponsor the Ordinance.

Consensus: **FORWARD TO THE MARCH REGULAR COUNCIL MEETING FOR FIRST READ.**

Ord. No. 2012-xx
Building Area
Requirements

ORDINANCE NO. 2012-xx, BUILDING AREA REQUIREMENTS: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, AMENDING ARTICLE IV, LAND USE, CHAPTER 27, UNIFIED LAND DEVELOPMENT REGULATIONS, SECTION 27-237, BUILDING AREA REQUIREMENTS AND PROVIDING AN EFFECTIVE DATE.

Councilor Jolly agreed to sponsor the Ordinance.

Consensus: **FORWARD TO THE MARCH REGULAR COUNCIL MEETING FOR FIRST READ.**

Ord. No. 2012-xx
Front Yard
Setback

ORDINANCE NO. 2012-xx, FRONT YARD SETBACK REQUIREMENTS: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES CHAPTER 27 UNIFIED LAND DEVELOPMENT REGULATIONS, SECTION 27-231 FRONT YARD SETBACK REQUIREMENTS AND PROVIDING AN EFFECTIVE DATE.

Councilor Jolly agreed to sponsor the Ordinance.

Consensus: **FORWARD TO THE MARCH REGULAR COUNCIL MEETING FOR FIRST READ.**

Ord. No. 2012-xx
FL Friendly
Landscaping

ORDINANCE NO. 2012-xx, FLORIDA FRIENDLY LANDSCAPING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, ADDING CHAPTER 24, VEGETATION ARTICLE II, FLOIRDA FRIENDLY LANDSCAPING AND PROVIDING AN EFFECTIVE DATE.

Councilor Jolly agreed to sponsor the Ordinance.

Consensus: **FORWARD TO THE MARCH REGULAR COUNCIL MEETING FOR FIRST READ.**

CONTRACTS / AGREEMENTS / NONE

ISSUE DEVELOPMENT / NONE

PUBLIC COMMENTS / NONE

COUNCIL COMMENTS

Mayor Pruette announced City Manager Jim Jarboe competed in the USAPL (United States Power Lifting Assoc.) competition on Saturday, February 18th. He won three gold medals: one for power lifting (raw), one for power lifting (assisted) and another for dead lifting (397 lbs, which could be a state record for his age group).

Councilor Pardee commented that the building code would be changing soon. Finance Director Ramsey stated he had spoken with his insurance company and people may not be covered for replacement cost with the new code. The council commented that the public should be notified about this.

Adjournment

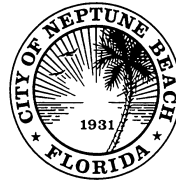
There being no further business, the meeting adjourned at 6:30 p.m.

Harriet Pruette, Mayor

Attest:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
REGULAR CITY COUNCIL MEETING
FEBRUARY 6, 2012, AT 6:00 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 February 6, 2012, at 6:00 p.m. in the City Hall Council Chambers, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

STAFF:

Mayor Harriet Pruette
Vice Mayor Kara Tucker
Councilor Richard Arthur
Councilor John Jolly
Councilor Eric Pardee
City Attorney Patrick Krechowski
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

Assistant Chief Tony Carrillo

Order Call/Pledge Mayor Pruette called the meeting to order at 6:00 p.m. and asked City Attorney Krechowski to lead the pledge of allegiance.

AWARDS / PRESENTATIONS/ RECOGNITION OF GUESTS / NONE

APPROVAL OF MINUTES

Moved by Jolly, seconded by Tucker.

Minutes

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

DECEMBER 5, 2011, REGULAR CITY COUNCIL MEETING
JANUARY 17, 2012, SPECIAL CITY COUNCIL MEETING
JANUARY 17, 2012, WORKSHOP CITY COUNCIL MEETING

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Pardee, Tucker, Pruette

Noes: 0

MOTION CARRIED

COMMUNICATIONS & CORRESPONDENCE

Mayor Pruette asked City Manager Jarboe to update the Council on the new Animal Control Officer. City Manager Jarboe stated the new Animal Control Officer worked for Atlantic Beach for a number of years and has a good reputation.

CITY MANAGER REPORT

City Manager Jarboe informed everyone the "Donna Hicken Marathon Run" would be held this Sunday, February 12, 2012. The runners should arrive in Neptune Beach around 7:00 a.m. Residents will be informed via the telephone notification system to expect delays.

COMMENTS FROM THE PUBLIC

Elaine Brown, Chairperson, St. Johns River Task Force Committee, explained Paul Anderson, CEO, Jacksonville Port Authority, stated Jaxport could no longer keep the Ferry running based on a deficit of \$700,000 per year. He has asked the Board for direction. The Task Force was formed to try to try to bring together other agencies to support maintaining the Ferry service. She thanked Council for supporting Resolution 2012-01.

Lynda Padrta, 1113 First Street, spoke in favor of the Donna Hicken Marathon, the St. Johns River Ferry, and the City Hall Solar Power Project.

CONSENT AGENDA

City Manager Jarboe requested removing the "City Hall Solar Power Project" from the Consent Agenda, to be voted on separately.

Surplus Vehicles **APPROVAL OF SURPLUS POLICE VEHICLES**

Moved by Arthur, seconded by Tucker.

Motion: **TO APPROVE THE SURPLUS OF POLICE VEHICLES.**

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Pardee, Tucker, Pruette

Noes: 0

MOTION CARRIED

City Hall Solar Power

CITY HALL SOLAR POWER PROJECT: City Manager Jarboe stated the motion should be presented as follows: "Approval of waiving the Code for the City Hall Solar Project and requiring the City to get quotes from the manufacturer." He explained the reason for this amendment was because there are now more than one manufacturer. The quotes will be brought before the Council for the final decision.

Moved by Tucker, seconded by Jolly.

Motion: **TO APPROVE WAVING THE CODE FOR CITY HALL SOLAR POWER PROJECT AND REQUIRING THE CITY TO GET QUOTES FROM THE MANUFACTURER.**

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Pardee, Tucker, Pruette

Noes: 0

MOTION APPROVED

VARIANCES / NONE**ORDINANCES**

Ord. No. 2011-26 ORDINANCE NO. 2011-26, TEMPORARY SIGNS, SECOND READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES CHAPTER 27. UNIFIED LAND DEVELOPMENT REGULATIONS, AMENDING SECTION 27-583. PERMITTED TEMPORARY SIGNS AND PROVIDING AN EFFECTIVE DATE.

City Manager Jarboe explained this ordinance will allow temporary signs to be displayed for 30 days.

Mayor Pruette read Ordinance No. 2011-26 by title only and opened the public hearing.

There being no comments from the public, the public hearing was closed.

Moved by Jolly, seconded by Tucker.

Motion: **TO ADOPT ORDINANCE NO. 2011-26 ON SECOND READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Pardee, Tucker, Pruette

Noes: 0

MOTION CARRIED

Ord. No. 2012-01 ORDINANCE NO. 2012-01, AMENDING CHAPTER 2, POLICE OFFICERS' RETIREMENT SYSTEM, FIRST READ: 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 2-345, DEFINITIONS; AMENDING SECTION 2-348, FINANCES AND FUND MANAGEMENT PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING AN EFFECTIVE DATE.

City Manager Jarboe suggested forwarding this to the February workshop for further discussion.

Moved by Jolly, seconded by Pardee.

Motion: **TO PASS ORDINANCE NO. 2012-01 ON FIRST READ.**

Mayor Pruette explained she felt the ordinance, as written, placed more liability on the taxpayers and she could not vote in favor.

Mayor Pruette

Roll Call Vote:

Ayes: 4 – Arthur, Jolly, Pardee, Tucker

Noes: 1 – Pruette

MOTION CARRIED

Ord. No. 2012-02 ORDINANCE NO. 2012-02, AMENDING COMPETITIVE BIDDING, FIRST READ: AN ORDINANCE AMENDING CHAPTER 2, ARTICLE VI, SECTION 2-337, COMPETITIVE BIDDING; WRITTEN CONTRACTS AND SECTION 2-378, WRITTEN REQUEST TO COUNCIL; APPROVAL; BID INVITATIONS, OF THE CODE OF ORDINANCES OF THE CITY OF NEPTUNE BEACH, FLORIDA.

City Manager Jarboe explained this would save money for advertising for bids. It cost over \$1,000 to advertise bids. When the construction of water and sewer next years. It will save a little bit of money.

Moved by Tucker, seconded by Arthur.

Councilor Pardee agreed to sponsor this Ordinance.

Motion: **TO PASS ORDINANCE NO. 2012-02 ON FIRST READ.**

Councilor Jolly stated he had recommended that automobiles be excluded at the January workshop.

Vice Mayor Tucker amended the motion as follows, seconded by Arthur.

Amended Motion: **TO APPROVE 2012-02 WITH THE AMENDMENT TO EXCLUDE THE AUTOMOBILES.**

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Pardee, Tucker, Pruette

Noes: 0

MOTION CARRIED

OLD BUSINESS / NONE

NEW BUSINESS

Res. No. 2012-01 RESOLUTION NO. 2012-01: A RESOLUTION OF THE CITY OF NEPTUNE BEACH, FLORIDA SUPPORTING CONTINUATION OF THE ST. JOHNS RIVER FERRY.

Moved by Tucker, seconded by Jolly.

Motion: **TO ADOPT RESOLUTION NO. 2012-01.**

Roll Call Vote:

Ayes: 4 – Arthur, Jolly, Tucker, Pruette

Noes: 1 – Pardee

MOTION CARRIED

COUNCIL COMMENTS

Mayor Pruette stated Dial-a-Ride would soon be holding their annual Bowl-A-Thon. She asked if anyone was interested in joining a team to let her know.

Vice Mayor Tucker stated she would like to participate in the Bowl-A-Thon.

Adjournment There being no further business, the meeting adjourned at 6:30 p.m.

Harriet Pruette, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved:



MINUTES
WORKSHOP CITY COUNCIL MEETING
JANUARY 17, 2012, AT 6:05 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 17, 2012 at 6:05 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

STAFF:

Mayor Harriet Pruette
Vice Mayor Kara Tucker
Councilor Richard Arthur
Councilor John Jolly
Councilor Eric Pardee
City Attorney Patrick Krechowski
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 6:05 p.m.

PRESENTATIONS

Brad Ivy

AWARD PRESENTATION / OFFICER BRAD IVY: Chief Sembach presented a "Life Saving Award" to Officer Brad Ivy. Officer Ivy was responding to an emergency call on Seagate Avenue in reference to a cardiac arrest. When Officer Ivy arrived he discovered a five month old infant was not breathing and had no pulse. Officer Ivy immediately placed the victim on the floor and began infant CPR until rescue arrived. His actions were directly responsible for saving the infants life that day.

Green Market

GREEN MARKET / BARBARA JACKSON, GRETCHEN FERRELL & AIMEE TOUS PARKER: Aimee Tous Parker, representative for the Community Garden and Green Market explained Ms. Gretchen Ferrell was unable to attend the meeting and she was asked to attend the meeting on her behalf. Ms. Ferrell had prepared a slide show to present to Council. They would not be able to present the slide show because their computer was not compatible with the City's projector.

Ms. Aimee Tous Parker explained Ms. Ferrell would be relocating at the end of the month and would no longer be representing the Green Market and Community Garden. The new leadership will consist of Marketing Manager Devon Rich, Administrative Director Barbara Jackson and Community Garden Manager Jennifer Casini. Ms. Tous Parker would remain on the advisory council.

Ms. Tous Parker stated 2011 has been the most successful year for the Green Market. There were currently 25 regular weekly and monthly vendors with 12 vendors on a waiting list. They counted a total of 32,000 customers at the market during 2011. A Green Market sponsorship program was initiated which allows local businesses to advertise through the market website and newsletter. The proceeds help fund the children's garden program, the green market, music at the market and general budget items. Vendors for the market included farmers providing fruits and vegetables, free range eggs, honey, pasture raised beef, chicken, and ranch raised pork, local seafood, bakery items, hand crafted teas, hot cider, plants, herbs, and much more.

This has also been a successful year for the Community Garden mainly because there has not been a freeze and the weather has been very nice. The 24 plots were all occupied by a combination of 7 Neptune Beach residents, 8 Atlantic Beach residents, 7 Jacksonville Beach residents, and 2 Jacksonville residents. There were also several people on a waiting list for plots.

The Children's Garden has been a primary focus this past year. The ribbon cutting ceremony was held in April. A series of workshops began in May and continued through September. A total of 10 workshops were held with an average attendance of between 10 and 20 children and their parents. The workshops are free and open to the community. Every Wednesday there is a garden social with volunteers from the communities that weed, harvest, and water the garden.

The Community Garden partners with BEAM and Mission House and provides them with excess produce on a consistent basis.

Mayor Pruette stated the Green Market and the Community Garden have done an outstanding job. She felt it has brought the community together.

Vice Mayor Tucker thanked Ms. Tous Parker for the accomplishments of the Green Market and Community Garden. She had enjoyed seeing the community get involved.

Mayor Pruette wished the new leaders the best of success.

CDB

EDUCATION ON COMMUNITY DEVELOPMENT BOARD / CITY ATTORNEY KRECHOWSKI: City Attorney Krechowski explained the duties and responsibilities of the Community Development Board and the responsibilities of the Council to hear variance and administrative decision appeals. The PowerPoint presentation is on file in the City Clerks office.

CITY MANAGER'S ACTION LIST

City Manager Jarboe reported on the following:

- Finance Director Steve Ramsey will be placing an ad to request proposals for banking needs and will bring a recommendation to the Council.
- The City Hall solar project has been bid twice with no responses received. Vendors did not to bid on the project because the work was going to be completed in house by our Public Services department. The manufacturer has agreed to sell us the equipment directly as a sole source.
- The surplus vehicles for the Public Safety department were accidentally left off the December regular meeting agenda and would be placed on the February consent agenda.

Consensus: **FORWARD TO THE FEBRUARY REGULAR MEETING TO APPROVE THE MANUFACTURER AS SOLE SOURCE.**

Consensus: **FORWARD THE SURPLUS VEHICLES FOR THE PUBLIC SAFETY DEPARTMENT TO THE CONSENT AGENDA.**

PUBLIC COMMENTS / NONE

PROPOSED ORDINANCES

PORF

OVERVIEW OF POLICE OFFICERS' RETIREMENT SYSTEM BOARD ACTIVITIES AND EXPLANATION OF PROPOSED ORDINANCES AMENDMENTS: Mr. Dan Johnson, introduced himself as the representative for the The Bogdahn Group, and explained they were the investments consultants for the Neptune Beach Police Officers' Pension Plan Board. He explained the proposed ordinance amendment included changes in state legislation which were mandatory. The Board has proposed incorporating the following the following changes as well:

1) Section 2-348. Finances and Fund Management 5. (i) Except as provided in subparagraph (ii) below, all individually held securities and all securities in a commingled or mutual fund must be issued or guaranteed by a corporation organized under the laws of the United States, any state or organized territory of the United States, or the District of Columbia and, in the case of bonds only, shall ~~hold a rating in one (1) of the three (3) highest classifications of a major rating service~~ be investment grade.

2) Section 2-348. Finances and Fund Management 5. (iii) The board shall not invest more than five (5) percent of its assets in the common stock,, capital stock, or convertible securities of any one issuing company, nor shall the aggregate investment in any one issuing company exceed five (5) percent of the outstanding capital stock of that company; nor shall the aggregate of its investments in common stock, capital stock and co0nvertible securities at ~~cost~~ market exceed ~~sixty (60)~~ seventy (70) percent of the assets of the fund.

Mr. Johnson felt these changes would broaden the investment opportunity for the investment manager and enhance returns.

Mayor Pruette voiced concern that it was the responsibility of the Council to make up the difference in the pension plan if the investments did not perform at 8% returns.

Councilor Jolly questioned how long Bogdahn Group had been advising the Board. Mr. Johnson replied the Bogdahn Group had been representing the Board for seven years.

City Manager Jarboe explained the Bogdahn Group monitored the Board's investments.

Councilor Jolly questioned the returns over the past four years. Mr. Johnson replied the plan annualized over a 10% return in the past three years and 2.3% over the past five years.

City Manager Jarboe stated his records indicated a minus 1.16% over the past four years.

Councilor Jolly asked if Council members had a copy of the actuary report. He stated over the last 4 years the plan had a negative 1.16% return on investments. The plan consisted of three parts, an 8% member salary contribution, investments, city contribution of 23 to 26%. He was concerned because the city's contribution increases when the investment returns are low. The city has been contributing 23 to 26% to make

up the difference.

Councilor Jolly stated he would like each Council member to receive a copy of the actuary report. He would also like to see a list of the past four years meeting dates and the board member attendance records.

Mr. Johnson stated he was present to address the Council on the proposed ordinance recommendations. The board held meetings once a quarter and they were all open to the public. The actuary report was presented every year as of September 30th.

Councilor Jolly was concerned about the unfunded liability of the City due to the 8% investment return assumption. Mr. Johnson stated the Board has had many debates regarding the 8% expected rate of return and one member thought it should be lowered. He explained if the assumed rate was decreased to 7 to 7 ½ the concept of lowering the expected rate of return would actually increase the city's unfunded liability.

Councilor Jolly questioned if the investment return would increase if the Council agreed to allow the plan to invest in investment grade bonds. Mr. Johnson replied he could not make any guarantees but the most indicative number that he could utilize would be the difference between the yield offered from those investment grades of securities verses what you would see in AA or better. If Council agrees to make that change there is a chance the investment manager would not think the risk of worth it however, if the investment manager sees a good opportunity to invest in a security that they feel comfortable is going to continue to pay its debt and is offering a 6% coupon or higher yield they would have the advantage to invest in it. This would give the investment manager another tool to utilize calculated risk to increase the return.

Councilor Jolly questioned how our financial advisors have performed in relationship to other financial advisors from other municipalities. Mr. Johnson responded compared to peer groups as of December 30th, the plan was in the top 30 percentile. The reason for this was because of the high quality bonds. The plan has done very well but now is a good time to broaden the opportunity for the investment manager.

Vice Mayor Tucker voiced concern regarding the liability of the City. She felt the ordinance should not be changed due to the uncertainties over the next few years.

Councilor Arthur stated he would like to see the funds out perform the benchmark of 8%, but he was also concerned about the risk. Mr. Johnson responded the manager would not invest unless he was comfortable it would be a solid investment.

Councilor Arthur questioned if lowering the standard would still see an 8% return. Mr. Johnson responded the board may be lowering it's expected rate of return.

Councilor Arthur questioned the thought process behind changing the investments in stock from 60 to 70 percent. Mr. Johnson replied the market value provides a clear limit to the cost value and this would provide a standard of control that you would not otherwise have.

City Manager Jarboe felt Council was confused and suggested Mr. Johnson provide the Council with a comparative analysis. Mr. Johnson replied he would provide some case studies to the Council if that would help.

Councilor Pardee stated he would like to be provided with more information.

Mayor Pruette questioned the expenses paid by the plan to the advisors and asked if there may be ways to cut those expenses. Mr. Johnson stated he could work up an

expense ratio. Councilor Jolly replied the investment related expenses for the plan last year were \$40,555.80.

Mr. Johnson replied most of the expenses were market based fees.

Councilor Jolly stated the Florida law states, the board should obtain a professional qualified independent consultant to evaluate the performance of the money manager every three years. It was not necessary that it be done every year. Frank Cashman, Chairman of the Police Officers' Pension board, stated the board would take that under advisory.

Chairman Cashman indicated the plan was 82% funded based on the actuary report. City Manager Jarboe stated the city goes by the audit and the plan was 72% funded based on the audit.

Mayor Pruette asked to hear from board member David Linger.

Board Member David Linger explained he had only been a member of the Board for one year. The other members have been on the Board for less than one year with the exception of Carl Hashey who has been on the Board for approximately 10 years. The current investment advisor has been in place since June of 2002. The plans expenses of \$40,555.80 consisted of \$7,500 to \$10,000 for the investment advisor. The other \$30,000 is paid to the Actuary, Investment Manager, the Attorney and the Insurance Policy. He has had extensive discussions on the Board regarding the 8% expected rate of return. He added that 5 years ago the City's contribution was approximately \$150,000 and this year it is approximately \$300,000. He felt the trend was not going to change unless the plan had better than 8% returns.

City Manager Jarboe explained the 8% target rate is what it takes to maintain the pension plan. If the plan reaches that target every year that is what it takes to pay the benefits and obligations.

Mayor Pruette questioned if the Board shopped advisors for the best prices. Mr. Linger replied that question has not come up since he has been on the Board; however, he was not aware the Board was responsible for hiring the advisors.

Mr. Linger stated it was his opinion that there was a lack of questions from the other board members. He felt the overall attitude of the Board was that it did not matter how well the plan performed because the City would have to make up the difference to fund the plan. As a citizen of Neptune Beach and a taxpayer he felt the money has not been watched closely. He felt the previous board did not exercise due diligence.

Mayor Pruette asked if the Council wanted to move forward with amendments that were mandatory by the State.

Vice Mayor Tucker stated she would vote for the State amendments but she would like to review more information regarding the boards recommended changes.

Councilor Jolly agreed with the State amendments, but did not agree with investment grade change. He also agreed with changing the market value.

Councilor Arthur also agreed with the State amendments but was concerned about the investment grade risk.

Councilor Pardee agreed with the State changes and the market value but would also like to review additional information regarding the investment grade risk.

ORDINANCE NO. 2012-XX, AMENDING CHAPTER 2, POLICE OFFICERS' RETIREMENT SYSTEM: 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 2-345, DEFINITIONS; AMENDING SECTION 2-348, FINANCES AND FUND MANAGEMENT PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING AN EFFECTIVE DATE.

Consensus: **AGREE TO THE STATE CHANGES AND FORWARD TO FIRST READ WHILE AWAITING MORE INFORMATION ON THE RECOMMENDED CHANGES.**

Exterior Building
Shell

ORDINANCE NO. 2012-XX, AMENDING CHAPTER 8, BUILDING CODE: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES CHAPTER 8, ARTICLE II, BUILDING CODE, ADDING SECTION 8-36. COMPLETION OF BUILDING SHELL AND PROVIDING AN EFFECTIVE DATE.

Mayor Pruette stated she introduced this ordinance due to having received complaints regarding the exterior of buildings not being completed in a timely manner. This ordinance allows a period of 12 months from the permit date to complete the exterior of a construction project.

City Manager Jarboe explained there is no way to put a limit on the length of time it takes to complete a construction project however, this ordinance would make the contractor complete the exterior of the building and close it off so it would not be open to the general public.

City Attorney Krechowski advised the ordinance did not conflict with the Florida Building Code.

Councilor Pardee stated he was not comfortable the ordinance. He questioned if the ordinance had penalties. City Manager Jarboe replied the penalty would require going before the Code Enforcement Magistrate.

City Attorney Krechowski stated there was also a mechanism for an appeal to the City Manager.

City Manager Jarboe stated he would provide Council with additional information for the next meeting.

Councilor Pardee was concerned about the construction time period. He explained the Florida Building Code allows six months to pass from the permit date until the first inspection and another six months to get the second.

Mayor Pruette placed the ordinance on the February workshop for further discussion.

Consensus: **FORWARD TO THE FEBRUARY WORKSHOP MEETING.**

Competitive
Bidding

AMENDING CHAPTER 2, SECTION 2-377, COMPETITIVE BIDDING: City Manager Jarboe explained the current bid threshold is \$10,000. He asked to increase the amount \$25,000. This will save money in advertising and having professional specs drawn.

Councilor Jolly asked to exclude automobiles. City Manager Jarboe agreed that would

be a good idea.

Consensus: **FORWARD TO THE FEBRUARY REGULAR MEETING FOR FIRST READ.**

CONTRACTS / AGREEMENTS / NONE

ISSUE DEVELOPMENT / NONE

PUBLIC COMMENTS

Lynda Padrta, 1113 First Street, supported the Council's involvement in the pension board actions. She also supported the proposed ordinance for exterior construction completions.

COUNCIL COMMENTS

City Clerk Volpe stated the February workshop meeting would fall on Presidents' Day. She asked the Council if they wanted to hold the workshop the following Tuesday or Monday.

Councilor Jolly requested City Clerk Volpe provide Council a list of holidays for the year.

Consensus: **TO HOLD THE FEBRUARY WORKSHOP MEETING ON TUESDAY, FEBRUARY 21, 2012.**

Councilor Arthur stated workshop meetings were for discussion and he appreciated hearing everyone's opinion. He felt everyone should respect the process.

Councilor Pardee felt he did not get an opportunity to speak his mind during the discussion regarding the police officers' pension plan. He felt he was entitled the same respect as everyone else.

Mayor Pruetto stated she tries to make sure everyone gets their opportunity to speak while also trying to maintain a certain amount of order.

Adjournment

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

Attest:

Harriet Pruetto, Mayor

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
SPECIAL CITY COUNCIL MEETING
JANUARY 17, 2012 AT 6:00 P.M
CITY HALL, 116 FIRST STREET
NEPTUNE BEACH, FLORIDA

Pursuant to proper notice a Special Meeting of the City Council of the City of Neptune Beach was held January 17, 2012 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 Kara Tucker
Councilor Richard Arthur
Councilor John Jolly
Councilor Eric Pardee
City Attorney Patrick Krechowski
City Manager James Jarboe
City Clerk Lisa Volpe, CMC

Director of Public Safety David Sembach

Order Call

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

**Tipping Fee
Consultant**

AWARD CONTRACT FOR TIPPING FEE CONSULTANT / MID ATLANTIC SOLID WASTE CONSULTANTS: Mayor Pruette explained Atlantic Beach unanimously approved the contract for a tipping fee consultant to Mid Atlantic Solid Waste. She requested for a motion to jointly hire Mid Atlantic Solid Waste at a joint fee not to exceed \$25,000, which be split with Atlantic Beach.

Moved by Tucker, seconded by Jolly.

Motion: **TO APPROVE THE CONTRACT WITH ATLANTIC BEACH TO MID ATLANTIC SOLID WASTE NOT TO EXCEED \$25,000.**

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Pardee, Tucker, Pruette

Noes: 0

MOTION CARRIED

Special Magistrate

CODE ENFORCEMENT MAGISTRATE / SELECTION: City Attorney Krechowski explained nine applications and resumes were received for the position of Code Enforcement Magistrate. Based on his review of the applicants he recommended Thomas Ingram be retained as Code Enforcement Magistrate at \$150.00 per hour, with meetings being held once per quarter.

Moved by Jolly, seconded by Tucker.

Motion: **TO ACCEPT THE RECOMMENDATION OF THE CITY ATTORNEY TO
SELECT THOMAS INGRAM AS THE CODE ENFORCEMENT
MAGISTRATE.**

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Pardee, Tucker, Pruette

Noes: 0

MOTION CARRIED

Adjournment

There being no further business, the meeting adjourned at 6:05 p.m.

Harriet Pruette, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
REGULAR CITY COUNCIL MEETING
DECEMBER 5, 2011 AT 6:00 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 December 5, 2011, at 6:00 p.m. in the City Hall Council Chambers, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

STAFF:

Mayor Harriet Pruette
Vice Mayor Kara Tucker
Councilor Richard Arthur
Councilor John Jolly
Councilor Eric Pardee
City Attorney Patrick Krechowski
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

Director of Public Safety David Sembach

Order Call/Pledge Mayor Pruette called the meeting to order at 6:00 p.m. and asked City Attorney Krechowski to lead the pledge of allegiance.

AWARDS / PRESENTATIONS/ RECOGNITION OF GUESTS

Mayor Pruette recognized Mr. Gregory Sample with the Saint Johns River Water Management District. He would be returning in January with information regarding new regulations.

APPROVAL OF MINUTES

Moved by Jolly, seconded by Tucker.

Vice Mayor Tucker asked to amend the November 21, 2011, workshop meeting minutes to reflect that she would sponsor Resolution 2011-09, regarding tobacco sales and Councilor Jolly had agreed to co-sponsor the Resolution.

Minutes

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

NOVEMBER 7, 2011, REGULAR CITY COUNCIL MEETING
NOVEMBER 21, 2011, WORKSHOP CITY COUNCIL MEETING

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Pardee, Tucker, Pruette

Noes: 0

MOTION CARRIED**COMMUNICATIONS & CORRESPONDENCE**

Mayor Pruette thanked staff for their efforts in pulling together the annual “Christmas in the Park” event.

CITY MANAGER REPORT

City Manager Jarboe thanked Mr. Sample, representative for the Saint Johns River Water Management District, for funding 50% of the nitrogen project.

City Manager Jarboe stated Holiday lights would be installed on Third Street and at the Florida Boulevard and Forest Avenue five way intersection this week. The money for the decorations would come out of the holiday fund.

COMMENTS FROM THE PUBLIC / NONE**CONSENT AGENDA / NONE****VARIANCES / NONE****ORDINANCES**

Ord. No. 2011-23
Budget

ORDINANCE NO. 2011-23, AMENDING THE OPERATING BUDGET, SECOND READ AND PUBLIC HEARING: AN ORDINANCE AMENDING THE OPERATING BUDGET FOR THE CITY OF NEPTUNE BEACH, FLORIDA FOR FISCAL YEAR 2011, BEGINNING OCTOBER 1, 2010 AND ENDING SEPTEMBER 30, 2011.

City Manager Jarboe explained the Public Safety Department received a grant to purchase two vehicles and help to pay overtime salaries. This Ordinance will incorporate the grant money into the FY 2010-2011 budget.

Mayor Pruette read Ordinance No. 2011-23 by title only and opened the public hearing.

There being no comments from the public, the public hearing was closed.

Moved by Tucker, seconded by Jolly.

Motion: **TO ADOPT ORDINANCE NO. 2011-23 ON SECOND READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Pardee, Tucker, Pruette

Noes: 0

MOTION CARRIED

Ord. No. 2011-25
Flood Plain

ORDINANCE NO. 2011-25, AMENDING FLOOD PLAIN, SECOND READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, AMENDING AND DELETING THE CODE OF ORDINANCES CHAPTER 27 UNIFIED LAND DEVELOPMENT REGULATIONS; SEC. 27-3. AUTHORITY, SEC. 27-15.

DEFINITIONS, SEC. 27-150. SPECIAL PROVISIONS WHERE VARIANCE IS SOUGHT TO REQUIREMENTS IN SPECIAL FLOOD HAZARD AREAS, SEC. 27-402. APPLICABILITY, SEC. 27-403, FINDINGS OF FACT, SEC. 27-404. PURPOSE AND INTENT, SEC. 27-405. GENERAL PROVISIONS, SEC. 27-406. DEFINITIONS, SEC. 27-407. ESTABLISHMENT OF SPECIAL FLOOD HAZARD DISTRICTS, COASTAL HIGH HAZARD DISTRICTS AND SHALLOW FLOODING DISTRICTS, SEC. 27-408. CERTIFICATION REQUIRED SEC. 27-410. STANDARDS FOR REDUCING FLOOD HAZARDS IN COASTAL HIGH HAZARD DISTRICTS, SEC. 27-411. STANDARDS FOR REDUCING FLOOD HAZARDS IN SHALLOW FLOODING DISTRICTS, SEC. 27-412. PERMIT AND APPROVAL PROCEDURES, SEC. 27-413. PROCEDURE FOR APPEAL, SEC. 27-414. ADMINISTRATION, SEC. 27-416. MANUFACTURED BUILDINGS, SEC. 27-417. RECREATION VEHICLES AND PROVIDING AN EFFECTIVE DATE.

City Manager Jarboe explained this Ordinance is required by the State and the Florida Building Code. If we are not consistent with the State and Building Code, insurance companies could charge a higher rate to our citizens for homeowners insurance. The ordinance will need to be amended again in March 2012, due to additional changes.

Mayor Pruetto read Ordinance No. 2011-25 by title only and opened the public hearing.

There being no comments from the public, the public hearing was closed.

Moved by Jolly, seconded by Pardee.

Mayor Pruetto stated for the record Councilor Pardee would be the sponsor.

Motion: **TO ADOPT ORDINANCE NO. 2011-25 ON SECOND READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Pardee, Tucker, Pruetto

Noes: 0

MOTION CARRIED

Ord. No. 2011-26
Temp. Signs

ORDINANCE NO. 2011-26, TEMPORARY SIGNS, FIRST READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES CHAPTER 27 UNIFIED LAND DEVELOPMENT REGULATIONS, AMENDING SECTION 27.583 PERMITTED TEMPORARY SIGNS AND PROVIDING AN EFFECTIVE DATE.

Mayor Pruetto explained this Ordinance would allow temporary signs to be used for 30 days to promote new businesses.

Mayor Pruetto read Ordinance No. 2011-26 by title only and opened the public hearing.

There being no comments from the public, the public hearing was closed.

Moved by Tucker, seconded by Arthur.

Motion: **TO PASS ORDINANCE NO. 2011-26 ON FIRST READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Pardee, Tucker, Pruetto

Noes: 0

MOTION CARRIED

City Clerk Volpe stated second read and public hearing for this Ordinance would be in February. It has to go before the Community Development Board for recommendation and they were not meeting in December.

OLD BUSINESS / NONENEW BUSINESS

CDB11-05
200 Third St.
Denny's

CDB11-05, DEVELOPMENT ORDER, G & R QUIAT PARTNERSHIP LLC, DENNY'S 200 THIRD STREET; Mayor Pruette stated Mr. Jake Yakobi in the audience if there were any questions from the Council. The Community Development recommended approval.

City Manager Jarboe stated this was before Council for approval because the structure was not within the original footprint.

Moved by Tucker, seconded by Jolly.

Motion: **TO APPROVE THE RECOMMENDATION OF THE COMMUNITY DEVELOPMENT BOARD.**

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Pardee, Tucker, Pruette

Noes: 0

MOTION CARRIED

CDB11-06
1585 Atlantic Bl.
Wipeout Grill

CDB11-06, DEVELOPMENT ORDER, TRADEWINDS PLAZA, LLC, WIPEOUT GRILL, 1585 ATLANTIC BOULEVARD; Mayor Pruette stated Mr. Scott Perry, representative for Wipeout Grill, was in audience if there were any questions from the Council.

City Manager Jarboe stated Wipeout Grill would like approval to build a roof over the existing deck.

Moved by Pardee, seconded by Tucker.

Motion: **TO APPROVE THE RECOMMENDATION OF THE COMMUNITY DEVELOPMENT BOARD WITH THOSE CONDITIONS SET FORTH BY THE CDB.**

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Pardee, Tucker, Pruette

Noes: 0

MOTION CARRIED

Res. No. 2011-08

RESOLUTION NO. 2011-08: A RESOLUTION APPOINTING MEMBERS TO THE POLCIE OFFICERS RETIREMENT BOARD.

Mayor Pruette stated she would like to have the Chairperson of the Police Officers Retirement Fund Board come before the Council in January.

City Manager Jarboe stated Carl Hashey was a retired air traffic controller and has been very active on the Police Officers Retirement Fund Board.

Moved by Tucker, seconded by Jolly.

Motion: **TO APPROVE RESOLUTION NO. 2011-08 APPOINTING CARL HASHEY TO THE POLICE OFFICERS PENSION BOARD.**

Councilor Jolly stated he reviewed the actuarial report and has some questions for the Board Chairman. City Manager Jarboe asked Council to let him know what questions they would like answered in writing. This would prepare the board representative to answer specific questions at the meeting.

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Pardee, Tucker, Pruette

Noes: 0

MOTION CARRIED

Res. No. 2011-09 **RESOLUTION NO. 2011-09: A RESOLUTION OF THE CITY OF NEPTUNE BEACH, FLORIDA, URGING TOBACCO RETAILERS TO ADOPT A VOLUNTARY RETAIL POLICY TO PROHIBIT AND / OR RESTRICT THE SALE AND MARKETING OF CANDY FLAVORED TOBACCO IN THE CITY OF NEPTUNE BEACH, FLORIDA; PROVIDING FOR AN EFFECTIVE DATE.**

Moved by Tucker, seconded by Jolly.

Councilor Pardee questioned if there were currently any violations for the sale or marketing of tobacco in the City. City Manager Jarboe stated the only possible violation would be if K-mart was selling pipes. He added this was a voluntary request as a Resolution and would not be enforced as an Ordinance.

Motion: **TO APPROVE RESOLUTION 2011-09.**

Roll Call Vote:

Ayes: 4 – Arthur, Jolly, Tucker, Pruette

Noes: 1 – Pardee

MOTION CARRIED

Res. No. 2011-10 **RESOLUTION NO. 2011-10: A RESOLUTION OF THE CITY OF NEPTUNE BEACH, FLOIRDA, SUPPORTING A FAIR SHARE OF THE FLEET'S DISTRIBUTION OF ASSETS TO NAVAL STATION MAYPORT.**

Moved by Jolly, seconded by Tucker.

Motion: **TO APPROVE RESOLUTION NO. 2011-10.**

Roll Call Vote:

Ayes: 4 – Arthur, Jolly, Tucker, Pruette

Noes: 1 – Pardee

MOTION CARRIED

Surplus Items **SURPLUS ITEMS FROM PUBLIC SERVICES:** City Manager Jarboe explained the request is for approval to sell a used tractor and mower attachment that are in poor condition.

Moved by Jolly, seconded by Tucker.

Motion: **TO APPROVE THE SURPLUS OF THE EQUIPMENT.**

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Pardee, Tucker, Pruette

Noes: 0

MOTION CARRIED

COUNCIL COMMENTS

Mayor Pruette wished everyone a nice Holiday Season.

Councilor Jolly stated it was his understanding that our Mayor was summoned to go to the City of Jacksonville to meet with Mayor Brown's staff. He commended Mayor Pruette for not attending that meeting. He felt the City of Jacksonville should not summons our Mayor to a meeting. Mayor Pruette responded the City of Jacksonville has not yet responded to the joint letter from the City of Neptune Beach and the City of Atlantic Beach regarding tipping fees.

City Manager Jarboe wished everyone a Merry Christmas and a Happy New Year. He felt it had been a great year of accomplishments for the City.

City Clerk Volpe stated the January regular meeting date falls on the New Years Day holiday and the January workshop meeting falls on Martin Luther King Day. She asked which dates Council would prefer to meet in January.

Consensus: **TO HOLD THE JANUARY REGULAR MEETING ON TUESDAY, JANUARY 3RD AND THE JANUARY WORKSHOP MEETING ON TUESDAY, JANUARY 17TH.**

Adjournment

There being no further business, the meeting adjourned at 6:30 p.m.

Harriet Pruette, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved:



**MINUTES
WORKSHOP CITY COUNCIL MEETING
NOVEMBER 21, 2011, 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 November 21, 2011 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 Kara Tucker
Councilor John Jolly
Councilor Eric Pardee
City Attorney Patrick Krechowski
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

Director of Public Safety David Sembach

ABSENT:

Councilor Richard Arthur

**Call to Order/Roll
Call**

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

PRESENTATIONS

Holiday Safety

Mayor Pruette read aloud the following safety announcement: The Neptune Beach Police Department is urging State and Local residents to use seat belts during the 2011 Thanksgiving holiday period which is one of the most heaviest traveled times of the year. Thanksgiving can be a dangerous time for motorists especially unbelted ones day and night. Make sure the only belt unbuckled is at your Thanksgiving table and not your vehicle whether you are traveling day or at night. Seatbelts save lives. They are the best defense against crash related injuries and fatalities. Remember seatbelts can mean the difference between life and death.

**Tobacco
Prevention**

PRESENTATION / TOBACCO PREVENTION PROGRAM / SAMANTHA FREELS, MSH, CHES: Mr. Steven McClauski explained the Tobacco Prevention Program is a youth driven advocacy group made up of students all over the country working against big tobacco companies. They are angry because tobacco companies are targeting youth through marketing so they will become addicted to tobacco for life. Since the FDA took over the regulation of the tobacco industry in 2009 they have come up with products to market to youth. They have produced smokeless tobaccos that mimic mints, tic-tacs, and Listerine strips, using packaging that is not detectable by parents.

The tobacco company's purpose is to have the youth become addicted to nicotine for life. He added 90% of adult smokers began smoking before the age of 18.

Annabelle Gonzalez, Student at Frank H. Peterson Academy of Technology, Jacksonville, Florida, and President of SWAT, Students Working Against Tobacco, stated the mission of the SWAT group was to educate youth and others regarding the harmful effects tobacco and work towards a tobacco free future.

Kara Fleming, Student at Frank H. Peterson Academy of Technology, explained youth were extremely attracted to the flavored tobacco products and the flavored tobacco products were the start of a childhood habit to develop into a lifelong addiction. Nearly nine out of ten adult smokers began smoking before the age of 18. In Florida one in six youth between the ages of 11 and 17 have tried flavored tobacco and cigars. She explained as a youth she was angry that she was being targeted by these tobacco companies and that they are using attractive images to lure teenagers. She felt the worst part was that the advertising did not clearly indicate the harmful effects and that it could lead to disease and death. She asked the Council to adopt a Resolution to prohibit and restrict the sale and marketing of candy flavored tobacco in Neptune Beach.

Councilor Jolly and Vice Mayor Tucker wanted to sponsor the Resolution.

Consensus: **TO HAVE VICE MAYOR TUCKER WORK WITH CITY ATTORNEY KRECHOWSKI TO DRAFT A RESOLUTION AND FORWARD TO THE JANUARY WORKSHOP MEETING FOR DISCUSSION.**

CITY MANAGER'S ACTION LIST

City Manager Jarboe reported on the following:

- The exterior construction ordinance will be placed on the January workshop.
- Someone was going door to door trying to collect \$10.00 from homeowners for the City to paint their house number on the curb. This was a scam and anyone hearing of it should contact the police department.
- Request for proposals for banking services will be sent out in January.
- In December we will know whether or not we can move forward with the City Hall Solar Panels.
- A drainage problem in Town Center closed down a project.
- After the growing season the Bal Harbour drainage project will begin.

Senior Activity Center Director Leslie Lyne announced "Christmas in the Park" will be held on December 2, 2011 at 6:15 p.m.

PUBLIC COMMENT

Lynda Padrta, 1113 First Street, supported the efforts of the Tobacco Prevention Program and the Resolution to restrict the sale and marketing of tobacco products.

Scott Wiley, 723 Davis Street, felt because the City of Jacksonville wanted to charge Neptune Beach for tipping fees, we should ask them to either provide animal control for the city or reimburse us for animal control costs.

PROPOSED ORDINANCES

Ord. No. 2011-XX ORDINANCE NO. 2011-XX, TEMPORARY SIGNS: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES CHAPTER 27 UNIFIED LAND DEVELOPMENT REGULATIONS, AMENDING SEC. 27-583 PERMITTED TEMPORARY SIGNS AND PROVIDING AN EFFECTIVE DATE.

Mayor Pruette explained this Ordinance would allow temporary signs to be used for 30 days. The current Ordinance allows them to be used for only 14 days. She wanted to remain on legal ground.

Councilor Jolly questioned if there was a size limit for temporary signs. City Manager Jarboe replied normally banners are used for temporary signs.

City Attorney Krechowski stated the size requirements were listed in Sec. 27-583 (b) (1) c and d on the Ordinance.

Vice Mayor Tucker questioned if the definition of a "sign" or "banner" should be in the Ordinance. City Manager Jarboe replied this hasn't been a problem in the past with the current Ordinance.

Consensus: **FORWARD TO FIRST READ IN DECEMBER.**

CONTRACTS / AGREEMENTS / NONE

ISSUE DEVELOPMENT

CDB EDUCATION ON COMMUNITY DEVELOPMENT BOARD: Mayor Pruette stated this would be deferred to the next workshop meeting, due to the absence of Councilor Arthur.

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

Animal Control ANIMAL CONTROL ISSUES: Mayor Pruette stated we had a lot of complaints over the years with animal control issues. She asked Council if they had any issues they wished to convey to the City Manager regarding animal control.

City Manager Jarboe explained he has received complaints regarding animal control being "too strict" as well as "not strict enough." He felt the previous animal control officer was not strict enough. There should be a balance in order to protect the animal and the public. The new animal control officer will be properly trained to take a balanced approach dealing with animals and the public.

Councilor Pardee felt it was important to have someone who is trained. He would like the City to consider Mr. Wiley's public comment suggesting the City of Jacksonville taking over our animal control or reimbursing the City for animal control. He would like to get some information on what the response time would be from the City of Jacksonville on animal control calls.

City Manager Jarboe felt the City of Jacksonville has never responded to animal control calls to the satisfaction of the beaches. He felt the beaches needed to heighten enforcement.

Mayor Pruette stated we have spent an average of \$78,000 per year over the past 15 years on animal control. She felt the County should at provide reimbursement for at least a portion of the cost. She has asked City of Jacksonville Councilor Bill Gulliford to bring up the subject at a committee meeting.

Vice Mayor Tucker agreed the City of Jacksonville should be accountable to some degree. She felt the City of Jacksonville would not provide the quality of service as having our own animal control officer.

Councilor Jolly stated it was his understanding the City of Jacksonville only had six or seven animal control officers. He felt they could not provide the quality of service the city wanted and we should proceed with hiring our own animal control officer.

Mayor Pruette stated our citizens and our animals matter and the city needed to hire someone who is caring and compassionate to animals and at the same be able to enforce our code.

Commercial
Recycling

COMMERCIAL RECYCLING: City Manager Jarboe explained commercial recycling would help reduce the amount of tonnage in the landfill which would reduce tipping fees. Bars and restaurants use a lot of glass which adds a considerable amount of tonnage in the landfill. He added that recycling is also the right thing to do to reuse our valuable resources rather than throwing them into a landfill. He asked Council to allow him to get proposals from solid waste companies for commercial recycling. The proposal would include how they would go about collecting it because it would a difficult task. He hoped to receive responses from at least four or five companies.

Consensus: **TO DIRECT THE CITY MANAGER TO ADVERTISE RFP'S FOR COMMERCIAL RECYCLING.**

PUBLIC COMMENTS

Lynda Padrta, 1113 First Street, felt the City of Jacksonville could not provide much in the way of animal control services and we needed to have our own animal control officer. She felt the new animal control officers should have a background that included some sort of expertise with animals and they should understand the nature of animals.

COUNCIL COMMENTS

Councilor Jolly questioned the time period for the hiring of a special magistrate. City Attorney Krechowski responded the advertisement was published last week and applications were being accepted until December 28th. He has received three applications and was encouraged by the applicants. The applications would be reviewed and someone should be selected by February.

Mayor Pruette wished everyone a Happy Thanksgiving.

Adjournment

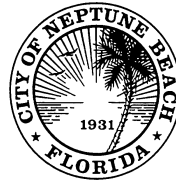
There being no further business, the meeting adjourned at 6:35 pm.

Harriet Pruette, Mayor

Attest:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
REGULAR CITY COUNCIL MEETING
NOVEMBER 7, 2011 AT 6:00 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 November 7, 2011, at 6:00 p.m. in the City Hall Council Chambers, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

STAFF:

Mayor Harriet Pruette
Vice Mayor Kara Tucker
Councilor Richard Arthur
Councilor John Jolly
Councilor Eric Pardee
City Attorney Patrick Krechowski
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

Community Development Director Amanda Askew
Director of Public Safety David Sembach

Order Call/Pledge Mayor Pruette called the meeting to order at 6:00 p.m. and asked Councilor Arthur to lead the pledge of allegiance.

AWARDS / PRESENTATIONS/ RECOGNITION OF GUESTS / NONE

APPROVAL OF MINUTES

Moved by Tucker, seconded by Arthur.

City Clerk Volpe stated City Attorney Krechowski informed her it was not the intent to strike through the following; ~~(4) Liability insurance in the amount of at least one hundred thousand dollars (\$100,000.00) if an owner possesses more than one dangerous dog, said owner shall provide liability insurance totaling at least two hundred thousand dollars (\$200,000.00),~~ as indicated on the October 10, 2011, Regular City Council Meeting Minutes.

She suggested amending the October 10, 2011, Regular City Council Meeting Minutes as follows, adding it back in:

4) Liability insurance in the amount of at least one hundred thousand dollars (\$100,000.00) if an owner possesses more than one dangerous dog, said owner shall provide liability insurance totaling at least two hundred thousand dollars (\$200,000.00).

Minutes

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

OCTOBER 6, 2011, SPECIAL CITY COUNCIL MEETING
OCTOBER 10, 2011, REGULAR CITY COUNCIL MEETING
OCTOBER 24, 2011, WORKSHOP CITY COUNCIL MEETING

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Pardee, Tucker, Pruette

Noes: 0

MOTION CARRIED**COMMUNICATIONS & CORRESPONDENCE**

Councilor Pardee recognized audience member and Boy Scout Joe Grogden. Councilor Pardee explained Joe Grogden was completing his final step to become an Eagle Scout by attending the Council meeting tonight.

Councilor Arthur, Mayor Pruette, Vice Mayor Tucker and Councilor Pardee disclosed they spoke with Mr. Sigley regarding V11-05, variance appeal for 1041 Florida Boulevard.

CITY MANAGER REPORT

City Manager Jarboe reported Council members have completed the tour of the new nitrogen sewer processing plant. There was a great team of employees running the plant and it was processing as it should be, one year ahead of schedule.

COMMENTS FROM THE PUBLIC

Charles Sampson, 4200 Ponte Vedra Boulevard, Jacksonville Beach, explained he owned 2 ½ acres of property in the Neptune Marsh subdivision that was considered "open space." Because he could not build on the property he felt the best use of the property would be to sell it to the neighboring homeowners in Neptune Marsh. He requested the City's help in contacting them to find out if they were interested in purchasing the property from him.

Mayor Pruette asked City Manager Jarboe to gather information regarding the property and report back to the Council for discussion at a future workshop meeting.

CONSENT AGENDA / NONE**VARIANCES**

V011-04
1041 Florida Blvd.
Sigley

V011-04, VARIANCE APPEAL FOR CLEBERN WAYNE & JEAN SIGLEY, 1041 FLORIDA BOULEVARD: Mayor Pruette explained Council must affirm, modify or reverse the decision of the Community Development Board to deny the variance request for Mr. and Mrs. Sigley, 1041 Florida Boulevard. The request was to add walls to enclose an existing incomplete detached accessory structure.

Councilor Pardee felt allowing the variance would not adversely affect nearby properties or the public in general. The building was currently an eyesore and would become more appealing if it were completed.

Councilor Arthur felt the variance should be allowed as long as the property owner stayed within the current roof line.

Vice Mayor Tucker agreed the variance should be approved as long as they stayed within the current roof line.

Councilor Jolly felt it would be an improvement for the building to be completed. He questioned if the Council wished to allow the 1,300 square feet which was currently walled in, or the 1,600 square feet he was requesting.

Moved by Pruette, seconded by Arthur.

Motion: **TO REVERSE THE DECISION OF THE COMMUNITY DEVELOPMENT BOARD WITH THE FOLLOWING CONDITIONS: THAT ONLY ONE LIVING UNIT BE ALLOWED ON THE PROPERTY UNLESS ANY NEW UNIT OR UNITS WOULD MEET ALL REQUIREMENTS OF THE CODE.**

Councilor Pardee questioned if the motion allowed the 1,600 square feet. Community Development Director Askew replied the motion would allow the 1,600 square feet as originally applied for.

Roll Call Vote:

Ayes: 4 – Arthur, Pardee, Tucker, Pruette

Noes: 1 – Jolly

MOTION CARRIED

ORDINANCES

Ord. No. 2011-22
Animals

ORDINANCE NO. 2011-22, CHAPTER 6, ANIMALS, SECOND READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING THE CODE OF ORDINANCES CHAPTER 5 ANIMALS, AMENDING SEC. 6-1 DEFINITIONS; SEC. 6-4 NUISANCES CAUSED BY ANIMALS; SEC. 6-5 PENALTIES; SEC. 6-6 QUARANTINE OF BITING ANIMAL; LABORATORY ANALYSIS; CITY'S LIABILITY; COSTS; SEC. 6-7 IMPOUNDING OF ANIMALS SEC. 6-12 INJURIES CAUSED BY ANIMALS SEC. 6-14 CLASSIFICATION OF DOGS AS DANGEROUS; CERTIFICATION OF REGISTRATION; NOTICE AND HEARING REQUIREMENTS; CONFINEMENT OF ANIMAL; EXEMPTION; APPEALS; UNLAWFUL ACTS, DISPOSAL; SEC. 6-15 ATTACK OR BITE BY DANGEROUS DOG; PENALTIES; CONFISCATION; DESTRUCTION; SEC. 6-30 DEFECATION DISPOSAL AND PROVIDING AN EFFECTIVE DATE.

City Attorney Krechowski suggested the following amendments:

Sec. 6-13 (2) Has severely injured or killed a domestic animal while off the owner's property more than once.

Sec. 6-14(c)(4) Liability insurance in the amount of at least one hundred thousand dollars (\$100,000.00) if an owner possesses more than one dangerous dog, said owner shall provide liability insurance totaling at least two hundred thousand dollars (\$200,000.00).

Mayor Pruette read Ordinance No. 2011-22 by title only and opened the public hearing.

Claudine Pordrey, 323 Sandcastle Way, voiced concern regarding omitting the language "without provocation" and that "minor injuries are not inflicted by dangerous dogs." She felt this was inconsistent with State Statute.

There being no further comments from the public, the public hearing was closed.

Moved by Jolly, seconded by Tucker.

Motion: **TO ADOPT ORDINANCE NO. 2011-22 ON SECOND READ AND PUBLIC HEARING.**

Mayor Pruette asked City Attorney Krechowski to comment regarding Ms. Pordrey's concerns. City Attorney Krechowski advised this Ordinance may be stricter than the State Statute and that was fine as long as the Council was comfortable with the language.

Councilor Jolly withdrew his original motion because it did not include the amendments made by City Attorney Krechowski. Vice Mayor Tucker withdrew the second to the motion.

Moved by Jolly, seconded by Tucker.

Motion: **TO ADOPT ORDINANCE 2011-22 ON SECOND READ AND PUBLIC HEARING AS AMENDED.**

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Pardee, Tucker, Pruette

Noes: 0

MOTION CARRIED

Ord. No. 2011-23
Budget

ORDINANCE NO. 2011-23, AMENDING THE OPERATING BUDGET, FIRST READ: AN ORDINANCE AMENDING THE OPERATING BUDGET FOR THE CITY OF NEPTUNE BEACH, FLORIDA FOR FISCAL YEAR 2011, BEGINNING OCTOBER 1, 2010 AND ENDING SEPTEMBER 30, 2011.

City Manager Jarboe explained the Public Safety Department received a grant to purchase two vehicles and help to pay overtime salaries. This Ordinance adds the grant money to the 2010/2011 budget.

Moved by Pardee, seconded by Tucker.

Motion: **TO PASS ORDINANCE NO. 2011-23 ON FIRST READ.**

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Pardee, Tucker, Pruette

Noes: 0

MOTION CARRIED

Ord. No. 2011-24
Elections

ORDINANCE NO. 2011-24, ELECTIONS, FIRST READ: AN ORDINANCE CALLING FOR A REFERENDUM TO AMEND SECTION 2.02 ELECTIONS AND ESTABLISHING AN EFFECTIVE DATE.

City Clerk Volpe advised this Ordinance called for a referendum to amend the Charter by setting the election dates to coincide with State elections. The Ordinance will go to second read in January 2012 after the referendum is approved by the voters.

Moved by Pardee, seconded by Tucker.

Motion: **TO PASS ORDINANCE NO. 2011-24 ON FIRST READ.**

Councilor Jolly stated City Manager Jarboe suggested at the workshop to amend the Ordinance to read that the "City Council may change the dates to coincide with the Florida legislature."

City Clerk Volpe stated if Council wished to make amendments to the Ordinance they needed to amend it tonight because the second read would not be until January 2012, after the referendum has been approved by the voters.

Recess/
Reconvene

Mayor Pruette called for a recess at 6:30 p.m. and asked City Manager Jarboe to look up the information. Mayor Pruette reconvened the meeting at 6:35 p.m.

Mayor Pruette stated she met with the City Attorney, City Clerk and City Manager. She asked Councilor Pardee to withdraw his original motion.

Councilor Pardee withdrew his motion and Vice Mayor Tucker withdrew her second.

City Clerk Volpe stated City Manager Jarboe has suggested amending the Ordinance as follows: The General Election. Section 2.02 Election and Terms. (d) When two (2) candidates are running for the same elective office the general election shall be set according to section 100.031 Florida Statutes unless otherwise changed by the City Council.

Moved by Jolly, seconded by Tucker.

Motion: **TO PASS ORDINANCE NO. 2011-24 AS AMENDED.**

Mayor Pruette opened the floor for public comments.

There being no comments from the public, the public hearing was closed.

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Pardee, Tucker, Pruette

Noes: 0

MOTION CARRIED

Ord. No. 2011-25
Flood Plain

ORDINANCE NO. 2011-25, AMENDING FLOOD PLAIN, FIRST READ: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, AMENDING AND DELETING THE CODE OF ORDINANCES CHAPTER 27 UNIFIED LAND DEVELOPMENT REGULATIONS; SEC. 27-3. AUTHORITY, SEC. 27-15. DEFINITIONS, SEC. 27-150. SPECIAL PROVISIONS WHERE VARIANCE IS SOUGHT TO REQUIREMENTS IN SPECIAL FLOOD HAZARD AREAS, SEC. 27-402. APPLICABILITY, SEC. 27-403, FINDINGS OF FACT, SEC. 27-404. PURPOSE AND INTENT, SEC. 27-405. GENERAL PROVISIONS, SEC. 27-406. DEFINITIONS, SEC. 27-407. ESTABLISHMENT OF SPECIAL FLOOD HAZARD DISTRICTS, COASTAL HIGH HAZARD DISTRICTS AND SHALLOW FLOODING DISTRICTS, SEC. 27-408. CERTIFICATION REQUIRED SEC. 27-410. STANDARDS FOR REDUCING FLOOD HAZARDS IN COASTAL HIGH HAZARD DISTRICTS, SEC. 27-411. STANDARDS FOR REDUCING FLOOD HAZARDS IN SHALLOW FLOODING DISTRICTS, SEC. 27-412. PERMIT AND APPROVAL PROCEDURES, SEC. 27-413. PROCEDURE FOR APPEAL, SEC. 27-414. ADMINISTRATION, SEC. 27-416. MANUFACTURED BUILDINGS, SEC. 27-417. RECREATION VEHICLES AND PROVIDING AN EFFECTIVE DATE.

City Manager Jarboe explained this Ordinance is required by the State and the Florida Building Code. If we are not consistent with the State and Building Code, insurance companies could charge a higher rate to our citizens for homeowners insurance.

The ordinance will need to be amended again in March 2012, because they would be making more changes.

Mayor Pruette read Ordinance No. 2011-25 by title only and opened the public hearing.

There being no comments from the public, the public hearing was closed.

Moved by Arthur, seconded by Tucker.

Motion: **TO PASS ORDINANCE NO. 2011-25 ON FIRST READ.**

Councilor Pardee agreed to sponsor the ordinance.

Councilor Jolly brought attention to some typing errors which would be corrected before second read.

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Pardee, Tucker, Pruette

Noes: 0

MOTION CARRIED

OLD BUSINESS / NONE

NEW BUSINESS

SE11-05
804 Third St.

SE11-05. 804 THIRD STREET, DAY SPA, MARK SCHOENBORN FOR YAMILETH BARNES: Community Development Director Askew stated the special exception request was to allow a Day Spa in the C-1 zoning district. The Community Development Board recommended approval with the condition that it be limited to two hair styling chairs and one massage room.

Councilor Arthur stated he would like to recuse himself from the vote due to having a lease in place with the owner of the building.

Moved by Pardee, seconded by Tucker.

Motion: **TO APPROVE SE11-05 FOR A DAY SPA.**

Roll Call Vote:

Ayes: 4 – Jolly, Pardee, Tucker, Pruette

Noes: 0

Recuse: 1 – Arthur

MOTION CARRIED

Res. No. 2011-07
Special
Magistrate

RESOLUTION NO. 2011-07: A RESOLUTION OF THE CITY OF NEPTUNE BEACH, FLORIDA ESTABLISHING A SPECIAL MAGISTRATE FOR PURPOSES OF CODE ENFORCEMENT REVIEW.

Councilor Pardee stated the language in the Resolution allows the Mayor to appoint the Special Magistrate and the Council to approve the selection. It was his understanding that the entire Council would be interviewing and appointing the applicants.

Mayor Pruette stated she would welcome any comments from the Council in reference to a selection.

Councilor Pardee felt the entire Council should be a part of the process from the beginning

Mayor Pruette recommended the following amendments:

3. The City Manager shall forward to the ~~Mayor~~ Council the applications and proposals of those individuals that are so qualified.

4. Upon review of the applications and proposals, the ~~Mayor~~ Council shall appoint a special magistrate, ~~subject to the approval of the City Council~~ by resolution.

Moved by Pardee, seconded by Tucker.

Motion: **TO ADOPT THE RESOLUTION WITH THE FOLLOWING AMENDMENTS:**
3. THE CITY MANAGER SHALL FORWARD TO THE MAYOR COUNCIL
THE APPLICATIONS AND PROPOSALS OF THOSE INDIVIDUALS THAT
ARE SO QUALIFIED AND 4. UPON REVIEW OF THE APPLICATIONS
AND PROPOSALS, THE MAYOR COUNCIL SHALL APPOINT A
SPECIAL MAGISTRATE, SUBJECT TO THE APPROVAL OF THE CITY
COUNCIL BY RESOLUTION.

Roll Call Vote:

Ayes: 4 – Arthur, Pardee, Tucker, Pruette

Noes: 1 – Jolly

MOTION CARRIED

Thanksgiving Day
Event

ANNUAL THANKSGIVING DAY EVENT: City Manager Jarboe explained Slider's Seafood Restaurant and the Island Girl Cigar Bar have requested to participate in the annual event. This would expand the area from Lemon Street to Orange Street on First Street and require the presence of four police officers.

Moved by Jolly, seconded by Tucker.

Motion: **TO APPROVE THE ANNUAL THANKSGIVING DAY EVENT TO INCLUDE**
PETE'S BAR, CARRIBEE KEY, SUN DOG DINER, SLIDER'S SEAFOOD
GRILL AND THE ISLAND GIRL CIGAR BAR.

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Pardee, Tucker, Pruette

Noes: 0

MOTION CARRIED

Forfeiture Funds

PUBLIC SAFETY DEPARTMENT / REQUEST TO USE FORFEITURE FUNDS: City Manager Jarboe explained the forfeiture fund is an account set up under state law to hold funds from confiscated property that has been sold. The fund can only be used to purchase needed items outside the scope of the normal police department budget. The police department has requested use the funds to purchase variance equipment in the amount of \$11,775.85.

Moved by Pruette, seconded by Tucker.

Motion: **TO APPROVE THE USE OF THE FORFIETURE FUNDS IN THE**
AMOUNT OF \$11,775.85.

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Pardee, Tucker, Pruette
Noes: 0

MOTION CARRIED

Labor Agreement
Local 630

LABOR AGREEMENT / NORTHEAST FLORIDA PUBLIC EMPLOYEE'S LOCAL 630: City Manager Jarboe explained there are no salary increases in the agreement. The changes in the agreement are; 1) allowing additional money for safety shoes, and 2) allowing two additional personal days to be placed in the leave bank. The agreement also has the option for either party to open one item, if needed, during the year.

Moved by Pardee, seconded by Jolly.

Motion: **TO APPROVE THE LABOR AGREEMENT WITH THE NORTHEAST FLORIDA PUBLIC EMPLOYEES LOCAL 630.**

Ayes: 5 – Arthur, Jolly, Pardee, Tucker, Pruette
Noes: 0

MOTION CARRIED

Town Center
Holiday Lighting

TOWN CENTER HOLIDAY LIGHTING / APPROVAL \$1,750.00: City Manager Jarboe explained the \$1,750.00 would be used to replace and upgrade fixtures in Town Center as requested by the Beaches' Town Center Agency. The money would come out of an old Continental Cable Fund. The fund had a current balance of \$10,000.

Moved by Pruette, seconded by Jolly.

Motion: **TO APPROVE \$1,750.00 WITH THE UNDERSTANDING THAT TWO TCA MEMBERS WILL GET WITH ATLANTIC BEACH AND NEPTUNE BEACH CITY MANAGERS JOINTLY AND TOGETHER WILL COME UP WITH AN UPDATED TRI-PARTY AGREEMENT FOR BOTH CITY COUNCILS TO CONSIDER.**

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Pardee, Tucker, Pruette
Noes: 0

MOTION CARRIED**COUNCIL COMMENTS**

Councilor Pardee stated the City had a job opening for an Animal Control Officer. He suggested anyone interested in the position should ride along with the Atlantic Beach or Jacksonville Beach animal control officer to experience the requirements of the job.

City Manager Jarboe stated he was in the process of taking job applications for the position in house. The position will be advertised to the general public if a current employee is not interested.

Vice Mayor Tucker announced she presented a Proclamation on behalf of Mayor Pruette to the Neptune Beach Elementary School recognizing their 30th Anniversary.

Vice Mayor Tucker announced she attended a meeting at the Beaches Chapel with the Beaches Area Historical Society regarding the relocation of the historical church. They

have currently raised \$200,000 towards the \$300,000 cost to relocate the church.

Councilor Jolly questioned the Council meeting schedule for the remainder of the year. City Clerk Volpe responded the November workshop meeting was scheduled for November 21st. The December regular meeting was scheduled for December 5th. There usually was not a workshop meeting due to the Holiday's. If a workshop was necessary it could be held in January before the regular meeting.

City Manager Jarboe questioned if the Council wanted to hold a workshop meeting in December.

Consensus: **TO HAVE ONE MEETING IN DECEMBER.**

Mayor Pruette explained according to the Interlocal Agreement the County was supposed to take care of animal control. Over the past 15 years the City has spent \$70,000 annually for animal control.

City Manager Jarboe explained he heard the County was trying to work it out so that Neptune Beach did not have to pay a waste disposal tipping fee this year.

Mayor Pruette stated the County should consider reimbursing Neptune Beach for the money spent on animal control or supply an animal control officer for Neptune Beach. The County needs to know that Neptune Beach has been providing its own animal control.

Adjournment

There being no further business, the meeting adjourned at 7:10 p.m.

Harriet Pruette, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved:



**MINUTES
WORKSHOP CITY COUNCIL MEETING
OCTOBER 24, 2011, 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 October 24, 2011 at 6:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

STAFF:

Mayor Harriet Pruette
Councilor Richard Arthur
Councilor John Jolly
Councilor Eric Pardee
City Attorney Patrick Krechowski
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

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

ABSENT:

Vice Mayor Kara Tucker

Call to Order/Roll
Call

Mayor Pruette called the meeting to order at 6:00 p.m. and recognized Atlantic Beach Councilor Elect Mark Beckinbach. She also recognized members of the Beaches Town Center Agency Board, Ed Jones, Amy Roberts, Chris Rule and Mo Shaunessy.

PRESENTATIONS / NONE

CITY MANAGER'S ACTION LIST

City Manager Jarboe reported on the following:

- He was scheduling appointments with Council to tour the new sewer plant.
- Staff was preparing for the newly formed hurricane in the Caribbean.
- A home at 915 Fifth Street was in the foreclosure process.

Councilor Jolly asked City Manager Jarboe to add the Beaches Chapel drainage to the action list. City Manager Jarboe stated the drainage issue applied to the entire Bal Harbour area. He would add this to the action list.

Mayor Pruette announced she went on a tour of the new sewer plant and she was impressed with the improvements.

PUBLIC COMMENTS / NONE**PROPOSED ORDINANCES**

Ord. No. 2011-XX **ORDINANCE NO. 2011-XX, AMENDING THE 2010/2011 BUDGET:** AN ORDINANCE AMENDING THE OPERATING BUDGET FOR THE CITY OF NEPTUNE BEACH, FLORIDA FOR FISCAL YEAR 2011, BEGINNING OCTOBER 1, 2010 AND ENDING SEPTEMBER 30, 2011.

City Manager Jarboe explained the Public Safety Department received a grant to purchase two vehicles and help to pay overtime salaries. The grant money needs to be incorporated into the budget for 2010-2011.

Consensus: **FORWARD TO THE NOVEMBER REGULAR MEETING FOR FIRST READ.**

CONTRACTS / AGREEMENTS / NONE**ISSUE DEVELOPMENT**

Special Magistrate **RESOLUTION NO. 2011-XX: A RESOLUTION OF THE CITY OF NEPTUNE BEACH FLORIDA ESTABLISHING A SPECIAL MAGISTRATE FOR PURPOSES OF CODE ENFORCEMENT REVIEW.**

Mayor Pruette stated she would like to hire a special magistrate to handle code enforcement matters beginning early in 2012.

City Attorney Krechowski stated the special magistrate should have experience and knowledge in dealing with code enforcement issues. He suggested the code enforcement meetings be held on a quarterly basis in lieu of a monthly basis.

Councilor Jolly questioned the process of hiring a special magistrate once the Resolution is passed in November. City Attorney Krechowski advised the hiring of a special magistrate will be handled by the City Manager and the Mayor. The idea is to hire someone to begin January of 2012 on a one year contract. City Manager Jarboe stated normally the Mayor would appoint the special magistrate and the Council would confirm the decision. Mayor Pruette added she would welcome any input from the Council.

Consensus: **FORWARD TO THE NOVEMBER REGULAR MEETING FOR APPROVAL.**

Surplus Vehicles **SURPLUS OF POLICE VEHICLES:** City Manager Jarboe explained the Public Safety Department had two Chevrolet Impalas they need to surplus.

Consensus; **FORWARD TO THE NOVEMBER REGULAR MEETING FOR APPROVAL.**

CDBD **EDUCATION ON COMMUNITY DEVELOPMENT BOARD DUTIES:** Mayor Pruette asked to defer this agenda item to the November workshop meeting, due to Vice Mayor Tucker's absence.

Consensus: **FORWARD TO THE NOVEMBER WORKSHOP MEETING.**

Town Center
Holiday Lighting **TOWN CENTER REQUEST FOR FUNDING FOR HOLIDAY LIGHTING:** Ed Jones, 200 First Street, President of the Beaches Town Center Agency, stated the Beaches

Town Center Agency has two fund raisers per year to pay for capital improvements in Town Center. He explained in the past 7 years they have spent \$6,000.00 on benches, \$85,000 on holiday decorations, lighting, as well as the installation and storage of the decorations. They also spent \$6,000 on bike racks, \$7,000 on a website, donated \$3,000 to the trolley, and \$4,000 to Kitties by the Sea. The Beaches Town Center Agency would like the City to use \$1,750.00 of the \$8,000 fund allocated for holiday decorations, to replace the electrical receptacles in Town Center.

Chris Rule, Vice President, Beaches Town Center Agency, 383 Second Street, explained the receptacles and fixtures in Town Center have deteriorated over the years due to the environment. The scope of the project is to replace 22 ground fault receptacles on the lamp posts. They also propose to place weatherproof covers over all the receptacles. One of the focuses of the Beaches Town Center Agency is to clean up and make improvements, as well as add holiday lighting on the island at First Street and Orange Street. In order to accomplish this they will need to add a GFI receptacle. In addition, they will be adding holiday lighting to the island at Third Street and Atlantic Boulevard. The City of Atlantic Beach has agreed to fund a portion of that cost.

Councilor Arthur questioned how many receptacles were functioning properly. Mr. Rule responded the quote from Limbaugh Electric did not indicate how many receptacles were properly working however most of them are worn out. Mr. Limbaugh recommended replacement of all the receptacles.

Mr. Jones indicated the Waste Pro contract with the City provided a fund of \$8,000 per year to use for the City's holiday lighting program. He requested the City contribute \$1,750 to Town Center for the replacement and upgrade of the receptacles. It was his understanding of the tri-party agreement that Neptune Beach was responsible for the maintenance of the public improvements.

Mayor Pruette stated Neptune Beach has always been a partner with Town Center and will continue to do so. She explained the City only had \$8,000 for holiday lighting and it was earmarked for Jarboe Park and Atlantic Boulevard. She added the City would like to be able to add holiday lighting down Third Street. She felt as tight as funds are that the City needed to prioritize spending and if \$1,750 is used to replace receptacles in Town Center that would take away from other areas.

Mayor Pruette stated this year the City has spent \$11,048.56 for improvements and maintenance in Town Center and has done its share in partnering with Town Center.

Mayor Pruette asked City Manager Jarboe if the City was doing its share to maintain Town Center. City Manager Jarboe replied "yes" as indicated on the second page in the agenda. He explained the issue at hand was whether Council wanted to use the \$8,000 in Jarboe Park and Atlantic Boulevard or use part of it for Town Center.

Councilor Arthur asked Mr. Jones if Town Center purchased more lighting and decorations this year. Mr. Jones replied they raised enough money this year to purchase lights to go down First Street between Lemon Street and Orange Street and extend down Lemon Street. Mr. Rule added they were also able to purchase more decorations. They were not asking the City to purchase lights or decorations. They were asking the City to maintain some weaknesses in the infrastructure.

Mayor Pruette asked who installs the lights. Mr. Rule replied a company called PRI does the installation and removal for \$6,000. Mr. Jones added they also pay \$3,000 to store the decorations in a storage facility.

Mr. Rule explained they are trying to eliminate the need for public service employees to be called out to reset GFI's when there is an outage. Mr. Jones indicated the receptacles were also used for other events throughout the year.

Councilor Jolly asked how much their budget was last year. Mr. Rule replied the budget depended upon how much money they are able to raise.

Mayor Pruette stated the balance of the Town Center Board budget was \$27,227.98 in January of 2010. She questioned what the balance was currently. Mr. Jones responded the remainder of their budget has been allocated for several projects.

Councilor Jolly stated the City's budget has decrease for the past 5 years. He questioned whether the money should be spent for Town Center receptacles because only the people visiting Town Center would see them and a lot more people would see them in Jarboe Park.

Mr. Jones stated the Beaches Town Center Agency would be willing to ask the Beaches Town Center Board to help the City with decorations on Third Street but again the City would need to provide the electric and the receptacles.

Amy Roberts, 614 Midway Street, Beaches Town Center Agency board member, felt the lighting was not only about the businesses but for the entire community.

Councilor Jolly stated the City has met its commitments according to the agreement. He would prefer to keep the money in the City and use it for our own decorations.

Councilor Arthur felt the request for the \$1,750.00 was reasonable.

Councilor Pardee felt the request was fair.

Consensus: **FORWARD TO THE NOVEMBER 7th REGULAR MEETING FOR A VOTE.**

Mayor Pruette suggested that Ed Jones and Chris Rule meet with City Manager Jarboe and City Manager Hansen to discuss the tri-party agreement.

Floodplain Ord.

FEDERAL AND STATE MANDATORY UPDATE TO THE FLOODPLAIN ORDINANCE: City Manager Jarboe explained these are mandatory requirements that are issued by the Federal and State government.

Community Development Director Askew explained the Community Development Board discussed the issue at their October meeting. They recommended some changes that will be outlined in the November agenda packet.

Councilor Pardee agreed to sponsor the ordinance.

Consensus: **FORWARD TO THE NOVEMBER REGULAR MEETING FOR FIRST READ.**

Exterior
Construction

TIME LIMIT FOR COMPLETION OF CONSTRUCTION ON EXTERIOR OF STRUCTURES: Mayor Pruette explained there had been complaints from residents regarding the exterior of homes and structures under construction taking years to complete and becoming an eyesore to the community. She spoke recently with Building Official Don Ford who recommended Council adopt an Ordinance requiring the exterior shell of structures to be completed within so many months or a year.

City Attorney Krechowski stated construction issues were governed by the Florida Building Code.

City Manager Jarboe recommended that the Building Official meet with the City Attorney to consider the matter. He added that we could not be in conflict with the Florida Building Code.

City Manager Jarboe added once a building permit is issued, under the Florida Building Code as long as you have an inspection every six months the permit remains active for another six month period and can be extended over a matter of years before the structure is completed.

Councilor Jolly stated he would like the City Attorney to pursue the matter. He agreed incomplete exterior structures were an eyesore to the community. He would like to limit the length of construction time on the exterior of structures although the interior construction of structures would not be limited.

City Manager Jarboe suggested having City Attorney Krechowski research the matter and forward to the November workshop meeting.

Councilor Pardee agreed and mentioned several builders in Jacksonville are also in the middle of projects.

Councilor Arthur felt the Council should address the origin of the specific problem and how often such an ordinance would fix the problem. He was concerned about opening up additional problems.

Mayor Pruetto agreed to sponsor the ordinance.

Consensus: **HAVE THE CITY ATTORNEY DRAFT AN ORDINANCE AND FORWARD TO THE NOVEMBER WORKSHOP MEETING.**

Elections

SUPERVISOR OF ELECTIONS / RECOMMENDED AMENDMENTS OF CHAPTER 2. ELECTIONS: City Clerk Volpe explained because the Legislature frequently changes the dates of primary elections the County has asked that the City amend our Charter and Code once again to coincide with the County elections. They have recommended that we change the Charter and Code to read that the election dates are set by the Florida Statutes. This would eliminate the need to continuously amend the Charter and Code.

City Manager Jarboe recommended amending the Charter and Code to read that the City Council may change the dates to coincide with the Florida legislature. He felt this would avoid any confusion on election dates.

City Clerk Volpe added the referendum could be on the January primary presidential ballot if we have first read in November and second read in December.

Mayor Pruetto asked if this amendment would cost the City. City Clerk Volpe responded the referendum would not be any cost to the City.

Consensus: **DRAFT AND ORDINANCE TO AMEND THE CODE AND THE CHARTER AND FORWARD TO FIRST READ IN NOVEMBER.**

Grant
Expenditures

APPROVAL OF GRANT EXPENDITURES: Mayor Pruette stated City Manager Jarboe has the authority to approve grant expenditures therefore Council did not have to act on this agenda item.

PUBLIC COMMENTS / NONE

COUNCIL COMMENTS

Councilor Pardee thanked City Attorney Krechowski was doing an outstanding job and thanked him. Mayor Pruette concurred.

Adjournment

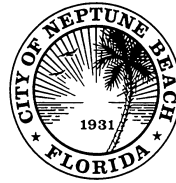
There being no further business, the meeting adjourned at 7:00 pm.

Harriet Pruette, Mayor

Attest:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
REGULAR CITY COUNCIL MEETING
OCTOBER 10, 2011 AT 6:00 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 October 10, 2011, at 6:00 p.m. in the City Hall Council Chambers, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

STAFF:

Mayor Harriet Pruette
Vice Mayor Kara Tucker
Councilor Richard Arthur
Councilor John Jolly
Councilor Eric Pardee
City Attorney Patrick Krechowski
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

Director of Public Safety David Sembach

Order Call/Pledge Mayor Pruette called the meeting to order at 6:00 p.m. and

AWARDS / PRESENTATIONS/ RECOGNITION OF GUESTS / NONE

APPROVAL OF MINUTES

Moved by Jolly, seconded by Tucker.

Minutes

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

SEPTEMBER 12, 2011, WORKSHOP CITY COUNCIL MEETING
SEPTEMBER 12, 2011, REGULAR CITY COUNCIL MEETING
SEPTEMBER 26, 2011, SPECIAL CITY COUNCIL MEETING
SEPTEMBER 26, 2011, WORKSHOP CITY COUNCIL MEETING

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Pardee, Tucker, Pruette

Noes: 0

MOTION CARRIED

COMMUNICATIONS & CORRESPONDENCE / NONE

CITY MANAGER REPORT

An employee was injured over the weekend while removing falling debris that was caused by the heavy rain and winds. There were no reports of any severe flooding.

Mayor Pruetto questioned if any beach erosion occurred during the bad weather. City Manager Jarboe responded there were no problems with beach erosion.

COMMENTS FROM THE PUBLIC / NONE**CONSENT AGENDA / NONE****VARIANCES / NONE****ORDINANCES**

Ord. No. 2011-19
Invasive Plants

ORDINANCE NO. 2011-19, INVASIVE PLANTS, SECOND READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES CHAPTER 27 UNIFIED LAND DEVELOPMENT REGULATIONS, SECTION 27-445 INVASIVE PLANTS AND PROVIDING AN EFFECTIVE DATE.

Mayor Pruetto read Ordinance No. 2011-19 by title only and opened the public hearing.

There being no comments from the public, the public hearing was closed.

Moved by Arthur, seconded by Tucker.

Motion: **TO ADOPT ORDINANCE NO. 2011-19 ON SECOND AND FINAL READ.**

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Pardee, Tucker, Pruetto

Noes: 0

MOTION CARRIED

Ord. No. 2011-20
Code
Enforcement

ORDINANCE NO. 2011-20, CODE ENFORCEMENT, SECOND READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES, CHAPTER 2 ADMINISTRATION, SECTION 2-436 INTENT, SECTION 2-437 IMPLEMENTATION OF F. S. CH. 162, SECTION 2-438 DEFINITION, SECTION 2-439 ORGANIZATION, SECTION 2-440 ENFORCEMENT PROCEDURE, SECTION 2-441 CONDUCT OR HEARINGS, SECTION 2-442 POWERS, SECTION 2-443 ADMINISTRATIVE FINES, SECTION 2-444 DURATION OF LIEN, SECTION 2-445 APPEALS, SECTION 2-446 SERVICE OF NOTICES, SECTION 2-447 PROVISIONS OF DIVISION SUPPLEMENTAL, AND PROVIDING AN EFFECTIVE DATE.

Mayor Pruetto read Ordinance No. 2011-20 by title only and opened the public hearing.

There being no comments from the public, the public hearing was closed.

City Attorney Krechowski explained the language in the ordinance allows Council the option to replace the code enforcement board with a special magistrate.

City Attorney Krechowski made the following amendments:

Section 2-439. Organization (A) Special Magistrate (2) The Special Magistrate shall serve at the pleasure of the city council. The appointment of the Special Magistrate shall be made for a term of one (1) year with the Mayor reserving the right to terminate the term prior to its natural end, in writing, with no less than thirty (30) days notice.

Section 2-443. Administrative fines; liens. (a) The Special Magistrate or code enforcement board, upon notification by the city manager or his designee that an order of the Special Magistrate or code enforcement board has not been complied with by the set term or, upon finding that the same violation has been repeated by the same violator, may order the violator to pay a fine for each day the violation continues past the date set for compliance or for each time the violation has been repeated, and a hearing shall not be necessary for issuance of the order. The fine imposed shall not exceed two hundred fifty dollars (\$250.00) per day for a first violation and shall not exceed five hundred dollars (\$500.00) per day for a repeat violation.

City Attorney Krechowski stated the Ordinance did not need further discussion.

Moved by Jolly, seconded by Tucker.

Motion: **TO ADOPT ORDINANCE NO. 2011-20 ON SECOND READ AND PUBLIC HEARING AS AMENDED.**

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Pardee, Tucker, Pruette

Noes: 0

MOTION CARRIED

Ord. No. 2011-22
Animals

ORDINANCE NO. 2011-22, CHAPTER 6, ANIMALS, FIRST READ: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING THE CODE OF ORDINANCES CHAPTER 6 ANIMALS, AMENDING SEC. 6-1 DEFINITIONS; SEC. 6-4 NUISANCES CAUSED BY ANIMALS; SEC. 6-5 PENALTIES; SEC. 6-6 QUARANTINE OF BITING ANIMALS; LABORATORY ANALYSIS; CITY'S LIABILITY; COSTS; SEC. 6-7 IMPOUNDING OF ANIMALS SEC. 6-12 INJURIES CAUSED BY ANIMALS, SEC. 6-14 CLASSIFICATION OF DOGS AS DANGEROUS; CERTIFICATION OF REGISTRATION; NOTICE AND HEARING REQUIREMENTS; CONFINEMENT OF ANIMAL; EXEMPTION; APPEALS; UNLAWFUL ACTS, DISPOSAL; SEC. 6-15 ATTACK OR BIT BY DANGEROUS DOG; PENALTIES; CONFISCATION; DESTRUCTION; SEC. 6-30 DEFECATION DISPOSAL AND PROVIDING AN EFFECTIVE DATE.

Mayor Pruette read Ordinance No. 2011-22 by title only and opened the public hearing.

There being no comments from the public, the public hearing was closed.

Moved by Jolly, seconded by Tucker.

Motion: **TO PASS ORDINANCE NO. 2011-22 ON FIRST READ.**

City Attorney Krechowski made the following amendments:

Sec. 6-14 Classification of dogs as dangerous; certification of registration; notice and hearing requirements; confinement of animal; exemption; appeals; unlawful acts.

(3) to just say "dies"

~~(4) liability insurance in the amount of at least one hundred thousand dollars (\$100,000.00)
If an owner possesses more than one dangerous dog, said owner shall provide liability
insurance totaling at last two hundred thousand dollars (\$200,000.00)~~

In the following sentence "prior to a dangerous dog" add "moved" and that covers 3 and 4.

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Pardee, Tucker, Pruette

Noes: 0

MOTION CARRIED

OLD BUSINESS / NONE

NEW BUSINESS

Jarboe Park

JARBOE PARK / LARGE EVENT APPLICATION / GATEWAY GIRL SCOUTS 100TH ANNIVERSARY: The proposed event in celebration of the 100th Anniversary of Scouting would be held March 10, 2012.

Moved by Tucker, seconded by Pardee.

Motion: **TO APPROVE THE JARBOE PARK EVENT FOR GATEWAY GIRL SCOUTS 100TH ANNIVERSARY.**

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Pardee, Tucker, Pruette

Noes: 0

MOTION CARRIED

Art Walk

NORTH BEACHES' ART WALK: City Manager Jarboe explained the consensus of Council at the September workshop was to allow expansion of the art walk to include all commercial areas in Neptune Beach.

City Manager Jarboe stated the rules for the art walk were similar to the rules for other events in Town Center and Jarboe Park. He added the rules do not preclude amplified music however if there are complaints regarding amplified music it will have to be discontinued.

Moved by Tucker, seconded by Jolly.

Motion: **TO APPROVE THE ART WALK TO INCLUDE ALL COMMERCIAL AREAS IN NEPTUNE BEACH.**

Councilor Jolly asked City Manager Jarboe to add to the rules that the satellite sites must be monitored twice during the event.

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Pardee, Tucker, Pruette

Noes: 0

MOTION CARRIED

Public Safety

LABOR AGREEMENT / PUBLIC SAFETY DEPARTMENT: City Manager Jarboe explained the labor agreement was the exact same as the past four years. He added that there have been no changes or step salary increases for police officers in the past four years.

Moved by Pardee, seconded by Tucker.

Motion: **TO APPROVE THE LABOR AGREEMENT FOR THE PUBLIC SAFETY DEPARTMENT.**

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Pardee, Tucker, Pruette

Noes: 0

MOTION CARRIED

COUNCIL COMMENTS

Vice Mayor Tucker stated she would be out of State and would not be able to attend the October 24, 2011.

Vice Mayor Tucker presented a Proclamation to Mayor Pruette proclaiming October 16, 2011 as "Mayor Harriet Pruette Day" in honor of her 65th birthday.

Mayor Pruette asked City Manager Jarboe to research different alternatives for recycling. City Manager Jarboe replied he would provide information to the Council for the next workshop meeting regarding commercial recycling.

Adjournment

There being no further business, the meeting adjourned at 6:20 p.m.

Harriet Pruette, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved:



MINUTES
SPECIAL CITY COUNCIL MEETING
OCTOBER 6, 2011 AT 5:30 P.M
CITY HALL, 116 FIRST STREET
NEPTUNE BEACH, FLORIDA

Pursuant to proper notice a Special Meeting of the City Council of the City of Neptune Beach was held October 6, 2011 at 5:30 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

STAFF:

Mayor Harriet Pruette
Vice Mayor Kara Tucker
Councilor Richard Arthur
City Attorney Patrick Krechowski
City Manager James Jarboe
City Clerk Lisa Volpe, CMC

ABSENT:

Councilor John Jolly
Councilor Eric Pardee

Order Call

Mayor Pruette called the special meeting to order at 5:30 p.m.

Tipping Fee

Mayor Pruette welcomed everyone and introduced City of Atlantic Beach Mayor Mike Borno.

Mayor Pruette read the following email from Councilor John Jolly for the record:

I will be out of town and cannot attend Thursday night's special council meeting. I would like my email read into the minutes of the meeting. I believe that both the Cities of Neptune Beach and Jacksonville have obligations under the inter-local agreement. I do not believe that the City of Jacksonville has fully met all of its obligations. Before the City of Neptune Beach pays any invoice that it may receive from the City of Jacksonville for tipping fees, I would like for the records of the City of Jacksonville to be opened for a review to insure that we are charged the correct amount, if any.

Mayor Pruette read the following statement for the record:

For more than a year we have gone back and forth with Jacksonville concerning the landfill tipping fee. Our City Manager along with Atlantic Beach's City Manager have met with Jacksonville's staff on a number of occasions to try and determine if Jacksonville has met the conditions in the Interlocal Agreement that would require us to pay tipping fees. The information provided by Jacksonville at these meetings has been conflicting and confusing. When asked for clarifying information, the Jacksonville staff took more than six weeks to respond. The

same thing has happened when follow up questions were asked. At last such meeting, a Jacksonville staff member conceded that some of the previous information provided by Jacksonville was wrong. In addition, at our Mayors/Managers meetings, over the past 18 months with the previous Jacksonville Mayor, conflicting information was given as to if the tipping fees would be in the Jacksonville Budget. Confusing the matter even more, Mayor Peyton held a community budget meeting at the Beach last spring and told a reporter that the fees would not be in the Budget. His statement was reported in the Beaches Leader. When the new Mayor took office, he and his staff told us many times they wanted to work with us. However, we could never get a clear answer as to if the tipping fees would be in the Jacksonville Budget. Sad to say, we only found out that Mayor Brown had included the fees in the budget by reading it in the newspaper. We next met with the Jacksonville Council's Finance Committee to try to reverse the inclusion of tipping fees in the Budget by Mayor Brown. After hearing our position, the Finance Committee voted to take the fees out of the budget for this year. After our Budget was approved, the Jacksonville Council, at their Budget Hearing, had a surprise amendment approved at 1:00 a.m. in the morning putting the fees back in their budget. Therefore, I am requesting that you consider allowing me to write a joint letter with the Atlantic Beach Mayor to the Jacksonville Council President and Mayor requesting that they fully open their solid waste financial information so that a valid determination can be made if Jacksonville has reached the point where the solid waste fee charged to their citizens fully covers the pick-up and disposal cost as required by the Interlocal Agreement before Neptune and Atlantic Beach can be charged tipping fees. If Jacksonville fails to allow us to audit their information, then I think the City Attorney should be allowed to move forward to seek an injunction until such time as it can be determined if the fees are actually due. In closing, it is the City Attorney's, the City Manager's and my opinion that just because Jacksonville put the fees in their budget doesn't trigger the requirement that we are required to pay them. We need proof that the conditions on tipping fees as stated in the Interlocal Agreement have been met.

City Manager Jarboe explained over the past 18 months he has been receiving conflicting information from the City of Jacksonville administration regarding whether or not the tipping fees would be included in their budget. He voiced concern that the City of Neptune Beach and Atlantic Beach had not been formally notified that Jacksonville intended to charge us tipping fees. He supported joining forces with Atlantic Beach requesting Jacksonville open their financial records relating to landfill tipping charges. He suggested the audit of the financials be conducted by an outside expert who has information and knowledge regarding such fees.

Moved by Pruette, seconded by Tucker.

Motion: **TO AUTHORIZE THE MAYOR TO SIGN A JOINT LETTER WITH THE MAYOR OF ATLANTIC BEACH TO THE CITY OF JACKSONVILLE MAYOR AND COUNCIL PRESIDENT ADVISING THEM OF OUR SURPRISE AND CONCERN WITH THEIR RECENT DECISION TO BEGIN CHARGING A LANDFILL TIPPING FEE AND REQUESTING THEIR COOPERATION IN WORKING WITH THE CITY STAFF AND CONSULTANTS TO OBTAIN ADDITIONAL INFORMATION TO DETERMINE WHETHER JACKSONVILLE HAS MET THE PROVISIONS IN THE INTER-LOCAL AGREEMENT FOR PAYMENT OF LANDFILL TIPPING FEES AND TO SHARE THE COST THAT IT TAKES TO GATHER THE INFORMATION BETWEEN ATLANTIC BEACH AND NEPTUNE BEACH.**

Vice Mayor Tucker advised she had attended the special meeting of the Atlantic Beach City Commission. She felt the cities should join forces together and write a letter to the City of Jacksonville asking them to open the financial records. She wanted to ensure the Interlocal Agreement was being followed by Jacksonville.

Councilor Arthur questioned the cost of an outside consultant. City Manager Jarboe replied the estimated cost for an outside consultant would be \$15,000 to \$20,000. The cost would be shared with Atlantic Beach.

Councilor Arthur questioned what the next step would be if the consultant determined Jacksonville was not in compliance with the Interlocal Agreement. City Manager Jarboe responded if the City of Jacksonville responds negatively to the written request to open their financials the Atlantic Beach and Neptune Beach City Attorneys' would discuss how to proceed and ask the Council for further directions.

Councilor Arthur asked if there would be a time limit for Jacksonville to respond to the request. City Manager Jarboe agreed there should be a reasonable time.

Mayor Pruette stated we have asked Jacksonville several times to provide the information and they have not responded. She felt Neptune Beach and Atlantic Beach have been forced into taking some action.

City Attorney Krechowski agreed with Mayor Pruette and City Manager Jarboe. This is the first step to position ourselves appropriately. He felt we should continue to work with Atlantic Beach to discuss further actions. He also felt the motion was well stated.

Roll Call Vote:

Ayes: 3 – Arthur, Tucker, Pruette

Noes: 0

MOTION CARRIED

Mayor Pruette added it is very important that we work together with Atlantic Beach stating that we have to protect our citizens and finances.

Councilor Arthur questioned when the letter would be sent to Jacksonville. City Manager Jarboe advised the letter would be sent the beginning of next week.

Mayor Pruette committed on an article in the Florida Times Union that Chris Hand, Jacksonville Mayor Brown's top aide, was quoted saying "ultimately it was the Jacksonville City Council that approved the measure that included the demand for tipping fees from Neptune Beach and Atlantic Beach and that Mayor Brown wanted to wait on implementing measures for tipping fees until next year" She questioned why Mayor Brown put the tipping fees in his budget as a line item and his staff never informed us of his decision. She was disappointed that he did not even let us know.

Adjournment

There being no further business, the meeting adjourned at 5:50 p.m.

Harriet Pruette, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



**MINUTES
WORKSHOP CITY COUNCIL MEETING
SEPTEMBER 26, 2011, AT 6:10 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 September 26, 2011 at 6:10 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

STAFF:

Mayor Harriet Pruette
Vice Mayor Kara Tucker
Councilor Eric Pardee
Councilor Richard Arthur
Councilor John Jolly
City Attorney Patrick Krechowski
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

Director of Finance Steve Ramsey
Director of Public Safety David Sembach

**Call to Order/Roll
Call**

Mayor Pruette called the meeting to order at 6:10 p.m.

PRESENTATIONS / NONE

CITY MANAGER'S ACTION LIST

City Manager Jarboe reported on the following:

- There was only one report of flooding during the recent heavy rains.

PUBLIC COMMENTS

Linda Stewart, 1309 Neptune Grove Drive West, Executive director of North Beaches Art Walk, explained the North Beaches Art Walk was established as a non-profit August 30, 2009 and will celebrate their 4th Anniversary on October 20, 2011. The art walk currently extends down to Adele Gauge in Atlantic Beach. They are requesting permission to extend the boundaries down Atlantic Boulevard to the Mayoport overpass. She also requested the City provide a list of detailed rules and requirements.

Sandy Golding, 1203 18th Avenue North, Jacksonville Beach, member of the 2008 Animal Ordinance Committee, recommended amendments to the proposed animal ordinance.

PROPOSED ORDINANCES

Ord. No. 2011-16 ORDINANCE NO. 2011-16, AMENDING CHAPTER 6, ANIMALS: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES, CHAPTER 6 ANIMALS, AMENDING SEC. 6-4 NUISANCES CAUSED BY ANIMALS; SEC. 6-6 QUARANTINE OF BITING ANIMAL; LABORATORY ANALYSIS; CITY'S LIABILITY; COSTS; SEC. 6-7 IMPOUNDING OF ANIMALS; SEC. 6-14 CLASSIFICATION OF DOGS AS DANGEROUS; CERTIFICATION OF REGISTRATION; NOTICE AND HEARING REQUIREMENTS; CONFINEMENT OF ANIMAL; EXEMPTION; APPEALS; UNLAWFUL ACTS; SEC. 6-15 ATTACK OR BIT BY DANGEROUS DOG; PENALTIES; CONFISCATION; DESTRUCTION; DISPOSAL; AND PROVIDING AN EFFECTIVE DATE.

City Attorney Krechowski explained the following clerical amendments;

Section 6-7 Impounding of animals. (a) Generally. It shall be the duty of the department of public safety to catch and impound, for a period not less than five (5) days, excluding the day of intake and the day of disposition, in a place maintained or designated for that purpose, an animal found at large or unlicensed in violation of the chapter and those animals referenced in Section 6-28 and Section 6-6.

Section 6-7 Impounding of animals.(c)(3)(2)

Section 6-7 Impounding of animals (d) unredeemed animals. An impounded animal that is not redeemed within the five (5) business days, the public safety department will ~~transport the animal to~~ notify the City of Jacksonville's Animal Control Department.

Section 6-14 Classification of dogs as dangerous; certification of registration; notice and hearing requirements; confinement of animal; exemption; appeals; unlawful acts. (b)(3) After the investigation, the animal control authority shall make an initial determination as to whether there is sufficient cause to classify the dog as dangerous and shall afford the owner an opportunity for a hearing before the Code Enforcement Board or the Special Magistrate prior to making a final determination.

Section 6-15 Attack or bite by dangerous dog; penalties; confiscation; destruction. (a) Finally if a dog that has been previously declared dangerous, attacks and causes a severe injury to or injury ~~the that~~ causes the death of any human or domestic animals, the owner is guilty of a felony of the third degree, punishable as provided in F. S. Sec. 775.082 or 775.084.

Vice Mayor Tucker questioned a small dog should have a two bites verses one bite definition of dangerous dog. The City Attorney stated it was consistent with the State's description and is also what other cities use.

Councilor Jolly suggested amending the following:

Section 6-14(b)(2) to include that the animal control authority shall determine whether or not the animal has been inoculated for rabies.

Section 6-15(c) to add that the owner has to make an advanced payment for boarding during the appeal process.

Councilor Arthur questioned if the definition of "severe attack" was consistent with the State. City Attorney Krechowski advised the definition was consistent with the State.

Mayor Pruette agreed that animal control should first determine if the animal had been inoculated for rabies. City Manager Jarboe advised under Florida law the dog is suppose to have a rabies tag on when it is in public.

Mayor Pruette suggested eliminating Ordinance No. 2011-16 because there were too many amendments and introducing this as a new Ordinance.

City Clerk Volpe stated she would renumber the Ordinance and amend the title. The first reading would be in October and the second read would be in November.

Consensus: **FORWARD TO THE OCTOBER REGULAR MEETING FOR FIRST READ AS AMENDED.**

CONTRACTS / AGREEMENTS / NONE

ISSUE DEVELOPMENT

Jarboe Park
Girl Scouts

JARBOE PARK, LARGE EVENT APPLICATION / GATEWAY GIRL SCOUTS 100TH ANNIVERSARY OF SCOUTING:

City Manager Jarboe stated the girl scouts have requested to have their 100th anniversary event in Jarboe Park on March 10, 2012.

Deanne Dunlop, Girl Scout Leader, also asked if they could be allowed to have six matching pop up tents and/or a historical tent display. City Manager Jarboe stated he would provide the Girl Scouts a letter regarding the rules and requirements.

Consensus: **TO ALLOW THE TENTS AND FORWARD TO THE OCTOBER REGULAR MEETING FOR APPROVAL.**

Art Walk

NORTH BEACH ART WALK: City Manager Jarboe explained the Art Walk was originally approved for the Town Center area. He recommended Council approve the request to allow the expansion to all commercial zoned areas.

Councilor Pardee voiced concern regarding pedestrians crossing Atlantic Boulevard.

Linda Stewart, Executive Director of the North Beaches Art Walk, explained the route of the shuttle bus. She added they could not prevent people from crossing the street in places other than the traffic lights.

Councilor Jolly asked City Manager Jarboe to prepare a list of requirements for the Art Walk before the approval at the October regular meeting.

Consensus; **FORWARD TO THE OCTOBER REGULAR MEETING FOR APPROVAL. TO ALLOW THE ART WALK TO EXPAND TO ALL COMMERCIAL AREAS.**

PUBLIC COMMENTS / NONE

COUNCIL COMMENTS / NONE

Adjournment

There being no further business, the meeting adjourned at 6:55 pm.

Harriet Pruetto, Mayor

Attest:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
SPECIAL CITY COUNCIL MEETING
SEPTEMBER 26, 2011 AT 6:00 P.M
CITY HALL, 116 FIRST STREET
NEPTUNE BEACH, FLORIDA

Pursuant to proper notice a Special Meeting of the City Council of the City of Neptune Beach was held September 26, 2011 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 Kara Tucker
Councilor Richard Arthur
Councilor John Jolly
Councilor Eric Pardee
City Attorney Patrick Krechowski
City Manager James Jarboe
City Clerk Lisa Volpe, CMC

Director of Finance Steve Ramsey
Director of Public Safety Sembach

Order Call

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

**Ord. No. 2011-17
Millage**

ORDINANCE 2011-17, ADOPTING FINAL MILLAGE RATES, SECOND READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, ADOPTING FINAL MILLAGE RATES AND LEVYING AD VALOREM TAXES FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2011, AND ENDING SEPTEMBER 30, 2012; SETTING FORTH CERTAIN INFORMATION REGARDING "ROLLED-BACK RATES"; DIRECTING THE CITY MANAGER TO ADJUST THE ADOPTED MILLAGE IN THE EVENT OF CHANGES IN THE ASSESSMENT ROLL AND TAXABLE VALUE; PROVIDING AN EFFECTIVE DATE.

Mayor Pruette read the TRIM for the record: This is the millage public hearing for the City of Neptune Beach, Florida. The roll back rate for the City of Neptune Beach is 3.3443 mills. The millage rate to be adopted is 3.3443 mills which is a 0.0 increase over the roll back rate.

Mayor Pruette read Ordinance No. 2011-17 by title only and opened the public hearing.

There being no comments from the public, the public hearing was closed.

Moved by Jolly, seconded by Tucker

Motion: **TO ADOPT ORDINANCE NO. 2011-17 ON SECOND AND FINAL READ.**

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Pardee, Tucker, Pruette

Noes: 0

MOTION CARRIED

Ord. No. 2011-18
Budget

ORDINANCE NO. 2011-18, ADOPTING A FINAL BUDGET, SECOND READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, ADOPTING A FINAL BUDGET AND APPROPRIATING FUNDS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2011, AND ENDING SEPTEMBER 30, 2012; PROVIDING AN EFFECTIVE DATE.

Mayor Pruette read Ordinance No. 2011-18 by title only and opened the public hearing.

There being no comments from the public, the public hearing was closed.

Moved by Tucker, seconded by Arthur

Motion: **TO ADOPT ORDINANCE NO. 2011-18 ON SECOND READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Pardee, Tucker, Pruette

Noes: 0

MOTION CARRIED

Ord. No. 2011-21

ORDINANCE NO. 2011-21, DELETING SEC. 14-2, FIREARMS, EMERGENCY READ: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, DELETING THE CODE OF ORDINANCES CHAPTER 14, OFFENSES SEC. 14-2 DISCHARGING FIREARMS AND PROVIDING AN EFFECTIVE DATE.

Mayor Pruette read Ordinance No. 2011-21 by title only and opened the public hearing.

There being no comments from the public, the public hearing was closed.

Moved by Jolly, seconded by Tucker

Motion: **TO ADOPT ORDINANCE NO. 2011-21 ON EMERGENCY READ.**

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Pardee, Tucker, Pruette

Noes: 0

MOTION CARRIED

Res. No. 2011-06

RESOLUTION NO. 2011-06: A RESOLUTION ALLOWING THE CITY MANAGER TO EXECUTE AND DELIVER THE ATLANTIC BOULEVARD MAINTENANCE AGREEMENT TO THE FLORIDA DEPARTMENT OF TRANSPORTATION.

Moved by Pardee, seconded by Tucker

Motion: **TO ADOPT RESOLUTION 2011-06.**

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Pardee, Tucker, Pruette

Noes: 0

MOTION CARRIED

Adjournment

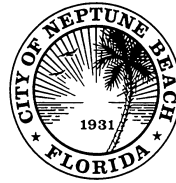
There being no further business, the meeting adjourned at 6:10 p.m.

Harriet Pruetto, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
REGULAR CITY COUNCIL MEETING
SEPTEMBER 12, 2011 AT 6:00 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 September 12, 2011, at 6:00 p.m. in the City Hall Council Chambers, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

Mayor Harriet Pruette
Vice Mayor Kara Tucker
Councilor Richard Arthur
Councilor John Jolly
Councilor Eric Pardee
City Attorney Patrick Krechowski
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

STAFF:

Community Development Director Askew
Senior Center Director Leslie Lyne
Director of Finance Steve Ramsey

Order Call/Pledge Mayor Pruette called the meeting to order at 6:00 p.m. and

AWARDS / PRESENTATIONS/ RECOGNITION OF GUESTS / NONE

APPROVAL OF MINUTES

Moved by Jolly, seconded by Tucker.

Minutes

Motion: TO APPROVE THE FOLLOWING MINUTES AS AMENDED:

AUGUST 8, 2011, REGULAR CITY COUNCIL MEETING
AUGUST 8, 2011, WORKSHOP CITY COUNCIL MEETING
AUGUST 15, 2011, WORKSHOP CITY COUNCIL MEETING
AUGUST 15, 2011, SPECIAL CITY COUNCIL MEETING

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Pardee, Tucker, Pruette

Noes: 0

MOTION CARRIED

COMMUNICATIONS & CORRESPONDENCE

City Attorney Krechowski explained new State requirements require the city to delete Section 14.2 of the Code which prohibits the discharge of firearms within the city limits.

City Attorney Krechowski announced he would be providing training to the Community Development Board members at their September 21, 2011, meeting.

CITY MANAGER REPORT / NONE

COMMENTS FROM THE PUBLIC

Ed Jones, 200 First Street, President of the Beaches Town Center Agency, stated he represented the Town Center Agency. The Comcast contract with the City requires Comcast to donate \$8,000 annually to the City to be used for holiday lighting. He added the TCA has been lighting the Town Center for the past couple of years. He requested the city contribute some of those funds to the TCA to help offset their costs for lighting and also electrical work. Mayor Pruette asked Mr. Jones to meet with City Manager Jarboe regarding the issue. Mr. Jones wanted the issue to be discussed openly in public. Mayor Pruette asked City Manager Jarboe to provide the Tri-party agreement and other information to the Council.

CONSENT AGENDA / NONE

VARIANCES / NONE

ORDINANCES

Ord. No. 2011-17
Millage

ORDINANCE NO. 2011-17, ADOPTING FINAL MILLAGE RATES, FIRST READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, ADOPTING FINAL MILLAGE RATES AND LEVYING AD VALOREM TAXES FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2011, AND ENDING SEPTEMBER 30, 2012; SETTING FORTH CERTAIN INFORMATION REGARDING "ROLLED-BACK RATES", DIRECTING THE CITY MANAGER TO ADJUST THE ADOPTED MILLAGE RATES IN THE EVENT OF CHANGES IN THE ASSESSMENT ROLL AND TAXABLE VALUE; PROVIDING AN EFFECTIVE DATE.

Mayor Pruette read the following for the record: "This is the millage public hearing for the City of Neptune Beach, Florida. The roll back rate for the City of Neptune Beach is 3.3443 mils. This rate reflects a zero point zero increase over the prior year's millage rate. This is the rate that is to be adopted in the Ordinance by the City Council. This rate is below the tentative rate mailed out to the citizens on their TRIM notices. The rate on the TRIM notice was 3.3627 which is higher than the rate that is being proposed tonight."

Mayor Pruette read Ordinance No. 2011-17 by title only and opened the public hearing.

There being no comments from the public, the public hearing was closed.

Moved by Jolly, seconded by Tucker.

Motion: **TO PASS ORDINANCE NO. 2011-17 ON FIRST READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Pardee, Tucker, Pruette

Noes: 0

MOTION CARRIED

Ord. No. 2011-18 ORDINANCE NO. 2011-18, ADOPTING A FINAL BUDGET, FIRST READ AND PUBLIC
Budget HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA,
 ADOPTING A FINAL BUDGET AND APPROPRIATING FUNDS FOR THE FISCAL YEAR
 BEGINNING OCTOBER 1, 2011, AND ENDING SEPTEMBER 30, 2012, PROVIDING AN
 EFFECTIVE DATE.

Mayor Pruette read Ordinance No. 2011-18 by title only and opened the public hearing.

There being no comments from the public, the public hearing was closed.

Moved by Pardee, seconded by Tucker.

Motion: **TO PASS ORDINANCE NO. 2011-18 ON FIRST READ AND PUBLIC**
 HEARING.

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Pardee, Tucker, Pruette

Noes: 0

MOTION CARRIED

Mayor Pruette commented to City Manager Jarboe and Finance Director Ramsey that she appreciated how the City has worked together to hold expenses down with less revenue.

Director of Finance Ramsey gave a brief power point presentation regarding the budget.

Ord. No. 2011-13 ORDINANCE NO. 2011-13, PERMISSIBLE USES, SECOND READ AND PUBLIC
Permissible Uses HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA,
 AMENDING THE CODE OF ORDINANCES, CHAPTER 27 UNIFIED LAND
 DEVELOPMENT REGULATIONS, ARTICLE IV, LAND USE, DELETING TABLE 27-226-1
 TABLE OF PERMISSIBLE USES AND AMENDING SECTION 27-226 ALLOWABLE
 USES WITHIN ZONING DISTRICTS AND PROVIDING AN EFFECTIVE DATE.

Mayor Pruette read Ordinance No. 2011-13 by title only and opened the public hearing.

There being no comments from the public, the public hearing was closed.

Moved by Jolly, seconded by Tucker.

Motion: **TO ADOPT ORDINANCE NO. 2011-13 AS AMENDED ON SECOND**
 READ AND PUBLIC HEARING.

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Pardee, Tucker, Pruette

Noes: 0

MOTION CARRIED

Ord. No. 2011-16 ORDINANCE NO. 2011-16, AMENDING CHAPTER 6, ANIMALS, SECOND READ AND
Animals PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH FLORIDA,
 AMENDING THE CODE OF ORDINANCES CHAPTER 6 ANIMALS AMENDING SEC. 6-4
 NUISANCES CAUSED BY ANIMALS; SEC. 6-6 QUARANTINE OF BITING ANIMAL;
 LABORATORY ANALYSIS; CITY'S LIABILITY; COSTS SEC. 6-7 IMPOUNDING OF
 ANIMALS SEC. 6-14 CLASSIFICATION OF DOGS AS DANGEROUS; CERTIFICATION
 OF REGISTRATION; NOTICE AND HEARING REQUIREMENTS; CONFINEMENT OF

ANIMAL EXEMPTION; APPEALS; UNLAWFUL ACTS SEC. 6-15 ATTACK OR BITE BY DANGEROUS DOG; PENALTIES; CONFISCATION; DESTRUCTION DISPOSAL AND PROVIDING AN EFFECTIVE DATE.

Consensus: **TO DELAY ACTION ON ORDINANCE NO. 2011-16 UNTIL THE SEPTEMBER 26, 2011 WORKSHOP COUNCIL MEETING.**

Ord. No. 2011-19
Invasive Plants

ORDINANCE NO. 2011-19, INVASIVE PLANTS, FIRST READ: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES CHAPTER 7 UNIFIED LAND DEVELOPMENT REGULATIONS, SECTION 27-445 INVASIVE PLANTS AND PROVIDING AN EFFECTIVE DATE.

Mayor Pruette read Ordinance No. 2011-19 by title only and opened the public hearing.

There being no comments from the public, the public hearing was closed.

Moved by Arthur, seconded by Tucker

Motion: **TO PASS ORDINANCE NO. 2011-19 ON FIRST READ.**

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Pardee, Tucker, Pruette

Noes: 0

MOTION CARRIED

Ord. No. 2011-20
Code
Enforcement

ORDINANCE NO. 2011-20, CODE ENFORCEMENT PROCEDURE, FIRST READ: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES, CHAPTER 2 ADMINISTRATION, SECTION 2-436 INTENT, SECTION 2-437 IMPLEMENTATION OF F.S. CH. 162, SECTION 2-438 DEFINITION, SECTION 2-439 ORGANIZATION, SECTION 2-440 ENFORCEMENT PROCEDURE, SECTION 2-441 CONDUCT OF HEARINGS, SECTION 2-442 POWERS, SECTION 2-443 ADMINISTRATIVE FINES, SECTION 2-444 DURATION OF LIEN, SECTION 2-445 APPEALS, SECTION 2-446 SERVICE OF NOTICES, SECTION 2-447 PROVISIONS OF DIVISION SUPPLEMENTAL, AND PROVIDING AN EFFECTIVE DATE.

City Attorney Krechowski made the following amendments:

Section 2-437 Implementation of F.S. Ch. 162 as follows: The city does hereby create, by this division a Special Magistrate as permitted by F. S. Ch. 162. The reserves the right to substitute the ~~Special Magistrate with a~~ local government code enforcement board with a Special Magistrate according to the terms and conditions of this Division when a Special Magistrate is appointed by the Mayor and confirmed by the City Council by resolution.

Section 2-439 Organization (b) Code Enforcement as follows: ~~(4) The city manager or his designee attorney shall represent the city presenting cases before the board. The city attorney shall either be counsel to the enforcement board or shall represent the city presenting cases before the board; but in no case shall the city attorney serve in both capacities.~~

Delete the word “~~definitions~~” from Sections 7, 8, 9, 10, 11, and 12.

Moved by Jolly, seconded by Tucker

Motion: **TO PASS ORDINANCE NO. 2011-20 ON FIRST READ AS AMENDED.**

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Pardee, Tucker, Pruette

Noes: 0

MOTION CARRIED

OLD BUSINESS / NONE

NEW BUSINESS

Jarboe Park /
Fletcher Choir

JARBOE PARK, LARGE EVENT APPLICATION / ANNUAL PICNIC FOR FLETCHER
HIGH SCHOOL CHOIR:

Moved by Jolly, seconded by Tucker

Motion: **TO APPROVE THE LARGE EVENT APPLICATION FOR THE ANNUAL
PICNIC FOR FLETCHER HIGH SCHOOL CHOIR.**

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Pardee, Tucker, Pruette

Noes: 0

MOTION CARRIED

COUNCIL COMMENTS

Councilor Jolly thanked the city staff for their hard work on the budget.

Adjournment

There being no further business, the meeting adjourned at 6:30 p.m.

Harriet Pruette, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved:



MINUTES
WORKSHOP CITY COUNCIL MEETING
SEPTEMBER 12, 2011, AT 5:30 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 September 12, 2011 at 5:30 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

STAFF:

Mayor Harriet Pruette
Vice Mayor Kara Tucker
Councilor Eric Pardee
Councilor Richard Arthur
Councilor John Jolly
City Attorney Patrick Krechowski
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

Senior Center Director Leslie Lyne
Director of Finance Steve Ramsey
Public Safety Director David Sembach

Call to Order/Roll
Call

Mayor Pruette called the meeting to order at 5:30 p.m.

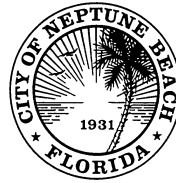
Ord. No. 2011-16

ORDINANCE NO. 2011-16, AMENDING CHAPTER 6, ANIMALS: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES CHAPTER 6 ANIMALS AMENDING SEC. 6-4 NUISANCES CAUSED BY ANIMALS; SEC. 6-6 QUARANTINE OF BITING ANIMAL; LABORATORY ANALYSIS; CITY'S LIABILITY; COSTS SECT. 6-7 IMPOUNDING OF ANIMALS SEC. 6-14 CLASSIFICATION OF DOGS AS DANGEROUS; CERTIFICATION OF REGISTRATION; NOTICE AND HEARING REQUIREMENTS; CONFINEMENT OF ANIMAL EXEMPTION; APPEALS; UNLAWFUL ACTS SEC. 6-15 ATTACK OR BITE BY DANGEROUS DOG; PENALTIES; CONFISCATION; DESTRUCTION DISPOSAL AND PROVIDING AN EFFECTIVE DATE.

City Attorney Krechowski explained the Ordinance that was provided in the packet was not accurate. He needs to go back through the various versions to make sure they have the correct strike throughs and underlines. He apologized for the confusion and recommended delaying action on this Ordinance until the September 26, 2011, workshop meeting.

Consensus:

**TO DELAY ACTION ON ORDINANCE NO. 2011-16 UNTIL THE
SEPTEMBER 26, 2011 MEETING.**



MINUTES
REGULAR CITY COUNCIL MEETING
SEPTEMBER 12, 2011 AT 6:00 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 September 12, 2011, at 6:00 p.m. in the City Hall Council Chambers, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

Mayor Harriet Pruette
Vice Mayor Kara Tucker
Councilor Richard Arthur
Councilor John Jolly
Councilor Eric Pardee
City Attorney Patrick Krechowski
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

STAFF:

Community Development Director Askew
Senior Center Director Leslie Lyne
Director of Finance Steve Ramsey

Order Call/Pledge Mayor Pruette called the meeting to order at 6:00 p.m. and

AWARDS / PRESENTATIONS/ RECOGNITION OF GUESTS / NONE

APPROVAL OF MINUTES

Moved by Jolly, seconded by Tucker.

Minutes

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

AUGUST 8, 2011, REGULAR CITY COUNCIL MEETING
AUGUST 8, 2011, WORKSHOP CITY COUNCIL MEETING
AUGUST 15, 2011, WORKSHOP CITY COUNCIL MEETING
AUGUST 15, 2011, SPECIAL CITY COUNCIL MEETING

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Pardee, Tucker, Pruette

Noes: 0

MOTION CARRIED

COMMUNICATIONS & CORRESPONDENCE

City Attorney Krechowski explained new State requirements require the city to delete Section 14.2 of the Code which prohibits the discharge of firearms within the city limits.

City Attorney Krechowski announced he would be providing training to the Community Development Board members at their September 21, 2011, meeting.

CITY MANAGER REPORT / NONE

COMMENTS FROM THE PUBLIC

Ed Jones, 200 First Street, President of the Beaches Town Center Agency, stated he represented the Town Center Agency. The Comcast contract with the City requires Comcast to donate \$8,000 annually to the City to be used for holiday lighting. He added the TCA has been lighting the Town Center for the past couple of years. He requested the city contribute some of those funds to the TCA to help offset their costs for lighting and also electrical work. Mayor Pruette asked Mr. Jones to meet with City Manager Jarboe regarding the issue. Mr. Jones wanted the issue to be discussed openly in public. Mayor Pruette asked City Manager Jarboe to provide the Tri-party agreement and other information to the Council.

CONSENT AGENDA / NONE

VARIANCES / NONE

ORDINANCES

Ord. No. 2011-17
Millage

ORDINANCE NO. 2011-17, ADOPTING FINAL MILLAGE RATES, FIRST READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, ADOPTING FINAL MILLAGE RATES AND LEVYING AD VALOREM TAXES FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2011, AND ENDING SEPTEMBER 30, 2012; SETTING FORTH CERTAIN INFORMATION REGARDING "ROLLED-BACK RATES", DIRECTING THE CITY MANAGER TO ADJUST THE ADOPTED MILLAGE RATES IN THE EVENT OF CHANGES IN THE ASSESSMENT ROLL AND TAXABLE VALUE; PROVIDING AN EFFECTIVE DATE.

Mayor Pruette read the following for the record: "This is the millage public hearing for the City of Neptune Beach, Florida. The roll back rate for the City of Neptune Beach is 3.3443 mils. This rate reflects a zero point zero increase over the prior year's millage rate. This is the rate that is to be adopted in the Ordinance by the City Council. This rate is below the tentative rate mailed out to the citizens on their TRIM notices. The rate on the TRIM notice was 3.3627 which is higher than the rate that is being proposed tonight."

Mayor Pruette read Ordinance No. 2011-17 by title only and opened the public hearing.

There being no comments from the public, the public hearing was closed.

Moved by Jolly, seconded by Tucker.

Motion: **TO PASS ORDINANCE NO. 2011-17 ON FIRST READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Pardee, Tucker, Pruette

Noes: 0

MOTION CARRIED

Ord. No. 2011-18 ORDINANCE NO. 2011-18, ADOPTING A FINAL BUDGET, FIRST READ AND PUBLIC
Budget HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA,
 ADOPTING A FINAL BUDGET AND APPROPRIATING FUNDS FOR THE FISCAL YEAR
 BEGINNING OCTOBER 1, 2011, AND ENDING SEPTEMBER 30, 2012, PROVIDING AN
 EFFECTIVE DATE.

Mayor Pruette read Ordinance No. 2011-18 by title only and opened the public hearing.

There being no comments from the public, the public hearing was closed.

Moved by Pardee, seconded by Tucker.

Motion: **TO PASS ORDINANCE NO. 2011-18 ON FIRST READ AND PUBLIC**
 HEARING.

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Pardee, Tucker, Pruette

Noes: 0

MOTION CARRIED

Mayor Pruette commented to City Manager Jarboe and Finance Director Ramsey that she appreciated how the City has worked together to hold expenses down with less revenue.

Director of Finance Ramsey gave a brief power point presentation regarding the budget.

Ord. No. 2011-13 ORDINANCE NO. 2011-13, PERMISSIBLE USES, SECOND READ AND PUBLIC
Permissible Uses HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA,
 AMENDING THE CODE OF ORDINANCES, CHAPTER 27 UNIFIED LAND
 DEVELOPMENT REGULATIONS, ARTICLE IV, LAND USE, DELETING TABLE 27-226-1
 TABLE OF PERMISSIBLE USES AND AMENDING SECTION 27-226 ALLOWABLE
 USES WITHIN ZONING DISTRICTS AND PROVIDING AN EFFECTIVE DATE.

Mayor Pruette read Ordinance No. 2011-13 by title only and opened the public hearing.

There being no comments from the public, the public hearing was closed.

Moved by Jolly, seconded by Tucker.

Motion: **TO ADOPT ORDINANCE NO. 2011-13 AS AMENDED ON SECOND**
 READ AND PUBLIC HEARING.

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Pardee, Tucker, Pruette

Noes: 0

MOTION CARRIED

Ord. No. 2011-16 ORDINANCE NO. 2011-16, AMENDING CHAPTER 6, ANIMALS, SECOND READ AND
Animals PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH FLORIDA,
 AMENDING THE CODE OF ORDINANCES CHAPTER 6 ANIMALS AMENDING SEC. 6-4
 NUISANCES CAUSED BY ANIMALS; SEC. 6-6 QUARANTINE OF BITING ANIMAL;
 LABORATORY ANALYSIS; CITY'S LIABILITY; COSTS SEC. 6-7 IMPOUNDING OF
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 OF REGISTRATION; NOTICE AND HEARING REQUIREMENTS; CONFINEMENT OF

ANIMAL EXEMPTION; APPEALS; UNLAWFUL ACTS SEC. 6-15 ATTACK OR BITE BY DANGEROUS DOG; PENALTIES; CONFISCATION; DESTRUCTION DISPOSAL AND PROVIDING AN EFFECTIVE DATE.

Consensus: **TO DELAY ACTION ON ORDINANCE NO. 2011-16 UNTIL THE SEPTEMBER 26, 2011 WORKSHOP COUNCIL MEETING.**

Ord. No. 2011-19
Invasive Plants

ORDINANCE NO. 2011-19, INVASIVE PLANTS, FIRST READ: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES CHAPTER 7 UNIFIED LAND DEVELOPMENT REGULATIONS, SECTION 27-445 INVASIVE PLANTS AND PROVIDING AN EFFECTIVE DATE.

Mayor Pruette read Ordinance No. 2011-19 by title only and opened the public hearing.

There being no comments from the public, the public hearing was closed.

Moved by Arthur, seconded by Tucker

Motion: **TO PASS ORDINANCE NO. 2011-19 ON FIRST READ.**

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Pardee, Tucker, Pruette

Noes: 0

MOTION CARRIED

Ord. No. 2011-20
Code
Enforcement

ORDINANCE NO. 2011-20, CODE ENFORCEMENT PROCEDURE, FIRST READ: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES, CHAPTER 2 ADMINISTRATION, SECTION 2-436 INTENT, SECTION 2-437 IMPLEMENTATION OF F.S. CH. 162, SECTION 2-438 DEFINITION, SECTION 2-439 ORGANIZATION, SECTION 2-440 ENFORCEMENT PROCEDURE, SECTION 2-441 CONDUCT OF HEARINGS, SECTION 2-442 POWERS, SECTION 2-443 ADMINISTRATIVE FINES, SECTION 2-444 DURATION OF LIEN, SECTION 2-445 APPEALS, SECTION 2-446 SERVICE OF NOTICES, SECTION 2-447 PROVISIONS OF DIVISION SUPPLEMENTAL, AND PROVIDING AN EFFECTIVE DATE.

City Attorney Krechowski made the following amendments:

Section 2-437 Implementation of F.S. Ch. 162 as follows: The city does hereby create, by this division a Special Magistrate as permitted by F. S. Ch. 162. The reserves the right to substitute the ~~Special Magistrate with a~~ local government code enforcement board with a Special Magistrate according to the terms and conditions of this Division when a Special Magistrate is appointed by the Mayor and confirmed by the City Council by resolution.

Section 2-439 Organization (b) Code Enforcement as follows: ~~(4) The city manager or his designee attorney shall represent the city presenting cases before the board. The city attorney shall either be counsel to the enforcement board or shall represent the city presenting cases before the board; but in no case shall the city attorney serve in both capacities.~~

Delete the word “~~definitions~~” from Sections 7, 8, 9, 10, 11, and 12.

Moved by Jolly, seconded by Tucker

Motion: **TO PASS ORDINANCE NO. 2011-20 ON FIRST READ AS AMENDED.**

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Pardee, Tucker, Pruette

Noes: 0

MOTION CARRIED

OLD BUSINESS / NONE

NEW BUSINESS

Jarboe Park /
Fletcher Choir

JARBOE PARK, LARGE EVENT APPLICATION / ANNUAL PICNIC FOR FLETCHER
HIGH SCHOOL CHOIR:

Moved by Jolly, seconded by Tucker

Motion: **TO APPROVE THE LARGE EVENT APPLICATION FOR THE ANNUAL
PICNIC FOR FLETCHER HIGH SCHOOL CHOIR.**

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Pardee, Tucker, Pruette

Noes: 0

MOTION CARRIED

COUNCIL COMMENTS

Councilor Jolly thanked the city staff for their hard work on the budget.

Adjournment

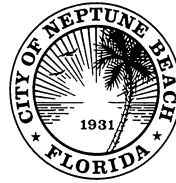
There being no further business, the meeting adjourned at 6:30 p.m.

ATTEST:

Harriet Pruette, Mayor

Lisa Volpe, CMC, City Clerk

Approved:



MINUTES
REGULAR CITY COUNCIL MEETING
SEPTEMBER 12, 2011 AT 6:00 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 September 12, 2011, at 6:00 p.m. in the City Hall Council Chambers, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

Mayor Harriet Pruette
Vice Mayor Kara Tucker
Councilor Richard Arthur
Councilor John Jolly
Councilor Eric Pardee
City Attorney Patrick Krechowski
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

STAFF:

Community Development Director Askew
Senior Center Director Leslie Lyne
Director of Finance Steve Ramsey

Order Call/Pledge Mayor Pruette called the meeting to order at 6:00 p.m. and

AWARDS / PRESENTATIONS/ RECOGNITION OF GUESTS / NONE

APPROVAL OF MINUTES

Moved by Jolly, seconded by Tucker.

Minutes

Motion: TO APPROVE THE FOLLOWING MINUTES AS AMENDED:

AUGUST 8, 2011, REGULAR CITY COUNCIL MEETING
AUGUST 8, 2011, WORKSHOP CITY COUNCIL MEETING
AUGUST 15, 2011, WORKSHOP CITY COUNCIL MEETING
AUGUST 15, 2011, SPECIAL CITY COUNCIL MEETING

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Pardee, Tucker, Pruette

Noes: 0

MOTION CARRIED

COMMUNICATIONS & CORRESPONDENCE

City Attorney Krechowski explained new State requirements require the city to delete Section 14.2 of the Code which prohibits the discharge of firearms within the city limits.

City Attorney Krechowski announced he would be providing training to the Community Development Board members at their September 21, 2011, meeting.

CITY MANAGER REPORT / NONE

COMMENTS FROM THE PUBLIC

Ed Jones, 200 First Street, President of the Beaches Town Center Agency, stated he represented the Town Center Agency. The Comcast contract with the City requires Comcast to donate \$8,000 annually to the City to be used for holiday lighting. He added the TCA has been lighting the Town Center for the past couple of years. He requested the city contribute some of those funds to the TCA to help offset their costs for lighting and also electrical work. Mayor Pruette asked Mr. Jones to meet with City Manager Jarboe regarding the issue. Mr. Jones wanted the issue to be discussed openly in public. Mayor Pruette asked City Manager Jarboe to provide the Tri-party agreement and other information to the Council.

CONSENT AGENDA / NONE

VARIANCES / NONE

ORDINANCES

Ord. No. 2011-17
Millage

ORDINANCE NO. 2011-17, ADOPTING FINAL MILLAGE RATES, FIRST READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, ADOPTING FINAL MILLAGE RATES AND LEVYING AD VALOREM TAXES FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2011, AND ENDING SEPTEMBER 30, 2012; SETTING FORTH CERTAIN INFORMATION REGARDING "ROLLED-BACK RATES", DIRECTING THE CITY MANAGER TO ADJUST THE ADOPTED MILLAGE RATES IN THE EVENT OF CHANGES IN THE ASSESSMENT ROLL AND TAXABLE VALUE; PROVIDING AN EFFECTIVE DATE.

Mayor Pruette read the following for the record: "This is the millage public hearing for the City of Neptune Beach, Florida. The roll back rate for the City of Neptune Beach is 3.3443 mils. This rate reflects a zero point zero increase over the prior year's millage rate. This is the rate that is to be adopted in the Ordinance by the City Council. This rate is below the tentative rate mailed out to the citizens on their TRIM notices. The rate on the TRIM notice was 3.3627 which is higher than the rate that is being proposed tonight."

Mayor Pruette read Ordinance No. 2011-17 by title only and opened the public hearing.

There being no comments from the public, the public hearing was closed.

Moved by Jolly, seconded by Tucker.

Motion: **TO PASS ORDINANCE NO. 2011-17 ON FIRST READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Pardee, Tucker, Pruette

Noes: 0

MOTION CARRIED

Ord. No. 2011-18 ORDINANCE NO. 2011-18, ADOPTING A FINAL BUDGET, FIRST READ AND PUBLIC
Budget HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA,
 ADOPTING A FINAL BUDGET AND APPROPRIATING FUNDS FOR THE FISCAL YEAR
 BEGINNING OCTOBER 1, 2011, AND ENDING SEPTEMBER 30, 2012, PROVIDING AN
 EFFECTIVE DATE.

Mayor Pruette read Ordinance No. 2011-18 by title only and opened the public hearing.

There being no comments from the public, the public hearing was closed.

Moved by Pardee, seconded by Tucker.

Motion: **TO PASS ORDINANCE NO. 2011-18 ON FIRST READ AND PUBLIC**
 HEARING.

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Pardee, Tucker, Pruette

Noes: 0

MOTION CARRIED

Mayor Pruette commented to City Manager Jarboe and Finance Director Ramsey that she appreciated how the City has worked together to hold expenses down with less revenue.

Director of Finance Ramsey gave a brief power point presentation regarding the budget.

Ord. No. 2011-13 ORDINANCE NO. 2011-13, PERMISSIBLE USES, SECOND READ AND PUBLIC
Permissible Uses HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA,
 AMENDING THE CODE OF ORDINANCES, CHAPTER 27 UNIFIED LAND
 DEVELOPMENT REGULATIONS, ARTICLE IV, LAND USE, DELETING TABLE 27-226-1
 TABLE OF PERMISSIBLE USES AND AMENDING SECTION 27-226 ALLOWABLE
 USES WITHIN ZONING DISTRICTS AND PROVIDING AN EFFECTIVE DATE.

Mayor Pruette read Ordinance No. 2011-13 by title only and opened the public hearing.

There being no comments from the public, the public hearing was closed.

Moved by Jolly, seconded by Tucker.

Motion: **TO ADOPT ORDINANCE NO. 2011-13 AS AMENDED ON SECOND**
 READ AND PUBLIC HEARING.

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Pardee, Tucker, Pruette

Noes: 0

MOTION CARRIED

Ord. No. 2011-16 ORDINANCE NO. 2011-16, AMENDING CHAPTER 6, ANIMALS, SECOND READ AND
Animals PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH FLORIDA,
 AMENDING THE CODE OF ORDINANCES CHAPTER 6 ANIMALS AMENDING SEC. 6-4
 NUISANCES CAUSED BY ANIMALS; SEC. 6-6 QUARANTINE OF BITING ANIMAL;
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 ANIMALS SEC. 6-14 CLASSIFICATION OF DOGS AS DANGEROUS; CERTIFICATION
 OF REGISTRATION; NOTICE AND HEARING REQUIREMENTS; CONFINEMENT OF

ANIMAL EXEMPTION; APPEALS; UNLAWFUL ACTS SEC. 6-15 ATTACK OR BITE BY DANGEROUS DOG; PENALTIES; CONFISCATION; DESTRUCTION DISPOSAL AND PROVIDING AN EFFECTIVE DATE.

Consensus: **TO DELAY ACTION ON ORDINANCE NO. 2011-16 UNTIL THE SEPTEMBER 26, 2011 WORKSHOP COUNCIL MEETING.**

Ord. No. 2011-19
Invasive Plants

ORDINANCE NO. 2011-19, INVASIVE PLANTS, FIRST READ: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES CHAPTER 7 UNIFIED LAND DEVELOPMENT REGULATIONS, SECTION 27-445 INVASIVE PLANTS AND PROVIDING AN EFFECTIVE DATE.

Mayor Pruette read Ordinance No. 2011-19 by title only and opened the public hearing.

There being no comments from the public, the public hearing was closed.

Moved by Arthur, seconded by Tucker

Motion: **TO PASS ORDINANCE NO. 2011-19 ON FIRST READ.**

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Pardee, Tucker, Pruette

Noes: 0

MOTION CARRIED

Ord. No. 2011-20
Code
Enforcement

ORDINANCE NO. 2011-20, CODE ENFORCEMENT PROCEDURE, FIRST READ: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES, CHAPTER 2 ADMINISTRATION, SECTION 2-436 INTENT, SECTION 2-437 IMPLEMENTATION OF F.S. CH. 162, SECTION 2-438 DEFINITION, SECTION 2-439 ORGANIZATION, SECTION 2-440 ENFORCEMENT PROCEDURE, SECTION 2-441 CONDUCT OF HEARINGS, SECTION 2-442 POWERS, SECTION 2-443 ADMINISTRATIVE FINES, SECTION 2-444 DURATION OF LIEN, SECTION 2-445 APPEALS, SECTION 2-446 SERVICE OF NOTICES, SECTION 2-447 PROVISIONS OF DIVISION SUPPLEMENTAL, AND PROVIDING AN EFFECTIVE DATE.

City Attorney Krechowski made the following amendments:

Section 2-437 Implementation of F.S. Ch. 162 as follows: The city does hereby create, by this division a Special Magistrate as permitted by F. S. Ch. 162. The reserves the right to substitute the ~~Special Magistrate with a~~ local government code enforcement board with a Special Magistrate according to the terms and conditions of this Division when a Special Magistrate is appointed by the Mayor and confirmed by the City Council by resolution.

Section 2-439 Organization (b) Code Enforcement as follows: ~~(4) The city manager or his designee attorney shall represent the city presenting cases before the board. The city attorney shall either be counsel to the enforcement board or shall represent the city presenting cases before the board; but in no case shall the city attorney serve in both capacities.~~

Delete the word “~~definitions~~” from Sections 7, 8, 9, 10, 11, and 12.

Moved by Jolly, seconded by Tucker

Motion: **TO PASS ORDINANCE NO. 2011-20 ON FIRST READ AS AMENDED.**

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Pardee, Tucker, Pruette

Noes: 0

MOTION CARRIED

OLD BUSINESS / NONE

NEW BUSINESS

Jarboe Park /
Fletcher Choir

JARBOE PARK, LARGE EVENT APPLICATION / ANNUAL PICNIC FOR FLETCHER
HIGH SCHOOL CHOIR:

Moved by Jolly, seconded by Tucker

Motion: **TO APPROVE THE LARGE EVENT APPLICATION FOR THE ANNUAL
PICNIC FOR FLETCHER HIGH SCHOOL CHOIR.**

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Pardee, Tucker, Pruette

Noes: 0

MOTION CARRIED

COUNCIL COMMENTS

Councilor Jolly thanked the city staff for their hard work on the budget.

Adjournment

There being no further business, the meeting adjourned at 6:30 p.m.

Harriet Pruette, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved:

Fletcher High
Choir Annual
Picnic

JARBOE PARK, LARGE EVENT APPLICATION / ANNUAL PICNIC FOR FLETCHER HIGH SCHOOL CHOIR: City Manager Jarboe explained Fletcher High School Choir has requested the use of Jarboe Park for an annual picnic. Because the event will have over 25 attendees it requires approval of the Council. He recommended allowing the event.

Consensus: **FORWARD TO THE NEXT MEETING FOR APPROVAL.**

PUBLIC COMMENTS

James Palmer supported the Fletcher High School Choir Annual Picnic.

City Manager Jarboe reported he is pleased with the nitrogen progress.

Mayor Pruette reported she attended the Green Market on Saturday and received a lot of compliments regarding the lime rock.

Adjournment

There being no further business, the meeting adjourned at 5:40 pm.

Harriet Pruette, Mayor

Attest:

Lisa Volpe, CMC, City Clerk

Approved: _____



**MINUTES
WORKSHOP CITY COUNCIL MEETING
AUGUST 15, 2011, AT 6:00 P.M.
CITY HALL, 116 FIRST STREET
NEPTUNE BEACH, FLORIDA**

Pursuant to proper notice a Workshop Meeting of the City Council of the City of Neptune Beach was held August 15, 2011 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 Kara Tucker
Councilor Eric Pardee
Councilor Richard Arthur
Councilor John Jolly
City Attorney Patrick Krechowski
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

Community Development Director Amanda Askew
Assistant Chief Tony Carrillo

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:

- The nitrogen level is becoming more consistent and meeting standard requirements.
- The beach renourishment is almost complete.
- The Public Service Department has been inspecting the beach crosswalks for loose boards and repairing them.

Mayor Pruette asked City Manager Jarboe to place the Beaches Chapel School on his action list and keep the Council informed of the construction process. City Manager Jarboe replied the construction was scheduled to begin in May 2012.

PUBLIC COMMENTS

Edwin Clements, 570 Pine Street, voiced concern regarding the proposed animal ordinance being too restrictive towards dog owners. He suggested keeping the amount of liability the same at \$100,000 and eliminating the surety bond.

Barbara Jackson, 2001 Cherokee Drive, supported the Invasive Plant Ordinance.

PROPOSED ORDINANCES

Invasive Plants

ORDINANCE NO. 2011-XX, INVASIVE PLANTS: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES CHAPTER 27 UNIFIED LAND DEVELOPMENT REGULATIONS, SECTION 27-445 INVASIVE PLANTS AND PROVIDING AN EFFECTIVE DATE.

City Manager Jarboe explained this ordinance outlines invasive plants that are not allowed to be planted in Neptune Beach.

Councilor Arthur agreed to sponsor the Ordinance.

Councilor Arthur questioned how the ordinance would be enforced. City Manager Jarboe responded the Ordinance would be enforced by the code enforcement officer.

Vice Mayor Tucker questioned if the ordinance would be retroactive. City Manager Jarboe replied the Ordinance would not be retroactive.

Mayor Pruette stated she supported the ordinance. She felt the city should put pressure on State representatives to fine nursery's that sell these types of invasive plants.

Consensus: **FORWARD TO THE SEPTEMBER REGULAR MEETING FOR FIRST READ.**

Zoning

ORDINANCE NO. 2011-13, ALLOWABLE USES WITHIN ZONING CODES: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH FLORIDA, AMENDING THE CODE OF ORDINANCES CHAPTER 27 UNIFIED LAND DEVELOPMENT REGULATIONS, ARTICLE IV, LAND USE, DELETING TABLE 27-226-1 TABLE OF PERMISSIBLE USES AND AMENDING SECTION 27-226 ALLOWABLE USES WITHIN ZONING DISTRICTS AND PROVIDING AN EFFECTIVE DATE.

Mayor Pruette stated this Ordinance was passed on first read but due to concerns it was forwarded to a workshop meeting for further discussion.

Community Development Director Askew stated page 3 under 27-226(h)(2)(a) allowed nursing homes and (b) allowed adult congregate living facilities. She felt due to traffic patterns and limited parking, these types of businesses should only be allowed in C-2 and C-3 zoning districts.

Mrs. Askew stated page 4 under 27-226(h)(2)(g) allowed funeral establishments. She felt this type of business should also only be allowed in C-2 and C-3 zoning districts.

Mrs. Askew stated page 4 under 27-226(h)(3)(b) allowed kiosk sales, (c) allowed restaurants with drive-thru service windows, and (d) allowed retail with drive-thru service windows. She felt (b) kiosk sales should not be allowed in any zoning districts, and (c) and (d) should only be allowed in the C-2 and C-3 zoning districts.

City Manager Jarboe stated the C-1 zoning district was for professional offices and has limited parking.

Councilor Arthur questioned if (a) day spa, should also be moved from the C-1 zoning district. Mrs. Askew explained as long as a day spa met the definition of a true day spa

it was suited for the C-1 zoning district.

Councilor Jolly questioned if the definition of day spa should be amended. Mrs. Askew replied there was already a good definition of day spa in the Code.

Consensus: **ON PAGE 3 CHANGE TO C-2 AND C-3 AND PAGE 4 GO TO C-2 C-3 ON TOP AND THEN DELETE KIOSK AND UNDER C AND D UNDER 3 GOES TO C-2, C-3.**

Mrs. Askew stated page 5 under 27-226(3)(c) and page 6 under 27-226(i)(3)(f) allowed kiosk sales which should be deleted because they are not defined in the Code. City Manager Jarboe explained kiosk sales are usually located inside of shopping malls.

Consensus: **DELETE KIOSK SALES.**

Consensus: **FORWARD TO THE SEPTEMBER REGULAR MEETING FOR SECOND READ WITH AMENDMENTS.**

Animals

ORDINANCE NO. 2011-16, AMENDING CHAPTER 6, ANIMALS; AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES CHAPTER 6 ANIMALS, AMENDING SECTION 6-4 NUISANCES CAUSED BY ANIMALS; SECTION 6-6 QUARANTINE OF BITING ANIMAL; LABORATORY ANALYSIS; CITY'S LIABILITY; COSTS, SECTION 6-7 IMPOUNDING OF ANIMALS, SECTION 6-14 – CLASSIFICATION OF DOGS AS DANGEROUS; CERTIFICATION OF REGISTRATION; NOTICE AND HEARING REQUIREMENTS; CONFINEMENT OF ANIMAL; EXEMPTION; APPEALS; UNLAWFUL ACTS. SECTION 6-15 – ATTACK OR BITE BY DANGEROUS DOG; PENALTIES; CONFISCATION; DESTRUCTION. DISPOSAL AND PROVIDING AN EFFECTIVE DATE.

City Attorney Krechowski explained recent incidents involving dangerous dogs have led to amending the animal ordinance. He suggested amending the ordinance changing the required liability insurance from \$100,000 to \$300,000 and eliminating the surety bond.

Councilor Jolly offered the following amendments:

- 1) Section 6-4(c) (2) ~~the citing officer or other person duly authorized under this chapter to issue citations for violations pursuant to this chapter, has witnessed the commission of such a nuisance. When the nuisance is witnessed by an officer of the public safety department.~~
- 2) Section 6-7(a) The license fee for dogs or cats that have been ~~picked up~~ impounded shall be double the fee on the date the dog or cat ~~picked up~~ impounded.
- 3) Section 6-7(b) The department of Public Safety will use ~~the best of their~~ its abilities to determine the owner of the animal and give notice by telephone or in person to the owner of the impounded animal. The notice shall advise the owner of the provisions relating to the redemption and destruction of animals.
- 4) Section 6-7(c)(2) If it is unknown whether the impounded animal has been inoculated for rabies and the animal is to be redeemed or adopted, the Department of Public Safety may require the owner to submit proof of inoculation within seventy two (72) hours of redeeming or adoption.
- 5) Section 6-13(b) Running ~~at large~~ at large prohibited.
- 6) Section 6-14(b)(2) Any animal that is the subject of a dangerous dog investigation, may be impounded with the animal control authority or humanely and safely confined by the owner in a securely fenced or enclosed area

pending the outcome of the investigation and resolution of any hearings.

- 7) Section 6-30 add (b) A citation may be issued to the owner or any person having custody of an animal for violation of this subsection when, and only when, either (1) the city has received, from an adult witness, a sworn affidavit attesting to the animal violating this subsection or (2) the citing officer, or other person duly authorized under this chapter to issue citations for violations pursuant to this chapter, has witnessed the commission of such violation.

Vice Mayor Tucker expressed concern regarding putting staff at risk if dogs have not been inoculated for rabies. City Attorney Krechowski responded animal control employees pick up animals all the time and they are always going to be at risk, this is nothing unusual.

Vice Mayor Tucker agreed with Councilor Jolly's suggested amendments.

Councilor Arthur questioned if the Ordinance addressed animal attacks on a neighbor's dog. City Attorney Krechowski stated this was addressed in Section 6-15(a) however, he was also going to add Section 6-15(b) for a minor domestic animal.

City Attorney Krechowski added it would be difficult for someone to obtain a \$300,000 liability policy once their animal has been designated as dangerous but that is what Chief Sembach has recommended. City Manager Jarboe added the \$300,000 liability did not protect the city, it protected the animal owner.

Mayor Pruette asked City Manager Jarboe to investigate how difficult it would be to obtain a \$300,000 liability policy once a dog has been designated dangerous and the cost difference of a \$100,000 liability policy verses a \$300,000 liability policy.

City Attorney Krechowski reiterated the liability policy would not protect the city. There was a potential issue when the City is aware of a dangerous dog.

Councilor Pardee felt it was reasonable to obtain a \$100,000 liability policy if the surety bond was eliminated. He questioned if the policy would be required per dangerous dog. City Manager Jarboe responded the policy would only be required for the dog that was declared dangerous.

Councilor Pardee suggested leaving the liability policy requirement at \$100,000 until City Manager Jarboe investigates the costs.

Consensus: **FORWARD TO FIRST READ AND WORKSHOP AGAIN IN SEPTEMBER.**

CONTRACTS / AGREEMENTS / NONE

ISSUE DEVELOPMENT

Bal Harbour

BAL HARBOUR STORMWATER SOLUTIONS: City Manager Jarboe explained he and the Public Services Department came up with a solution to help ease the flooding issue in Bal Harbour. They propose to install a 25 inch pipe across Fifth Street, from Beaches Chapel, on the Florida Boulevard right-of-way. This will take 80 to 90% of the water from Beaches Chapel into the ditch and allow the current 42 inch pipe to serve only Bal Harbour and the southern part of Hagler Drive. The Public Service Department will be able to do this for about \$5,000 to \$8,000.

Councilor Pardee voiced concern that the ditch would still get backed up with water. City Manager Jarboe responded the water is being backed up in the pipe prior to

entering the ditch which was what was causing the flooding in Bal Harbour.

Consensus: **IT'S A GOOD IDEA.**

Code Enforcement **CODE ENFORCEMENT / SPECIAL MAGISTRATE:** City Attorney Krechowski explained he felt there were some issues with the Code Enforcement Board that led to inconsistent rulings that could lead to future litigation. He would like to add the option to use a special magistrate instead of the Code Enforcement Board. He felt a special magistrate would eliminate inconsistencies and add specific knowledge, experience and efficiency to the code enforcement process.

City Manager Jarboe added the City of Jacksonville Beach has used a special magistrate for the past two years and they have been pleased. City Attorney Krechowski added most local governments in Florida use a special magistrate for code enforcement.

City Manager Jarboe stated this would cost the city about \$450.00 more per year, which did not include the presence of a police officer or training for board members.

Mayor Pruette quoted an article that was in the Beaches Leader a few years ago "The quasi judicial nature of reviewing alleged violations of city ordinances is best handled by a person who can divorce herself or himself from the pressures of politics and the conclusions reached by investigators or plaintiffs. The requirement is to look at facts dispassionately and fairly." She felt this was hard to do in a small community. She liked that the Ordinance allowed the option to revert back to a board.

Vice Mayor Tucker was concerned that hiring a special magistrate would remove citizens from the government. She did not want to lose the citizen involvement with the city. She liked that the Ordinance allowed the option of a board or a special magistrate.

Councilor Jolly asked if the Code would need to be amended in other sections. City Attorney Krechowski stated he would review the Code and refer to that Section in the proposed Ordinance rather than amend each section.

Councilor Arthur asked how much time was spent on code enforcement in the past year. City Manager Jarboe stated his cost figures were based on 10 hours.

City Attorney Krechowski explained if Council chooses to have a special magistrate they would have to disband the Board. City Manager Jarboe added that if for some reason in a year Council decided to switch back to having a Code Enforcement Board they would not have to change the ordinance.

Councilor Pardee preferred having a Code Enforcement Board because it is made up of peers and the membership included people from different trades. He would support trying a special magistrate for one year.

City Manager Jarboe explained the way the Ordinance is written the contract for a special magistrate would have to be renewed annually or the Council could choose to revert back to having a Code Enforcement Board. There would also be a clause in the contract giving the option to dismiss the special magistrate with a 30 day written notice.

Consensus: **FORWARD TO THE SEPTEMBER REGULAR MEETING FOR FIRST READ.**

PUBLIC COMMENTS

Edwin Clements, 570 Pine Street, felt the proposed dangerous dog ordinance was overbearing and expensive and would make people chose between their home and their pet. He suggested the \$100,000 liability remain the same and eliminating the surety bond.

William Robinson, 623 Magnolia Street, thanked the City for doing what they could to help with the drainage issue in the Bal Harbour neighborhood. He had some questions for staff. Mayor Pruette asked Mr. Robinson to meet with the City Manager regarding his questions.

COUNCIL COMMENTS / NONE

Adjournment

There being no further business, the meeting adjourned at 7:05 pm.

Harriet Pruette, Mayor

Attest:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
SPECIAL CITY COUNCIL MEETING
AUGUST 15, 2011 AT 7:05 P.M
CITY HALL, 116 FIRST STREET
NEPTUNE BEACH, FLORIDA

Pursuant to proper notice a Special Meeting of the City Council of the City of Neptune Beach was held August 15, 2011 at 7:05 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

STAFF:

Mayor Harriet Pruette
Vice Mayor Kara Tucker
Councilor Richard Arthur
Councilor John Jolly
Councilor Eric Pardee
City Attorney Patrick Krechowski
City Manager James Jarboe
City Clerk Lisa Volpe, CMC

Assistant Chief Tony Carrillo
Community Development Director Amanda Askew

Order Call

Mayor Pruette called the special meeting to order at 7:05 p.m.

Ord. No. 2011-16

ORDINANCE NO. 2011-16, AMENDING CHAPTER 6, ANIMALS, FIRST READ: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES CHAPTER 6 ANIMALS, AMENDING SECTION 6-4 NUISANCES CAUSED BY ANIMALS; SECTION 6-6 QUARANTINE OF BITING ANIMAL; LABORATORY ANALYSIS; CITY'S LIABILITY; COSTS, SECTION 6-7 IMPOUNDING OF ANIMALS, SECTION 6-14 – CLASSIFICATION OF DOGS AS DANGEROUS; CERTIFICATION OF REGISTRATION; NOTICE AND HEARING REQUIREMENTS; CONFINEMENT OF ANIMAL; EXEMPTION; APPEALS; UNLAWFUL ACTS. SECTION 6-15 – ATTACK OR BITE BY DANGEROUS DOG; PENALTIES; CONFISCATION; DESTRUCTION. DISPOSAL AND PROVIDING AN EFFECTIVE DATE.

Moved by Jolly, seconded by Tucker.

Motion: **TO PASS ORDINANCE NO. 2011-16 ON FIRST READ.**

Mayor Pruette asked City Manager Jarboe to compare the cost difference of a \$100,000 policy verses a \$300,000 policy.

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Pardee, Tucker, Pruette

Noes: 0

MOTION CARRIED

Adjournment

There being no further business, the meeting adjourned at 7:10 p.m.

Harriet Pruetten, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
WORKSHOP CITY COUNCIL MEETING
GOAL SETTING
AUGUST 8, 2011 AT 6:15 P.M.
CITY HALL, 116 FIRST STREET
NEPTUNE BEACH, FLORIDA

Pursuant to proper notice a Workshop Meeting of the City Council of the City of Neptune Beach was held August 8, 2011, at 6:15 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

STAFF:

Mayor Harriet Pruette
Vice Mayor Kara Tucker
Councilor Richard Arthur
Councilor John Jolly
Councilor Eric Pardee
City Attorney Patrick Krechowski
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

Public Safety Director David Sembach

Call to Order/Roll Call

The Mayor called the meeting to order at 6:15 p.m.

City Manager Jarboe explained for the past five years the City's revenue has decreased. This year will be the sixth year in a row that the general fund is lower. This Goal Setting Session will review necessary goals to continue to provide services and meet regulatory agency requirements to upkeep the systems. Mayor Pruette asked him to conduct a program on our capital outlay budget for the next five years.

City Manager Jarboe explained the following goals using a powerpoint presentation as outlined below.

Capital Improvement Goals

- Scheduled Improvements for the Water Department.
- Scheduled Improvements for the Wastewater Department.
- Scheduled Improvements for the Stormwater Department.
- Scheduled Improvements for the Public Works Department
- Scheduled Improvements for Public Safety Department.

Scheduled Water Capital Improvements

- Fiscal Year 2012 includes pumps (including a high service pump) for an approximate cost \$31,000.
- Fiscal Year 2013 includes a Variable Frequency Drives (VFD) for the water plant and a replacement truck for an approximate cost of \$33,000.
- Fiscal Year 2014 – 2016 includes pumps and replacement trucks along with major water line construction in the amount of approximate \$2 million dollars set to begin in 2016.

<u>Capital Asset Requested</u>	<u>FY2012</u>	<u>FY2013</u>	<u>FY2014</u>	<u>FY2015</u>	<u>FY2016</u>
2100 GPM High Service Pump	16,000		18,000		
4" Double Pump Diaphragm	15,000				
Variable Frequency Drives (Plant)		15,000			
Truck Replacement		18,000		18,000	
Water Line Replacement					2,000,000

Scheduled Wastewater Capital Improvements

- All upcoming fiscal years include manhole and sewer rehab along with various line improvements in the amount of approximately \$80,000 to \$100,000 per year
- Fiscal Year 2013 and 2014 include replacement effluent pumps and vehicle replacements at an approximate cost of \$45,000 per year.
- Fiscal Year 2015 calls for beginning the Sewer Line Replacement project for approximately \$3,500,000.

<u>Capital Asset Requested</u>	<u>FY2012</u>	<u>FY2013</u>	<u>FY2014</u>	<u>FY2015</u>	<u>FY2016</u>
Manhole & Sewer Rehab	31,000	50,000	50,000	50,000	50,000
Various Line Projects	50,000	50,000	50,000	50,000	50,000
Effluent Pumps Replacements		25,000	20,000		
Sewer Line Replacement				3,500,000	
Vehicle Replacement		20,000	25,000		
Dump Bed for Truck #609	20,000				

Scheduled Stormwater Capital Improvements

- Fiscal Year 2012 calls for a replacement Tractor and Boom Mower possibly using a lease / purchase.
- Fiscal Year 2013 through 2014 includes a replacement vehicle and possibly replacing the Menzi Muck.
- At this time, due to the Water Body Identification (WBID) study now in progress, to determine the fecal count in the creeks, ditches and ponds, the Future Capital Requirements are uncertain.

<u>Capital Asset Requested</u>	<u>FY2012</u>	<u>FY2013</u>	<u>FY2014</u>	<u>FY2015</u>	<u>FY2016</u>
Boom Mower & Tractor (Lease/Purchase)	25,100				
Replacement Vehicle		24,000			
Minzi Muck Replacement			225,000		
WBID Study Results		?	?	?	?

Scheduled Public Works Capital Improvements

- Fiscal year 2013 calls for a mower and a replacement truck in the amount of approximately \$44,000.
- Fiscal year 2014 includes an emergency generator in the approximate amount of \$100,000 for the Public Works Facility.
- Fiscal year 2014 is currently the planned beginning of paving projects for the City. It is intended that approximately \$150,000 to \$200,000 per year be spent on these projects until they are completed. The funds for these projects will be taken from the Better Jacksonville Sales Tax Receipts to alleviate the need for borrowing.

<u>Capital Asset Requested</u>	<u>FY2012</u>	<u>FY2013</u>	<u>FY2014</u>	<u>FY2015</u>	<u>FY2016</u>
Mower		18,900		19,000	
Replacement Truck		25,000		27,000	
P/W Emergency Generator			100,000		
Street Paving			150,000	150,000	150,000

Public Safety Department

- The past seven vehicles purchased by the Police Department was with grant money..
- Grant money was also used to upgrade the communications system and outfit the police vehicles and office with new computers in the past few years.
- The upcoming year will also see a new generator for the Public Safety Department that once again will be paid for with grant money and 911 funds.
- It appears that in the future, we will have to purchase vehicles and other equipment needed with ad valorem tax receipts.

<u>Capital Asset Requested</u>	<u>FY2012</u>	<u>FY2013</u>	<u>FY2014</u>	<u>FY2015</u>	<u>FY2016</u>
Police Cars	30,000	30,000	30,000	30,000	30,000
4 Wheel Drive Police Vehicles	35,000	35,000	35,000	35,000	35,000

Capital Improvement Funding Issues

- Funding for capital improvements in the Water and Wastewater Departments are provided through the rates adopted by the City Council based on the Rate Study performed by Burton and Associates. A new rate study is scheduled for the upcoming budget year to ensure the previously adopted rates are on schedule.
- Funding for the Stormwater capital improvements are provided at this point by the stormwater fee adopted previously by the City Council.
- Funding for the Public Works vehicles and equipment and the Police Department vehicles come from ad valorem taxes, state revenues, and possible grants.
- Paving projects are expected to come from Better Jacksonville Tax receipts.

Future Vehicle and Equipment Issues

- In the past 3 to 4 years, the only vehicles purchased by the City were with grant of special fund money and mainly in the Public Safety Department.
- The average age of vehicles in the Public Works, Water, Wastewater, and Stormwater Departments is 8 years old with an average mileage of approximately 56,000 miles. Some vehicles and equipment are in need of replacement.
- Even with the grant purchases in the past years the average age of vehicles in the Public Safety Department is 4 years old with an average mileage of approximately 46,000 which would equate to approximately 90,000 in a regular vehicle.

City Manager Jarboe explained for the last seven years the budget has been reduced due to lack of revenue and through attrition. There has been a "no hire" policy for most positions and staff has been reduced by 17.5%. The employees have not received salary increases for the past six years. The Public Safety Department has been able to help tremendously by obtaining grants for vehicles and computer equipment. The adjustments in the water and sewer rates have also been a tremendous help. If the revenue does not come in as expected and have to pay tipping fees to the City of Jacksonville we will have to reduce staff by 3 to 3 ½ positions.

Mayor Pruette thanked staff for making the effort to work together to save the community money.

Councilor Arthur questioned if we had been able to increase the reserves to the recommended 3 months of operating expenses. Finance Director Steve Ramsey responded the reserve fund was only still short of the recommended 3 months of normal operating expenses.

Adjournment

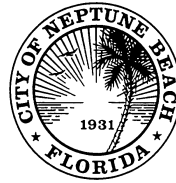
There being no further business, the meeting adjourned at 6:35 p.m.

Harriet Pruette, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
REGULAR CITY COUNCIL MEETING
AUGUST 8, 2011 AT 6:00 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 August 8, 2011, at 6:00 p.m. in the City Hall Council Chambers, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:
Mayor Harriet Pruette
Vice Mayor Kara Tucker
Councilor Richard Arthur
Councilor John Jolly
Councilor Eric Pardee
City Attorney Patrick Krechowski
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

STAFF:

Director of Public Safety David Sembach

Order Call/Pledge

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

AWARDS / PRESENTATIONS/ RECOGNITION OF GUESTS / NONE

APPROVAL OF MINUTES

Moved by Tucker, seconded by Jolly.

Minutes

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

JULY 11, 2011, WORKSHOP CITY COUNCIL MEETING
JULY 11, 2011, REGULAR CITY COUNCIL MEETING
JULY 18, 2011, WORKSHOP CITY COUNCIL MEETING

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Pardee, Tucker, Pruette

Noes: 0

MOTION CARRIED

COMMUNICATIONS & CORRESPONDENCE

Mayor Pruette advised she had written a letter to the Florida League of Cities authorizing Vice Mayor Tucker to be the voting delegate for the City of Neptune Beach at the 2011 Annual Florida League of Cities Conference.

The Beaches Museum and History Center will be hosting an event Thursday, August 11, 2011 at 5:30 p.m. to celebrate the 80th Anniversary of the City of Neptune Beach.

CITY MANAGER REPORT

City Manager Jarboe reported on the following:

- Public Services is continuing to find the balance of carbon that will create the bugs to reduce the nitrogen level. It looks like they will be able to meet the requirements of the Department of Environmental Protection and the Environmental Protection Agency.
- The Beach Re-nourishment project is still underway. The Army Corp of Engineers has addressed the safety concerns that were brought to their attention last week.
- He is waiting on the final revenue numbers from the State to complete the budget process.
- No bids were received on the solar panel project for the second time. He is working with the City of Jacksonville to get a sole source through the manufacturer.

COMMENTS FROM THE PUBLIC / NONE

CONSENT AGENDA

RESOLUTION NO. 2011-05: A RESOLUTION OF THE CITY OF NEPTUNE BEACH, FLORIDA SETTING THE RULES AND STANDARDS FOR THE USE OF JARBOE PARK BY GROUPS AND ACTIVITIES.

Moved by Jolly, seconded by Tucker.

Motion: **TO APPROVE THE CONSENT AGENDA.**

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Pardee, Tucker, Pruette

Noes: 0

MOTION CARRIED

VARIANCES / NONE

ORDINANCES / NONE

OLD BUSINESS / NONE

NEW BUSINESS / NONE

COUNCIL COMMENTS

Mayor Pruette stated there was an article in the paper regarding animal abuse. She asked if the Neptune Beach Police Department was investigating the incident. Detective Camille Burban advised she was working on the investigation because the animal was found in Neptune Beach. The City of Jacksonville Beach will most likely take over the investigation

because the animal was taken from its yard which was in their jurisdiction.

Councilor Jolly suggested changing the October council meeting dates to October 10th and October 24th. Mayor Pruetto stated when the meeting dates are changed it confuses the public because some citizens show up for the meetings unaware that date has been changed.

Consensus: **TO HOLD THE OCTOBER CITY COUNCIL MEETINGS ON MONDAY THE 10th AND THE MONDAY THE 24th.**

Adjournment

There being no further business, the meeting adjourned at 6:13 p.m.

Harriet Pruetto, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved:



**MINUTES
WORKSHOP CITY COUNCIL MEETING
JULY 18, 2011, 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 July 18, 2011 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 Kara Tucker
Councilor Eric Pardee
Councilor Richard Arthur
Councilor John Jolly
City Attorney Patrick Krechowski
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

Public Safety Director David Sembach

Call to Order/Roll
Call

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

PRESENTATIONS

Director of Public Safety David Sembach gave a report on the services offered and the accomplishments of the Public Services Department.

CITY MANAGER'S ACTION LIST

City Manager Jarboe reported on the following:

- The first reading on the nitrogen level, since the new sewer plant began operation, was 3.56. We are only required to reduce the nitrogen to 10.2. He was proud of the employees at the Public Services Department for doing an outstanding job on the new plant and saving the City money by lowering the cost from 4 million dollars to 2 million dollars and also obtaining a grant for 1 million.
- He has been working with Beaches Chapel and they have come up with a new drainage plan. Beaches Chapel stormwater will go into a separate pipe and drain into the ditch on Florida Boulevard. The existing 42 inch pipe would now be dedicated to Bal Harbour.
- He felt the issue development for the Community Garden and Green Market could be handled administratively and can be removed from tonight's agenda.

City Attorney Krechowski is working on the lease agreement for the Community Garden. The issues would be resolved by Friday.

Mayor Pruette stated she appreciated City Manager Jarboe working to settle the agreements with the Community Garden and Green Market and also working to solve the drainage issues between the Bal Harbour neighborhood and Beaches Chapel.

Councilor Jolly questioned when the bids would go out for the solar panels for the City Hall building. City Manager Jarboe explained the city did not receive any bids the first time because the engineer's requirements were too stringent. We have released the new bid requirements and hope to receive at least three or four bids.

PUBLIC COMMENTS

Mayor Pruette stated the Council had a fiduciary responsibility to question and seek answers in the course of doing business. This did not mean in any way that Council did not support the Green Market and the Community Garden.

Ron Patronik, 1520 Leeward Lane, agreed the City Manager should be able to resolve the issues with the Community Garden and the Green Market without Council involvement. He supported both the Community Garden and the Green Market.

Carol Kartsonis, 7144 Andalusia Avenue, representative for Friends of Northeast Florida Community Gardens, explained they were an advocacy group for community gardens. She congratulated the City of Neptune Beach for allowing the community garden to be placed on city property. She felt Neptune Beach was setting a precedent other cities would follow in allowing community gardens on other city properties.

Diana Lain, 919 Penman Road, supported the Community Garden and Green Market. She felt it was nice way for people to meet and socialize.

Aimee Tous-Parker, 1537 Landing Lane, supported the Community Garden and Green Market. She thanked Mayor Pruette for reaching out to the Beaches Local Food Network and keeping the lines of communication open.

Caroline Sederbain, 301 Myrtle Street, supported the Community Garden and the Green Market. She also suggested the City consider adding community compost in the future.

Ryan Poland, 943 Hagler Drive, also supported the Community Garden and the Green Market.

Mayor Pruette explained the Green Market originally was located in Town Center and from there it was relocated to the K-mart parking lot. From the K-mart location it was moved to Jarboe Park and then to a location in Jacksonville Beach. She was pleased to have the Green Market back in Jarboe Park, it took about eight years to fulfill that dream and they had done a nice job.

PROPOSED ORDINANCES / NONE

CONTRACTS / AGREEMENTS / NONE

ISSUE DEVELOPMENT

Community Garden	<u>COMMUNITY GARDEN:</u> This was removed from the agenda for the City Manager to handle administratively.
Green Market	<u>GREEN MARKET:</u> This item was removed from the agenda for the City Manager to handle administratively.
Jarboe Park	<u>EVENTS HELD IN JARBOE PARK:</u> City Manager Jarboe explained a moratorium was placed on the use of Jarboe Park due to an overwhelming amount of requests to use the park for private events, schools and daycares. He recommended amending Resolution 2008-13 as follows:

RESOLUTION NO. 2008-13**A RESOLUTION OF THE CITY OF NEPTUNE BEACH,
FLORIDA SETTING THE RULES AND STANDARDS FOR
THE USE OF JARBOE PARK BY GROUPS AND ACTIVITIES.**

Whereas, Jarboe Park is used heavily by the general public and groups.

Whereas, Jarboe Park serves as a regional park since it is used by large numbers of non-residents, while it is only suited to serve as a neighborhood park.

Whereas, Neptune Beach does not have a recreation department like the other beach cities.

Whereas, Jarboe Park is in demand for use for large events and activities.

Whereas, The large demand for use on the park requires additional time and expense for the City.

Whereas, the City Council of the City of Neptune Beach, Florida has determined that it is necessary to have rules and standards for events in the park due to its heavy use.

Now, Therefore, be it ordained by the City Council of Neptune Beach, Florida the following rules apply to events in Jarboe Park:

~~Rules for Non-City Short Term Small Events in Jarboe Park—~~

~~1. All events must have prior approval of the City Manager.~~

~~1~~Small events may be allowed that have less than ~~forty~~ twenty-five people or ~~twenty~~ fifteen cars if approved by the City Manager.

2. The responsible person for a small events must sign an agreement provided by the City Manager. Failure to adhere to agreement will require a payment of \$250.

3. Large events, twenty-six or more, must have Council approval. The Council will set conditions for a agreement required for the event including a deposit. The City Manager will make recommendations for the agreement.

- ~~4. Local schools in Neptune Beach may have larger short term events if approved by the City Manager.~~
- ~~4. No sales will be allowed or business activities will be allowed in the park.~~
- ~~5. All events sponsored by non-Neptune Beach Residents must have insurance holding the City harmless.~~
- ~~6. Non-Neptune resident events must pay a \$100 fee.~~
- ~~5. No event may take place after 9:00 pm or before 8:00 am.~~
- ~~6. A parking plan must be submitted **and approved** for all events.~~
- ~~7. Birthday and kids parties for Neptune Beach Residents may reserve picnic tables at no cost.~~
- ~~7. All events will be required to clean up right after the event. A \$50 clean up deposit will be required. **Failure to clean up will result in forfeiture of the deposit or payment as outlined in the agreement.**~~
- ~~8. No amplified music **sound unless approved by the Council.**~~
- ~~8. Before any small event takes place it must have an approval letter from the City Manager with conditions of use.~~

Rules for Long Term and Large Events in Jarboe Park.

- ~~1. All long term (**more than two days a year**) and large event (more than forty people) must have the City Council's approval.~~
- ~~2. Any events needing Council approval must be submitted a complete plan to the City Manager two or more months before the event's start date.~~
- ~~3. The plan will require a complete description of the event, dates, time, parking plan, clean up plan, hold harmless insurance of \$1,000,000 and other requirements that may be added by the City Manager.~~
- ~~4. Long term and large events must be non-profit events.~~
- ~~5. The Council may require an event fee and/or deposit of \$250 or more.~~

The Resolution shall become effective on after passage by the City Council.

City Manager Jarboe added the City of Atlantic Beach charges a \$25.00 administration fee to process applications and Council may also want to consider adding a \$25.00 administration fee to the Resolution.

Vice Mayor Tucker agreed to the recommended changes and the \$25.00 application processing fee.

Councilor Jolly agreed with the amendments and the \$25.00 application processing fee. He also suggested amending number 7 to add "the" before "forfeiture" and have it read as follows: "Failure to clean up will result in the forfeiture of the deposit of payment as outlined in the agreement".

Councilor Arthur questioned how many requests the city received each year for use of Jarboe Park for events. City Manager Jarboe replied his office usually receives 7 to 10 requests per week during the summer months and 2 to 3 requests per week during the winter.

Councilor Arthur agreed to the amendments, but voiced concern regarding enforcement of clean up. City Manager Jarboe replied someone from public services would check following the day of the event to see if the area was clean. If it was not clean public services would clean the area and the City would keep the deposit.

City Attorney Krechowski explained the details would be laid out clearly in the agreement.

Councilor Pardee voiced concern regarding the Green Market being allowed to do business in the park. He asked if the Green Market should be excluded from the Resolution. City Manager Jarboe replied the conditions regarding the Green Market were addressed in Chapter 17.

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

PUBLIC COMMENTS

Roselle Bandostrind, 1641 Landing Lane, was concerned about the \$25.00 application fee for use of Jarboe Park for party events. She suggested organizing a cleanup crew for Jarboe Park.

Gretchen Ferrell, 1166 Third Avenue North, Jacksonville Beach, presented a window cling saying "Proud Sponsor of the Beaches Green Market" to place on the window of City Hall.

Megan Koontz, 708 Second Street, supported the Green Market and the Community Garden. She felt it was a great benefit for the City.

Wesley Grissom, 421 Myra Street, thanked Council for supporting the Green Market and the Community Garden.

Justine Cook, 1542 Landing Lane, stated the Green Market was a factor in her decision to move from St. Johns County to Neptune Beach.

COUNCIL COMMENTS

Councilor Pardee commented the Council has never been against the Green Market or the Community Garden. He voted against the shade sail because at that time there was no up to date lease agreement. He placed the issue on this workshop meeting because he felt it was important to have an updated lease agreement, especially now that the City is going to begin charging an application fee of \$25.00 to citizens wishing to use Jarboe Park.

Councilor Arthur agreed the Council has always supported the Green Market and the Community Garden. He also felt there should be a current written agreement in place.

Vice Mayor Tucker felt the Green Market and the Community Garden were great for the community and was happy that they have become so productive. She thanked the representatives of the Beaches Local Food Network for working with the Council to resolve the issues.

Councilor Jolly felt having a Community Garden was important for the beaches area. He added that the Community Garden was a great way to educate children about where food comes from and how it is grown. He agreed the agreement needed to be in place and up to date.

Adjournment

There being no further business, the meeting adjourned at 6:50 pm.

Harriet Pruette, Mayor

Attest:

Lisa Volpe, CMC, City Clerk

Approved: _____



**MINUTES
WORKSHOP CITY COUNCIL MEETING
JULY 11, 2011, 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 July 11, 2011 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 Kara Tucker
Councilor Richard Arthur
Councilor John Jolly
Councilor Eric Pardee
City Attorney Patrick Krechowski
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

John Bryan, Director of Jacksonville Beach Chamber of Commerce, asked the City of Neptune Beach to continue their membership in the Jacksonville Regional Chamber of Commerce Beaches Division. He explained the Beaches Chamber was part of the downtown chamber, which consisted of 3,000 members, and is one of the largest Chambers of Commerce in the Nation. They offer resources in the area of communication, commerce, and community involvement.

Elaine Brown, Chairperson of Jacksonville Beach Chamber of Commerce, explained the Chamber of Commerce was dedicated to businesses and bringing business into the area. The normal membership rate was \$500.00 annually, however, they would offer Neptune beach a discounted membership rate of \$380.00.

Mayor Pruette explained Council would be considering the FY2011-2012 budget in September and would respond at that time. She appreciated the Chamber and all that they did for the community.

CITY MANAGER'S ACTION LIST

City Manager Jarboe reported on the following:

- Community Development Director Amanda Askew has been out of the office on bereavement leave due to deaths in her family. He asked everyone to keep her and her family in their thoughts and prayers. Flowers will be sent of behalf of the City.
- The Goal Setting Session was scheduled for August 8, 2011, at 6:00 p.m.
- FY2011/2012 budget meetings are scheduled for September 12th and 19th.
- The state revenue figures have not been made available to date. As soon as the figures are received the budget will be presented to the Council.

PUBLIC COMMENTS / NONE

PROPOSED ORDINANCES

Ord. No. 2011-12 ORDINANCE NO. 2011-12, AMENDING CHAPTER 27, ADDING PLANNED UNIT DEVELOPMENT: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES CHAPTER 27 UNIFIED LAND DEVELOPMENT REGULATIONS, ARTICLE IV, LAND USE, AND ADDING SECTION 27-244 PLANNED UNIT DEVELOPMENT (PUD) AND PROVIDING AN EFFECTIVE DATE.

City Manager Jarboe explained the Community Development Board has recommended the following amendments:

1. Section 27-244(a) Delete two (2) acres and add ½ acre.
2. Section 27-244(a) Delete "in which" and replace with "if" in the last sentence.
3. Section 27-244(c) Add "or permitted" after "required", delete "an acceptable", move "(including residential, commercial and recreational)" behind "mix of land uses", add "units" in second sentence behind "residential"
4. Section 27-244(d) Add C-1 zoning district and "of commercial or high residential" after "density" and delete "of"
5. Section 27-244(e) and 27-244(f)(3) change "ordinance" to "special exception"
6. Section 27-244(f) delete "usually" add "development" after such and change the last section of the sentence after the last comma to "the PUD shall required the flowing":
7. Section 27-244(f) (3) Change number "1" to "A" and changed subsections from letters to numbers.
8. Section 27-244(g) delete "or is not completed within the time limits set by the special exception"
9. Section 27-244(h) Second sentence delete "in which" and change to "provided"
10. Section 27-244(i) have the community development director and city council change from development density to open space requirements.
11. Section 27-244(j) delete "for" after "waived" and then add "as part of the process of the"

City Manager Jarboe felt the recommendation to limit the PUD to ½ acre was too small for a redevelopment. He suggested amending it no less than an acre and 1/2.

Councilor Jolly agreed with City Manager Jarboe's amendment and suggested approving recommendations: 2, 3, 4, 5, 6, 7, 8, 9, and 11. He felt number 10 was a comment and not a recommended amendment.

Councilor Tucker agreed with the suggestions of City Manager Jarboe and Councilor Jolly.

Councilor Arthur agreed ½ an acre was too small for a PUD. He suggested keeping it 2 acres.

Councilor Pardee also agreed ½ acre was too small.

Consensus: **TO APPROVE THE RECOMMENDATIONS OF THE COMMUNITY DEVELOPMENT BOARD EXCEPT FOR NUMBERS 1 AND 10.**

Ord. No. 2011-13 ORDINANCE NO. 2011-13, AMENDING CHAPTER 27, LAND USE CHART: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES CHAPTER 27 UNIFIED LAND DEVELOPMENT REGULATIONS, ARTICLE IV, LAND USE, DELETING TABLE 27-226-1 TABLE OF PERMISSIBLE USES WITHIN ZONING DISTRICTS AND PROVIDING AN EFFECTIVE DATE.

City Manager Jarboe explained this Ordinance deletes the Permissible Use Table and makes it easier for staff to make determinations regarding zoning. He explains the applications originally go to the Community Development Director for approval. If the Community Development Director determines the zoning doesn't apply to the business, she refers it to the City Manager for determination. If the City Manager has a question he then contacts the City Attorney. If the City determines a particular business is not allowed by zoning the applicant can appeal the administrative decision to the Community Development Board. If the Community Development Board finds the business is not allowed per the zoning requirements the applicant has the ability to appeal to the circuit court.

Councilor Pardee stated Community Development Director Askew, suggested deleting from Section 27-226. Allowable uses within zoning districts:

(h) Commercial-1 (C-1) (3) Uses by special exception, (b) Kiosk Sales, (c) Restaurant with drive-thru service window, and (d) Retail with drive-thru service window.

(i) Commercial-2 (C-2) (3) Uses by special exception, (c) Kiosk Sales

(j) Commercial -3 (C-3) Uses by special exception, (f) Kiosk Sales

City Manager Jarboe stated there was a concern that kiosk sales would become flea markets.

Councilor Jolly stated Community Development Director Askew also questioned Section 27-226. Allowable uses within zoning districts:

(h) Commercial-1 (C-1) (a) nursing home, (b) Adult congregate living facility, and (g) funeral establishment.

Mayor Pruette questioned if the City wanted to allow funeral establishments in the C-1 district.

City Manager Jarboe stated Jacksonville Beach allowed funeral establishments in their C-3 district.

Consensus: **TO ALLOW FUNERAL ESTABLISHMENTS IN THE C-3 DISTRICT.**

Councilor Jolly questioned leaving nursing homes and adult congregate living facilities in the C-1 zoning district. He added they are allowed in the R-5 zoning district.

City Manager Jarboe stated they are required by State law to be allowed in the R-5 zoning district.

Councilor Jolly suggested deferring Ordinance No. 2011-13 to the August workshop when Community Development Director would be present.

Consensus: **TO DEFER ORDINANCE NO. 2011-13 TO THE AUGUST WORKSHOP MEETING.**

CONTRACTS / AGREEMENTS / NONE

ISSUE DEVELOPMENT

Employee Health Insurance

EMPLOYEE HEALTH INSURANCE: City Manager Jarboe explained the City has been gathering information for employee healthcare for the upcoming budget year. After looking into various options it appears the current health insurance carrier, AvMed, will provide the city the best option, with no additional cost to the City.

Consensus: **FORWARD TO THE FOLLOWING JULY REGULAR MEETING CONSENT AGENDA.**

PUBLIC COMMENTS / NONE

COUNCIL COMMENTS / NONE

Adjournment

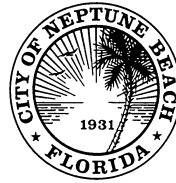
There being no further business, the meeting adjourned at 6:30 pm.

Harriet Pruetten, Mayor

Attest:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
REGULAR CITY COUNCIL MEETING
JULY 11, 2011 AT 6:30 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 July 11, 2011, at 6:30 p.m. in the City Hall Council Chambers, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:
Mayor Harriet Pruette
Vice Mayor Kara Tucker
Councilor Richard Arthur
Councilor John Jolly
Councilor Eric Pardee
City Attorney Patrick Krechowski
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

STAFF:

Director of Public Safety David Sembach

Order Call/Pledge Mayor Pruette called the meeting to order at 6:30 p.m. and to led the Pledge of Allegiance.

AWARDS / PRESENTATIONS/ RECOGNITION OF GUESTS / NONE

APPROVAL OF MINUTES

Moved by Tucker, seconded by Jolly.

Minutes

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

JUNE 6, 2011, REGULAR CITY COUNCIL MEETING
JUNE 20, 2011, SPECIAL CITY COUNCIL MEETING
JUNE 20, 2011, WORKSHOP CITY COUNCIL MEETING

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Pardee, Tucker, Pruette

Noes: 0

MOTION CARRIED

COMMUNICATIONS & CORRESPONDENCE

Mayor Pruette thanked City Clerk Lisa Volpe and Deputy City Clerk Karla Strait for doing a superb job on the June 20, 2011, meeting minutes.

Mayor Pruette stated the July 4, 2011, holiday celebration was well received this year without any major incidents. City Manager Jarboe added next year should be quieter because the City of Jacksonville Beach may not have a fireworks show next year.

CITY MANAGER REPORT

The City Manager is currently working on drainage improvements plans for Bal Harbour.

COMMENTS FROM THE PUBLIC

Tim Slater, 573 Magnolia Street, thanked Council for adding the conditions to the special exception for Beaches Chapel.

Ed Jones, 200 First Street, thanked Council for supporting the amendment to the animal ordinance. He suggested amending the third sentence to read as follows: "and depositing the defecation in the pet owner's trash container or a city maintained trash container."

CONSENT AGENDA

Employee Health Insurance

EMPLOYEE HEALTH INSURANCE: City Manager Jarboe explained the City has been gathering information for employee healthcare for the upcoming budget year. After looking into various options it appears the current health insurance carrier, AvMed, will provide the city the best option, with no additional cost to the City.

Moved by Jolly, seconded by Tucker.

Motion: **TO APPROVE THE CONSENT AGENDA.**

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Pardee, Tucker, Pruette

Noes: 0

MOTION CARRIED

VARIANCES / NONE

ORDINANCES

Ord. No. 2011-12 **ORDINANCE NO. 2011-12, ADDING PLANNED UNIT DEVELOPMENT, SECOND READ AND PUBLIC HEARING:** AN ORDINANCE OF THE CITY OF NEPTUNE BEACH FLORIDA, AMENDING THE CODE OF ORDINANCES CHAPTER 27 UNIFIED LAND DEVELOPMENT REGULATIONS, ARTICLE IV, LAND USE, AND ADDING 27-244 PLANNED UNIT DEVELOPMENT (PUD) AND PROVIDING AN EFFECTIVE DATE.

Mayor Pruette read Ordinance No. 2011-12 by title only and opened the public hearing.

There being no comments from the public, the public hearing was closed.

City Manager Jarboe explained the Community Development Board has recommended the following amendments:

1. Section 27-244(a) Delete two (2) acres and add ½ acre.
2. Section 27-244(a) Delete "in which" and replace with "if" in the last sentence.
3. Section 27-244(c) Add "or permitted" after "required", delete "an acceptable", move "(including residential, commercial and recreational)

- behind "mix of land uses", add "units" in second sentence behind "residential"
4. Section 27-244(d) Add C-1 zoning district and "of commercial or high residential" after "density" and delete "of"
 5. Section 27-244(e) and 27-244(f)(3) change "ordinance" to "special exception"
 6. Section 27-244(f) delete "usually" add "development" after such and change the last section of the sentence after the last comma to "the PUD shall required the flowing":
 7. Section 27-244(f) (3) Change number "1" to "A" and changed subsections from letters to numbers.
 8. Section 27-244(g) delete "or is not completed within the time limits set by the special exception"
 9. Section 27-244(h) Second sentence delete "in which" and change to "provided"
 10. Section 27-244(i) have the community development director and city council change from development density to open space requirements.
 11. Section 27-244(j) delete "for" after "waived" and then add "as part of the process of the"

Moved by Tucker, seconded by Jolly.

Motion: **TO ADOPT ORDINANCE NO. 2011-12 ON SECOND READ AND PUBLIC HEARING WITH THE AMENDMENTS RECOMMENDED BY THE COMMUNITY DEVELOPMENT BOARD WITH THE EXCEPTIONS OF NUMBER 1 AND NUMBER 10.**

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Pardee, Tucker, Pruette

Noes: 0

MOTION CARRIED

Ord. No. 2011-13 **ORDINANCE NO. 2011-13, DELETING TABLE OF PERMISSIBLE USES, SECOND READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES CHAPTER 27 UNIFIED LAND DEVELOPMENT REGULATIONS, ARTICLE IV, LAND USE, DELETING TABLE 27-226-2 TABLE OF PERMISSIBLE USES AND AMENDING SECTION 27-226 ALLOWABLE USES WITHIN ZONING DISTRICTS AND PROVIDING AN EFFECTIVE DATE.**

Mayor Pruette read Ordinance No. 2011-13 by title only and opened the public hearing.

There being no comments from the public, the public hearing was closed.

Consensus: **DEFER TO THE AUGUST WORKSHOP MEETING.**

Ord. No. 2011-14 **ORDINANCE NO. 2011-14, AMENDING CHAPTER 9, ELECTIONS, SECOND READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES CHAPTER 9 ELECTIONS SECTION 9-2 SCHEDULE OF ELECTIONS; SECTION 9-3 PUBLIC NOTICE OF ELECTIONS; SECTION 9-5 QUALIFYING OF CANDIDATES; SECTION 9-6 CAMPAIGN FINANCES; SECTION 9-8 REGISTRATION BOOKS; SECTION 9-9 ELECTION ADMINISTRATION AND PROVIDING AN EFFECTIVE DATE.**

City Clerk Volpe explained this Ordinance amends the Code to coincide with the election referendum that was passed at the election. The Supervisor of Elections Office has

recommended an additional amendment in Section 9.2(a) to change 10 weeks to 12 weeks.

Consensus: **TO AMEND SECTION 9.2(a) TO CHANGE 10 WEEKS TO 12 WEEKS.**

Mayor Pruette read Ordinance No. 2011-14 by title only and opened the public hearing.

There being no comments from the public, the public hearing was closed.

Moved by Jolly, seconded by Tucker.

Motion: **TO ADOPT ORDINANCE NO. 2011-14 ON SECOND READ AND PUBLIC HEARING WITH THE AMENDMENT IN SECTION 9.2(a) CHANGING THE 10 WEEKS TO 12 WEEKS AS PER THE SUPERVISOR OF ELECTIONS OFFICE.**

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Pardee, Tucker, Pruette

Noes: 0

MOTION CARRIED

Ord. No. 2011-15 **ORDINANCE NO. 2011-15, AMENDING CHAPTER 6, ANIMALS, SECOND READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES CHAPTER 6 ANIMALS AMENDING SECTION 6-30 DEFECATION DISPOSAL AND PROVIDING AN EFFECTIVE DATE.**

Mayor Pruette read Ordinance No. 2011-15 by title only and opened the public hearing.

There being no comments from the public, the public hearing was closed.

City Clerk Volpe explained the amendments recommended by Mr. Ed Jones for Section 6-30. Defecation disposal, were as follows:

Section 6-30. Defecation disposal. It shall be a violation for any pet owner of a dog to allow such dog to defecate on any property within the city other than the owner's private property without immediately removing such defecation with some sort of material, utensil or suitable container and depositing the defecation in the pet owner's trash container or a city owned trash container. When walking a dog on any property within the city, other than the owner's property. The owner of that dog shall carry some sort of material, utensil or suitable container with which to ~~depose~~ dispose of the defecation. Pet owners must place their pet's waste in the pet owner's trash container or a city owned trash container.

Moved by Tucker, seconded by Arthur.

Motion: **TO ADOPT ORDINANCE NO. 2011-15 ON SECOND READ AND PUBLIC HEARING AS AMENDED.**

Roll Call Vote:

Ayes: 4 – Arthur, Jolly, Tucker, Pruette

Noes: 1 – Pardee

MOTION CARRIED

OLD BUSINESS / NONE

NEW BUSINESS

SE11-04 SE11-04, SPECIAL EXCEPTION FOR 1112 THIRD STREET, YOGA STUDIO: City
1112 Third St. Manager Jarboe explained the Community Development Board has recommended
approval of the special exception for the yoga studio.

Moved by Jolly, seconded by Tucker.

Motion: **TO APPROVE SE11-04 FOR THE YOGA STUDIO.**

Councilor Pardee questioned the recommendation of the Community Development Board that "classes will be arranged not to interfere with the Green Market as parking is in high demand on Saturday afternoons." He felt the legitimate tax paying business should not be required to schedule their classes around the Green Market.

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Pardee, Tucker, Pruette

Noes: 0

MOTION CARRIED

COUNCIL COMMENTS / NONE

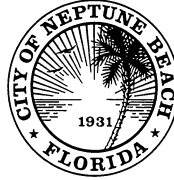
Adjournment There being no further business, the meeting adjourned at 6:50 p.m.

Harriet Pruette, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved:



**MINUTES
WORKSHOP CITY COUNCIL MEETING
JUNE 20, 2011, AT 9:45 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 20, 2011 at 9:45 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

STAFF:

Mayor Harriet Pruette
Vice Mayor Kara Tucker
Councilor Richard Arthur
Councilor John Jolly
Councilor Eric Pardee
City Attorney Patrick Krechowski
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

Community Development Director Amanda Askew
Public Safety Director David Sembach

Call to Order/Roll
Call

Mayor Pruette called the meeting to order at 9:45 p.m.

City Manager Jarboe asked, due to the late hour, to hold the workshop meeting prior to the regular meeting on July 11, 2011. He added Ordinance No. 2011-13 would be going before the Community Development Board on June 22, 2011, and they may suggest some amendments for Council to consider.

Consensus: **TO HOLD A WORKSHOP MEETING BEFORE THE REGULAR MEETING ON JULY 11, 2011.**

Adjournment

There being no further business, the meeting adjourned at 9:50 pm.

Attest:

Harriet Pruette, Mayor

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
CONTINUATION OF THE JUNE 6, 2011
CITY COUNCIL MEETING
JUNE 20, 2011 AT 6:00 P.M
CITY HALL, 116 FIRST STREET
NEPTUNE BEACH, FLORIDA

Pursuant to proper notice a continuation of the June 6, 2011, Regular Meeting of the City Council of the City of Neptune Beach was held June 20, 2011 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 Kara Tucker
Councilor Richard Arthur
Councilor John Jolly
Councilor Eric Pardee
City Manager James Jarboe
City Clerk Lisa Volpe, CMC

Community Development Director Amanda Askew
Director of Public Safety David Sembach
City Engineer Jim French
Director of Public Services Leon Smith
Deputy City Clerk Karla Strait, CMC

Order Call

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

Beaches Chapel

CONTINUATION OF SE11-02 / SPECIAL EXCEPTION FOR BEACHES CHAPEL CHRISTIAN CHURCH / 610 FLORIDA BOULEVARD: Mayor Pruette asked City Attorney Patrick Krechowski to explain to the Council what their duties were.

City Attorney Krechowski asked Council to refer to the provisions of the Code in Section 27-159 and 27-160, which are the governing provisions relevant to the special exception. He explained it was the applicant's burden to prove they have satisfied the provisions of the Code and that they are entitled to the special exception. The duty of the Council was to review the application in its entirety, not on the recommendation of the Community Development Board. The Council is to hear the application in conjunction with the comments and recommendations of the Community Development Board and any other evidence that is presented to the Council. The Council is not bound by the recommendation of the Community Development Board nor is the Council to approve, deny, or approve with conditions, the recommendation of the Community Development Board. Section 27-160 requires Council to determine whether each of the eight criteria have been met based on substantial competent evidence. The Florida Supreme Court has ruled that substantial competent evidence is evidence that a reasonable mind would accept as adequate to support a conclusion for the action to be sustained. The evidence must amount to more than allegations or objections because it must establish a justifiable reason for support of or opposition to any issue. Opinions unsubstantiated by any competent facts are not competent substantial evidence. Any conditions Council deems necessary in order for the special exception to be issued must also be based on substantial competent evidence. The approval of conditions must also be clear, specific and readily enforceable.

Mayor Pruette asked each member of the Council to disclose any ex parte communications.

Mayor Pruette disclosed she had spoken with, Tim Slater, Linda Mille, Elaine Reiss, Chris Walls, Henry Quick, Lang Chairs, Linda Araneta, John Von Thron, Howard McMinn, Scott Wiley, Pastor McCoy, and several church leaders, Michael Coffee, R.C. Keene, Lee McDonald, P.K. Brendan, and Kathy Ondrejicka, and many other people in passing. She also received many letters that are on file in the City Clerk's office.

Vice Mayor Tucker disclosed she spoke with several residents of the Bal Harbour area, Jim Clements, William & Bev Robinson, Gerald Keno, David Keys, Lang Chairs, David Black, Tim & Deb Slater, Charlie Graziano, and Genny Thurson. On Wednesday, May 25th, she also met with Pastor Steve McCoy, Chris Walls, Beaches Chapel Attorney Tim Franklin, and Scott Willey.

Councilor Pardee disclosed he spoke with several Bal Harbour residents and members of the Church.

Councilor Arthur disclosed he met with Tim Slater along with eleven other residents at Mr. Slater's home as well as Tim Franklin, Richard Keene, Amy Cole, and Kerry Chin.

Councilor Jolly presented a list, for the record, of people he had communicated with either verbally or in writing.

Public Hearing

Mayor Pruette reopened the public hearing that commenced on June 6, 2011. She asked everyone to be considerate of the opinions of the speakers.

Mayor Pruette explained she would first call on those people whom Council had not had previous communications with, regarding the special exception, either verbally or written.

The following people spoke in favor of the special exception:

- Carolyn Wagner, 312 Sunrise Circle
- Ruth Stiehl, 1811 Twelve Oaks Lane
- Jay Underwood, 110 Magnolia Street
- Brad Ashmore, 520 First Street
- John Butcher, 1900 Seagate Avenue
- Marcella Bridier, 526 Oleander Street
- Howard McMinn, 1116 Cedar Street
- Teresa Roger, 1400 Neptune Grove Drive
- Dr. Robert Luten, 14710 Plumose Drive, Jacksonville Beach
- Don Rogers, 1400 Neptune Grove Drive
- Dr. Dale Whitaker, 831 Beach Avenue
- Leah Underwood, 548 Margaret Street

The following people spoke in opposition of the special exception:

- Deb Slater, 573 Magnolia Street
- Richard Keene, 733 Bay Street
- Jim Clements, 616 Magnolia Street
- Beverly Robinson, 633 Magnolia Street
- Lang Chairs, 533 Magnolia Street
- David Black, 601 Magnolia Street
- Alan Martin, 1113 First Street

- Charles Graziano, 568 Magnolia Street

Mayor Pruette asked Tim Franklin, Attorney for Beaches Chapel School, to take five minutes to present new evidence that was not considered at the Community Development Board meeting.

Tim Franklin stated he had a team of experts to give professional opinions regarding the concerns of citizens, and five minutes was not sufficient time. He felt they should be entitled to a fair and impartial hearing.

City Attorney Krechowski advised it was the Mayor's prerogative to limit the presentation.

Mayor Pruette explained Council has already reviewed the plans and the evidence that was submitted to the Community Development Board. She would allow Mr. Franklin to answer any questions from the Council after his five minute presentation.

Councilor Pardee stated he felt Mr. Franklin should not be limited to five minutes for his presentation.

Mayor Pruette asked Mr. Franklin to present any new evidence.

Tim Franklin, Attorney representing Beaches Chapel School, stated he had a team of professionals present to address specific aspects of the development. He would like to reserve some time for a rebuttal. He passed out a document for Council to review and introduced it for the record.

Mike Herzberg, Certified Planner, member of the American Planning Association, explained the Neptune Beach Comprehensive Plan indicated that the Beaches Chapel Church property is zoned in the Church land use category. The use is therefore consistent with the Comprehensive Plan and the character of the area. The proposed multipurpose building is typical with the primary use of the property and is appropriate in size. To address the drainage concerns, the project includes improvements that would actually reduce the current stormwater management condition on the property by approximately 53%. The applicant will comply with all standards and seek all necessary permits from the St. Johns River Water Management District. To address the concurrency concerns, the project is vested from concurrency and would not create more trips. Trips are measured by the Institute of Transportation Engineers. There would be no new net impacts in relation to trips. In review of the evidence on record with regard to the special exception he felt the proposed development met or exceeded all local standards and ordinances and should be approved.

There being no further comments from the public, the public hearing was closed.

Mayor Pruette stated Council would now consider the fact based information and if someone on the Council needed to hear from anyone she would call on them.

Mayor Pruette asked Mr. Franklin to proceed.

Mr. Franklin stated for the record he felt allowing only five minutes for him to present a special exception application of this magnitude was insufficient. He asked Council to consider the following: 1) Fact based testimony should be based on expert testimony and lay testimony should not qualify as fact based testimony. 2) Section 27-159 and 27-167 had very specific criteria for granting special exceptions. 3) The Church is a lawful permitted use and the fact that it needs a special exception for the multipurpose building did not mean the Church was a non conforming use.

Mr. Franklin introduced for the record, a letter the church received in 2009, verifying the church was concurrent in reference to drainage and would only require approval from the St. Johns River Water Management District.

Mr. Franklin stated, just this morning, he obtained a copy of a memo written by City Engineer Jim French to City Manager Jarboe. The memo was dated Friday, June 17, 2011 and was in regards to the drainage plans for the proposed multipurpose building. The memo completely contradicted the city engineer's previous opinion regarding the drainage plans.

Mr. Franklin explained the air conditioning compressors were exempt from the City's noise ordinance but the Church has proposed not to locate them on the north side of the building. The Church will also meet the noise decibel levels at all residential property lines.

Mr. Franklin submitted for the record, a photometric chart showing the lighting would be pointed at the property line on the north side of the gym.

Mr. Franklin stated when the Church was built in 1974 it was noted in the record that it would also be used as a kindergarten to 12th grade school and would accommodate 300 to 400 students, therefore traffic calculation will not be increased.

Mr. Franklin agreed there was a drainage problem in the neighborhood. However, it was not known what portion of the drainage problem was caused by Beaches Chapel, what portion was caused by adjacent properties, or what portion was caused by other properties from Atlantic Boulevard through Neptune Beach, all the way to Hopkins Creek. The MS4 permit, referenced by the City Engineer in his June 17, 2011 memo to the City Manager, is a Department of Transportation permit. The City of Atlantic Beach, the City of Neptune Beach and the City of Jacksonville Beach are all on the same MS4 permit and the drainage system serves all three beach cities.

Mr. Franklin stated for the record that the Neptune Beach Comprehensive Plan recognizes that the stormwater system for the Bal Harbour neighborhood is problematic. The Comprehensive Plan states that flooding may occur. However, it also states that the flooding may be acceptable verses the expense of installing a new multimillion dollar stormwater improvement system. He felt Beaches Chapel should not bear the entire burden of solving the drainage problem. They were willing to share in a fair cost to help the City solve the problem.

Mr. Franklin introduced Dr. Michael Coffey to speak in regards to the stormwater concerns.

Dr. Michael Coffey, P.E., LEAD, RS&H Engineering, explained the redevelopment was designed according to State law. The St. Johns River Water Management District requires the water quality for the improved area must be 1¼ inches over the impervious or ½ inch over the entire area, whichever is greater. In addition to meeting those requirements they also propose to reduce the rate of stormwater runoff by 53% for a 25 year storm event, which meets the City Code requirements for redevelopment projects. In response to the memo from City Engineer French, dated Friday, June 17, 2011, if the rate of stormwater runoff is reduced the volume will also be reduced. In any case they will be required to obtain a permit from St. Johns River Water Management District and SJRWMD will have to approve the plans. Mr. Coffey further explained the plans were signed and sealed by the engineers and the reduction in stormwater runoff would occur exactly as the plans show. He added they would consider closing off the back flume and redirecting the water runoff, by milling and repaving the parking lot into the proposed retention areas that will be installed with the new building.

Mayor Pruette asked if anyone would like to make a motion before Council discussion.

Moved by Pardee, seconded by Tucker.

Motion: **TO APPROVE THE APPLICATION WITH THE ACCEPTABLE CONDITIONS AND SUGGESTED ALTERNATIVES THAT THE APPLICANT SENT IN WHICH IS NUMBER FIVE ON THERE, THERE IS AN A, B, AND C, DEALING WITH AIR CONDITIONING NOISE. THE ALL NEW INTERNAL WALK AREAS DELINEATED ON THE SITE PLAN WILL BE CONSTRUCTED AND INSTALLED USING SEMI PERVIOUS MATERIALS, THEY TALK ABOUT A TRUE FIX AND THAT THEY WILL PAY A COMENSURATE PROPORTION OF BASIS FOR ANY IMPROVEMENTS TO THE INFRASTRUCTURE FOR DRAINAGE. ALSO MR. FRANKLIN SAID THERE WAS LIGHTING THEY WOULD COMPLY WITH AND I WOULD ADD THAT THEY MEET CONCURRENCY.**

Councilor Jolly stated Mr. Franklin introduced for the record a six page document at the beginning of the meeting. He suggested either allowing Council some time to review the document, or not considering the document as evidence. Mayor Pruette agreed the document was delivered at the twelfth hour. Council needed to review the document if it was to be considered as evidence. She asked City Manager Jarboe and City Engineer French to also review the document during the recess.

Councilor Pardee asked if he could ask Dr. Coffey a question before the recess. Mayor Pruette asked Dr. Coffey to come forward.

Councilor Pardee asked Dr. Coffey to explain the differences between pervious, impervious, and semi pervious surfaces. Dr. Coffee explained pervious area consisted of grass or sand that could absorb water. Impervious surface consisted of concrete or asphalt which could not absorb water. Semi pervious surface consisted of interlocking pavers that allowed for part of the water to be absorbed into the ground.

Councilor Pardee asked Dr. Coffey to describe what category the existing parking lot was in. Dr. Coffey explained the existing parking lot was all grass and was therefore pervious surface. The new handicap parking area would have to be a paved area with a 2% slope to accommodate wheelchairs.

Councilor Pardee stated the City Engineer indicated the existing parking area consisted of 4,000 square feet of semi pervious surface. He asked Dr. Coffey if he agreed or disagreed with that statement. Dr. Coffey replied Mr. French may have some take offs of the square footage for the parking area that he was unaware of. However, the new design addresses the building, side lot improvements, and the ADA parking area. This is all included in the drainage plan improvements which will provide a 53% stormwater reduction.

Recess/
Reconvene

Mayor Pruette called a recess at 7:30 p.m. and reconvened the meeting at 7:40 p.m.

Mayor Pruette asked Councilor Pardee to restate his motion.

Councilor Pardee restated the motion as follows:

Motion: **TO APPROVE THE PROJECT WITH THE ACCEPTABLE CONDITIONS AND SUGGESTED ALTERNATIVES THAT THE APPLICANT PROVIDING A, B,**

AND C, ALSO INCLUDING D FOR LIGHTING, THE RESTRICTIONS THAT THEY SUPPLIED AND THEY HAVE TO MEET CONCURRENCY.

Mayor Pruette asked City Engineer Jim French to address the Council and the flooding concerns. She added that Council approved a final development order for Beaches Chapel to add a facelift to the front of the gymnasium, a storage room on the side, and correct the drainage problem back in 2000.

Jim French, Neptune Beach City Engineer, stated the stormwater concurrency issue was also addressed back in 2009 and volume restriction along with continuation of flow rate was discussed at that time.

City Manager Jarboe explained the City received a letter from RS&H on Friday, June 17, 2011 that was dated May 31, 2011. The letter was in regards to the proposed multipurpose building and the drainage conditions. The memo written by Mr. French on June 17, 2011, was in response to the letter from RS&H.

Mr. French explained the City's MS4 permit issued by the St. Johns River Water Management District requires the City of Neptune Beach to ensure and maintain treatment of stormwater. The Neptune Beach Code includes stormwater ponds and design criteria. He agreed that the reduction of flow would also reduce the volume but if the volume of discharge is greater in a flood condition, even though the flow is reduced, it could impact the staging of the flood waters and thereby impact the nearby residents. Mr. French explained Hopkins Creek was the drainage canal that received all of the City's water runoff. The State has determined Hopkins Creek as an "impaired waters." The State requires that "impaired waters" have different criteria than what Dr. Coffey stated in his comments. Mr. French added the City wanted to be assured that the MS4 permit is protected.

Mayor Pruette asked City Manager Jarboe what the assessment would be to each homeowner for the City to make the improvements to the stormwater system in the neighborhood. City Manager Jarboe replied the total costs would be divided between those properties that would benefit from the improvements based on the front footage of each property.

Councilor Pardee asked Mr. French, if the special exception is approved tonight, what would be the next step for Beaches Chapel. Mr. French replied the applicant's next step would be to meet concurrency. Councilor Pardee asked Mr. French if he would be the one responsible for approving the concurrency. Mr. French replied he would be responsible for approving the stormwater and the utilities according to State requirements.

City Manager Jarboe explained the City Manager has to ensure the concurrency requirements are met by conducting an analysis of traffic, water, sewer and stormwater based on the plans submitted by the applicant.

Councilor Pardee asked Mr. French if the property remained in its current condition without the addition of the multipurpose building and the improvements, would the drainage condition be better or worse. Mr. French replied that was hard to answer because this is only the preliminary stage, it could be better or worse.

Councilor Arthur asked if the discharge was clearly under the guidelines of the impaired basin. Mr. French replied "yes" the entire city is located within the Hopkins Creek basin.

Councilor Jolly questioned if the letter from RS&H dated May 31, 2011 was the one the City Manager received on Friday, June 17, 2011. City Manager Jarboe replied "yes" the letter, dated May 31, 2011, was hand delivered to City Hall on Friday, June 17, 2011.

Vice Mayor Tucker asked if the water treatment issue was included in Councilor Pardee's motion. Councilor Pardee replied he included in his motion that they had to meet concurrency standards.

Councilor Jolly questioned the proposed lighting situation.

Butch Robbins, RS&H, explained the lighting diagram was provided due to concerns being raised over the two lights to be placed to the rear of the building. The two lights will be ten feet above grade. The calculations indicate the two lights would emit primarily point one foot candles. Point two foot candles are considered equal to moonlight.

Councilor Arthur asked Dr. Coffey if he felt the project was within the State guidelines for treated water going into an impaired basin. Dr. Coffey replied "absolutely." He assured Council that the project would meet or exceed State code.

Councilor Jolly stated Mr. Herzberg felt the multipurpose building would not create additional traffic. He questioned how the addition of a multipurpose building would not create additional traffic. Student athletes from opposing schools, or their parents, would be driving to and from the school to participate or observe athletic events. Mr. Herzberg responded the State of Florida determines trip generation using the Institute of Transportation Engineers standards. The school is the primary use of the property therefore the trip generation rate is based on the number of students. The number of students will not increase. Councilor Jolly and Mr. Herzberg discussed if having the gym at the school would add trips since there would be more activities at the school.

Mr. Herzberg added that he believed Beaches Chapel property provided parking for Jarboe Park. He was not sure the parking for Jarboe Park met city code requirements.

City Manager Jarboe stated Beaches Chapel uses parking at Jarboe Park more often than the City uses their parking. Beaches Chapel provides overflow parking for Jarboe Park events which occur three times a year. Beaches Chapel utilizes parking at Jarboe Park during events at the Church which occur much more often than three times per year.

Mayor Pruette stated Council approved a development order for a facelift and multipurpose building for Beaches Chapel several years ago. She asked Pastor McCoy if that was correct.

Pastor Steve McCoy, 216 Evans Drive, Jacksonville Beach, stated Beaches Chapel received approval several years ago for improvements to the sanctuary. At that time the school had been reduced from a kindergarten through 12th grade school to a middle school. There was no need for a multipurpose/gymnasium at that time. Pastor McCoy stated there were 240 students this year and would be about 250 next year.

Mayor Pruette stated the local paper indicated the facility would be available to lease for private events. Pastor McCoy replied the only event they would be able to lease the building for would be wedding receptions. He added Beaches Chapel has always allowed others the use of their facilities.

Mayor Pruette asked Pastor McCoy if he thought the school and church were outgrowing the campus. Pastor McCoy replied since they added back the high school they have no further intentions for growth. He added the character of the school was to provide small classes with focus on individual attention. There was only one class per grade. The school athletic department was in a conference with other schools of the same size. The proposed

multipurpose building will have bleachers to accommodate seating for 75 people. They would be able to provide parking for those vehicles. They want to maintain the character of the school in the current intimate setting and have no plans to enlarge.

Councilor Pardee stated the new multipurpose building would be built according to current building codes guidelines. He asked Pastor McCoy if they would open the building for use as a shelter if needed. Pastor McCoy replied the beaches would be evacuated during a storm but the building would be valuable after a storm if there was no electricity or water. They would be willing to open the building to the community to use as a shelter.

Councilor Jolly questioned how often the multipurpose building would be used during the week. Pastor McCoy responded the youth group would meet in the building Wednesday evenings. There would be volleyball games in the afternoons. There would be basketball games in the evenings probably once or twice per week. Most of the events would be during the daytime. He added school dances would also be held in the building.

Mayor Pruette read Section 27-161 of the Code of Ordinances. In reviewing a special exception, the Community Development Board, and the City Council may impose such conditions and restrictions upon the premises benefited by a special exception as may be necessary to allow a positive finding to be made on any of the foregoing factors, or to minimize the injurious effect of the special exception.

Mayor Pruette stated she had some conditions that she would like to discuss.

City Manager Jarboe stated a motion was currently on the table.

Councilor Pardee called the question to vote on his motion.

Councilor Arthur stated he would like to consider some other conditions that were not included in Councilor Pardee's motion.

City Manager Jarboe explained there was a motion on the floor but someone could make an amendment to the motion to add other conditions.

Mayor Pruette stated she had some negatives in the findings of facts regarding the special exception that she would like to turn into positives so that she could vote in favor of the church. If those conditions were not included in the motion she would not be able to vote to approve the special exception. She added that Councilor Arthur and Councilor Jolly may also have conditions for consideration.

Councilor Pardee asked to vote on his motion.

City Attorney Krechowski stated Councilor Pardee has called the question to vote on his motion.

Roll Call Vote:

Ayes: 2 – Arthur, Jolly

Noes: 3 – Jolly, Tucker, Pruette

MOTION FAILED TO CALL THE QUESTION

Councilor Pardee questioned if Council has had a chance to review Mayor Pruette's written conditions that were received at the beginning of the meeting.

City Clerk Volpe explained there was a still a motion on the floor. She asked if someone wanted to add an amendment to the motion. If the amendment is not made by Councilor Pardee it would have to be voted on separately before voting on the motion.

Moved by Pruette, seconded by Jolly.

Amended Motion: **THE MOTION IS TO AMEND WITH THE FOLLOWING CONDITIONS. 1) ALL ACTIVITIES THAT TAKE PLACE IN AND AROUND THE PROPOSED STRUCTURE MUST COMPLY WITH THE CITY'S NOISE ORDINANCE, THIS IS TO INCLUDE CONSTRUCTION AND MAINTENANCE OF THE BUILDING. 2) EXCEPT FOR EMERGENCY SITUATIONS FLORIDA BOULEVARD SHALL BE USED FOR INGRESS AND EGRESS TO AND FROM THE SCHOOL AND/OR CHURCH. 3) STACKING OF TRAFFIC SHOULD BE ON THE CHURCH PROPERTY ONLY AND NO TRAFFIC STACKING SHALL TAKE PLACE ALONG THE NORTHERN PORTION OF THE PROPERTY DIRECTLY ABUTTING THE NEIGHBORHOOD HOMES AND NO PARKING SHALL BE PERMITTED ON THE CITY RIGHT-OF-WAY BEHIND BEACHES CHAPEL, BEACHES CHAPEL SCHOOL TO REDUCE NOISE POLLUTION. 4) A VEGETATIVE BUFFER SHALL BE PLANTED ALONG THE NORTHERN AND WESTERN BOUNDARIES OF THE PROPERTY TO REDUCE NOISE POLLUTION AND VISUAL DISTURBANCES VEGETATIVE BUFFER SHALL CONTAIN NATIVE PLANTS AND SHALL BE MAINTAINED AT A SUFFICIENT ENOUGH HEIGHT AND DEPTH TO SATISFY THE INTENT OF THIS CONDITION. 5) BEACHES CHAPEL SHALL REPLACE ALL EXISTING STORMWATER FLUMES DRIVEWAY DISCHARGES AND SHEET FLOW DISCHARGES WITH COLLECTION SYSTEMS AND CLOSE PIPED CONVEYANCES PRIOR TO DISCHARGING INTO THE CITY'S MS4 SYSTEM. ROUTE ALL EXISTING AND PROPOSED DISCHARGES TO THE EXISTING CITY MS4 INLET ON FLORIDA BOULEVARD NEAR THE BEACHES CHAPEL DRIVEWAY, THEREBY REMOVING EXISTING AND PROPOSED DISCHARGES FROM THE EXISTING DITCH ALONG THE NORTHSIDE OF THE PROPERTY AS WELL AS OTHER ADJACENT AREAS PROVIDE ATTENUATION OF FLOW RATE, ATTENUATION OF TOTAL VOLUME OF DISCHARGE AND TREATMENT PRIOR TO DISCHARGE FOR ALL PROPOSED IMPROVEMENTS CONSISTENT WITH STATE TREATMENT GUIDELINES FOR IMPAIRED BASIN, ALL MINOR COLLECTION SYSTEMS AND CONVEYANCES SHALL BE DESIGNED FOR THE FIVE YEAR, TWENTY FOUR HOUR STORM EVENT. ALL MEASURED MAJOR COLLECTION SYSTEMS, CONVEYANCES, SSOTRMWATER MANAGEMENT AREAS AND OUTFALLS SHALL BE DESIGNED FOR THE TWENTY-FIVE YEAR, TWENTY FOUR STORM. THE CITY ENGINEER SHALL APPROVE ALL PROPOSED STORMWATER RELATED DESIGN CALCULATIONS AND PROPOSED IMPROVEMENTS.**

City Manager Jarboe asked Mayor Pruette to include in the motion that Beaches Chapel will be allowed to use the Florida Boulevard right-of-way to improve the drainage.

Mayor Pruette replied Council would consider adding that after the motion made.

Continuation of Motion **THE LIGHTING MEASURED ON THE BEACHES CHAPEL PROPERTY LINE SHALL NOT EXCEED ZERO POINT ONE LUX. BEFORE A CERTIFICATE OF OCCUPANCY CAN BE ISSUED BY THE CITY OF NEPTUEN BEACH, A SEALED "AS BULD" MEASURING THE LIGHTING**

AT THE BEACHES CHAPEL PROPERTY LINES SHALL BE FURNISHED TO THE CITY BY BEACHES CHAPEL. THIS LIGHT REQUIREMENT WILL BE MAINTAINED BY THE BEACHES CHAPEL IN THE FUTURE.

Councilor Pardee questioned how these amendments came about. Mayor Pruette replied she had spoken with the City Manager and the City Engineer regarding the conditions prior to the meeting.

Councilor Pardee stated the gymnasium would already have to comply with the noise ordinance so he felt the noise condition was not necessary. Mayor Pruette responded the Community Development Board had concerns regarding noise.

Councilor Pardee stated the buffer on the northern side of the property was city property. He asked if they would be allowed to plant trees on city property. Mayor Pruette replied as long as the trees did not interfere with the drainage pipes.

Councilor Pardee asked how Mayor Pruette determined the condition for the traffic pattern. Mayor Pruette replied she spoke with city staff regarding the traffic ingress and egress. They felt it would help to have the ingress and egress off of Florida Boulevard and not on a side street.

Councilor Arthur stated most of the information came from the advice of city staff. He agreed with condition number 1, 2, 4, 5, and 7 of Mayor Pruette's amendment. He felt 3, having ingress and egress on Florida Boulevard may create a dangerous situation and he could not support that part of the amendment. He felt number 7 superseded 6. He also agreed with Councilor Pardee's suggestions on A, B, C, D, & E.

Mayor Pruette stated she would agree to strike number 3, the condition regarding ingress and egress.

Councilor Jolly questioned if the lighting concerns were addressed in the motion. Councilor Arthur replied the lighting conditions were addressed in the original motion.

Councilor Arthur explained there was a reason for all the conditions and Council was satisfying a number of issues by offering these suggestions. He thanked Beaches Chapel for their willingness to work with the City.

Mayor Pruette added she wanted to support Beaches Chapel but she also wanted to be assured the flooding problems in the neighborhood would improve.

Vice Mayor Tucker stated she agreed with and would support the conditions of the amendment.

City Manager Jarboe asked to include in the motion that Beaches Chapel will be allowed to use the Florida Boulevard right-of-way to improve the drainage.

Mr. Franklin asked if he could address Council regarding whether Beaches Chapel was willing to agree and comply with all the conditions.

City Clerk Volpe suggested Council decide exactly what conditions they wanted to include in the motion so she could make a copy for Mr. Franklin to review before he addressed the Council.

City Manager Jarboe stated Beaches Chapel was going to need a retention area to handle the drainage. He suggested allowing them to use the Florida Boulevard right-of-way.

City Clerk Volpe asked if Council wanted to include number 1 and number 2 of the Mayor's written suggested conditions.

Consensus: **TO INCLUDE NUMBER'S ONE AND TWO OF THE MAYOR'S WRITTEN CONDITION.**

City Clerk Volpe asked if Council wanted to include number 3 of the Mayor's written suggested conditions. Mayor Pruette stated she would like to strike number 3.

Consensus: **TO STRIKE NUMBER 3 OF THE MAYOR'S WRITTEN CONDITION.**

City Clerk Volpe asked if Council wanted to include number 4.

Consensus: **TO INCLUDE NUMBER 4.**

City Clerk Volpe asked if Council wanted to include number 5.

Consensus: **TO INCLUDE NUMBER 5.**

City Clerk Volpe asked if Council wanted to include number 7.

Consensus: **TO INCLUDE NUMBER 7.**

City Clerk Volpe asked if Council wanted to include number 1 of Councilor Jolly's written conditions.

Consensus: **TO INCLUDE NUMBER 1 OF COUNCILOR JOLLY'S WRITTEN CONDITIONS.**

City Clerk Volpe asked City Manager what condition he wanted to include. City Manager Jarboe stated he would like to include the following language in the motion: "With the approval of the City Manager, on the advice of the City Attorney, Beaches Chapel will be able to use the right-of-way on Florida Boulevard for possible retention and treatment of stormwater".

Mayor Pruette asked Councilor Arthur if he had an issue with the condition regarding lighting. Councilor Arthur responded Beaches Chapel addresses the lighting in their proposed plans. He felt the suggestion made the City Manager to allow them use of the right-of-way for stormwater drainage needed to be included. He felt the vegetative buffer should be located on the Beaches Chapel property not in the city right-of-way.

City Attorney Krechowski asked Mayor Pruette if she wanted to include Councilor Jolly's condition regarding lighting. Mayor Pruette replied "yes" she wanted to include that in the motion.

City Clerk Volpe stated she would write out the conditions for Tim Franklin, Attorney for Beaches Chapel, to consider.

Recess /
Reconvene

Mayor Pruette called a recess at 8:30 p.m. and reconvened the meeting at 8:40 p.m.

Mayor Pruette withdrew her previous motion and Councilor Jolly withdrew his second on the motion.

MOTION WITHDRAWN

Moved by Pruette, seconded by Jolly.

Motion:

- 1) THE HVAC UNIT'S SERVICING THE PROPOSED STRUCTURE SHALL BE LOCATED SO AS TO LIMIT NOISE EXPOSURE TO NEARBY HOMES. THE CITY ENGINEER SHALL BE CONSULTED IN DETERMINING THIS LOCATION.
- 2) STACKING OF TRAFFIC SHALL BE ON THE CHURCH PROPERTY ONLY AND NO TRAFFIC STACKING SHALL TAKE PLACE ALONG THE NORTHERN PORTION OF THE PROPERTY DIRECTLY ABUTTING THE NEIGHBORING HOMES AND NO PARKING SHALL BE PERMITTED ON THE CITY RIGHT-OF-WAY BEHIND BC/BCS TO REDUCE NOISE POLLUTION.
- 3) A VEGETATIVE BUFFER SHALL BE PLANTED ALONG THE NORTHERN AND WESTERN BOUNDARIES OF THE PROPERTY TO REDUCE NOISE POLLUTION AND VISUAL DISTURBANCES. THE VEGETATIVE BUFFER SHALL CONTAIN NATIVE PLANTS AND SHALL BE MAINTAINED AT A SUFFICIENT ENOUGH HEIGHT AND DEPTH TO SATISFY THE INTENT OF THE CONDITIONS.
- 4) BEACHES CHAPEL SHALL REPLACE ALL EXISTING STORMWATER FLUMES, DRIVEWAY DISCHARGES AND SHEET FLOW DISCHARGES WITH COLLECTION SYSTEMS AND CLOSED PIPED CONVEYANCES PRIOR TO DISCHARGING INTO THE CITY'S MS4 SYSTEM. ROUTE ALL EXISTING AND CLOSED PIPE CONVEYANCES AND PROPOSED DISCHARGES TO THE EXISTING CITY MS4 INLET ON FLORIDA BOULEVARD NEAR THE BEACHES CHAPEL DRIVEWAY, THEREBY REMOVING EXISTING AND PROPOSED DISCHARGES FROM THE EXISTING DITCH ALONG THE NORTH SIDE OF THE PROPERTY, AS WELL AS OTHER ADJACENT AREAS. PROVIDE ATTENUATION OF FLOW RATE, ATTENUATION OF THE TOTAL VOLUME OF DISCHARGE, AND TREATMENT PRIOR TO DISCHARGE FOR ALL PROPOSED IMPROVEMENTS CONSISTENT WITH STATE TREATMENT GUIDELINES FOR AN IMPAIRED BASIN. ALL MINOR COLLECTION SYSTEMS AND COVEYANCES SHALL BE DESIGNED FOR THE 5 YEAR 24 HOUR STORM EVENT. ALL MAJOR COLLECTION SYSTEMS, CONVEYANCES, STORMWATER MANAGEMENT AREAS AND OUTFALLS SHALL BE DESIGNED FOR THE 25 YEAR 24 HOUR STORM EVENT. THE CITY ENGINEER SHALL APPROVE ALL PROPOSED STORMWATER RELATED DESIGN, CALCULATIONS AND PROPOSED IMPROVEMENTS.
- 5) WITH APPROVAL OF THE CITY MANAGER WITH ADVICE OF THE CITY ATTORNEY AND CITY ENGINEER, BEACHES CHAPEL WOULD USE THE CITY RIGHT OF WAY OF FLORIDA BOULEVARD FOR DRAINAGE.
- 6) THE LIGHTING MEASURED OF THE BEACHES CHAPEL PROPERTY LINES SHALL NOT EXCEED 0.1 LUX. BEFORE A

CERTIFICATE OF OCCUPANCY CAN BE ISSUED BY THE CITY OF NEPTUNE BEACH, A SEALED "AS BUILD" MEASURING THE LIGHTING AT THE BEACHES CHAPEL PROPERTY LINES SHALL BE FURNISHED TO THE CITY BY BEACHES CHAPEL. THIS LIGHT REQUIREMENT WILL BE MAINTAINED BY THE BEACHES CHAPEL IN THE FUTURE.

City Manager Jarboe clarified the conditions regarding activities complying with the noise ordinance and the condition to use only Florida Boulevard for ingress and egress had been removed from the previous motion.

Tim Franklin, attorney for Beaches Chapel, stated Beaches Chapel would agree to the following conditions:

- The HVAC unit's servicing the proposed structure shall be located so as to limit noise exposure to nearby homes. The city engineer shall be consulted in determining this location.
- Stacking of traffic shall be on the church property only and no traffic stacking shall take place along the northern portion of the property directly abutting the neighboring homes and no parking shall be permitted on the city right-of-way behind BC/BCS to reduce noise pollution.
- With approval of the city manager with advice of the city attorney and city engineer, beaches chapel would use the city right of way of Florida Boulevard for drainage.
- The lighting measured of the beaches chapel property lines shall not exceed 0.1 lux. Before a certificate of occupancy can be issued by the city of Neptune Beach, a sealed "as build" measuring the lighting at the beaches chapel property lines shall be furnished to the city by beaches chapel. This light requirement will be maintained by the beaches chapel in the future.

Mr. Franklin stated Beaches Chapel had issues with the following conditions:

- A vegetative buffer shall be planted along the northern and western boundaries of the property to reduce noise pollution and visual disturbances. The vegetative buffer shall contain native plants and shall be maintained at a sufficient enough height and depth to satisfy the intent of the conditions.

Mr. Franklin explained Beaches Chapel did not have an issue with installing a vegetative buffer on the north and west. They planned to use the area on the north side for circulation around to the back of the building. There is a five foot area between the pavement and the property line where they would place a buffer. He felt the height and depth requirements were ambiguous.

- Beaches Chapel shall replace all existing stormwater flumes, driveway discharges and sheet flow discharges with collection systems and closed piped conveyances prior to discharging into the city's ms4 system. Route all existing and closed pipe conveyances and proposed discharges to the existing city MS4 inlet on Florida Boulevard near the beaches chapel driveway, thereby removing existing and proposed discharges from the existing ditch along the north side of the property, as well as other adjacent areas. Provide attenuation of flow rate, attenuation of the total volume of discharge, and treatment prior to discharge for all proposed improvements consistent with state treatment guidelines for an impaired basin. All minor collection systems and conveyances shall be designed for the 5 year 24 hour

storm event. All major collection systems, conveyances, stormwater management areas and outfalls shall be designed for the 25 year 24 hour storm event. The city engineer shall approve all proposed stormwater related design, calculations and proposed improvements.

Mr. Franklin explained most of this condition is required by the State. He added this condition basically requires redoing the entire system as if the property were vacant. Beaches Chapel has been vested since 1973 and the new gymnasium will meet all impacts for the addition and improve the site by 53.3% according to their engineers. They would be willing to cap off and stop discharge on the northern flume which will protect the ditch.

Mayor Pruette stated these conditions were recommended by staff and she was comfortable with them. Mr. Franklin indicated Mr. French's recommendation suggested the entire stormwater system was impaired and restricted. By setting this condition on Beaches Chapel it would impact every property in the city. The city would be setting a precedent and would have to place the same condition on every property wanting to make improvements.

Mayor Pruette asked Mr. French to respond to Mr. Franklin. Mr. French stated the State set the standard for impaired basins and ranked them each year.

Mr. Franklin asked Mr. French to respond to the question of "restricted system." Mr. French replied the restrictive nature is based on the flooding.

Councilor Pardee asked if the proposed gymnasium was given credit for the existing building that it would be replacing. Mr. French replied when it comes to the flow rate, credit is given for the existing building.

Councilor Pardee stated according to the plans the water will flow into a system that would direct it to the drainage system in the front of the parking lot. There will also be three swells to catch any additional water so that the area would flood anymore. Mr. French replied that was not according to the plans that he reviewed. The water for the building will discharge into the MS4 system without being pretreated. The MS4 permit requires that the city is responsible for the treatment of the water before it is discharged.

Councilor Arthur asked Mr. Franklin to comment on the condition of the vegetative buffer. Mr. Franklin suggested the following language: to be three foot of planting with 5 year normal growth or 80% of opacity.

Councilor Arthur asked Mr. Franklin to comment on the condition of the impaired basin. Mr. Franklin stated they would treat the water according to St. Johns River Water Management District requirements. The following language restates what is already required: Provide attenuation of flow rate, attenuation of the total volume of discharge, and treatment prior to discharge for all proposed improvements consistent with state treatment guidelines for an impaired basin. All minor collection systems and conveyances shall be designed for the 5 year 24 hour storm event. All major collection systems, conveyances, stormwater management areas and outfalls shall be designed for the 25 year 24 hour storm event. The city engineer shall approve all proposed stormwater related design, calculations and proposed improvements.

Councilor Arthur asked if the rest of the language in that condition was acceptable. Mr. Franklin stated the word "existing" is a problem. It would be an acceptable condition to "close off the northern flume and to stop routing existing and proposed discharge to that northern flume."

Mayor Pruette questioned with all the new asphalt, where was the water going to go. City

Manager Jarboe suggested an inverted crown. Mr. Helzberg responded that, essentially what they would do is have the milling channelized to allow the water to flow around the corner.

Mayor Pruette stated Mr. Helzberg had mentioned the possibility of adding a pipe to send the water flow south. Mr. Helzberg replied as an additional improvement they could add a shallow swell that would act as a surcharge for heavy rains.

Mayor Pruette asked Mr. French what he would suggest as far as cutting off the flume and directing the water to the front using a shallow swell, or would it be better to install another pipe. Mr. French advised the development order would go back through engineering for approval and he would ensure the issue was complied with at that time.

Mayor Pruette asked Mr. French if he could assure her the property would no longer have problems with stormwater runoff. Mr. French advised he felt there would be improvements to the problem.

Councilor Jolly stated the objective of condition number 4 was to ensure the MS4 permit requirements of the St. Johns River Water Management District were met.

Mayor Pruette asked Council to consider a way to reword the condition and still protect the MS4 permit.

City Attorney Krechowski advised because the condition is already required by SJRWMD, the language should consistently defer to the SJRWMD's determination and criteria because SJRWMD would be the enforcement agency. If something is required by another agency he would encourage Council to allow them to handle it.

Councilor Arthur suggested amending number 3 as follows: the vegetative buffer will be planted on the northern and western boundary of their property and shall contain native plants and shall be maintained to achieve a five foot height and 80% of opacity within one year.

Councilor Arthur suggested amending number 4 as follows: To close the existing northern flume and route new proposed discharge south of the existing city MS4 inlet on Florida Boulevard.

Mr. Franklin advised he meant to suggest amending the condition regarding the vegetation to achieve a five foot height within three years.

City Clerk Volpe stated for clarification that condition number one would remain as follows:

- 1) **THE HVAC UNIT'S SERVICING THE PROPOSED STRUCTURE SHALL BE LOCATED SO AS TO LIMIT NOISE EXPOSURE TO NEARBY HOMES. THE CITY ENGINEER SHALL BE CONSULTED IN DETERMINING THIS LOCATION.**

City Clerk Volpe stated for clarification that condition number two would remain as follows:

- 2) **STACKING OF TRAFFIC SHALL BE ON THE CHURCH PROPERTY ONLY AND NO TRAFFIC STACKING SHALL TAKE PLACE ALONG THE NORTHERN PORTION OF THE PROPERTY DIRECTLY ABUTTING THE NEIGHBORING HOMES AND NO PARKING SHALL BE PERMITTED ON THE CITY RIGHT-OF-WAY BEHIND BC/BCS TO REDUCE NOISE POLLUTION.**

City Clerk Volpe stated for clarification that number three would be amended as follows;

- 3) A VEGETATIVE BUFFER SHALL BE PLANTED ALONG THE NORTHERN AND WESTERN BOUNDARIES OF THE PROPERTY TO REDUCE NOISE POLLUTION AND VISUAL DISTURBANCES. THE VEGETATIVE BUFFER SHALL CONTAIN NATIVE PLANTS AND SHALL BE MAINTAINED AT A SUFFICIENT ENOUGH HEIGHT AND DEPTH TO SATISFY THE INTENT OF THE CONDITIONS. THREE FEET OF VEGETATION PLANTED TO ACHIEVE 80% OPACITY AND FIVE FEET HIGH WITHIN 3 YEARS. THE LANDSCAPE PLAN WILL BE SUBMITTED WITH THE DEVELOPMENT ORDER FOR FINAL APPROVAL.

City Clerk Volpe stated for clarification number four would be amended as follows;

- 4) CLOSE EXISTING NORTHERN FLUME AND ROUTE NEW PROPOSED DISCHARGE SOUTH TO THE EXISTING CITY MS4 INLET ON FLORIDA BOULEVARD.

City Clerk Volpe stated for clarification that number five would remain as follows:

- 5) WITH APPROVAL OF THE CITY MANAGER WITH ADVICE OF THE CITY ATTORNEY AND CITY ENGINEER, BEACHES CHAPEL WOULD USE THE CITY RIGHT OF WAY OF FLORIDA BOULEVARD FOR DRAINAGE.

City Clerk Volpe stated for clarification that number six would remain as follows:

- 6) THE LIGHTING MEASURED OF THE BEACHES CHAPEL PROPERTY LINES SHALL NOT EXCEED 0.1 LUX. BEFORE A CERTIFICATE OF OCCUPANCY CAN BE ISSUED BY THE CITY OF NEPTUNE BEACH, A SEALED "AS BUILD" MEASURING THE LIGHTING AT THE BEACHES CHAPEL PROPERTY LINES SHALL BE FURNISHED TO THE CITY BY BEACHES CHAPEL. THIS LIGHT REQUIREMENT WILL BE MAINTAINED BY THE BEACHES CHAPEL IN THE FUTURE.

City Clerk Volpe asked Mayor Pruetto to amend her motion to coincide with the above amendments.

Moved by Pruetto, seconded by Jolly.

Amended
Motion:

- 1) THE HVAC UNIT'S SERVICING THE PROPOSED STRUCTURE SHALL BE LOCATED SO AS TO LIMIT NOISE EXPOSURE TO NEARBY HOMES. THE CITY ENGINEER SHALL BE CONSULTED IN DETERMINING THIS LOCATION.
- 2) STACKING OF TRAFFIC SHALL BE ON THE CHURCH PROPERTY ONLY AND NO TRAFFIC STACKING SHALL TAKE PLACE ALONG THE NORTHERN PORTION OF THE PROPERTY DIRECTLY ABUTTING THE NEIGHBORING HOMES AND NO PARKING SHALL BE PERMITTED ON THE CITY RIGHT-OF-WAY BEHIND BC/BCS TO REDUCE NOISE POLLUTION.
- 3) A VEGETATIVE BUFFER SHALL BE PLANTED ALONG THE NORTHERN AND WESTERN BOUNDARIES OF THE PROPERTY TO REDUCE NOISE POLLUTION AND VISUAL DISTURBANCES. THE VEGETATIVE BUFFER SHALL CONTAIN NATIVE PLANTS AND SHALL BE MAINTAINED AT A SUFFICIENT ENOUGH HEIGHT AND DEPTH TO SATISFY THE INTENT OF THE

CONDITIONS.—THREE FEET OF VEGETATION PLANTED TO ACHIEVE 80% OPACITY AND FIVE FEET HIGH WITHIN 3 YEARS. THE LANDSCAPE PLAN WILL BE SUBMITTED WITH THE DEVELOPMENT ORDER FOR FINAL APPROVAL.

- 4) CLOSE EXISTING NORTHERN FLUME AND ROUTE NEW PROPOSED DISCHARGE SOUTH TO THE EXISTING CITY MS4 INSLET ON FLORIDA BOULEVARD.
- 5) WITH APPROVAL OF THE CITY MANAGER WITH ADVICE OF THE CITY ATTORNEY AND CITY ENGINEER, BEACHES CHAPEL WOULD USE THE CITY RIGHT OF WAY OF FLORIDA BOULEVARD FOR DRAINAGE.
- 6) THE LIGHTING MEASURED OF THE BEACHES CHAPEL PROPERTY LINES SHALL NOT EXCEED 0.1 LUX. BEFORE A CERTIFICATE OF OCCUPANCY CAN BE ISSUED BY THE CITY OF NEPTUNE BEACH, A SEALED “AS BUILD” MEASURING THE LIGHTING AT THE BEACHES CHAPEL PROPERTY LINES SHALL BE FURNISHED TO THE CITY BY BEACHES CHAPEL. THIS LIGHT REQUIREMENT WILL BE MAINTAINED BY THE BEACHES CHAPEL IN THE FUTURE.

Roll Call Vote on the amendment:

Ayes: 5 – Arthur, Jolly, Pardee, Tucker, Pruette

Noes: 0

MOTION CARRIED

Roll Call Vote on Mr. Pardee's motion, seconded by Tucker along with the amendment.

Motion: TO APPROVE THE APPLICATION WITH THE ACCEPTABLE CONDITIONS AND SUGGESTED ALTERNATIVES A) NO HVAC EQUIPMENT SERVING THE NEW MULTIPURPOSE BUILDING GYMNASIUM SHALL BE LOCATED NORTH OF THE NORTHERN WALL PLANE OF ANY BUILDINGS, AND ALL NOISE GENERATED BY SUCH HVAC EQUIPMENT SHALL NOT EXCEED 55.AM. / 60 P.M. DECIBELS AS MEASURED AT THE PROPERTY LINE OF ANY RESIDENTIALLY ZONED PROPERTY. B) ALL NEW INTERNAL WALK AREAS DELINEATED ON THE SITE PLAN (2,200 SQ. FT. MOL) WILL BE CONSTRUCTED / INSTALLED USING SIME-PERVIOUS MATERIALS, C) NOTABLY, THE CHURCH/SCHOOL IS AND ALWAYS HAS BEEN AMENABLE TO PARTICIPATION IN SEWER / STORMWATER SPECIAL ASSESSMENT PROGRAM IF IT CAN BE DEMONSTATED THE PLAN WILL PROVIDE FOR A REQAL AND SPECIAL BENEFIT (A TRUE “FIX: FOR THE ISSUES), ON A COMMENSURTE/PROPORTIONATE BASIS WITH OTHER BENEFITED PROPERTIES, E.G. CHURCH PAYS SIX 96) LOTS IF ASSESSED APPROPRIATELY ON A “PER LOT” OR “PRE-RDU” BASIS. D) LIGHTING PER PLANS SUBMITTED FOR LIGHTING, AND E) WILL MEET ALL CONCURRENCY.

City Manager Jarboe stated that item C) was a condition that did not relate to the special exception. City Attorney Krechowski agreed.

Moved by Pardee, seconded by Tucker.

Amended TO AMEND THE MOTION TO REMOVE C.

Motion:

Tim Franklin suggested that conditions A), C), D), and E) be eliminated because they were inconsistent with the amendments.

Moved by Pardee, seconded by Tucker.

Amended Motion: **TO AMEND THE MOTION TO REMOVE EVERYTHING EXCEPT B) WHICH WOULD NOW BE A).**

Roll Call Vote on the amendments and the motion;

Ayes: 5 – Arthur, Jolly, Pardee, Tucker, Pruette

Noes: 0

MOTION CARRIED AS AMENDED

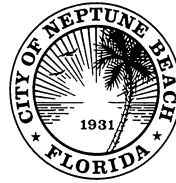
Adjournment There being no further business, the meeting adjourned at 9:45 p.m.

Harriet Pruette, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
REGULAR CITY COUNCIL MEETING
JUNE 6, 2011 AT 6:00 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 June 6, 2011, at 6:00 p.m. in the City Hall Council Chambers, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:
Mayor Harriet Pruette
Vice Mayor Kara Tucker
Councilor John Jolly
Councilor Eric Pardee
City Attorney Patrick Krechowski
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

STAFF:
Community Development Director Askew
Senior Activities Center Director Lyne

ABSENT:
Councilor Richard Arthur

Order Call/Pledge Mayor Pruette called the meeting to order at 6:00 p.m. and asked Councilor Jolly to lead the Pledge of Allegiance.

AWARDS / PRESENTATIONS/ RECOGNITION OF GUESTS

Mayor Pruette presented a Proclamation to the Woman's Club in recognition of their generous donation of \$500.00 to the Neptune Beach Senior Activity Center.

APPROVAL OF MINUTES

Moved by Tucker, seconded by Pardee.

Minutes

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

MAY 2, 2011, REGULAR CITY COUNCIL MEETING
MAY 16, 2011, WORKSHOP CITY COUNCIL MEETING

Roll Call Vote:
Ayes: 4 – Jolly, Pardee, Tucker, Pruette
Noes: 0

MOTION CARRIED

COMMUNICATIONS & CORRESPONDENCE / NONE**CITY MANAGER REPORT**

City Manager Jarboe reported on the following:

The new nitrogen plant is 99% completed and personnel have begun the training process.

He is working with the St. Johns River Water Management District and the Department of Environmental Protection and received permission to fill the ponds in Jarboe Park with reuse water. It took six days to fill the water levels and Public Services is now pumping two days a week to maintain the current water levels.

Mayor Pruette stated she was pleased that the St. Johns Water Management District gave us permission to use the reuse water to fill the ponds. It helped to save the wildlife.

COMMENTS FROM THE PUBLIC / NONE

Agenda
Amendment

Mayor Pruette amended the agenda to move SE11-02 forward.

SE11-02
Beaches Chapel
610 Florida Blvd.

SE11-02. SPECIAL EXCEPTION FOR BEACHES CHAPEL CHRISTIAN CHURCH, 610 FLORIDA BOULEVARD:

Mayor Pruette opened the public hearing.

Richard Keene, 733 Bay Street, felt Beaches Chapel School had not been a good neighbor to the Bal Harbour neighborhood. Beaches Chapel was originally supposed to be a little chapel church and was not originally permitted for a school. He felt allowing Beaches Chapel School to expand would be a violation of Church and State. He added that 60% of the students did not live in Neptune Beach and their parents did not pay taxes in Neptune Beach. He was also concerned about flooding problems. He asked the Council to support the decision of the Community Development Board and deny the request for the special exception.

William Robinson, 633 Magnolia Street, opposed the special exception. He voiced concerns regarding flooding, traffic and noise. He asked Council to support the decision of the Community Development Board and deny the request.

Ginny Thurson, 1200 Seventh Street, opposed the special exception. She was concerned about drainage, traffic and her property value.

Tim Slater, 573 Magnolia Street, stated he e-mailed pictures of some of the flooding issues to the Council that showed the infrastructure was overloaded and in need of replacement. He urged the Council to support the decision of the Community Development Board and deny the request for the special exception.

Lang Chaires, 533 Magnolia Street, was concerned about his property values because the new building would be close to his home. He also voiced concern regarding drainage. He opposed the special exception.

Charlie Graziano, 568 Magnolia Street, was concerned about noise and flooding. He asked Council to support the decision of the Community Development Board and deny the special exception.

Tim Franklin, Attorney for Beaches Chapel School, stated he would like to reserve his right to speak on the issue.

Mayor Pruette advised she spoke with City Attorney Krechowski in reference to temporarily adjourning the hearing for the special exception until June 20, 2011. She asked Mr. Franklin, Attorney for Beaches Chapel, if he would agree to adjourn until the June 20, 2011 meeting.

Mr. Franklin responded he was contacted by City Attorney Krechowski in reference to the temporarily adjournment. He had no objection.

Mayor Pruette polled the Council for a consensus to temporarily adjourn the hearing for the special exception for Beaches Chapel School until June 20, 2011.

Consensus: **TO TEMPORARILY ADJOURN THE DATE OF THE HEARING FOR THE SPECIAL EXCEPTION FOR BEACHES CHAPEL SCHOOL TO JUNE 20, 2011.**

City Attorney Krechowski advised in the absence of a full Council the Code required continuing the meeting until it could be considered by a full Council and voted on at a special meeting.

Mayor Pruette temporarily adjourned this portion of the June 6, 2011, regular Council meeting, for SE11-02, Beaches Chapel School and stated it would reconvene on June 20, 2011 at 6:00 p.m.

Recess/
Reconvene

Mayor Pruette called for recess at 6:25 p.m. and reconvened the meeting at 6:30 p.m.

CONSENT AGENDA

Surplus Vehicles **SURPLUS VEHICLES:** Approval to surplus two Ford 4 x 4 vehicles.

Moved by Tucker, seconded by Pardee.

Motion: **TO APPROVE THE CONSENT AGENDA.**

Roll Call Vote:

Ayes: 4 – Jolly, Pardee, Tucker, Pruette

Noes: 0

MOTION CARRIED

VARIANCES / NONE

ORDINANCES

Election
Referendum

CERTIFICATE OF THE BOARD OF CANVASSERS: City Clerk Lisa Volpe explained this will certify the results of the election referendum. The referendum passed with 1,399 positive votes and 294 negative votes. The referendum changes our elections dates to coincide with the County elections.

Moved by Jolly, seconded by Tucker.

Motion: **TO APPROVE THE CERTIFICATE OF THE BOARD OF CANVASSERS.**

Roll Call Vote:

Ayes: 4 – Jolly, Pardee, Tucker, Pruette

Noes: 0

MOTION CARRIED

Ord. No. 2011-05 ORDINANCE NO. 2011-05, REFERENDUM TO AMEND ELECTIONS, SECOND READ AND PUBLIC HEARING: AN ORDINANCE CALLING FOR A REFERENDUM TO AMEND SECTION 2.02 ELECTION AND TERMS, SECTION 3.05 SCHEDULE AND NOTICE OF ELECTIONS AND SECTION 3.06 CITY CANVASSING BOARD OF THE CHARTER; AND ESTABLISHING AN EFFECTIVE DATE.

City Clerk Lisa Volpe explained this Ordinance amends the Charter to coincide with the Referendum changing the election dates. The primary elections will be held in August and the general elections will be held in November. This also allows Duval County to certify the results of the elections.

Mayor Pruette read Ordinance No. 2011-05 by title only and opened the public hearing.

There being no comments from the public, the public hearing was closed.

Moved by Jolly, seconded by Tucker.

Motion: **TO ADOPT ORDINANCE NO. 2011-05 ON SECOND READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 4 – Jolly, Pardee, Tucker, Pruette

Noes: 0

MOTION CARRIED

Ord. No. 2011-09 ORDINANCE NO. 2011-09, YARD DEFINITIONS, SECOND READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES CHAPTER 27 UNIFIED LAND DEVELOPMENT REGULATIONS, ARTICLE IV, LAND USE, AMENDING SECTION 27-15 DEFINITIONS AND PROVIDING AN EFFECTIVE DATE.

City Manager Jarboe explained this Ordinance defines, front, corner, side yards, and corner side yards.

Mayor Pruette read Ordinance No. 2011-09 by title only and opened the public hearing.

Richard Keene, 733 Bay Street, member of the Community Development Board explained this issue arose from a case where there was some ambiguity regarding corner lots, front yards, and corner side yards. This Ordinance should clarify those definitions.

There being no further comments from the public, the public hearing was closed.

Moved by Jolly, seconded by Tucker.

Motion: **TO ADOPT ORDINANCE NO. 2011-09 ON SECOND READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 4 – Jolly, Pardee, Tucker, Pruette
Noes: 0

MOTION CARRIED

Ord. No. 2011-10 ORDINANCE NO. 2011-10, FRONT YARD SETBACK REQUIREMENTS, SECOND READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES CHAPTER 27 UNIFIED LAND DEVELOPMENT REGULATIONS, ARTICLE IV, LAND USE, AMENDING SECTION 27-231, FRONT YARD SETBACK REQUIREMENTS AND PROVIDING AN EFFECTIVE DATE.

City Manager Jarboe explained this Ordinance defines front yard setback requirements.

Mayor Pruette read Ordinance No. 2011-10 by title only and opened the public hearing.

Richard Keene, 733 Bay Street, member of the Community Development Board there was some ambiguity regarding front yards on corner lots and front yard setback requirements. He hoped this Ordinance would clarify front yard setback requirements.

There being no further comments from the public, the public hearing was closed.

Moved by Pardee, seconded by Tucker.

Motion: **TO ADOPT ORDINANCE NO. 2011-10 ON SECOND READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 4 – Jolly, Pardee, Tucker, Pruette
Noes: 0

MOTION CARRIED

Ord. No. 2011-11 ORDINANCE NO. 2011-11, PARKING, STORAGE OR USE OF MAJOR RECREATIONAL EQUIPMENT AND BOATS, SECOND READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES CHAPTER 27 UNIFIED LAND DEVELOPMENT REGULATIONS, ARTICLE IV, LAND USE, AMENDING SECTION 27-335, PARKING, STORAGE OR USE OF MAJOR RECREATIONAL EQUIPMENT AND BOATS AND PROVIDING AN EFFECTIVE DATE.

City Manager Jarboe explained this Ordinance does not allow recreational equipment to be parked on corner side yards.

Mayor Pruette read Ordinance No. 2011-11 by title only and opened the public hearing.

Richard Keene, 733 Bay Street, member of the Community Development Board, explained this issue came before the Community Development Board because the code enforcement officer was having difficulty enforcing parking of recreational vehicles.

There being no further comments from the public, the public hearing was closed.

Moved by Pardee, seconded by Tucker.

Motion: **TO ADOPT ORDINANCE NO. 2011-11 ON SECOND READ AND PUBLIC**

HEARING.

Ayes: 4 – Jolly, Pardee, Tucker, Pruette
Noes: 0

MOTION CARRIED

Ord. No. 2011-12 **ORDINANCE NO. 2011-12, ADDING PLANNED UNIT DEVELOPMENT, FIRST READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES CHAPTER 27 UNIFIED LAND DEVELOPMENT REGULATIONS, ARTICLE IV, LAND USE, AND ADDING 27-224 PLANNED UNIT DEVELOPMENT (PUD) AND PROVIDING AN EFFECTIVE DATE.**

City Manager Jarboe explained this Ordinance allows for Planned Unit Development which also would allow Mixed Use Development.

Mayor Pruette read Ordinance No. 2011-12 by title only and opened the public hearing.

There being no comments from the public, the public hearing was closed.

Moved by Jolly, seconded by Tucker.

Councilor Pardee stated he still had concerns regarding noise issues with mixed use development and asked that this ordinance be forwarded to the June workshop meeting for further discussion.

Mayor Pruette stated this Ordinance will give businesses the option of mixed use development.

Motion: **TO PASS ORDINANCE NO. 2011-12 ON FIRST READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 4 – Jolly, Pardee, Tucker, Pruette
Noes: 0

MOTION CARRIED

Ord. No. 2011-13 **ORDINANCE NO. 2011-13, DELETING TABLE OF PERMISSIBLE USES, FIRST READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES CHAPTER 27 UNIFIED LAND DEVELOPMENT REGULATIONS, ARTICLE IV, LAND USE, DELETING TABLE 27-226-1 TABLE OF PERMISSIBLE USES AND AMENDING SECTION 27-226 ALLOWABLE USES WITHIN ZONING DISTRICTS AND PROVIDING AN EFFECTIVE DATE.**

City Manager Jarboe explained this Ordinance deletes the table of permissible uses.

City Manager Jarboe stated this Ordinance would be forwarded to the June workshop meeting so the list of businesses provided by Councilor Pardee could be considered.

Mayor Pruette read Ordinance No. 2011-13 by title only and opened the public hearing.

There being no comments from the public, the public hearing was closed.

Moved by Tucker, seconded by Jolly.

Motion: **TO PASS ORDINANCE NO. 2011-13 ON FIRST READ AND PUBLIC HEARING.**

Councilor Pardee questioned if anything was added to the list of permissible uses that was not in the table of permissible uses.

Community Development Director Amanda Askew advised some of the categories were renamed. She asked Councilor Pardee to refer back to the proposed ordinance that was included in the May 16th, workshop agenda packet because it included her comments regarding the changes. She would have some suggestions for deletions at the June workshop meeting. The Community Development Board would be reviewing Ordinance No. 2011-12 and 2011-13 at their June 22, 2011 meeting.

Roll Call Vote:

Ayes: 4 – Jolly, Pardee, Tucker, Pruette

Noes: 0

MOTION CARRIED

Ord. No. 2011-14 **ORDINANCE NO. 2011-14, AMENDING CHAPTER 9 ELECTIONS, FIRST READ: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES CHAPTER 9 ELECTIONS SECTION 9-2 SCHEDULE OF ELECTIONS; SECTION 9-3. PUBLIC NOTICE OF ELECTIONS; SECTION 9-5. QUALIFYING OF CANDIDATES; SECTION 9-6. CAMPAIGN FINANCES; SECTION 9-8. REGISTRATION BOOKS; SECTION 9-9. ELECTION ADMINISTRATION AND PROVIDING AN EFFECTIVE DATE.**

City Clerk Volpe explained this Ordinance changes the dates of our city elections, in the Code Book. Ordinance No. 2011-05 changed the dates in the Charter.

City Clerk Volpe advised and amended the following error: Section 9-5 Qualifying of candidates (d) Any qualified elector of the city may qualify as a write-in candidate by filing a statement to that effect, under oath, with the city clerk, no later than the ~~thirtieth~~ 76th day preceding the next qualifying for the city election, together with the candidate's oath as set forth in subsection (a).

Mayor Pruette suggested this Ordinance be sponsored by all council members.

Consensus: **THIS ORDINANCE TO BE SPONSORED BY ALL COUNCIL MEMBERS.**

Councilor Pardee advised and amended the following error: Section 9-2 Schedule of elections (b) When two candidates are running for ~~he~~ the same elective office the general election shall be held on the first Tuesday after the first Monday in November of each even numbered year.

Moved by Jolly, seconded by Tucker.

Motion: **TO PASS ORDINANCE NO. 2011-14 ON FIRST READ.**

Roll Call Vote:

Ayes: 4 – Jolly, Pardee, Tucker, Pruette

Noes: 0

MOTION CARRIED

Ord. No. 2011-15 ORDINANCE NO. 2011-15, AMENDING CHAPTER 6, ANIMALS, FIRST READ: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES CHAPTER 6 ANIMALS AMENDING SECTION 6-30 DEFECATION DISPOSAL AND PROVIDING AN EFFECTIVE DATE.

City Manager Jarboe explained this Ordinance mandates that pet waste be placed in the pet owners own garbage can.

Moved by Tucker, seconded by Jolly.

Councilor Pardee stated he did not support this Ordinance. He did not think it was necessary and felt the city did not have enough staff to enforce the Ordinance.

Mayor Pruette stated she would support the Ordinance although Chief Sembach has indicated it would be virtually impossible to enforce.

Motion: **TO PASS ORDINANCE NO. 2011-15 ON FIRST READ.**

Roll Call Vote:

Ayes: 3 – Jolly, Tucker, Pruette

Noes: 1 – Pardee

MOTION CARRIED

OLD BUSINESS / NONE

NEW BUSINESS

SE11-03 SE11-03, SPECIAL EXCEPTION FOR LILLIE'S COFFEE BAR, 200 FIRST STREET: A
Lillie's Coffee Bar special exception for outdoor seating for Lillie's Coffee Bar. The proposed seating would
200 First Street be located on private property in front of Lillie's Coffee Bar.

Community Development Director Askew explained the seating would take up 3feet 8 inches of private property along First Street. They are proposing to relocate some of the existing bistro tables and chairs from the existing patio seating to the First Street location. The Community Development Board has recommended approval of the special exception.

Councilor Pardee asked how many tables would be placed on First Street.

Mike Disch, 118 Magnolia Street, representative for Lillie's Coffee Shop, explained two of the existing tables currently placed in the courtyard would be relocated.

Councilor Pardee questioned the size of the tables. Mr. Disch replied they were no more than 1 ½ feet diameter. They are café type tables.

Councilor Pardee questioned if they would be serving alcohol at the tables. Mr. Disch replied they would be serving coffee. The bistro tables on First Street would not be permanent. They would be moved back into the courtyard during the evening hours.

Councilor Pardee questioned how the tables would be accessed. Mr. Disch responded the tables would have to be accessed from the courtyard entrance on First Street.

Councilor Pardee asked if the patrons would be served at the bistro tables. Mr. Disch stated the coffee shop was self service.

Councilor Pardee asked if there would be some type of barrier to keep customers from

stepping out onto the public right-of-way with alcoholic beverages. Mr. Disch replied there were signs at the entrance that read "no alcoholic beverages beyond this point." It is their policy not to allow any alcohol beverages to leave the courtyard area.

Councilor Pardee asked Mr. Disch if he would commit to not allowing alcoholic beverages at the tables on First Street. Mr. Disch replied "yes" they would not have any alcoholic beverages at those tables.

Mayor Pruette asked City Attorney Krechowski if they could put restrictions on the special exceptions. City Attorney Krechowski advised the Council, according to the Code, after the Community Development Board reviews the special exception and makes their recommendation to the Council, the Council may approve, approve with conditions, or deny the special exception.

Councilor Pardee was concerned about non-customers using the tables. Mr. Disch stated sometimes they have that problem with the tables in the courtyard area.

Vice Mayor Tucker questioned how they would keep the tables within the three feet. Ms. Katie Millan, owner of Lillie's Coffee Shop, replied the tables would be small bistro tables with a couple of chairs. They would be more of a presence than anything else. They wanted to make the exterior of the building appear as a coffee shop other than an office building to attract more customers. They constantly monitor the courtyard. They would place signs on the tables as well as police and monitor the area.

Councilor Jolly asked City Attorney Krechowski if the special exception is approved with conditions, can the special exception be rescinded if those conditions are not met. City Attorney Krechowski replied "yes" they would be in violation of the special exception.

Councilor Jolly stated he would like to add the condition that the City Manager could revoke the special exception if the tables crept onto the public right-of-way or if alcohol was being served.

City Manager Jarboe stated he would like to have the ability to suspend the special exception until Council could review the conditions and make the final decision.

Mayor Pruette voiced concern regarding ADA requirements. City Manager Jarboe explained restaurants could be fined if they did not comply with ADA regulations.

Mayor Pruette was also concerned about alcohol being served. Ms. Millan replied the coffee shop sold minimal alcohol. She was aware that alcohol cannot be served or consumed on public property.

Councilor Pardee voiced concern about customers with dogs, baby strollers, or other items that may extend out onto the public right-of-way. Ms. Millan stated the tables would be brought inside when the restaurant closes at 9:00 p.m. They are trying to attract customers to the establishment.

Moved by Pruette, seconded by Jolly.

Motion: **TO APPROVE THE RECOMMENDATION OF THE COMMUNITY DEVELOPMENT BOARD WITH THE FOLLOWING CONDITIONS: 1) NO OUTSIDE ALCOHOL SERVICE, 2) IF OUTSIDE DINING IN THE OPINION OF THE CITY MANAGER BECOMES A PROBLEM WITH IMPEDING ON THE CITY RIGHT-OF-WAY OR WITH OTHER COMPLAINTS, THE CITY MANAGER MAY SUSPEND SE11-03 UNTIL THE CITY COUNCIL CAN REVIEW THE CONCERNS.**

Roll Call Vote:

Ayes: 4 – Jolly, Pardee, Tucker, Pruette

Noes: 0

MOTION CARRIED

Litigation
Settlements

LITIGATION SETTLEMENTS / CITY ATTORNEY KRECHOWSKI:

Moved by Jolly, seconded by Pardee.

Motion: **TO APPROVE LITIGATION SETTLEMENTS DISCUSSED AT THE SHADE MEETING TONIGHT JUNE 6, 2011.**

Roll Call Vote:

Ayes: 4 – Jolly, Pardee, Tucker, Pruette

Noes: 0

MOTION CARRIED

COUNCIL COMMENTS

Councilor Pardee advised the City of Jacksonville has a new program available that would display high resolution pictures of properties. This program was available at no cost and the Community Development Director had a password.

Councilor Pardee stated he would like to place the Green Market and the Community Garden on the June 20, 2011 workshop meeting agenda for discussion and to review the agreements. Mayor Pruette advised the June workshop had a full agenda and recommended placing the issue on the July workshop. Councilor Pardee agreed to place the issue on the July workshop meeting.

Mayor Pruette stated she would like Chief Sembach to inform the Council of any police action that would take place on July 4, 2011.

City Manager Jarboe stated Chief Sembach was going to give a presentation regarding the duties and accomplishments of the Public Safety Department. His presentation would also be postponed until the July workshop.

City Manager Jarboe added that police enforcement has recently increased on First Street due to complaints.

Adjournment

There being no further business, the meeting adjourned at 7:15 p.m.

Harriet Pruette, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved:



MINUTES
WORKSHOP CITY COUNCIL MEETING
May 16, 2011, 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 May 16, 2011 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 Kara Tucker
Councilor Eric Pardee
Councilor Richard Arthur
City Attorney Patrick Krechowski
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

Community Development Director Amanda Askew
Building Official Don Ford
Public Safety Director David Sembach

ABSENT:

Councilor John Jolly

Call to Order/Roll
Call

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

PRESENTATIONS

Building Dept.

BUILDING DEPARTMENT – DON FORD: Building Official Don Ford gave a presentation on the duties and functions of the Building Department.

CITY MANAGER'S ACTION LIST

City Manager Jarboe reported on the following:

- Sliders Restaurant is requesting temporary additional seating while the new outdoor dining area and roof are being constructed. He recommended placing the issue on the June 6, 2011, regular meeting agenda. He will gather the details and provide more information to Council prior to the meeting.

Consensus: **TO PLACE THE REQUEST OF SLIDERS FOR TEMPORARY
ADDITIONAL SEATING ON THE JUNE 6, 2011 AGENDA.**

- He will be meeting with a representative of St. Johns River Water Management District on Wednesday, May 18, 2011 to see if anything can be done to increase the water level in the ponds in Jarboe Park.

Invasive Plants

INVASIVE PLANTS – BARBARA JACKSON / ISH BRANT BEAUTIFICATION COMMITTEE: Barbara Jackson gave a presentation regarding category one and category two invasive plants and asked Council to consider adopting an Ordinance.

Councilor Arthur agreed to sponsor the Ordinance.

PUBLIC COMMENTS

Ed Jones, 200 First Street, asked Council to consider amending Section 6-30, Defecation Disposal, to add that “dog owners be required to dispose of dog waste in a container owned by the dog owner or in a city owned receptacle, and that it be a violation for dog defecation to be deposited in a trash container not owned by the dog’s owner or the city.”

Patricia Hazouri, 207 Florida Boulevard, requested the city create and maintain a satisfaction survey to monitor citizen and business satisfaction within all departments of our local city government.

PROPOSED ORDINANCES

PUD

ORDINANCE NO. 2011-XX, PLANNED UNIT DEVELOPMENT / MAYOR PRUETTE: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES CHAPTER 27 UNIFIED LAND DEVELOPMENT REGULATIONS, ARTICLE IV, LAND USE, AND ADDING 27-244 PLANNED UNIT DEVELOPMENT (PUD) AND PROVIDING AN EFFECTIVE DATE.

Michael Dunlap, 225 Bowles Street, reviewed a presentation he presented to the Council back in 2006, regarding mixed use development.

Vice Mayor Tucker supported moving forward with the Ordinance.

Councilor Arthur stated he would support the Ordinance, adding that there were only three or four sites within the city that could be used for mixed use.

Mayor Pruette added mixed use would give developers more options.

Councilor Pardee supported moving forward with mixed use developments however, he felt the recently adopted noise ordinance may be an issue. He asked staff to research the mixed use developments in Jacksonville Beach to see if there have been any noise complaints or parking concerns.

City Manager Jarboe explained the reason the Ordinance was for a “Planned Unit Development” instead of “Mixed Use Development” was due to the Comprehensive Plan. The Comprehensive Plan did not include “Mixed Use Development” but it did allow for “Planned Unit Development.”

Mayor Pruette commented that mixed use developments would still not be allowed to exceed the 35 foot height limit.

Consensus: **FORWARD TO THE JUNE 6, 2011, REGULAR COUNCIL MEETING FOR FIRST READ.**

Permissible Use
Update

ORDINANCE NO. 2011-XX, UNIFIED LAND DEVELOPMENT REGULATIONS / VICE
MAYOR TUCKER: CHAPTER 27, SECTION 27-226 PERMISSIBLE USE UPDATE.

City Manager Jarboe felt this Ordinance was complicated and suggested Council review the amendments one page at a time. He also suggested this Ordinance be forwarded to an additional workshop meeting after it goes before the Community Development Board.

Community Development Director Askew explained there was a comment section on each page that described each amendment.

Mayor Pruette asked if Council had any comments or amendments on page one.

Page 1 Councilor Pardee was concerned about the following language in Section 27-226, Allowable Uses Within Zoning Districts. (a) All uses shall conform to the standards for each zoning district as provided below. However, because the list of permissible uses is not exclusive those uses not listed, and which may not be interpreted by the city manager or designee to be similar to any other listed use, shall be prohibited. His concern was that some specific businesses may not fit into the descriptions listed. He researched and prepared a spreadsheet listing 178 businesses that are located in the local area that may not necessarily fit into one the category's listed in the Ordinance. He suggested adding the following language "if a business is denied by the city manager or designee, the business has the opportunity to appeal the decision."

City Manager Jarboe explained the appeal process is addressed in Section 27-132 and 27-133. Anyone can appeal any administrative decision to the Community Development Board.

Councilor Pardee asked City Attorney Krechowski if he felt the language should also be included in Section 27-226(a). City Attorney Krechowski responded he did not believe it was necessary to reference the administrative appeal in this Section.

Councilor Pardee stated he would like to review and consider adding other business types to the list and would present them for the next workshop. He felt all types of businesses should fit into a category.

Mayor Pruette felt there were some types of businesses the City would not want to include.

Councilor Arthur agreed if a business was denied there should be a process that would allow them to appeal.

Vice Mayor Tucker stated she did not have any amendments for page one.

Consensus: **NO CHANGES TO PAGE ONE.**

Page 2 Mayor Pruette asked if anyone had any comments or recommended amendments to page two. There were no comments regarding page two.

Consensus: **NO CHANGES TO PAGE TWO.**

Page 3 Mayor Pruette suggested adding "Adult Day Care" on page three in Section 27-226(h) Commercial-1 (C-1)(2)

Consensus: **TO INCLUDE "ADULT DAY CARE" ON PAGE THREE SECTION 27-226(h)(C-1)(2).**

Page 4 Mayor Pruette asked if anyone had any comments or recommended amendments to page four.

Community Development Director Askew recommended deleting Kiosk Sales in Section 27-226(h)(3)(b) or adding the definition of Kiosk Sales in Chapter 27.

Vice Mayor Tucker, Councilor Arthur and Councilor Pardee supported defining Kiosk Sales in Chapter 27.

City Attorney Krechowski recommended striking the following special exceptions from Section 27-226(h)(3), ~~(b) Kiosk sales, (c) Restaurant with drive-thru service window, and (d) Retail with drive-thru service window,~~ because they were not consistent throughout the Code.

Mayor Pruette asked Council if they preferred defining these special exceptions or striking through them.

Consensus: **TO DEFINE KIOSK SALES, RESTAURANT WITH DRIVE THRU SERVICE WINDOW AND RETAIL WITH DRIVE THRU SERVICE WINDOW.**

City Manager Jarboe explained Section 27-226(i)(2)(f) Personal Service establishments, was a new term.

Community Development Director Askew added Section 27-226(i)(2)(b) Business and professional offices was also a new term. It allows building contractors and subcontractors to operate in commercial districts as long as there is no outdoor storage of vehicles, materials, or equipment.

Community Development Director Askew advised the list of businesses provided by Councilor Pardee could be added under Section 27-226(i) Commercial-2(f) Personal service establishments.

Consensus: **TO ADD THE LIST OF 178 TO BE PROVIDED BY COUNCILOR PARDEE TO "PERSONAL SERVICE ESTABLISHMENTS."**

Page 5 Mayor Pruette asked if there were any comments or amendments to page five.

Mayor Pruette suggested removing 27-226-(j)(2)(g) Motor Vehicle Sales. City Manager Jarboe stated motor vehicle sales were allowed under the current Code.

City Manager Jarboe suggested removing 27-226(i)(3)(c) Kiosk Sales because it is already covered in the business section.

Consensus: **REMOVE 27-226(i)(3)(c) KIOSK SALES.**

Page 6 Mayor Pruette asked if anyone had any comments or amendments regarding page six. There were no comments or amendments.

Consensus: **NO CHANGES ON PAGE 6.**

Page 7 Mayor Pruette asked if anyone had any comments regarding page seven.

Consensus: **NO CHANGES ON PAGE 7.**

Mayor Pruette asked if there were any comments regarding the Table of Permissible Uses.

Mayor Pruette stated she preferred having both the chart and the list.

Councilor Pardee felt using both a chart and a list would be difficult to maintain and would make the permissible uses more confusing.

Councilor Arthur felt the businesses were more defined in the list and the chart left more room for errors.

Vice Mayor Tucker supported removing the Table of Permissible Uses.

Consensus: **TO REMOVE THE TABLE OF PERMISSIBLE USES.**

Consensus: **TO FORWARD TO FIRST READ AND WORKSHOP AGAIN AFTER FIRST READ AND THEN MOVE IT TO SECOND READ.**

Community Development Director Askew stated the Ordinance would go before the Community Development Board in June.

CONTRACTS / AGREEMENTS / NONE

ISSUE DEVELOPMENT

Dog Defecation

DOG DEFECATION / VICE MAYOR TUCKER: Vice Mayor Tucker suggested adding signage and putting information on the website to inform the public of the animal ordinance and the violations for not cleaning up pet waste.

Mayor Pruette stated there was an issue with pet owners placing the pet waste in other resident's trash containers. City Manager Jarboe suggested adding the following language to the Code: "pet owners must place their pets waste in their own trash containers."

Mayor Pruette asked Chief Sembach how the City would be able to enforce such an ordinance.

Chief Sembach replied it would be virtually impossible to enforce. He conducted some research and found other cities that had such an ordinance were cities whose citizens paid privately for trash pick-up services. There is no law against taking trash out of someone's trash container if it is on a city easement or in the city right-of-way.

City Manager Jarboe added it would be extremely hard to enforce. The city did not have the resources to pay someone overtime to police the city for people walking their dogs after hours and make sure they picked up the dogs waste.

Councilor Arthur felt it was a reasonable request to add the language; "pet owners must place their pets waste in their own trash containers". He added the fine should be the same as for not picking it up at all.

City Manager Jarboe suggested changing the code to allow citizens to sign an affidavit and swear out a complaint if they witnessed an actual event.

Councilor Arthur questioned if it was legal to put trash into someone's trash container if it is on city property. City Attorney Krechowski replied he would research the issue to find out if it was legal for anyone to place trash in a container on city property.

Vice Mayor Tucker agreed to sponsor the Ordinance.

Councilor Pardee asked what language would be added to the Ordinance.

Mayor Pruette stated the recommendation was to add; "dog defecation is required to be deposited in a trash container owned by the dog owner or in a city owned receptacle and that it be a violation for the dog defecation to be deposited in a trash container not owned by the dog owner."

Councilor Pardee stated the current ordinance requires that the owner of dog carry some sort of material, utensil, or suitable container with which to dispose of the defecation.

Mayor Pruette asked Chief Sembach if there been any citations written to dog owners for not carrying a suitable container to dispose of the defecation. Chief Sembach replied he has questioned dog owners found not carrying a suitable container and their reply has been that their dog had already defecated and the container was thrown away. He felt that was a reasonable excuse for being caught without a container.

Consensus: **FORWARD TO FIRST READ NEXT MONTH.**

Public Comments

PUBLIC COMMENTS AT WORKSHOP MEETINGS / MAYOR PRUETTE: Mayor Pruette explained she would like to move public comments from the beginning of workshop meetings to the end of workshop meetings, or allow public comments at the beginning and the end of workshop meetings. She felt citizens may want to comment "after" hearing council discussion on agenda items instead of "before" the discussion.

Councilor Pardee stated citizens had other means of contacting council members after workshop meetings and before regular meetings. He felt allowing public comments at the end of the workshop or at both the beginning and the end of workshop meetings would extend the time of the meetings. He did not want to stay for meetings lasting until 10:00 or 11:00 p.m. He added that he was available for citizens to contact him during the week.

Vice Mayor Tucker agreed to allow public comments at the beginning and the end of the workshop meetings. She felt it would also be better for some citizens who were unable to get here by 6:00 p.m.

City Manager Jarboe agreed the public should be allowed to speak at both the beginning and the end of the workshop meetings.

Councilor Arthur agreed to allow public comments at the beginning and the end of the workshop meetings, but a person should only be allowed to speak at either the beginning or the end and not both.

Consensus: **TO ALLOW PUBLIC COMMENTS AT BOTH THE BEGINNING AND THE END OF THE WORKSHOP MEETINGS "TO TRY."**

Surplus Vehicles

SURPLUS VEHICLES: City Manager Jarboe stated the city needed to surplus the following vehicles:

<u>Description</u>	<u>Make</u>	<u>Model</u>	<u>VIN #</u>
2007 4-6 Automatic	Ford	F150 4x4	1FTRF18W31NA70648
2001 4-6 Automatic	Ford	F150 4x4	1FTRF14W57KD53505

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

Jarboe Park

JARBOE PARK EVENTS: City Manager Jarboe explained he placed a moratorium on the use of Jarboe Park for group events. There have been a lot of schools and day care centers showing up at the park without a reservation. The issue is that there is not enough parking and the groups prevent citizens who use the park on a daily basis from using the park on a regular basis. There have also been issues with group events exceeding the allowable guests.

City Manager Jarboe suggested amending Resolution 2008-13, Jarboe Group Event Policy, as follows:

1. allow no long term group events
2. limit the hours for group events for 3 to 4 hours maximum
3. allow no group events after 9:00 p.m.
4. no amplified music
5. no commercial sales or events
6. limit the number of people for group events to 30.
7. charge a usage fee

City Manager Jarboe asked City Attorney Krechowski to find out if was legal to charge a higher usage fee for non Neptune Beach residents than Neptune Beach residents. He added the current policy is to charge all non Neptune Beach residents a \$100.00 user fee for group events, however he was not sure if that was legal. He added that Neptune Beach residents pay taxes to fund the park and keep up the maintenance.

Vice Mayor Tucker supported the recommended changes.

Councilor Arthur supported raising the fees for non Neptune Beach residents to help with the maintenance and administrative costs. He suggested charging the group a fine if the amount of people attending the event exceeded the number allowed.

City Manager Jarboe stated the difficulty in enforcing the issue is that his office does not hear about the issue until the event is over and it needs to be addressed when it is happening.

City Attorney Krechowski suggested having the group put up a \$300.00 deposit with the agreement. The \$300.00 deposit could be used toward a fine if the number of people attending the event exceeded the allowable number.

Mayor Pruette stated she would like to see the statistics regarding the following;

1. how many requests have been made for group events
2. how many have been turned down
3. how big the event would be
4. how many requests were from Neptune Beach residents
5. how many requests were from non Neptune Beach residents

Councilor Pardee felt part of the problem was that most schools now lock up there ball fields and playground areas leaving children nowhere to go and play. He disagreed with charging a fee for groups to use the park. He felt it would be unfair to charge

residents a fee to use the park for group events while allowing the Community Garden and the Green Market daily and weekly use of the park, for the fee of only \$1.00 per year.

Mayor Pruette acknowledged that Atlantic Beach and Jacksonville Beach allow Neptune Beach residents use of their parks and ball fields. She asked City Manager Jarboe to find out if Jacksonville Beach and Atlantic Beach charged a fee to our residents to use their parks.

Consensus: **TO LET CITY MANAGER JARBOE TAKE A LOOK AT THIS AND GET WITH THE CITY ATTORNEY AND BRING IT BACK TO US.**

Councilor Pardee stated he did not agree with the consensus.

City Atty.

CITY ATTORNEY ANNOUNCEMENT: City Attorney Krechowski announced he recruited Sarah Young, a student at the Florida Coastal School of Law, to intern for him this summer.

City Attorney Krechowski also announced a shade meeting will be held on Monday, June 6, 2011 at 5:30 p.m. to obtain the advice of the City Council regarding settlement negotiations and strategy sessions relating to litigation expenditures.

Consensus: **TO HOLD A SHADE MEETING ON JUNE 6, 2011, AT 5:30 P.M.**

Senior Center

SENIOR ACTIVITY CENTER BUDGET / LESLIE LYNE: City Manager Jarboe explained the Community Development Block Grant (CDBG) funding, for the Senior Activities Center, FY 2010-2011 has been cut. Effective June 1, 2011, our contract will be modified to state the award amount of \$50,068 which is a \$9,893 reduction from the original amount. Senior Activities Center Director Leslie Lyne, has raised enough money through her non-profit organization to cover the loss for this year.

Mayor Pruette was concerned about other funding that would be reduced. City Manager Jarboe responded the Street Lighting Program, Property Tax, and Communication Tax would most likely be reduced FY 2011-2012. The State has projected the same amount of revenue for Gas Tax, and Sales Tax. We will not know the exact amounts until around the first week of July.

Mayor Pruette questioned when the budget process would begin. City Manager Jarboe replied the budget meetings would begin in August unless the revenue figures arrived sooner.

City Manager Jarboe added the city has reduced the General Fund budget each year for the past five to six years.

COUNCIL COMMENTS

Councilor Arthur asked if the air conditioning control could be set and remain set at 75 degrees. City Manager Jarboe replied the air conditioning settings are currently controlled and automatically adjust, to lower the usage, at 6:30 p.m. and on the weekends.

Mayor Pruette stated the portrait of Mayor Richard Brown needed to be framed and placed on the wall in the Council Chambers.

Vice Mayor Tucker stated she would like the issue of the Art Walk placed on the June workshop agenda.

City Manager Jarboe stated a non-profit organization plans to hold a race on our beach this weekend without proper notification or necessary insurance. The Police Department will be working with the organization to make the event happen.

City Clerk Lisa Volpe reminded everyone the following day, Tuesday, May 17, 2011 was Election Day and for everyone to vote.

Adjournment

There being no further business, the meeting adjourned at 7:40 pm.

Harriet Pruetten, Mayor

Attest:

Lisa Volpe, CMC, City Clerk

Approved: _____



**MINUTES
REGULAR CITY COUNCIL MEETING
MAY 2, 2011 AT 6:00 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 May 2, 2011, at 6:00 p.m. in the City Hall Council Chambers, 116 First Street, Neptune Beach, Florida.

Attendance**IN ATTENDANCE:**

Mayor Harriet Pruette
Vice Mayor Kara Tucker
Councilor Richard Arthur (Arrived 6:01 p.m.)
Councilor John Jolly
Councilor Eric Pardee
City Attorney Patrick Krechowski
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

STAFF:

Community Development Director Askew
Senior Activities Center Director Lyne

Order Call/Pledge

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

AWARDS / PRESENTATIONS/ RECOGNITION OF GUESTS / NONE

APPROVAL OF MINUTES

Moved by Jolly, seconded by Tucker.

Minutes

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

APRIL 4, 2011, REGULAR CITY COUNCIL MEETING
APRIL 18, 2011, WORKSHOP CITY COUNCIL MEETING

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Pardee, Tucker, Pruette

Noes: 0

MOTION CARRIED

COMMUNICATIONS & CORRESPONDENCE

Mayor Pruette thanked staff for doing an outstanding job hosting the annual "Easter in the Park" event in Jarboe Park.

City Clerk Volpe reminded everyone of the upcoming County election on May 17, 2011. The Neptune Beach referendum changing the dates of our elections to coincide with the County elections will be on the ballot. If the referendum passes it will save the city the cost of having to hold a separate runoff election.

City Clerk Volpe announced the Municipal Code will be updating their website within the next few weeks. The updated website will offer better search capabilities.

CITY MANAGER REPORT

City Manager Jarboe reported on the following:

An invoice in the amount of \$380.00 was received from the Chamber of Commerce. He asked Council if they wished for the City to remain an active member.

Councilor's Pardee and Jolly felt the City should save the money and not remain a member.

Councilor's Arthur and Tucker felt the City should maintain its membership in an effort to support the local businesses.

Mayor Pruette stated because the vote was split she would speak with a representative of the Chamber of Commerce. She explained last year the Chamber of Commerce waived our membership dues because the city could not afford them.

The Invitation to Bid on the solar panels for the City Hall building has been published.

The renovation of the sewer plant should be complete by the end of May. It may take up to six months to train personnel to operate the new plant.

The State inspected our ditches and gave the City a grade of A+ on the maintenance.

The new agenda process will begin next week. Staff meetings will now be held on Friday's, by the City Manager, to review, proof read and edit agenda items before the agenda packets are prepared by the City Clerk's office. The City Attorney will also begin reviewing the agenda items no later than the Wednesday before Friday's meeting.

We will be short on lifeguards until the end of the college year. Once the college students are out of school, the lifeguard positions should be fully staffed.

Councilor Arthur questioned if it would take six months to determine the total nitrogen level of the sewer plant. City Manager Jarboe replied that it would take six months to train personnel to operate the new plant. The in-pipe technology has already lowered the nitrogen level by 35%.

COMMENTS FROM THE PUBLIC

Kerry Chin, 227-A Margaret Street, stated five parking spaces in Town Center were being reserved for valet parking. He questioned if the valet parking business obtained a business tax receipt. He also questioned how reserving those five spaces impacted the total required spaces for the other businesses.

Curtis Winter, Owner of Sun Dog Diner, explained the valet parking business did obtain a business tax receipt. He added Ragtime Tavern, Sun Dog Diner, and Carribbee Key were currently using the valet parking. He felt the valet parking actually left

more parking spaces available for other businesses in Town Center.

Mayor Pruette asked if Mezzaluna was using the valet parking. Mr. Winter replied Mezzaluna was currently not using the service however; it was his goal to get all the Town Center restaurants involved in the valet parking service.

Jim Robinson, Candidate for City of Jacksonville Council at Large, introduced himself to the Council. He explained as a candidate for Councilman of the City of Jacksonville at Large seat, he has spent a lot of time campaigning. He wanted to assure the beaches' citizens that, if he were elected, he would look to them for guidance regarding the various issues involving the beach cities.

CONSENT AGENDA / NONE

VARIANCES / NONE

ORDINANCES

Ord. No. 2011-07 **ORDINANCE NO. 2011-07, CONTROL OF NOISE, SECOND READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, ESTABLISHING REGULATIONS FOR THE CONTROL OF NOISE; PROVIDING TERMINOLOGY; PROHIBITING CERTAIN NOISES; EXEMPTING CERTAIN NOISES; LIMITING THE UNREASONABLE AND EXCESSIVE LEVELS OF NOISES, AND PLAINLY AUDIBLE NOISES IN CERTAIN CIRCUMSTANCES; PROHIBITING BREACH OF THE PEACE; PROVIDING PENALTIES AND REMEDIES; PROVIDING FOR NOISE PERMITS AND GRANDFATHERING; PROVIDING FOR RELATED MATTERS; PROVIDING FOR REPEAL; AND PROVIDING AN EFFECTIVE DATE.**

City Attorney Krechowski stated there have been no amendments to Ordinance No. 2011-07 since its passage on first read.

Mayor Pruette read Ordinance No. 2011-07 by title only and opened the public hearing.

Jim Sorrell, 464 Seagate Avenue, felt the new noise ordinance would reduce property values and add to the city's financial liability. He felt it should be voted on by the public. He asked Council to vote "no" on the ordinance.

There being no further comments from the public, the public hearing was closed.

Mayor Pruette stated the Council represented the entire City and she wanted a noise ordinance that would stand up in court. She asked City Attorney Krechowski to comment on Mr. Sorrell's opinion.

City Attorney Krechowski responded that all ordinances were subject to being challenged in court. This is a proven legal noise ordinance from Dade County that he amended based on the unique nature of Neptune Beach. He felt this was far better than the current noise ordinance and would offer the city, its citizens, and visitors the best alternative in regulating noise throughout the City.

Moved by Jolly, seconded by Tucker.

Motion: **TO ADOPT ORDINANCE NO. 2011-07 ON SECOND READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Pardee, Tucker, Pruette

Noes: 0

MOTION CARRIED

Ord. No. 2011-08 ORDINANCE NO. 2011-08, VEHICLES FOR HIRE, SECOND READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES, CHAPTER 25, VEHICLES FOR HIRE AND PROVIDING AN EFFECTIVE DATE.

City Manager Jarboe explained this Ordinance updated the original vehicle for hire ordinance that was adopted in the 1950's.

Mayor Pruette read Ordinance No. 2011-08 by title only and opened the public hearing.

Rick Sauls, 206 Cedar Street, Owner Surf Side Valet Service, Surf Side Transportation, felt all vehicles for hire should be required to obtain inspections and decals. He hoped this ordinance would eliminate illegal vehicles for hire.

There being no further comments from the public, the public hearing was closed.

Mayor Pruette stated the following amendments needed to be made:

Section 25-4(b) Each vehicle for hire shall have attached to the outside left rear portion of the vehicle the numbered medallion issued by the City of Jacksonville or the City of Neptune Beach.

Section 25-8 The City Manager is empowered to designate the location of and extent of space for stands to be known as taxi stands and shuttle stops on the streets within the city.

Section 25-1 Vehicle for hire shall mean all motorized vehicles defined and classified in Section ~~33-17~~ 25-2.

Moved by Pardee, seconded by Tucker.

Motion: **TO APPROVE 2011-08 WITH THE AMENDMENT ADDED “OR THE CITY OF NEPTUNE BEACH” IN SECTION 25-4(b) ALSO IN SECTION 25-8 TO AMEND AND ADD “AND SHUTTLE STOPS” ON THE STREETS WITHIN THE CITY AND IN 25-1 UNDER DEFINITIONS IT SHOULD READ WITH THE AMENDMENT 25-2.**

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Pardee, Tucker, Pruette

Noes: 0

MOTION CARRIED

Ord. No. 2011-09 ORDINANCE NO. 2011-09, YARD DEFINITIONS, FIRST READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES CHAPTER 27 UNIFIED LAND DEVELOPMENT REGULATIONS, ARTICLE IV, LAND USE, AMENDING SECTION 27-15 DEFINITIONS AND PROVIDING AN EFFECTIVE DATE.

Mayor Pruette stated the following amendment needed to be made:

Section 27-15 *yard corner side means* the yard extending along the street upon which it has the largest exterior frontage (see figure 27-216-2 3)

Mayor Pruette read Ordinance No. 2011-09 by title only and opened the public hearing.

There being no comments from the public, the public hearing was closed.

Moved by Jolly, seconded by Tucker.

Motion: **TO APPROVE ORDINANCE NO. 2011-09 WITH THE CHANGES.**

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Pardee, Tucker, Pruette

Noes: 0

MOTION CARRIED

Ord. No. 2011-10 **ORDINANCE NO. 2011-10, FRONT YARD SETBACK REQUIREMENTS, FIRST READ:**
AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, AMENDING THE
CODE OF ORDINANCES CHAPTER 27 UNIFIED LAND DEVELOPMENT
REGULATIONS, ARTICLE IV, LAND USE, AMENDING SECTION 27-231, FRONT YARD
SETBACK REQUIREMENTS AND PROVIDING AN EFFECTIVE DATE.

Councilor Pardee agreed to sponsor Ordinance No. 2011-10.

Moved by Pardee, seconded by Tucker.

Motion: **TO PASS ORDINANCE NO. 2011-10 ON FIRST READ.**

Councilor Arthur had a question regarding the following amendment: Section 27-231(c)(3) Where the front yard on corner lots, as defined herein, is not in keeping with the prevailing yard pattern, the city manager or designee may waive the requirement for the determination of the normal front yard and substitute a special yard requirement, which shall not exceed the average of the yards provided on adjacent lots. His question was: How many adjacent lots could there be? Community Development Director Askew explained it would depend on the layout of the street pattern and the average of the surrounding lots. If it did not fit the normal definition of a front yard for a corner lot then you would take a look at the setbacks of the surrounding houses. If the surrounding structures were setback 50 feet and this particular one wanted to be 15 feet it would look odd. This gives the city manager or his designee the option to waive the requirement and look at the prevailing pattern.

City Manager Jarboe explained the ordinance was being changed to allow the city manager or his designee the option to waive the requirement in lieu of the building official. It was not actually changing anything other than the individual making the determination.

Mayor Pruette read Ordinance No. 2011-10 by title only and opened the public hearing.

Alan Martin, 1113 First Street, explained his residence was originally a duplex and was converted to a single family. He had wanted to extend his 4 foot deck around to the front of the house but was told by the City he was not allowed and would need to obtain a variance from the Community Development Board. He hoped this ordinance would resolve some of the issues so that in the future citizens would not have to jump through hoops to upgrade their property.

There being no further comments from the public, the public hearing was closed.

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Pardee, Tucker, Pruette

Noes: 0

MOTION CARRIED

Ord. No. 2011-11 **ORDINANCE NO. 2011-11, PARKING, STORAGE OR USE OF MAJOR RECREATIONAL EQUIPMENT AND BOATS, FIRST READ: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES CHAPTER 27 UNIFIED LAND DEVELOPMENT REGULATIONS, ARTICLE IV, LAND USE, AMENDING SECTION 27-334, PARKING, STORAGE OR USE OF MAJOR RECREATIONAL EQUIPMENT AND BOATS AND PROVIDING AN EFFECTIVE DATE.**

Mayor Pruette read Ordinance No. 2011-11 by title only and asked for a sponsor.

Vice Mayor Tucker agreed to sponsor the ordinance.

Moved by Arthur, seconded by Tucker.

Community Development Director Askew explained Section 27-334 deals with major recreational equipment defined in Section 27-15 as boats, RV's, ATV's, etc. These types of recreational equipment are currently not allowed to be parked in front yards. This ordinance includes that they also are not allowed to be parked in corner side yards.

Councilor Pardee questioned if this ordinance would affect a property that was typically unnoticed and did not affect anyone. Would that property be able to obtain a type of permit or exception? Ms. Askew responded code enforcement action was complaint driven. She explained if the code enforcement officer did not receive a complaint, no code enforcement action would be taken.

Motion: **TO PASS ORDINANCE NO. 2011-11 ON FIRST READ.**

Ayes: 5 – Arthur, Jolly, Pardee, Tucker, Pruette

Noes: 0

MOTION CARRIED

OLD BUSINESS / NONE

NEW BUSINESS

Res. No. 2011-04 **RESOLUTION NO. 2011-04: A RESOLUTION APPOINTING MEMBERS TO THE CODE ENFORCEMENT BOARD.**

Mayor Pruette stated she appreciated the appointees' willingness to serve on the board.

Moved by Jolly, seconded by Tucker.

Motion: **TO APPROVE RESOLUTION NO. 2011-04.**

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Pardee, Tucker, Pruette

Noes: 0

MOTION CARRIED

Audit Services

APPROVAL OF EXTENSION OF CONTRACT FOR CITY AUDIT SERVICES / MASTERS, SMITH & WISBY: Mayor Pruette stated the auditors have been outstanding and she appreciates their agreeing to extend the contract for two years at the current year rate.

Moved by Jolly, seconded by Tucker.

Motion: **TO APPROVE THE EXTENSION OF THE CONTRACT FOR AUDIT SERVICES FOR 2 YEARS.**

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Pardee, Tucker, Pruette

Noes: 0

MOTION CARRIED

COUNCIL COMMENTS / NONE

Adjournment

There being no further business, the meeting adjourned at 6:50 p.m.

Harriet Pruette, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved:



MINUTES
WORKSHOP CITY COUNCIL MEETING
APRIL 18, 2011, 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 18, 2011 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 Kara Tucker
Councilor Eric Pardee
Councilor Richard Arthur
Councilor John Jolly
City Attorney Patrick Krechowski
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

Community Development Director Amanda Askew
Asst. Public Safety Director, Tony Carrillo
Building Official Don Ford
Utility Billing Supervisor Rosemary Romero
Director of Finance Steve Ramsey
Asst to the City Manager Cheryl Rhoden
Public Safety Director David Sembach
Deputy Finance Director Gina Smith
Public Services Director Leon Smith
Deputy City Clerk Karla Strait
Asst. to the Building Official Piper Turner
Code Enforcement Officer John Webber

Call to Order/Roll
Call

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

PRESENTATIONS

Ethics Rules &
Laws

Professor Rod Sullivan, Florida Coastal School of Law, gave a presentation regarding Ethics Rules and Laws for Public Officials.

Public Services

Director of Public Services Leon Smith, gave a report on the accomplishments of the Public Services Department.

City Manager Jarboe stated the Police Department, Building Department and Finance Department would also be doing presentations to the Council before the 2011/2012 budget is presented.

CITY MANAGER'S ACTION LIST

City Manager Jarboe reported on the following:

- There have been a number of complaints recently regarding bicyclists on First Street. Enforcement will be implemented.

Mayor Pruette asked City Manager Jarboe to inform the Council of the enforcement plan in the next couple of weeks.

- An accident occurred in Town Center over the weekend. The driver hit two or three cars, and a pedestrian sign. He would be contacting the Department of Transportation regarding that portion of A1A.

PUBLIC COMMENTS

Lynda Padrta, 1113 First Street, thanked the Public Services Department. She also voiced concern regarding motorcycles and skateboarders going through the First Street barricade.

David Baker, 1102 First Street, voiced concern regarding bicyclists, skateboarders, and dog droppings on First Street. He would like to see some light enforcement actions taken.

Mayor Pruette asked City Manager Jarboe to brief the Council on the amount of tickets that have been issued for these types of violations.

PROPOSED ORDINANCES

Noise

ORDINANCE NO. 2011-07, NOISE: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA ESTABLISHING REGULATIONS FOR THE CONTROL OF NOISE; PROVIDING TERMINOLOGY; PROHIBITING CERTAIN NOISES; EXEMPTING CERTAIN NOISES; LIMITING THE UNREASONABLE AND EXCESSIVE LEVELS OF NOISES, AND PLAINLY AUDIBLE NOISE IN CERTAIN CIRCUMSTANCES; PROHIBITING BREACH OF THE PEACE; PROVIDING PENALTIES AND REMEDIES; PROVIDING FOR NOISE PERMITS, AND GRANDFATHERING; PROVIDING FOR RELATED MATTERS; PROVIDING FOR REPEAL; AND PROVIDING AN EFFECTIVE DATE.

City Attorney Krechowski explained the list of noises in Section 5 were not inclusive. These are only examples of types of noises that could be considered in violation of his Ordinance.

Councilors Pardee, Arthur and Tucker all stated they would support the Ordinance.

For the Record

Councilor Jolly stated for the record: Council is aware the noises listed in Section 5 are not all inclusive and are only examples.

Mayor Pruette questioned the following scenario: If noises were coming from a residence and the owner was not home, who would be cited? Chief Sembach replied the citation should be given to the person in charge, however, the police officer could not always determine who that person was.

Mayor Pruette asked Chief Sembach if he was comfortable with the Ordinance. Chief Sembach responded the misdemeanor statute states the officer could not issue a citation unless he witnessed or heard the noise. He felt this Ordinance was more enforceable than the old one.

Mayor Pruette felt this Ordinance flowed very well and was easier to interpret. She would be happy if this Ordinance can be enforced and withstand legal challenges, and also give relief to the citizens.

Consensus: **FORWARD TO THE MAY REGULAR MEETING FOR SECOND READ AND PUBLIC HEARING.**

PUD

ORDINANCE NO. 2011-XX, PLANNED UNIT DEVELOPMENT: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES CHAPTER 27 UNIFIED LAND DEVELOPMENT REGULATIONS, ARTICLE IV, LAND USE, AND ADDING SECTION 27-244, PLANNED UNIT DEVELOPMENT (PUD) AND PROVIDING AN EFFECTIVE DATE.

Mayor Pruette explained she has deferred this Ordinance to the May workshop.

Yard Definitions

ORDINANCE NO. 2011-XX, YARD DEFINITIONS: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES CHAPTER 27 UNIFIED LAND DEVELOPMENT REGULATIONS, ARTICLE IV, LAND USE, AMENDING SECTION 27-15 DEFINITIONS AND PROVIDING AN EFFECTIVE DATE.

Community Development Director Askew explained this Ordinance defined "corner side yards" as the yard extending the street upon which it has the largest exterior frontage.

Mayor Pruette asked City Attorney Krechowski if he reviewed and approved the Ordinance. City Attorney Krechowski replied "yes."

Councilor Pardee stated he did not have a problem with this particular Ordinance however; he had a question on the following Ordinance regarding setback requirements.

Councilor Arthur voiced concern regarding the consequences of rebuilding a damaged structure. He wanted to make certain this would allow the property owner maximum use of the property. Mrs. Askew replied this allows the property owner maximum use. She added that all structures built prior to 1994 were grandfathered and could be rebuilt to the exact footprint if they were damaged.

Councilor Arthur questioned how often it was necessary to define a corner side yard. Mrs. Askew replied not that often, it was only necessary if a property owner wanted to add on to a structure, install a fence or erect an accessory structure.

City Manager Jarboe explained using the narrowest side of a corner lot for the front yard would allow the property owner the most buildable space on the lot.

Vice Mayor Tucker thanked the Community Development Board for bringing the Ordinance forward.

Councilor Jolly stated the definition refers to Figure 27-216-?, without a question mark for the number. He asked if a number would be inserted in place of the question mark. Mrs. Askew replied a number would be added.

Mayor Pruette stated this Ordinance pertained to Chapter 27 and there would be two public hearings.

Consensus: **FORWARD TO THE MAY REGULAR MEETING FOR FIRST READ AND PUBLIC HEARING.**

Councilor Jolly agreed to sponsor the Ordinance.

Yard Setback
Requirements

ORDINANCE NO. 2011-XX, YARD SETBACK REQUIREMENTS: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES CHAPTER 27 UNIFIED LAND DEVELOPMENT REGULATIONS, ARTICLE IV, LAND USE, AMENDING SECTION 27-231, FRONT YARD SETBACK REQUIREMENTS AND SECTION 27-335, PARKING, STORAGE OR USE OF MAJOR RECREATIONAL EQUIPMENT AND BOATS AND PROVIDING AN EFFECTIVE DATE.

City Manager Jarboe stated this ordinance should be divided into two ordinances. The second one would come at a later date.

Community Development Director Askew explained this Ordinance amends Section 27-231, front setback requirements to include all zoning districts.

Councilor Pardee suggested added the following language to Section 27-231 (c)(3): **The City Manager or designee may waive the requirement.**

Mayor Pruette asked Council if they wanted this Ordinance to be forwarded to a workshop before voting at first read.

City Attorney Krechowski stated the Ordinance would be ready for first read at the May regular meeting.

Consensus: **MAKE THE RECOMMENDED AMENDMENT AND FORWARD TO THE MAY REGULAR MEETING FOR FIRST READ.**

Councilor Pardee agreed to sponsor this Ordinance.

CONTRACTS / AGREEMENTS

City Audit
Services

MASTERS, SMITH, & WISBY, P.A. / CITY AUDIT SERVICES: Consideration of extending the three year contract with Masters, Smith, & Wisby, P.A. for two additional years.

Mayor Pruette stated Masters, Smith, & Wisby were doing a great job. She would like to extend the contract for two more years, without the 3% increase each year they have proposed. She added city employees have not received pay increases for the past three years and giving the auditors a 3% increase would set a negative precedent for upcoming union negotiations.

Councilor Jolly felt the 3% increase was not unreasonable. He felt if the contract went out for bid the new bids would be higher than what is being proposed by Master, Smith, & Wisby. He was open to negotiate with them to provide the service at the current annual rate.

City Manager Jarboe explained the original request for proposals stipulated a three year contract with the option to renegotiate the 4th and 5th years. He felt the 3% increase was reasonable. He suggested negotiating with them to extend the contract for one year.

Vice Mayor Tucker felt Masters, Smith, & Wisby, have done a great job for the past three years. She agreed to negotiate an extension based on the current rate or ask them to wait to negotiate until after the 2011/2011 budget is presented.

Councilor Pardee felt the proposal to extend the contract for two years with a 3% annual increase was still significantly lower than the other proposals the city received three years ago. He supported the extension as proposed with the 3% annual increase.

Councilor Arthur agreed the 3% increase was not much, but he also felt it would set a precedent for employee union negotiations.

City Manager Jarboe suggested Council allow him to negotiate to extend the contract for one year and leave the option open for the following year.

Councilor Arthur suggested the City Manager request the extension at the current year rate. If they did not accept the offer the services would go out for bid.

Mayor Pruette asked if it was the consensus of the council to allow City Manager Jarboe to negotiate the extension at the current annual rate.

Councilor Pardee stated he disagreed. He supported the two year contract extension as proposed included the 3% annual increases.

Mayor Pruette asked City Manager Jarboe how many city employees were in the union. City Manager Jarboe responded there were about 58 employees under union contracts.

Mayor Pruette stated she did not feel comfortable giving the contractor a 3% annual increase over the next two years when the city employees have not received raises in the past three years.

Councilor Pardee was concerned if the audit services went out for bids the new proposals would be higher than the 3% increases Masters, Smith & Wisby are proposing.

Councilor Jolly supported negotiating a one year contract.

Councilor Arthur, Vice Mayor Tucker and Mayor Pruette agreed.

Consensus: **TO HAVE CITY MANAGER JARBOE REQUEST A ONE YEAR CONTRACT EXTENSION AT THE CURRENT YEAR RATE.**

Councilor Pardee stated the consensus was not unanimous.

ISSUE DEVELOPMENT / NONE

COUNCIL COMMENTS

Councilor Jolly stated he would like to see all amended ordinances be forwarded to workshop meetings for review and approval of the amendments.

Mayor Pruette agreed to forward amended Ordinances to workshop meetings for review.

Vice Mayor Tucker stated she has placed the issue of dog defecation on First Street on the May workshop agenda.

Mayor Pruette stated the Arbor Day event honoring Joe Damato was held Saturday April 16, 2011. The Ish Brant Beautification Committee received donations to purchase and plant 17 trees in honor of Joe Damato.

Adjournment

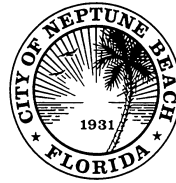
There being no further business, the meeting adjourned at 7:35 pm.

Harriet Pruette, Mayor

Attest:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
REGULAR CITY COUNCIL MEETING
APRIL 4, 2011 AT 6:00 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 April 4, 2011, at 6:00 p.m. in the City Hall Council Chambers, 116 First Street, Neptune Beach, Florida.

Attendance**IN ATTENDANCE:****STAFF:**

Mayor Harriet Pruette
Vice Mayor Kara Tucker
Councilor Richard Arthur
Councilor John Jolly
Councilor Eric Pardee
City Attorney Patrick Krechowski
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

Director of Finance Steve Ramsey
Director of Public Safety David Sembach

Order Call/Pledge

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

AWARDS / PRESENTATIONS/ RECOGNITION OF GUESTS

**Proclamation
Helping Hands &
Linking Arms**

Mayor Pruette presented a Proclamation to representatives of the Northeast Florida Red Cross, the Blood Alliance, Second Harvest North Florida, and the Church of Jesus Christ of Latter-day Saints, proclaiming April 16, 2011, as a day of service for Helping Hands and Linking Arms to fill the blood and food banks.

Audit Report

Gary Huggett, Masters, Smith, and Risby, presented the September 30, 2010, Annual Financial Report.

Councilor Jolly questioned if the auditors found any evidence or indication of financial fraud by city staff. Mr. Huggett replied "no."

Councilor Jolly questioned if the auditors found any evidence or indication of involvement of city elected officials that could be construed as inappropriate. Mr. Huggett responded "no."

Councilor Jolly questioned if the auditors initiated any RC's or AJE's during the audit. Mr. Huggett replied there was a total of one for \$1,910.00.

Councilor Jolly explained the audit report indicated staff did a great job.

Councilor Jolly asked Mr. Huggett if there were any areas the city could improve. Mr. Huggett replied the city still has not reached the goal of having three months of operating expenses in reserves in the water and sewer fund.

Councilor Arthur asked Mr. Huggett how much longer it would take for the city to accumulate three months of operating expenses in reserves. Mr. Huggett explained his calculations indicated the City was half way to reaching the goal of having three months of reserves in the water and sewer fund.

Councilor Arthur thanked staff for maintaining consistent financial responsibly.

Councilor Pardee thanked the auditors and felt the city was headed in the right direction.

Mayor Pruette thanked staff and former council members John Weldon and Fred Lee for helping to move the city forward in the right direction.

City Manager Jarboe thanked Council and staff for working together. He explained the contract with Masters, Smith, and Risby for auditing services, will expire this year. Mr. Huggett advised that Council could vote to extend their contract up to two years without having to bid.

City Manager Jarboe stated city staff enjoyed working with Masters, Smith and Risby, because they provided them guidance throughout the auditing process.

APPROVAL OF MINUTES

Moved by Jolly, seconded by Tucker.

Minutes

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

FEBRUARY 28, 2011, WORKSHOP CITY COUNCIL MEETING
MARCH 7, 2011, REGULAR CITY COUNCIL MEETING
MARCH 21, 2011, WORKSHOP CITY COUNCIL MEETING

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Pardee, Tucker, Pruette

Noes: 0

MOTION CARRIED

COMMUNICATIONS & CORRESPONDENCE

Mayor Pruette announced the artwork displayed in the Council Chambers was created by Barb Kramer. Anyone interested in purchasing the artwork could request a business card from city staff.

CITY MANAGER REPORT

City Manager Jarboe reported on the following:

- The construction at the sewer plant was causing an odor. This should no longer be a problem once the construction was complete in May.

Mayor Pruette questioned if the State would inspect the sewer plant when the construction was complete. City Manager Jarboe responded the State inspects and monitors the sewer plant on a regular basis. The engineer will have to test the nitrogen level to make sure it meets the State requirements.

COMMENTS FROM THE PUBLIC

Frieda Jones, 906 Oceanfront, explained she received a certified letter from the City Code Enforcement Officer, regarding her property located at 1476 Atlantic Boulevard. The letter requested the property tap into the city sewer line. She was concerned because she had tried to contact someone with the City by telephone and certified letters and had not received a response. She wanted to find out why she had received the code enforcement letter and explain that the property was tapped into the city sewer line back in 2002. She has been paying the city for sewer usage for the previous nine years. City Manager Jarboe stated she should be receiving a letter from the City.

Lynda Padrta, 1113 First Street, stated she was pleased about the audit and the new businesses in the city. She was concerned about the proposed ordinance regarding land use being in compliance with the comprehensive plan. She opposed the 100 feet distance requirement in the proposed noise ordinance. She also voiced concern regarding people riding bicycles, skateboards, roller blades, walking, etc. along First Street and indicated there was also a lot of dog defecation being deposited along First Street.

James Sorrell, 464 Seagate Avenue, felt there were problem areas within the proposed noise ordinance and suggested that it be tabled.

Kerry Chin, 227A Margaret Street, asked Council to consider amending the proposed noise ordinance to allow citizens to sign an affidavit regarding noise complaints in circumstances where the perpetrator could not be found.

Kathleen Corey, 528 South Street, indicated she was upset about the noise and the disrespect of property being displayed by neighboring tenants on South Street. She asked the City to assist her with the issue.

Hugh Daniel, 711 Cherry Street, President of Neptune by the Sea Unit 3 Homeowners Association, voiced concern regarding noise from the new Publix Shopping Center. He added there were heavy industrial sounds during all hours of the day and night that were very disturbing to the residents. He suggested the City ask them to install a noise buffering material to the perimeter.

Alan Martin, 1113 First Street, was concerned about the sprinkler system operating in the medians on Atlantic Boulevard at 2:00 p.m. on Saturday afternoon. He felt the City should be an example to citizens by following the watering restriction guidelines set forth by the St. Johns River Water Management District.

CONSENT AGENDA / NONE

VARIANCES / NONE

ORDINANCES

Ord. No. 2011-06 ORDINANCE NO. 2011-06, PROHIBITED USES IN ZONING DISTRICTS, FIRST READ AND PUBLIC HEARING: 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 27-225, USES EXPRESSLY PROHIBITED WITHIN ZONING DISTRICTS AND PROVIDING AN EFFECTIVE DATE.

City Manager Jarboe explained the proposed ordinance identified businesses that were currently prohibited in the land use chart.

Mayor Pruette read Ordinance. No. 2011-06 by title only and opened the public hearing.

Lynda Padrta, 1113 First Street, supported Ordinance 2011-06.

Moved by Jolly, seconded by Tucker.

Motion: **TO PASS ORDINANCE NO. 2011-06 ON FIRST READ.**

Councilor Pardee explained according to the land use chart billiard and pool halls should be permitted in the C-2, C-3, and Central Business Districts. He also felt the definition of "retail sales" could be interpreted as any establishment selling products at a retail level which would indicate that tattoo parlors, pawn shops, or any other establishment selling items at retail would be allowed. He was concerned that this proposed ordinance was reviewed by the city attorney and staff and had also been forwarded at a Council workshop meeting with these issues being overlooked.

Mayor Pruette suggested Councilor Pardee propose an Ordinance for discussion and public comments, if he wanted to allow gun ranges, dancing establishments, tattoo parlors, pawn shops, etc. or whatever he wanted to be permitted in the land use chart.

City Manager Jarboe stated Councilor Pardee was correct in that billiard and pool halls were currently permitted in the land use chart.

Councilor Arthur questioned if there were any other businesses in the City that would be affected by this proposed ordinance or if the ordinance could be challenged.

Mayor Pruette suggested sending the ordinance back to a workshop meeting.

Roll Call Vote:

Ayes: 2 – Jolly, Pruette

Noes: 3 – Arthur, Pardee, Tucker

MOTION FAILED

Ord. No. 2011-07

ORDINANCE NO. 2011-07, CONTROL OF NOISE, FIRST READ: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, ESTABLISHING REGULATIONS FOR THE CONTROL OF NOISE; PROVIDING TERMINOLOGY; PROHIBITING CERTAIN NOISES; EXEMPTING CERTAIN NOISES; LIMITING THE UNREASONABLE AND EXCESSIVE LEVELS OF NOISES, AND PLAINLY AUDIBLE NOISES IN CERTAIN CIRCUMSTANCES; PROHIBITING BREACH OF THE PEACE; PROVIDING PENALTIES AND REMEDIES; PROVIDING FOR NOISE PERMITS AND GRANDFATHERING; PROVIDING FOR RELATED MATTERS; PROVIDING FOR REPEAL; AND PROVIDING AN EFFECTIVE DATE.

City Attorney Krechowski made the following corrections:

Section 5.B. Radios, televisions, phonographs, recording and playback devices, or sound reproduction equipment. The using, operating, or permitting to be played, used or operated any radio receiving set, television set, musical instrument, phonograph, recording

and playback devices or any other similar devices reproducing of sound in such manner as to disturb the peace, quiet and comfort of the neighbors, or at any time with louder volume than is necessary for convenient hearing of the person or persons who are in the room, vehicle or chamber in which such machine or device is operated and who are voluntary listeners thereto. Additionally, the operation of any aforementioned devices between the hours of 10:00 p.m. until 7:00 a.m. on Sunday through Thursday or 11:00 p.m. and 7:00 a.m. on Friday and Saturday, in such manner as to be plainly audible ~~at a distance of one hundred (100) feet from a public street or immediately adjacent lot~~ from the source in which it is located shall be prima facie evidence of a violation of this Ordinances.

Section 5.L Air conditioners, pool pumps and other similar devices of this chapter when this equipment is not functioning in accord with the manufacturers; specifications and with all manufacturers; mufflers and noise reducing equipment in use and in proper operating condition.

City Manager Jarboe explained City Attorney Krechowski was concerned that the current noise ordinance was unconstitutional. This proposed noise ordinance will be consistent with the findings of a court case in Miami, Florida.

Moved by Jolly, seconded by Tucker.

Motion: **TO PASS ORDINANCE NO. 2011-07 ON FIRST READ.**

Councilor Jolly agreed to sponsor this ordinance.

Councilor Pardee suggested tabling the ordinance. He felt it should specifically address noises such as music from an ice cream truck. He would also like for the City Attorney to provide information explaining why the existing ordinance is unconstitutional and compare the changes from the existing ordinance to the proposed ordinance. City Attorney Krechowski advised he did not want to explain during a public meeting the reason he felt the existing noise ordinance was unconstitutional because it may jeopardize pending cases. He added he would speak with Councilor Pardee privately regarding the issue.

Councilor Arthur stated he thought music from ice cream trucks had already been outlawed in the City. He felt the Ordinance was better with the amendments suggested by City Attorney Krechowski.

Councilor Jolly stated he read about the Miami-Dade online and felt the new ordinance was consistent with the judge's recommendations on the case. He also felt it would be better with the 100 foot distant requirement removed.

Vice Mayor Tucker stated she would support the proposed noise ordinance with the amendments.

Mayor Pruette felt the noise needed to be controlled throughout the City. She felt the City needed to have a noise ordinance that would stand up in court.

Councilor Pardee agreed to support the ordinance on first read if City Attorney Krechowski would personally explain to him off record, the reasoning behind the new ordinance and the differences between the existing and the proposed ordinance.

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Pardee, Tucker, Pruette

Noes: 0

MOTION CARRIED

Ord. No. 2011-08 ORDINANCE NO. 2011-08, VEHICLES FOR HIRE, FIRST READ: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES, CHAPTER 25, VEHICLES FOR HIRE AND PROVIDING AN EFFECTIVE DATE.

City Manager Jarboe explained Chapter 25, Vehicles for Hire needed to be updated. This proposed ordinance was modeled after the City of Jacksonville Beach's ordinance.

Moved by Tucker, seconded by Arthur

Motion: **TO PASS ORDINANCE NO. 2011-08 ON FIRST READ.**

Councilor Jolly stated the following amendments that were made at the workshop meeting were not included in the ordinance that was in the agenda packet.

Section 25-8 Designation of Taxi Stands and shuttle stops. The city manager is empowered to designate the location of and extent of space for stands to be known as taxi stands and shuttle stops on the streets within the city.

City Manager suggested adding the suggestion as an amendment to the motion.

Moved by Tucker, seconded by Arthur

Friendly Amendment: **TO AMEND THE MOTION TO INCLUDE COUNCILOR JOLLY'S AMENDMENT AS SUGGESTED AT THE MARCH WORKSHOP MEETING.**

Councilor Jolly also suggested the following amendment:

Section 25-51 Schedule of Rates to be Posted. ~~(a) it shall be unlawful for any person to drive or operate a public vehicle in the city~~

Moved by Tucker, seconded by Arthur

Friendly Amendment: **TO AMEND THE MOTION TO INCLUDE THE AMENDMENT SUGGESTED BY COUNCILOR JOLLY.**

Councilor Pardee voiced concern regarding the details of the ordinance and its enforcement.

Mayor Pruette asked Chief Sembach if he felt the ordinance was enforceable. Chief Sembach replied currently there was only one stop and it was easily enforceable.

Councilor Arthur asked if the shuttle stop needed to be defined in the ordinance. City Manager Jarboe stated he did not think it was necessary.

Mayor Pruette asked City Manager Jarboe if he had spoken with Mr. Rick Sauls or Mr. Curtis Winter regarding the operation of a shuttle service for valet parking in Town Center. City Manager Jarboe replied he spoke to Mr. Sauls regarding the proposed ordinance.

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Pardee, Tucker, Pruette

Noes: 0

MOTION CARRIED

City Manager Jarboe stated he would draft a definition for the shuttle stop.

OLD BUSINESS / NONENEW BUSINESS

Res. No. 2011-03 RESOLUTION NO. 2011-03: A RESOLUTION APPOINTING MEMBERS TO THE CODE ENFORCEMENT BOARD AND THE COMMUNITY DEVELOPMENT BOARD.

Nicole Hahl, 119 Margaret Street, and William Hilton, 612 Valley Forge Road East, introduced themselves to the Council.

Mayor Pruette explained Mr. Leman Rosenberg was not able to come to the meeting and asked the Council if they wanted to wait on appointment. Council agreed to go ahead and appoint Mr. Rosenberg.

Moved by Jolly, seconded by Tucker

Motion: TO APPROVE RESOLUTION NO. 2011-03.

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Pardee, Tucker, Pruette

Noes: 0

MOTION CARRIED

Community
Garden

APPROVAL OF COMMUNITY GARDEN RIBBON CUTTING EVENT: Approval for the Beaches Local Food Network to hold a ribbon cutting event for the children's garden on April 9, 2011, in Jarboe Park.

Moved by Tucker, seconded by Jolly.

Motion: TO APPROVE THE RIBBON CUTTING EVENT.

Councilor Pardee stated he would not support the ribbon cutting event because the Community Garden was not in compliance with their agreement with the City.

Roll Call Vote:

Ayes: 4 – Arthur, Jolly, Tucker, Pruette

Noes: 1 – Pardee

MOTION CARRIEDCOUNCIL COMMENTS

Mayor Pruette stated she was pleased that 17 new businesses had moved into Neptune Beach over the past two years and 4 to 7 more had plans to move here. She felt this was excellent considered the economy and the Neptune Beach had a lot to thankful for.

Councilor Jolly was pleased with the financial report and thanked Mayor Pruette for contributing her photography for the cover page.

Adjournment

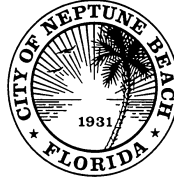
There being no further business, the meeting adjourned at 7:20 p.m.

Harriet Pruetto, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved:



**MINUTES
WORKSHOP CITY COUNCIL MEETING
MARCH 21, 2011, 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 March 21, 2011 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 Kara Tucker
Councilor Eric Pardee
Councilor Richard Arthur
Councilor John Jolly
City Attorney Patrick Krechowski
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

Asst. Public Safety Director, Tony Carrillo

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:

- The nitrogen rehab project is 75% complete
- The water reuse project will begin in the near future.
- The in-pipe technology has helped reduce the nitrogen level from 25 parts to 14 parts per million.
- The plant operators are doing an excellent job of operating the plant and keeping it in focus during the construction.

PUBLIC COMMENTS

Kelly Johnson, 519 Lora Street, voiced support for the ribbon cutting event for the new children's garden.

PROPOSED ORDINANCES

Noise

ORDINANCE NO. 2011-XX, NOISE: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA ESTABLISHING REGULATIONS FOR THE CONTROL OF NOISE; PROVIDING TERMINOLOGY; PROHIBITING CERTAIN NOISES; EXEMPTING CERTAIN NOISES; LIMITING THE UNREASONABLE AND EXCESSIVE LEVELS OF NOISES, AND PLAINLY AUDIBLE NOISES IN CERTAIN CIRCUMSTANCES; PROHIBITING BREACH OF THE PEACE; PROVIDING PENALTIES AND REMEDIES; PROVIDING FOR NOISE PERMITS, AND GRANDFATHERING; PROVIDING FOR RELATED MATTERS; PROVIDING FOR REPEAL; AND PROVIDING AN EFFECTIVE DATE.

City Attorney Krechowski explained a federal court case in Miami questioned the constitutionality of noise ordinances. This proposed ordinance would modernize our noise ordinance bringing it in line with the legal trend in Florida.

Vice Mayor Tucker asked who would be responsible for paying the fine and how the ordinance would be enforced. City Manager Jarboe responded the person causing the noise would be issued the citation and would be the person responsible for paying the fine.

Councilor Jolly stated the current ordinance requires citizens to file a written complaint for a noise disturbance. He questioned under this ordinance if a police officer would have to verify the noise disturbance was within 100 feet. City Manager Jarboe explained a police officer would have to verify that the noise disturbance was within 100 feet before a citation was issued.

Councilor Jolly stated Section 6, Special Permit Exceptions, referred to "Table 1" which was not in the ordinance. He suggested striking "(except from table 1)" from Section 6.

Consensus: **STRIKE "TABLE 1" FROM SECTION 6, SPECIAL PERMIT EXCEPTIONS.**

Councilor Jolly questioned what the consequences would be if the fine was not paid. City Manager Jarboe replied if someone did not want to pay the fine they would have to set a court date with the Duval County Court.

Councilor Arthur asked if it would be necessary for a police officer to respond to each noise complaint. City Manager Jarboe explained the complaint could be handled by the code enforcement officer or a police officer. The code enforcement officer would issue a notice to appear before the Code Enforcement Board. A police officer would issue a citation.

Councilor Arthur questioned how often the City received noise complaints under the current ordinance. City Manager Jarboe replied several hundred noise complaints were received last year.

Councilor Arthur asked if noise complaints were concentrated in the higher density areas. City Manager Jarboe stated the major areas of complaints came from 1100 Seagate Avenue, all of east of Third Street, one area west of Third Street, and a few were received from the area of Florida Boulevard near Mayport Road.

Councilor Pardee asked if the "three strike rule" would remain in effect. City Manager Jarboe stated this ordinance would replace the current ordinance eliminating the "three strike rule."

Mayor Pruette was concerned about the source of noise having to be at least 100 feet away. She stated most of the lots east of Third Street and some west of Third Street were so close to one another that any noise within 15 feet or closer could cause a disturbance. City Manager Jarboe explained the 100 foot distance was based on the outcome of a court case. City Attorney Krechowski advised he would research the distance issue.

Councilor Jolly asked if this Ordinance would shift the burden of the fine from the property owner to the tenant. City Manager Jarboe explained under the current noise ordinance the person in violation is issued the citation. However, if it became a habitual problem the property would be declared a nuisance and become an issue for the property owner.

Mayor Pruette questioned how this would help in situations if the disturbance was within 10 feet. City Attorney Krechowski advised he would research the legal standard behind the 100 distance issue.

Consensus: **HAVE THE CITY ATTORNEY RESEARCH THE 100 FEET DISTANCE ISSUE, FORWARD TO THE APRIL REGULAR MEETING FOR FIRST READ AND THEN TO THE APRIL WORKSHOP MEETING.**

Vehicles for Hire

CHAPTER 25, VEHICLES FOR HIRE: City Manager Jarboe explained Chapter 25, Vehicles for Hire, of the Ordinance Code, was adopted in 1959 and needed to be updated. This proposed ordinance was modeled after the City of Jacksonville Beach's ordinance, with the exception of adding the definition of "shuttles."

Councilor Pardee asked if this addressed the issue of 'low speed vehicles.' City Manager Jarboe replied it did not differentiate between low speed vehicles and other motorized vehicles. Low speed vehicles would be allowed as long as they met these rules and requirements.

Councilor Arthur asked if this ordinance would allow rickshaws. City Manager Jarboe replied it did not permit rickshaws.

Councilor Jolly voiced concern about school buses visiting from other counties. City Manager Jarboe did not feel it was necessary to list the other counties in the ordinance because this ordinance is intended to regulate the normal everyday vehicles.

Councilor Jolly suggested adding that "shuttle stops" must be approved by the City Manager."

Consensus: **ADD THAT SHUTTLE STOPS MUST BE APPROVED BY THE CITY MANAGER.**

Councilor Jolly questioned the penalties for operating a vehicle for hire without a business tax receipt. City Manager Jarboe stated that would be a code enforcement violation.

Mayor Pruette stated she supported the ordinance along with the suggested changes. She asked City Manager Jarboe to meet with Curtis Winter and Rick Sauls regarding valet parking and shuttle service for Town Center parking.

Consensus: **FORWARD TO THE APRIL REGULAR MEETING FOR FIRST READ.**

CONTRACTS / AGREEMENTS / NONE**ISSUE DEVELOPMENT**

Dog Defecation

DOG DEFECATION: Vice Mayor Tucker stated the constituents requesting that she place this item on the agenda were out of town. She would like to defer this agenda item to the April workshop meeting.

Consensus: **DEFER TO THE APRIL WORKSHOP MEETING.**

Mixed Use/
Atlantic Blvd.

MIXED ZONING USE ON ATLANTIC BOULEVARD: Mayor Pruette felt allowing mixed use zoning by special exception on Atlantic Boulevard would give businesses in the C-2 and C-3 zoning districts more options for development.

City Manager Jarboe stated Michael Dunlap gave a presentation to Council regarding mixed use zoning back in 2006. He suggested allowing mixed use in the C-2 and C-3 zoning districts by special exception. Mayor Pruette asked City Manager Jarboe to draft an ordinance for Council to consider at the April 4, 2011, regular meeting.

Councilor Pardee recalled discussing mixed use on the Council back in 2006 and 2007. The discussion was prompted by a Flagler Properties development. There was a consensus at that time to move it forward and former Community Development Director Jason Cleghorn had drafted an ordinance at that time.

Councilor Arthur asked if the Ordinance would specify that a certain percentage of the property be used as residential and a certain percentage be used as commercial. City Manager Jarboe replied it would be determined by the Council by special exception.

Councilor Arthur felt there should be guidelines or at least a certain percentage range for a developer to consider when applying for a mixed use development. He was concerned that often developers would squeeze in as many units as possible. City Manager Jarboe stated the vision of a mixed use development is a small village where apartments would be built on top of stores and shops.

Mayor Pruette added the 35 foot height limitation would limit what could be developed. She asked if there was a consensus to have the City Manager draft an ordinance.

Consensus: **HAVE CITY MANAGER JARBOE DRAFT AN ORDINANCE ALLOWING MIXED USE IN THE C-1 AND C-2 ZONING DISTRICTS BY SPECIAL EXCEPTION AND FORWARD TO THE APRIL WORKSHOP MEETING.**

Community
Garden

COMMUNITY GARDEN RIBBON CUTTING: Mayor Pruette stated the Beaches Local Food Network needed Council approval to hold a ribbon cutting event for the children's garden on April 9, 2011, in Jarboe Park.

Aimee Tous-Parker, 1537 Landing Lane, Coordinator for the Children's Community Garden, stated they were planning to hold a ribbon cutting ceremony to celebrate the completion of the installation of the children's garden. They planned to invite all the volunteers that helped build the garden, city council members, and their fund raising partners. The event was scheduled to be held on Saturday, April 9, 2011, at 10:00 a.m.

Mayor Pruette stated she was in Jarboe Park last Saturday and the garden looked nice.

Vice Mayor Tucker stated she would support the ribbon cutting event.

Councilor Jolly asked how many children were expected to participate in the children's garden activities. Ms. Tous-Parker responded there would be school groups throughout the week and activities would also be scheduled on Saturdays.

Councilor Jolly felt this was a great idea to educate children about food and gardening.

Mayor Pruette felt the community garden was a great use for vacant property in Jarboe Park that could not be used for any other purpose.

Councilor Arthur agreed the community garden was a great asset to the community.

Councilor Pardee stated he would support the event if the Beaches Local Food Network met all the requirements and was in compliance with the details of their contract agreement with the City.

Consensus: **FORWARD TO THE APRIL 4, 2011, REGULAR MEETING FOR APPROVAL.**

COUNCIL COMMENTS

Councilor Jolly stated he would like to be advised that the City attorney has reviewed all ordinances before they are brought to Council. City Attorney Krechowski stated he could initial a transmittal memo stating that he has reviewed the ordinance and was putting it before the Council. He did not want to sign or initial any ordinance before it was adopted because amendments may be made or Council could decide not to move forward with it. Councilor Jolly stated a transmittal memo from the City Attorney notifying Council that he has reviewed the ordinance would be sufficient.

Councilor Pardee advised he had donated his time to convert the City's building permit applications to a software program that would allow them to be filled out online. This makes it easier for people to fill out and submit applications to the building department.

Adjournment

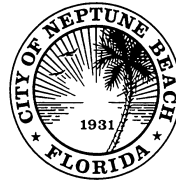
There being no further business, the meeting adjourned at 6:55 pm.

Attest:

Harriet Pruette, Mayor

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
REGULAR CITY COUNCIL MEETING
MARCH 7, 2011 AT 6:00 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 February 7, 2011, at 6:00 p.m. in the City Hall Council Chambers, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

STAFF:

Mayor Harriet Pruette
Vice Mayor Kara Tucker
Councilor Richard Arthur
Councilor John Jolly
Councilor Eric Pardee
City Attorney Patrick Krechowski
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

Director of Public Safety David Sembach

Order Call/Pledge Mayor Pruette called the meeting to order at 6:00 p.m. and led the Pledge of Allegiance.

AWARDS / PRESENTATIONS/ RECOGNITION OF GUESTS / NONE

APPROVAL OF MINUTES

Moved by Tucker, seconded by Arthur

Minutes

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

FEBRUARY 7, 2011, REGULAR CITY COUNCIL MEETING
FEBRUARY 17, 2011, SPECIAL CITY COUNCIL MEETING

City Clerk Volpe stated some typographical errors pointed out by Councilor Jolly had been corrected in the February 17th minutes.

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Pardee, Tucker, Pruette

Noes: 0

MOTION CARRIED

COMMUNICATIONS & CORRESPONDENCE / NONE

CITY MANAGER REPORT

City Manager Jarboe reported the nitrogen portion of the water project should be complete on June 5, 2011. The reuse portion of the project is scheduled for completion sometime in October.

COMMENTS FROM THE PUBLIC

Lisa Kamm, 1100 Seagate Avenue, opposed the renewal of the lease for the Beaches Local Food Network for the Community Garden in Jarboe Park. She felt the City did not have adequate staff to oversee the lease agreement.

Warren Anderson, 207 Walnut Street, & Maria Mark, 1149 Linkside Drive, Atlantic Beach, presented Mayor Pruette a Certificate of Recognition and Appreciation, on behalf of the Public Trust Environmental Legal Institute of Florida. This was in recognition of her actions encouraging the Jacksonville Transportation Authority to complete its mitigation project by removing the dredge mound from the Intracoastal Waterway on Atlantic Beach.

Lynda Padrta, 1113 First Street, congratulated the new council members and welcomed the new city attorney. She felt the community garden was a nice place. She noticed the traffic was heavier on Saturdays due to the Green Market.

CONSENT AGENDA / NONE**VARIANCES / NONE****ORDINANCES**

Ord. No. 2011-05 ORDINANCE NO. 2011-05, REFERENDUM AMENDING SECTION 2.02, SECTION 3.05, AND SECTION 3.06 FIRST READ: AN ORDINANCE CALLING FOR A REFERENDUM TO AMEND SECTION 2.02 ELECTION AND TERMS, SECTION 3.05 SCHEDULE AND NOTICE OF ELECTIONS AND SECTION 3.06 CITY CANVASSING BOARD OF THE CHARTER; AND ESTABLISHING AN EFFECTIVE DATE.

City Clerk Volpe explained this Ordinance replaces Ordinance No. 2011-04 that was passed on first read at the February regular meeting. Jerry Holland, Supervisor of Election's, amended language in Section 3.05 deleting the first sentence and amended Section 2.20 by reversing subsections (c) and (d).

Moved by Jolly, seconded by Tucker

Motion: **TO PASS ORDINANCE NO. 2011-05 ON FIRST READ.**

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Pardee, Tucker, Pruette

Noes: 0

MOTION CARRIED

OLD BUSINESS / NONE

NEW BUSINESS

Community
Garden

COMMUNITY GARDEN. REQUEST FOR ADDITION OF A 17 X 12 X 12 SHADE STRUCTURE: City Manager Jarboe stated the Green Market was not on the agenda because they did not provide the information requested by Council regarding their registration with the State for receiving donations. They also have not yet provided a parking agreement with the owner of the adjacent office park.

City Manager Jarboe explained the Community Garden has requested approval of a 17 x 12 x 12 sun shade to place in the children's area of the garden. Building Official Don Ford advised the sun shade would not need his approval because it was not a permanent structure and could be removed during dangerous high winds. Mr. Jarboe added the Community Garden has not provided documentation that they have registered with the State to receive donations. They have agreed not to receive any further donations until they have registered with the State.

Mayor Pruette asked City Manager Jarboe if it was his recommendation for Council to approve the sun shade on the condition that the building requirements are met and that they will not accept any further donations until they provide documentation that they have registered with the State. Mr. Jarboe replied that was correct.

Moved by Arthur, seconded by Tucker

Motion: **TO APPROVE THE 17 X 12 X 12 SHADE SAIL.**

Vice Mayor Tucker stated she did not have a problem with the shade sail and would support approval of the request.

Councilor Jolly also stated he did not have a problem approving the shade sail for the community garden.

Councilor Pardee stated he would like to clarify that the Beaches Local Food Network was abiding by the lease agreement with the City. He questioned if they had been paying the monthly rent of \$1.00 to the City as agreed to. City Manager Jarboe replied the record shows the Community Garden has not been paying the \$1.00 monthly for rent. They have donated a total of \$45.00 to the City for repairs and improvements to Jarboe Park.

Mayor Pruette reminded Councilor Pardee this was not a workshop meeting and Council needed to vote for or against the request for the shade sail.

Mayor Pruette asked Aimee Tous-Parker to approach the podium and respond to questions.

Aimee Tous-Parker, 1537 Landing Lane, member of the Beaches Local Food Network Advisory Council, explained she was the coordinator of the children's garden and the person who requested approval of the sun shade.

Councilor Pardee also questioned if the Beaches Local Food Network was paying for the use of water and electric. City Manager Jarboe replied there was a meter for the use of water.

Mayor Pruette stated this item was discussed at the February workshop meeting and forwarded for a vote. She suggested Councilor Pardee give City Manager Jarboe a list of

his questions and have Mr. Jarboe get back with him after the meeting.

For the Record Councilor Pardee stated for the record he had the following questions and concerns:

- Has the rent been paid to the City?
- Have they been paying for water and electric?
- Do they have workers compensation insurance?
- Will the shade sail become the property of the City as stipulated in the agreement?
- He would like them to adhere to the agreement that 25% of all plots would be designated for use by Neptune Beach residents.
- Does the City have keys to the gate and/or any other buildings on the property?

Aimie Tous-Parker responded the water is metered and is paid monthly by the BLFN. There was no electricity on site. They have provided the City with the combinations for the locks to all buildings and structures.

Councilor Pardee questioned if background checks were conducted on the people working with the children in the children's garden area. Ms. Tous-Parker replied they were all volunteers.

Mayor Pruette stated this was a regular meeting, not a workshop. She suggested having City Manager Jarboe respond to Councilor Pardee's questions after the meeting.

City Manager Jarboe stated he would be meeting with members of the organization towards the end of this month and will discuss these issues and concerns. Ms. Tous-Parker stated she would like to improve the communications between the organization and the City.

Councilor Arthur felt this was a good time to resolve any issues and bring the agreement up to date.

Mayor Pruette stated most of the Council supported the community garden and the green market. She has not heard any negative comments.

Roll Call Vote:

Ayes: 4 – Arthur, Jolly, Tucker, Pruette

Noes: 1 – Pardee

MOTION CARRIED

City Manager Jarboe asked Council member to submit their questions to him in writing so that he can be positive that all concerns are answered.

COUNCIL COMMENTS

Councilor Pardee stated the agreement for the green market stipulates that all items sold would be made or grown locally. While at the green market on Saturday he witnessed a vendor selling a product of "Alaskan crab" which he felt was not made or grown locally. He asked City Manager Jarboe to investigate.

Councilor Pardee voiced concern regarding an area in the community garden that was covered in slime and littered with trash and cups. He asked City Manager Jarboe to investigate.

Councilor Pardee stated he was not opposed to the Green Market or the Community

Garden. He felt they have grown so much that it was time for them to relocate. He suggested the community garden move to the two acre park area behind the K-mart shopping center and the green market relocate to the Beach Boulevard intracoastal bridge. He added "if they moved the garden to the area behind K-mart he would never harass them again."

Councilor Jolly stated he would like to review the financials for the Green Market and have a discussion at a future workshop meeting. City Manager Jarboe stated he would ask them to provide the information.

For the Record Mayor Pruette stated for the record she has never suggested the Green Market relocate. She suggested they had a choice to remain small and stay in Jarboe Park or relocate because there was no more room in Jarboe Park.

Councilor Jolly stated the first Monday in July was July 4th and questioned when the regular meeting would be held. City Clerk Volpe stated the regular meeting could be held either the following Tuesday or the following Monday.

Consensus: **TO HOLD THE JULY REGULAR MEETING ON TUESDAY, JULY 5TH.**

Adjournment There being no further business, the meeting adjourned at 6:30 p.m.

Harriet Pruette, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved:



MINUTES
WORKSHOP CITY COUNCIL MEETING
FEBRUARY 28, 2011, 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 February 28, 2011 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 Kara Tucker
Councilor Eric Pardee
Councilor Richard Arthur
Councilor John Jolly
City Attorney Chris White
City Attorney Patrick Krechowski
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

Community Development Director Amanda Askew
Director of Public Safety David Sembach

**Call to Order/Roll
Call**

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

PRESENTATIONS

**Public Safety
Awards**

PUBLIC SAFETY OFFICER AWARDS:

- Chief Sembach awarded Assistant Chief Tony Carrillo and Lieutenant Adam Militello, with a Medal of Valor for being the first to respond to a murder suicide on First Street, on November 30, 2010.
- Chief Sembach awarded Retired Police Officer Sam Bass a Medal of Valor and Purple Heart, for his actions during a traffic stop back on October 26, 1979. Officer Bass was shot at by a suspect and hit in his bullet pouch. The suspect also fired and hit another responding officer in the leg. Officer Bass fired back hitting and subduing the suspect and possibly saving the life of another officer.

**City Attorney
Chris White**

Mayor Pruette presented a plaque to City Attorney Chris White for his service as City Attorney from 1997 to 2001. Chris White thanked the present and past council members for allowing him the opportunity to serve as the City Attorney. He stated it has been his pleasure to serve the city. It was time for him to move forward in other aspects of his professional career.



MINUTES
SPECIAL CITY COUNCIL MEETING
FEBRUARY 17, 2011 AT 6:00 P.M
CITY HALL, 116 FIRST STREET
NEPTUNE BEACH, FLORIDA

Pursuant to proper notice a Special Meeting of the City Council of the City of Neptune Beach was held February 17, 2011 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 Kara Tucker
Councilor Richard Arthur
Councilor John Jolly
Councilor Eric Pardee
City Manager James Jarboe
City Clerk Lisa Volpe, CMC

Community Development Director Amanda Askew
Director of Public Safety David Sembach

Order Call

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

Ord. No. 2011-03

ORDINANCE NO. 2011-13, AMENDING CHAPTER 27, SECTION 27-225 USES EXPRESSLY PROHIBITED, SECOND READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES CHAPTER 27 UNIFIED LAND DEVELOPMENT REGULATIONS, ARTICLE IV, LAND USE, 27-225 USES EXPRESSLY PROHIBITED WITHIN ZONING DISTRICTS AND PROVIDING AN EFFECTIVE DATE.

Moved by Jolly, seconded by Tucker.

Motion: **TO ADOPT ORDINANCE NO. 2011-03 ON SECOND READ AND PUBLIC HEARING.**

Mayor Pruette read Ordinance 2011-01 by title only and opened the public hearing.

There being no comments from the public, the public hearing was closed.

Roll Call Vote:

Ayes: 4 – Arthur, Jolly, Tucker, Pruette

Noes: 1 – Pardee

MOTION CARRIED

Res. No. 2011-02

RESOLUTION 2011-02: A RESOLUTION OF THE CITY OF NEPTUNE BEACH APPOINTING _____ AS CITY ATTORNEY, FIXING HIS DUTIES FOR LEGAL SERVICES AND RATE OF COMPENSATION, AND PROVIDING AN EFFECTIVE DATE.

City Manager Jarboe stated this Resolution acts as an agreement between the City Attorney and the City for his duties and responsibilities.

Mayor Pruette asked Council if they would like to set the annual retainer and the hourly rate before or after the interviews.

Consensus: **TO DISCUSS RESOLUTION 2011-02 AFTER THE INTERVIEWS.**

City Attorney
Interviews

CITY ATTORNEY INTERVIEWS: Mayor Pruette explained she would allow each applicant three minutes to give a brief introduction followed by questions from the Council, City Manager and City Clerk.

Councilor Jolly felt it would be unfair to the applicants to allow them to hear each other's responses. He questioned if it would be appropriate to ask the applicants to be excused during the other's interviews.

Mayor Pruette stated she spoke with City Attorney White prior to the meeting and he advised they could not ask the applicants to excuse themselves because it was a public meeting and they had the right to be present.

Michael McCabe

MR. MICHAEL MCCABE, MCCABE & VAUGHN, ATTORNEYS AT LAW: Mr. McCabe explained he was raised in Jacksonville Beach. He currently resides in downtown Jacksonville. He is a shareholder attorney with McCabe & Vaughn, P.A. in Jacksonville and St. Augustine, Florida. He has been practicing law for five years. He currently serves as General Counsel for the Town of Hastings and is the Board attorney for the Town's Code Enforcement Board. He also serves the Board of County Commissioners for St. Johns County as the Special Magistrate. He also serves as alternate counsel for the St. Johns County Industrial Development Authority and the Board of Adjustments and Appeals. He practices in the areas of real estate and local governments. He received his Bachelor of Science degree in Civil Engineering and is a licensed professional engineer. Additionally, he serves as bond counsel and is listed in the "Red Book" formerly known as the "The Bond Buyer's Municipal Marketplace."

Questions from Council:

Vice Mayor Tucker asked Mr. McCabe to detail his litigation experience. Mr. McCabe replied he handled litigation relating to real estate. He has some pending litigation in St. Johns County on some very large cases. He also handles mediations and arbitrations for home owners associations.

Vice Mayor Tucker asked Mr. McCabe if he would have time to fit Neptune Beach into his schedule. Mr. McCabe stated the Town of Hastings held their meetings on the second Monday of each month. He would schedule other issues around Neptune Beach.

Vice Mayor Tucker asked Mr. McCabe to give an example of his working relationship with elected officials. Mr. McCabe explained in other municipalities he deals mainly with the City Manager and the City Clerk. He does not work with elected officials as often as staff.

Vice Mayor Tucker asked Mr. McCabe what he felt was the biggest issue facing Neptune Beach. Mr. McCabe stated he felt the biggest issues facing Neptune Beach were signage, land use, zoning, and ordinance enforcement.

Vice Mayor Tucker asked Mr. McCabe if his fees were negotiable. Mr. McCabe replied "yes."

Councilor Jolly asked Mr. McCabe if he was familiar with the Interlocal Agreement between the Beaches and the City of Jacksonville. Mr. McCabe responded he was not familiar with the Interlocal Agreement. However, he had no conflicts of interest regarding the City of Jacksonville and our sister beach cities.

Councilor Jolly questioned what Mr. McCabe meant by his statement in his resume that as General Counsel for the Town of Hasting he manages the Board's meetings and day to day operations. Mr. McCabe replied he assisted the Board and the Town on a daily basis by answering legal questions.

Councilor Arthur questioned if Mr. McCabe had any conflicts of interest with other clients. Mr. McCabe replied "no" there would be no conflicts of interest with his other clients.

Councilor Arthur stated Mr. McCabe indicated fees for litigation and administrative matters would be individually negotiated. He asked what would not be included in the hourly rate. Mr. McCabe explained he excluded litigation because it took time to prepare for trials. He indicated he would like for the contract to include a 30 day notice for his resignation and the City could dismiss him at anytime without notice.

Councilor Pardee questioned how Mr. McCabe felt about ordinances being clear and enforceable. Mr. McCabe responded ordinances should be administered to be enforceable. He added that sometimes there were conflicts in other areas of the Code, however, ordinances should be written in a clear and concise manner.

Councilor Pardee asked Mr. McCabe if he was familiar with the actions of the City of Neptune Beach over the past few years concerning legal issues. Mr. McCabe stated he was not familiar with the actions of Neptune Beach. He knew there was an issue with Solantic over a sign and an issue with the development of Wal-mart.

Mayor Pruette asked Mr. McCabe what was his starting point for an hourly rate for litigation. Mr. McCabe stated his hourly rate for government and municipalities was \$150.00.

Mayor Pruette stated the biggest issue in Neptune Beach was noise complaints. She asked Mr. McCabe if he had any experience dealing with noise complaints. Mr. McCabe stated crafting a noise ordinance was the most critical issue. He was familiar with writing noise ordinances. He felt noise ordinances should be crafted in such a way as to not be considered unconstitutional.

Councilor Arthur asked Mr. McCabe if the \$150.00 hourly fee included the cost of a paralegal. Mr. McCabe replied the paralegal usually would not be involved.

Mayor Pruette asked City Manager Jarboe, for the benefit of the applicants, how much time a City Attorney would typically spend on Neptune Beach matters. City Manager Jarboe stated including attendance at Council meetings the City Attorney would spend approximately 10 hours a month on Neptune Beach matters unless something unexpected occurred.

Jeb Branham

MR. JEB BRANHAM, DEEM BRANHAM ATTORNEYS AT LAW: Mr. Branham explained he resides in Jacksonville Beach and is a former resident of Neptune Beach. His family has lived in the beaches area for 11 years. His office is located at the beaches. The beaches are important to him and he considers the beach a special community. He has practiced law since 1995 and has a great deal of experience in municipal law. He has been the Town Attorney for the Town of Callahan since 2003 and the Town Attorney for the Town of Baldwin since 2004. During that time he has been exposed to many problems and litigation regarding municipalities. He has experience litigating with the Florida Department of Transportation and the Department of Community Affairs and Administrative Proceedings.

He also has experience in construction litigation and certiorari proceedings on behalf of the Town of Callahan.

Questions from Council:

Councilor Arthur stated Mr. Branham has represented cases against Neptune Beach and asked him how he would handle a potential conflict of interest. Mr. Branham responded his client has already been informed that he may have to withdraw from that case.

Councilor Arthur asked Mr. Branham his opinion of the Interlocal Agreement and to describe the similarities of the Interlocal Agreement between City of Neptune Beach and the Town of Baldwin. Mr. Branham stated there were similarities. He felt the City of Jacksonville often forgets that it is also a County and the other municipalities pay tax dollars to Duval County in return for services. He also felt the City of Jacksonville has an unfair advantage because of its size. He added the Interlocal Agreement may be an issue the City will have to deal with in the near future.

Councilor Arthur asked Mr. Branham if he would have time for Neptune Beach. Mr. Branham replied that would not be an issue even if he combined all three municipalities.

Councilor Pardee asked if the City hired Mr. Branham would we also be hiring the firm Deem Branham. Mr. Branham replied anytime someone works for a firm the primary entity that contracts would be the firm. He would be the person to attend the meetings and on the other end of the phone. The advantage to hiring the firm is there would always be someone to back him up in case of illness or an emergency.

Councilor Pardee asked Mr. Branham as a citizen of Jacksonville Beach what he would consider one of their biggest concerns. Mr. Branham replied the biggest concern facing Jacksonville Beach was the revitalization and improvements in the downtown area.

Councilor Pardee asked Mr. Branham if he attended council meetings in Jacksonville Beach. Mr. Branham replied he did not attend the council meetings on a regular basis.

Councilor Jolly stated if Mr. Branham was hired by Neptune Beach he would be representing three different cities. He asked what would happen if all three cities wanted to meet on the same night. Mr. Branham responded that would be a problem. Currently Baldwin meets once a month on the second Tuesday. The Town of Callahan currently meets the same nights as Neptune Beach on the first and third Monday of each month. However, he has spoken with the Mayor about changing their meeting dates. If that is not possible he will withdraw from representation of the Town of Callahan.

Councilor Jolly asked Mr. Branham what he felt was the biggest problem facing Neptune Beach. Mr. Branham replied he is concerned about the prohibition of Internet Cafes and felt litigation would develop as a result. He also felt the Interlocal Agreement was a big issue.

Councilor Jolly asked Mr. Branham to describe his relationship with the elected officials of Baldwin and Callahan. Mr. Branham stated the two towns were similar, they did not have city managers, and the Chief Administrator for both towns was the Mayor. His point of contact for both cities was the Mayor; however he is available to all council members.

Vice Mayor Tucker asked Mr. Branham to describe a case that he was most proud of relating to a municipality. Mr. Branham stated when he became the attorney for the Town of Callahan they had gone through a period of time where there was a great deal of corruption within the government. He quickly resolved the issue and saved the Town a great deal of money.

Councilor Tucker asked Mr. Branham if his fees were negotiable. Mr. Branham responded "yes" especially given the amount of time City Manager Jarboe estimated.

Mayor Pruette questioned why Mr. Branham would consider withdrawing representation from the Town of Callahan to represent Neptune Beach. Mr. Branham replied Neptune Beach was closer to his home and it would be a chance for him to grow and develop.

Tim Franklin

MR. TIMOTHY FRANKLIN, ESQ., DANIEL M. COPELAND, ATTORNEY AT LAW: Mr. Franklin stated he resides in Neptune Beach and has served on both the Code Enforcement Board and the Board of Appeals. He has extensive experience with local government law and was recently employed by the City of Jacksonville's Office of General Counsel. A large part of his current practice involves land use matters with various local governments in northeast Florida.

Councilor Jolly asked Mr. Franklin if he could give opinions based on his knowledge of the opposite side of land use issues. Mr. Franklin stated he has worked both sides working for the City of Jacksonville as well as representing their Planning Commission. He felt his experience working on the opposite side would help Neptune Beach in terms of knowing what to look for if an ordinance is challenged.

Councilor Jolly asked Mr. Franklin if he was a litigator or if the City would have to hire an outside litigator if we were faced with a lawsuit. Mr. Franklin stated he has significant litigation experience. He considers one third of his practice litigation.

Councilor Jolly asked Mr. Franklin if he was familiar with the Interlocal agreement between the beaches and the City of Jacksonville. Mr. Franklin replied he did not have much knowledge of the Interlocal agreement but he felt it was intended to allow the City's to function individually.

Councilor Jolly asked Mr. Franklin what he felt was the biggest challenge facing Neptune Beach. Mr. Franklin replied from his experience on the Code Enforcement Board he felt there were inconsistencies in the Code. He felt Neptune Beach should deal with issues proactively verses reactively and be prepared.

Vice Mayor Tucker asked Mr. Franklin how would he fit Neptune Beach into his schedule. Mr. Franklin responded Neptune Beach would be his only municipal client. He represented numerous homeowners associations but their meetings were during the day. He would have sufficient time to devote to Neptune Beach and he would make it a priority.

Vice Mayor Tucker asked Mr. Franklin if he felt he would work well with the Council. Mr. Franklin stated he would be available to the Council to answer questions. He would gain the respect of the Council and felt it would be his duty to speak up during meetings when legal advice was necessary.

Vice Mayor Tucker asked Mr. Franklin if his fees were negotiable. Mr. Franklin replied "yes" his fees were flexible.

Vice Mayor Tucker asked Mr. Franklin if he saw any other issues facing Neptune Beach in the near future. Mr. Franklin stated he felt the City faces issues with land use, tax revenues, and decreased property values.

Councilor Arthur asked Mr. Franklin what were his reasons for leaving the Office of the General Counsel with the City of Jacksonville. Mr. Franklin replied he had conflicts with others. The job gave him an opportunity to meet many people.

Councilor Pardee asked how many years he served on the boards in Neptune Beach. Mr. Franklin replied he served on the Board of Appeals for two years and is currently serving on the Code Enforcement Board.

Councilor Pardee questioned if he felt serving on the boards would give him an upper hand on being hired as the City Attorney. Mr. Franklin stated he has experience with both sides of issues relating to land use. He felt there were opportunities to tune the Code.

Mayor Pruette stated Mr. Franklin represented a developer against the City of Jacksonville Beach. She asked if that would be a conflict. Mr. Franklin stated he did not believe it would be a conflict. He has a good working relationship with the employees of the City of Jacksonville Beach.

Mayor Pruette asked if being the City Attorney for the City of Neptune Beach would be a hindrance to his practice. Mr. Franklin stated it did not affect his service on the Boards. He felt it would be beneficial.

Patrick
Krechowski

MR. PATRICK KRECHOWSKI, ESQ: Mr. Krechowski stated he currently resides in Neptune Beach. He did not wish to go into detail regarding his personal background. He was prepared to answer questions regarding his qualifications and experience. He added he was not interested in becoming an attorney for any other City or County. His interest was in serving Neptune Beach with his experience, knowledge and dedication. He did not want the position of City Attorney for the purpose of adding Neptune Beach to his list of clients or to use the representation of Neptune Beach to improve his firm. He felt the City deserved an attentive, knowledgeable, and affordable attorney and that is what he was offering. As City Attorney he will represent the City zealously and defend the decisions made by the Council if they are challenged or scrutinized by third parties. Having served on the Code Enforcement Board and being a candidate for City Council he understood the passion and dedication the Council has for the City. He added that because the Council was already familiar with his qualifications he would be happy to answer any questions.

Councilor Pardee asked Mr. Krechowski how long he has served on the Code Enforcement Board and what he learned from that service. Mr. Krechowski replied he has been on the Code Enforcement Board since the summer of 2008. He has learned that it is a constant challenge to implement and enforce laws.

Councilor Pardee asked Mr. Krechowski if he had any plans or interests in updating the Code. Mr. Krechowski responded he felt the Code should be reviewed and updated gradually. He was interested in having an intern to help review the Code.

Councilor Pardee asked Mr. Krechowski if he felt a City Attorney should take a proactive approach advising the Council or if he should be more reactive and respond to questions from Council. Mr. Krechowski answered that would be determined by the type relationship created between Council and their City Attorney. If he felt the Council was headed in a particular direction he thought was problematic he would step in and give advice.

Councilor Arthur asked if becoming the City Attorney would be a conflict of interest with his current position at Fidelity National Title Group. Mr. Krechowski replied legally there would not be a conflict of interest. He has spoken with his superiors and supervisors regarding his intentions and they were all very supportive.

Councilor Arthur asked how many hours he estimated he would spend dealing with City related issues. Mr. Krechowski responded approximately 15 hours.

Vice Mayor Tucker asked Mr. Krechowski to detail his litigation experience. Mr. Krechowski explained he had experience in appellant litigation, at the State level with the Department of

Environmental Protection and the St. Johns River Water Management District as well as in private practice. He also has experience involving environment permitting, land use and interagency agreements. He also attends mediations, hearings, and pretrial conferences.

Vice Mayor Tucker asked Mr. Krechowski what he felt was the biggest issue facing Neptune Beach. Mr. Krechowski replied he felt the Interlocal agreement, Ordinances prohibiting Internet Cafes, and code enforcement regarding noise and the condition of buildings were some of the issues that would need to be addressed.

Vice Mayor Tucker asked if he was willing to negotiate on his salary requirements. Mr. Krechowski replied "yes."

Vice Mayor Tucker asked based on his observations, how did he think he would get along with Council and staff. Mr. Krechowski stated he was fortunate to serve on the Code Enforcement Board with Mr. Jolly and met Council members while campaigning for a Council seat. He was also familiar with some of the staff members and would offer good knowledge experience and service to both the Council and staff.

Vice Mayor Tucker asked if there was a particular case he was most proud of. Mr. Krechowski stated it was his first case. When he was working at the office of the Attorney General he had a problematic predatory offender case. This was the first time he argued a case and it was victorious.

Councilor Jolly asked Mr. Krechowski why he felt the Council should choose him over the other candidates that had experience working for local governments. Mr. Krechowski responded he did not have direct experience serving as a city or county attorney. He did some background work involving the Wal-mart case against the City. He also has experience involving Taylor County, the City of Jacksonville Beach, the City of Perry, and Walton County.

Mayor Pruette stated his retainer was the lowest out of all the other applicants. She asked if he was comfortable with the offer of \$33,000 for a retainer and \$150.00 an hour for litigation. Mr. Krechowski stated he was absolutely comfortable with that.

Mayor Pruette stated if there were no further questions from Council or Staff she would ask each Council member to select their top choice for City Attorney and pass the ballots down to the City Clerk.

City Manager Jarboe suggested that each Council member select their first and second choice in the event there was a tie. He also suggested if Council was unable to negotiate fees with their first choice they could go to their second choice.

City Clerk Volpe announced for top choice Patrick Krechowski received 3 votes; Timothy Franklin received 1 vote and Jeb Branham received 1 vote. For second choice Jeb Branham received 3 votes, and Patrick Krechowski received 2 votes.

Mayor Pruette announced the first choice was Patrick Krechowski and the second choice was Jeb Branham.

Discussion ensued regarding retainer amount and hourly fees for Patrick Krechowski.

Mayor Pruette asked Mr. Krechowski if he would accept \$33,000 for the annual retainer, \$150.00 per hour for litigation and \$80.00 per hour for paralegal services. Mr. Krechowski stated he had reviewed the Resolution and was comfortable with the arrangement.

Moved by Jolly, seconded by Tucker

Motion: **TO ACCEPT PATRICK KRECHOWSKI AS THE CITY ATTORNEY.**

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Pardee, Tucker, Pruette

Noes: 0

MOTION CARRIED

Res. No. 2011-02 **RESOLUTION 2011-02:** A RESOLUTION OF THE CITY OF NEPTUNE BEACH APPOINTING PATRICK KRECHOWSKI AS CITY ATTORNEY, FIXING HIS DUTIES FOR LEGAL SERVICES AND RATE OF COMPENSATION, AND PROVIDING AN EFFECTIVE DATE.

Arthur felt it would be beneficial to have the city attorney train board members twice a year.

City Manager Jarboe stated a 30 day notice of resignation needed to be added in the Resolution.

Moved by Jolly, seconded by Tucker.

Motion: **TO APPROVE RESOLUTION NO. 2011-02 WITH THE CHANGES.**

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Pardee, Tucker, Pruette

Noes: 0

MOTION CARRIED

City Clerk Volpe asked the Council when they would like the Resolution to become effective.

City Manager Jarboe felt Mr. Krechowski would need to spend some time with current City Attorney Chris White to review pending cases. He suggested the Resolution become effective on Tuesday, February 22, 2011.

Adjournment There being no further business, the meeting adjourned at 7:35 p.m.

Harriet Pruette, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____

CITY MANAGER'S ACTION LIST

City Manager Jarboe reported on the following:

- The retrofit of the sewer plant is about 65% completed.

Mayor Pruette asked for a report on the foreclosure on 914 Fifth Street. City Attorney White stated there were a total of 3 or 4 foreclosures in progress due to code enforcement liens. The code enforcement liens are inferior to primary mortgages. The foreclosures will remain in progress until the banks decide how they want to proceed or whether the courts will allow them to proceed with the foreclosure process.

PUBLIC COMMENTS

Rick Sauls, voiced concern regarding the proposed ordinance that would prohibit use of his vehicle to transport parking valets to and from the parking.

Curtis Winter, owner of Sun Dog, felt the valet parking would benefit all of the Town Center businesses. He would like for Rick Saul to be able to provide the valets transportation to the valet parking.

PROPOSED ORDINANCES

Land Use Ord.

ORDINANCE NO. 2011-XX, AMENDING CHAPTER 27, PROHIBITED LAND USES:
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 27-225 USES EXPRESSLY PROHIBITED WITHIN ZONING DISTRICTS AND PROVIDING AN EFFECTIVE DATE.

City Manager Jarboe stated this ordinance added Section 27-225(6) All zoning districts: indoor /outdoor firing ranges (other than for governmental purposes), indoor/outdoor flea markets, vendors /sales on public property (including the beach), tattoo or body artist, pawn shops, bingo halls, billiard or pool halls. Any golf cart, utility cart, or similar device used to transport passengers for any form of compensating on including advertising. Any non-motorized vehicle of similar device used to transport passengers for any form of compensation (including advertising) such as, but not limited to: a carriage, jitney or rickshaw.

City Manager suggested the following amendment: All zoning districts: indoor/outdoor firing ranges, indoor/outdoor flea markets, indoor/outdoor flea markets, vendors / sales on public property (including the beach) unless approved by city council.

City Manager Jarboe added Chief Sembach was concerned about slow moving vehicles stopping to drop off and pick up passengers.

Chief Sembach explained his main concern regarding low moving vehicles was safety of passengers. He felt it was not safe to have an open slow speed vehicle on the streets. He also felt the need to speed, in an effort for the valet attendant to hurry to retrieve vehicles, would present a hazard.

Councilor Jolly stated these types of businesses were currently not permitted because they were not included in the Land Use Chart. He felt this would help staff explain to those that did not understand the Land Use Chart that these uses were prohibited because it would be clearer in Code.

Vice Mayor Tucker stated she understood the safety concern however, they did have regulations that required seatbelts. She felt the City should try to help the businesses in Town Center due to the lack of parking.

Councilor Arthur agreed parking in Town Center was a problem. He felt slow moving vehicles helping to provide valet parking would help to relieve the parking problems. The city should help find a solution while taking safety issues into consideration.

Councilor Pardee stated based on the Charter each proposed prohibited use should be considered separately. He added if they were considered separately the Council would be able to address Chief Sembach's safety concern without dealing with the others. He added he would like to understand the reasoning behind wanting to ban each of the businesses.

City Manager Jarboe explained all of the businesses were currently prohibited by the Land Use Chart with the exception of the slow moving vehicles. He added if Council wanted to allow the uses they would need to be included in the Land Use Chart.

Mayor Pruette stated Atlantic Beach also prohibits these establishments. She agreed parking valets would decrease congestion in Town Center. She felt the City could establish guidelines for valet parking requiring low speed vehicles to be street legal by requiring them to have proper reflectors, lighting, and insurance to protect passengers, the general public as well as the City.

Councilor Pardee questioned why the City wanted to ban these types of establishments. He personally did not have a problem with allowing the establishments.

City Manager Jarboe informed Councilor Pardee these establishments were currently prohibited in the Land Use Chart and he would need to introduce a new ordinance if he wished to allow them.

Councilor Pardee stated these establishments are allowed in Jacksonville Beach, Atlantic Beach and Jacksonville, and they are all over Third Street, Beach Boulevard, and Atlantic Boulevard. He would like to know why these particular establishments have been singled out for being prohibited.

City Manager Jarboe explained these establishments are currently not permitted in the Land Use Chart. If this Ordinance does not move forward it would not change the fact that they are not allowed. If he would like to allow these establishments, he would need to introduce and ordinance.

Mayor Pruette asked if there was a consensus to strike out motorized vehicles and move forward.

Councilor Arthur stated he would also like to include the recommendation of City Manager Jarboe to add that indoor/outdoor flea markets, vendors/ sales on public property must be approved by the City Council.

City Manager Jarboe stated they should read "unless approved by the City Council."

Councilor Arthur stated he also agreed with removing "low speed vehicles" from the prohibited uses. He would open to the option of discussing each establishment separately.

Councilor Jolly agreed with removing "low speed vehicles" and moving forward. He was open to reviewing the ordinance regarding taxi cabs and shuttles.

Councilor Tucker agreed to move forward with the suggested amendments.

For the Record Councilor Pardee stated for the record he did not agree with moving forward with the ordinance. He felt it was not friendly to business or property owners.

Consensus: **TO AMEND THE ORDINANCE ADDING "UNLESS APPROVED BY THE CITY COUNCIL" AND STRIKING OUT "LOW SPEED VEHICLES" AND FORWARD TO THE APRIL REGULAR MEETING.**

City Clerk Volpe advised this Ordinance requires two public hearings and in order to meet public notice requirements the first read could not take place until the April 4, 2011, regular meeting.

City Manager Jarboe asked if Council wanted to strike out "gas stations" from (4) as recommended by Councilor Pardee. Mayor Pruette responded "yes."

Mayor Pruette asked Councilor Pardee to introduce an Ordinance allowing specific businesses for Council to consider.

CONTRACTS / AGREEMENTS

Green Market **GREEN MARKET – ADDITION OF THREE VENDOR SPOTS:** City Manager Jarboe explained the Green Market has requested the addition of three vendor spaces located next to the parking area.

Jonathon Felts, 1166 Third Avenue North, Jacksonville Beach, Representative for the Green Market approach the Council to answer questions.

Councilor Pardee asked Mr. Felts if the Green Market had a valid lease agreement. City Manager Jarboe responded the City did not have a lease agreement with the Green Market however, there was an agreement. Mr. Felts added the agreement with the City is renewed every two years. Mayor Pruette stated the lease agreement in the agenda packet expired on July 1, 2010.

Councilor Pardee questioned what items were sold at the Green Market. Mr. Felts replied there was a 70/30 percent ratio of food to non-food items.

Councilor Pardee asked Mr. Felts if he would consider relocating the Green Market into a vacant store. Mr. Felts replied the Green Market was a non-profit organization.

Councilor Pardee asked Mr. Felts if the three new vendors would be vegetable vendors. Mr. Felts replied the Green Market has bylaws which require a 70/30 percent ratio of food to non-food items sold and they would honor that requirement.

City Manager Jarboe asked Mr. Felts if the non-food items sold were handmade by the Vendor or a member of their family. Mr. Felts replied "yes."

Mayor Pruette quoted the following portion of the Code: Open air markets are defined as areas in which vendors shall sell flowers, plants, plant materials, fruits, vegetables, and other non-commercially processed food items and hand crafted items which are made by the vendor or the vendor's immediate family. She asked Mr. Felts if the Green Market sold only those types of items. Mr. Felts replied "that was correct."

Mr. Felts added Beaches Local Food Network had a million dollar liability insurance policy which covered both the Green Market and the Community Garden. They also require the vendors to have a tax identification number.

City Manager Jarboe questioned if the Beaches Local Food Network was registered with the State of Florida to accept donations under the Charitable Donation Act. Mr. Felts stated he was not certain but he would check into the matter.

Councilor Arthur asked Mr. Felts if the Green Market had a parking arrangement agreement with the adjacent parking lot owners. Mr. Felts replied they initially had a problem with the previous owners of the Park Place Office Park. The office park was sold to a new owner and they have not had any problems with the current owner or tenants.

Councilor Arthur asked Mr. Felts if he was concerned the addition of the three vendor spaces would create more traffic. Mr. Felts replied he did not expect there to be more traffic. Two emergency exits were provided.

Councilor Arthur asked Mr. Felts if there was a vendor waiting list. Mr. Felts stated there were currently seven vendors on the waiting list.

Councilor Arthur stated the Green Market was a great asset to the community. He would like to see some natural landscaping and shade trees in the park.

Councilor Tucker agreed the Green Market was a great asset to the community. She voiced concern regarding traffic and safety. Mr. Felts replied he did not foresee any dangerous issues or liabilities with the addition of the new vendor spaces.

Councilor Jolly asked how many vendor spaces were currently available. Mr. Felts replied there were currently 25 vendor spaces.

Councilor Jolly asked how much rent was collected for each space. Mr. Felts responded the spaces were rented for \$15.00.

Councilor Jolly asked if the Green Market had a written parking agreement with the owner of the adjacent office park. Mr. Felts replied they did not have a parking agreement with the owner of the office park.

Councilor Jolly stated the agreement provides that the Green Market set up a donation program for enhancements and repairs to Jarboe Park. He asked how much money has been raised and donated to the City. Mayor Pruette responded the Green Market has donated a total of \$45.00 to the City for repairs in the park.

Councilor Jolly stated last Saturday, while at the Green Market, he noticed someone was selling a commercial pesticide. Mr. Felts explained the vendor was Nature's Way and they used a mixture of oils to create the pesticide.

Councilor Jolly stated according to the agreement with the City the Green Market provides updates to the Council every six months. He questioned when the last time the City received an update was. Mr. Felts responded the last update was given to the Council when they renewed the agreement, last spring or fall.

Councilor Jolly felt the Green Market was great for the community but they needed to adhere to the agreement.

Councilor Jolly asked if the City received copies of the Green Market's 501(c)3 tax report. City Manager Jarboe stated the City did not ask for one at the last renewal. That was why he asked if the Green Market had registered with the State of Florida. Mr. Felts stated the status had not changed. He added the Green Market operated under Socially Environmental Entrepreneur.

Mayor Pruette stated the Green Market was a popular event. She felt the Green Market may be outgrowing the location in the park. She felt if the Green Market wanted to grow anymore than these three extra spaces, they would need to relocate because there would be no more room in the park. She suggested the location in Jacksonville Beach, underneath the Intracoastal Bridge on Beach Boulevard.

Mayor Pruette asked if there was a consensus to approve the three spaces.

City Manager Jarboe stated the Green Market would need to provide documentation that they have registered with the State for fund raising.

Consensus: **FORWARD TO THE MARCH REGULAR MEETING FOR APPROVAL.**

Community
Garden

COMMUNITY GARDEN – ADDITION OF A 17 X 12 X 12 SHADE STRUCTURE:
Aimee Tous-Parker, 1537 Landing Lane, board member for the Beaches Local Food Network, explained the group held a fund raiser and raised \$5,000 to improve the community garden. They would like to incorporate a triangle shape 17x12x12 shade structure for children's group area. The area is located on the eastern most side of the garden.

City Manager Jarboe stated if the group was holding fund raiser events they also needed to register with the State of Florida. The City also needed a current lease agreement and an insurance rider.

Mayor Pruette asked if the shade was a temporary structure that would be taken down at night. Ms. Tous-Parker replied it would not be a permanent structure. It would be removable but would not be able to remove each night. It could be removed for pressure washing or in the case of a storm.

City Manager Jarboe stated if the shade structure is approved it would have to comply with the Florida Building Code.

Councilor Tucker stated she would support the structure as long as they abide by the necessary rules and regulations.

Councilor Jolly stated there were 24 plots and only 3 were used by Neptune Beach residents. Ms. Tous-Parker replied she did not have a current listing of the precise number.

Mayor Pruette stated that Neptune Beach were suppose have first choice for the plots. Ms. Tous-Parker responded Neptune Beach residents get priority. Mayor Pruette asked Ms. Tous-Parker to provide the city with a current list.

Councilor Arthur felt the community garden was a great addition to the city. He did not have a problem approving the sail shade as long as they met the building code guide lines.

Councilor Pardee asked if there was current lease agreement. City Manager Jarboe replied he did not think there was a current agreement. Community Development

Director Askew stated she could not locate a current agreement in her records. Councilor Pardee stated if the community garden was going to be ongoing or permanent the Charter states it would have to be approved by referendum. He felt the shade sail would take away from the beauty of the park.

Councilor Jolly requested that a current lease agreement and documentation that State requirements for fund raiser have been met before approval.

Consensus: **FORWARD TO THE MARCH REGULAR MEETING FOR A VOTE.**

Councilor Pardee asked if there was interest in considering a referendum.

Mayor Pruette stated she was involved in the creation of the original referendum. The original referendum was created to prevent permanent building structures, such as City Hall and the Public Safety Building from being placed in the park.

Councilor Pardee asked City Attorney Krechowski to take a look at the Charter to see if the use of the park for a community garden called for a referendum.

ISSUE DEVELOPMENT

Art Walk **ART WALK – ADDITION OF ACOUSTIC GUITAR PLAYER:** Mayor Pruette stated this item has been withdrawn from the agenda by the Art Walk director.

Youth Council **DEVELOPMENT OF YOUTH COUNCIL:** Vice Mayor Tucker stated she would like to consider starting a Youth Council. She felt this would be a great way for youth to become involved and understand local government process.

Councilor Arthur asked if there was any interest or demand for a youth council. Vice Mayor Tucker replied she had spoken with the principal of Fletcher High School but she wanted to get the approval of the Council before asking young people if they were interested.

Councilor Arthur questioned if the Youth Council would be subject to the Sunshine Law. Vice Mayor Tucker replied “yes.”

Councilor Arthur asked if the Youth Council would have to be added to the city's insurance policy. City Manager Jarboe stated there would be some associated cost. There would have to be background checks for adults working with children. There would also be the requirements of record keeping. If they used City Hall for their meetings a staff member would have to be on overtime to open and close City Hall.

Mayor Pruette stated she supported the idea of creating a Youth Council. She added that she had been informed by an Atlantic Beach employee that the Atlantic Beach Teen Council did not understand the Sunshine Law and their Teen Council had become more of social gathering for the teens. She asked Vice Mayor Tucker to speak with the Fletcher High School principal to find out if there was an interest.

Consensus: **VICE MAYOR TUCKER MEET WITH THE FLETCHER HIGH SCHOOL PRINCIPAL REGARDING AN INTEREST IN A YOUTH COUNCIL AND REPORT BACK TO THE COUNCIL.**

Ethics Rules **ETHICS RULES:** Mayor Pruette explained City of Jacksonville Councilman Richard Brown has requested action from the Council on whether or not the City of Neptune Beach wanted to be included or exempted from the Duval County Ethics Charter Amendment also known as the J-Bill.

City Manager Jarboe explained the General Counsel for the City of Jacksonville has indicated that the bill did not include or pertain to the beach cities or the Town of Baldwin. City of Jacksonville Councilman Richard Brown has requested that we inform him if we wanted to be included in the bill.

City Manager Jarboe recommended that we remain exempt from the bill and create an ordinance regarding ethics law to add to our Code. The other option would be to add into our Code that we are under the State ethics law and provide access to the State ethics law on our website.

City Manager Jarboe added Carla Miller, Ethics Officer, City of Jacksonville, indicated Neptune Beach would be able to participate in the City of Jacksonville's educational programs on ethics at no cost. If we were to be included in the bill we would have to share the costs.

Councilor Pardee he would like to further explore the both options before making a decision.

City Manager Jarboe suggested staff and the City Attorney do some research and provide additional information at a future meeting. In the meantime we needed to inform the City of Jacksonville in writing if we wanted to be included in the bill. He suggested Mayor Pruette write a letter to Jacksonville City Councilman Richard Brown indicated that we are not interested at the present time.

Councilor Jolly suggested having the City Attorney review the ethics laws with the Council on an annual basis and have it documented in the minutes.

Mayor Pruette stated she received an e-mail from Carla Miller, Ethics Officer, City of Jacksonville stating that many cities are implementing a local ethics program. She felt it would be beneficiary for us to put something in our Code regarding ethics. She added that the City of Jacksonville requires all public officials attend an ethics training program once a year, and she has invited the Neptune Beach elected officials to participate in their training program at no cost.

Consensus: **SEND A LETTER TO CITY OF JACKSONVILLE COUNCILMAN BROWN INDICATING THAT WE ARE NOT INTERESTED IN BEING INCLUDING IN THEIR ETHICS BILL AND HAVE THE CITY ATTORNEY PROVIDE MORE INFORMATION REGARDING ETHICS TO THE COUNCIL AT THE MARCH WORKSHOP MEETING.**

COUNCIL COMMENTS / NONE

Adjournment

There being no further business, the meeting adjourned at 7:37 pm.

Attest:

Harriet Pruette, Mayor

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
REGULAR CITY COUNCIL MEETING
FEBRUARY 7, 2011 AT 6:00 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 February 7, 2011, at 6:00 p.m. in the City Hall Council Chambers, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

STAFF:

Mayor Harriet Pruette
Vice Mayor Kara Tucker
Councilor Richard Arthur
Councilor John Jolly
Councilor Eric Pardee
City Attorney Christopher White
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

Community Development Director Amanda Askew
Lt. Adam Militello
Director of Public Safety David Sembach
Deputy City Clerk Karla Strait, CMC

Order Call/Pledge

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

AWARDS / PRESENTATIONS/ RECOGNITION OF GUESTS

Mayor Pruette presented a Proclamation to the Ish Brant Beautification Committee in recognition of "National Invasive Species Awareness Week."

APPROVAL OF MINUTES

Moved by Jolly, seconded by Tucker.

Minutes

Motion: **APPROVE THE FOLLOWING MINUTES AS AMENDED:**

JANUARY 3, 2011, REGULAR CITY COUNCIL MEETING
JANUARY 10, 2011, SPECIAL CITY COUNCIL MEETING
JANUARY 24, 2011, WORKSHOP CITY COUNCIL MEETING
JANUARY 24, 2011, SPECIAL CITY COUNCIL MEETING

Councilor Pardee made the following amendment to the January 24, 2011, workshop meeting: 1) Page 1, Building Official Don Ford will be out on leave for several weeks due to health issues. A ~~licensed contractor~~ contracted building inspector has been hired to conduct building inspections in his absence. 2) Page 2, He explained the terms "all votes cast" would mean 50% plus one vote. He felt this should be amended to read "majority of

all the votes cast.”

City Clerk Volpe stated the typos pointed out by Councilor Jolly prior to the meeting had been corrected.

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Pardee, Tucker, Pruette

Noes: 0

MOTION CARRIED

Public Comments

PUBLIC COMMENTS / NONE

Mayor Pruette opened the public hearing.

There being no comments from the public, the public hearing was closed.

CITY MANAGER REPORT

- Building Official Don Ford was recovering at home and is expected to return to work in about 6 weeks. The substitute building inspector is doing a great job.
- The nitrogen project has slowed down due to the inclement weather.
- The lake at Jarboe Park is beginning to fill up due to natural causes.

COMMENTS FROM THE PUBLIC / NONE

CONSENT AGENDA / NONE

VARIANCES / NONE

ORDINANCES

Ord. No. 2011-03 ORDINANCE NO. 2011-03, AMENDING CHAPTER 27, ARTICLE IV, LAND USE, FIRST READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES CHAPTER 27 UNIFIED LAND DEVELOPMENT REGULATIONS, ARTICLE IV, LAND USE, 27-225 USES EXPRESSLY PROHIBITED WITHIN ZONING DISTRICTS AND PROVIDING AN EFFECTIVE DATE.

City Manager Jarboe explained this Ordinance would prohibit internet cafes.

Mayor Pruette read Ord. No. 2011-03 by title only and opened the public hearing.

There being no comments from the public, the public hearing was closed.

Moved by Jolly, seconded by Tucker.

Motion: **TO PASS ORDINANCE NO. 2011-03 ON FIRST READ AND PUBLIC HEARING.**

Councilor Jolly made the following amendment: Section 2. Chapter 27 Unified Land Development Regulations shall be amended to add the following ~~definitions~~ prohibitions:

Roll Call Vote:

Ayes: 4 – Arthur, Jolly, Tucker, Pruette

Noes: 1 – Pardee

MOTION CARRIED

City Clerk Volpe stated due to advertising requirements the earliest Ordinance No. 2011-03 could be forwarded to second read would be on Thursday, February 17, 2011.

Consensus: **TO HOLD THE SECOND READ FOR ORDINANCE NO. 2011-03 ON FEBRUARY 17, 2011.**

Councilor Jolly asked if the February workshop meeting would be moved from February 28, 2011, to February 17, 2011. Mayor Pruette stated the City Attorney interviews would be conducted at the February 17, 2011 meeting. City Clerk Volpe added the February workshop meeting would remain as scheduled on February 28, 2011.

Ord. No. 2011-02 **ORDINANCE NO. 2011-02, AMENDING CHAPTER 27, SECTION 27-225, LAND USE, AND TABLE 27-226-1, SECOND READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES CHAPTER 27 UNIFIED LAND DEVELOPMENT REGULATIONS, ARTICLE I, IN GENERAL, SECTION 27-15 DEFINITIONS, AND ARTICLE IV, LAND USE, 27-225 USES EXPRESSLY PROHIBITED WITHIN ZONING DISTRICTS AND TABLE 27-226-1 PERMISSIBLE USE AND PROVIDING AN EFFECTIVE DATE.**

City Manager Jarboe explained Ordinance No. 2011-02 would allow two internet cafes by special exception in the C-2 and C-3 districts.

Mayor Pruette read Ordinance No. 2011-02 by title only and opened the public hearing.

Michael Aston, 1523 Summer Sands Drive, opposed the internet café. He measured 21 feet from the location of the proposed internet café in Tradewinds Plaza to the Summer Sands property line and 25 feet from the back of the residential property.

There being no further comments from the public, the public hearing was closed.

Mayor Pruette explained Council had the following three options:

- 1) If no one makes a motion the ordinance fails.
- 2) If a motion is made and no one seconds the motion, the motion will fail.
- 3) If a motion is made and receives a second, the Ordinance can be voted up or down.

Moved by Pardee.

Motion: **TO ADOPT ORDINANCE NO. 2011-02 ON SECOND READ AND PUBLIC HEARING.**

MOTION FAILED FOR LACK OF A SECOND.

Ord. No. 2011-04 **ORDINANCE NO. 2011-04, REFERENDUM AMENDING SECTION 2.02, SECTION 3.05, AND SECTION 3.06, FIRST READ: AN ORDINANCE CALLING FOR A REFERENDUM TO AMEND SECTION 2.02 ELECTION AND TERMS, SECTION 3.05 SCHEDULE AND NOTICE OF ELECTIONS AND SECTION 3.06 CITY CANVASSING BOARD OF THE CHARTER, AND ESTABLISHING AN EFFECTIVE DATE.**

City Manager Jarboe stated this Ordinance would allow the County to hold runoff elections for Neptune Beach along with the State and Federal elections.

City Clerk Volpe suggested the following amendment: Section 2.02(d) In the event that a candidate does not receive a majority of all the votes cast in the primary election, then the names of the candidates placing first and second shall be placed on the ballot in the general election.

Councilor Jolly corrected the following errors: 1) Section 1. An election is hereby called for May 17th, 2011, to hold a referendum to amend Section 2.02 of the Charter of the City of Neptune Beach to read as follows: 2) and Section 3.05 Schedule and notice of elections. (d) All elections held pursuant to this charter shall have at least 30 days notice of election or referendum by publication in a local newspaper. The publication shall be made at least twice, once in the fifth week and once in the third week ~~prior to~~ prior to the beginning of qualifying or referendum is to be held.

Councilor Pardee questioned why the Mayor allowed discussion on Ordinance 2011-04 before a motion was made. He indicated that he wanted to discuss the previous Ordinance 2011-03 but was not allowed because his motion was not seconded. Mayor Pruette stated the Council did not always follow procedure.

Moved by Tucker, seconded by Jolly.

Motion: **TO PASS ORDINANCE NO. 2011-04 ON FIRST READ.**

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Pardee, Tucker, Pruette

Noes: 0

MOTION CARRIED

OLD BUSINESS / NONE

NEW BUSINESS

V11-02
Sliders
218 First St.

V11-02, VARIANCE REQUEST 218 FIRST STREET, SLIDERS / PARKING AND LOT COVERAGE:

Mayor Pruette stated she would call on Michael Dunlap, representative for Sliders, if there were any questions from the Council.

Mayor Pruette stated the Community Development Board recommended approval of the variance in two parts. The first part was for “off street parking.”

Moved by Jolly, seconded by Pardee.

Motion: **TO AFFIRM THE DECISION OF THE COMMUNITY DEVELOPMENT BOARD FOR V11-02 PART I.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Tucker, Weldon, Pruette

Noes: 0

MOTION CARRIED

Mayor Pruette stated the Community Development Board recommended approval of the variance for part two “maximum lot coverage.”

Moved by Jolly, seconded by Arthur.

Motion: **TO AFFIRM THE ACTIONS OF THE DECISION OF THE COMMUNITY DEVELOPMENT BOARD FOR V11-02 PART II FOR THE LOT COVERAGE.**

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Pardee, Tucker, Pruette

Noes: 0

MOTION CARRIED

SE11-01
Sliders
218 First St.

SE11-01, SPECIAL EXCEPTION, 218 FIRST STREET, SLIDERS / OUTDOOR SEATING;

Mayor Pruette stated the Community Development Board recommended approval of the special exception in two parts.

The motion for part one was “There will be no siding, no walls, no hard siding and drop siding be allowed as canvas or vinyl for temporary wind protection, also allow for overhead fans for enhancement of natural ventilation.”

Councilor Pardee added Slider’s should also be required to comply with all ADA requirements as well as all building code issues.

For the Record Mayor Pruette stated for the record: “The increased occupancy load to 150 seats for Sliders shall meet all requirements in the Florida Building Code and the Florida Fire Protection Code.” She felt vinyl or canvas wind protection could be a life safety factor.

City Manager Jarboe explained whatever the Council approves will not affect the Building Code or Life Safety issues. He added any outdoor heaters used would have to be approved by the Fire Marshall.

Moved by Pardee, seconded by Tucker.

Motion: **TO APPROVE SE11-01 SPECIAL EXCEPTION FOR OUTDOOR SEATING.**

City Clerk Volpe asked if Council was going to approve the Special Exception two parts.

Friendly Amendment: **TO APPROVE SE11-01 SPECIAL EXCEPTION FOR OUTDOOR SEATING PART ONE.**

Mayor Pruette was concerned about vinyl or canvas being used temporarily for wind protection.

Councilor Arthur questioned if Slider’s would be required to bring the restrooms into ADA compliance. Community Development Director Askew responded the issue of ADA requirements would be addressed by the Building Official based on the Florida Building Code.

City Manager Jarboe added the Building Official and the Fire Marshall would also address Mayor Pruette’s concern regarding the use of vinyl or canvas for temporary wind protection.

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Pardee, Tucker, Pruette

Noes: 0

MOTION CARRIED

Mayor Pruette stated the Community Development Board motion for part two of the special exception was “to add the seating not to exceed 150 seats combined interior and exterior.”

For the Record Mayor Pruette stated for the record “The increased occupancy load to 150 seats for Sliders shall meet all requirements of the Florida Building code and the Florida Fire Protection.”

Moved by Pardee, seconded by Tucker.

Motion: **TO APPROVE SE11-01, PART TWO.**

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Pardee, Tucker, Pruette

Noes: 0

MOTION CARRIED

CDB11-01
Sliders
218 First St.

CBD11-01, DEVELOPMENT ORDER, 218 FIRST STREET, SLIDERS:

Mayor Pruette stated the Community Development Board recommended approval of the development order with the same conditions as the special exception.

Moved by Pardee, seconded by Tucker.

Motion: **TO APPROVE CDB11-01.**

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Pardee, Tucker, Pruette

Noes: 0

MOTION CARRIED

Bid
Reclaimed Water

APPROVAL OF LOWEST BID / RECLAIMED WATER SYSTEM: City Manager Jarboe recommended approval of the lowest bidder for the project, WPC Industrial Contractors, Inc., for the amount of \$325,000.00. A grant has been received from the St. Johns River Water Management District in the amount of \$250,000 to cover a portion of the cost.

Moved by Pardee, seconded by Arthur.

Motion: **TO ACCEPT WPC INDUSTRIAL CONTRACTORS FOR THIS PARTICULAR JOB.**

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Pardee, Tucker, Pruette

Noes: 0

MOTION CARRIED

Wireless
Network

APPROVAL OF LOWEST BID / REPLACEMENT OF EXISTING WIRELESS NETWORK THAT SUPPORTS CITY-WIDE ACCESS CONTROL AND VIDEO SURVEILLANCE SOFTWARE: City Manager Jarboe stated this would replace the existing access control and video surveillance system.

Lt. Adam Militello explained a grant was received to provide replacement of the wireless portion of the security surveillance for critical infrastructure. The system provides video surveillance of critical infrastructure sites as well as building access control and building access badges for employees.

Councilor Pardee asked if this was State or Federal requirement. City Manager Jarboe responded cities have been required to secure all water and solid waste facilities since 9/11.

Councilor Pardee questioned if the lowest bidder was qualified. Lt. Militello replied Haste's Communications was already familiar with the system. They currently did repair work on the existing city wide radio system. They were also the contractor for the Jacksonville Fire and Rescue Department, Jacksonville Sheriff's Office, and Jacksonville Electric Authority.

Councilor Pardee asked if the equipment would be compatible with those of JFRD, JSO, and JEA. Lt. Militello responded that was correct and added that Jacksonville Beach used the same technology to replace their system.

Moved by Pardee, seconded by Tucker.

Motion: **TO APPROVE HASTE'S COMMUNICATIONS BID OF \$16,015.68.**

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Pardee, Tucker, Pruette

Noes: 0

MOTION CARRIED

City Attorney

CITY ATTORNEY SELECTION PROCESS: City Manager Jarboe asked each council member to use the matrix provided in the agenda packet to vote for their choices of candidates to interview. He and City Clerk Volpe would collect the sheets, tally the votes and announce the candidates that have been chosen to be interviewed.

Mayor Pruette asked the Council how many candidates they would like to interview.

Consensus: **TO INTERVIEW FIVE (5) CANDIDATES FOR CITY ATTORNEY.**

Mayor Pruette called for a recess while the votes were being tallied.

Mayor Pruette reconvened the meeting.

City Clerk Volpe announced the top 4 candidates that were chosen based on the number of votes each received.

<u>Candidate</u>	<u>Number of Votes Received</u>
Jeb Branham	5
Patrick Krachowski	5
Michael McCabe	4

Tim Franklin

3

City Clerk Volpe stated if the Council wanted to interview a fifth candidate they would need to choose between the three that received 2 votes each. They were Lewis, Longman, & Walker, Richard Keene, and Barry Ansbacher.

Consensus: **TO INTERVIEW THE TOP FOUR CANDIDATES.**

City Clerk Volpe asked Council if they wanted to conduct the interviews on February 17, 2011.

Consensus: **TO INTERVIEW THE CANDIDATES FOR CITY ATTORNEY ON THURSDAY, FEBRUARY 17, 2011.**

City Manager Jarboe asked Council to make a motion for a roll call vote regarding how many attorneys they wished to interview.

Mayor Pruette stated they would be interviewing the following candidates: Jeb Branham, Tim Franklin, Patrick Krachowski, and Michael McCabe.

Moved by Jolly, seconded by Tucker.

Motion: **TO INTERVIEW THESE FOUR (4) ATTORNEYS.**

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Pardee, Tucker, Pruette

Noes: 0

MOTION CARRIED

City Clerk Volpe stated she would contact the attorneys and notify them that they were chosen to be interviewed and inform them of the date and time.

Discussion ensued regarding the process of interviewing the candidates.

City Manager Jarboe suggested beginning the process by asking each candidate to come forward and introduce themselves and explain why they felt they were qualified to fill the position of City Attorney. After the introductions each Council member could ask one question of each candidate.

Councilor Pardee questioned how the salary should be negotiated. City Manager Jarboe stated a Resolution was included in the agenda packet for Council to determine the retainer as well as an hourly fee for litigation. The salary should include everything except litigation.

Councilor Pardee questioned how the candidates would be ranked based on their interviews. He felt the ranking process should be decided before interviews were conducted.

COUNCIL COMMENTS

Councilor Arthur asked Councilor Pardee to comment on the problem he had with the procedure regarding Ordinance 2011-02. Councilor Pardee explained he wanted to make a comment as to why he supported Ordinance No. 2011-02 over Ordinance No. 2011-03. He felt he was not able to speak because there was not a second to his motion. However, when the next agenda item, Ordinance 2011-04, was announced, the Mayor allowed

comments and discussion before a motion was made.

Mayor Pruette explained she usually conducts meetings adhering to Roberts Rules of Order. However, the Council at one time decided they did not always want to use Robert Rules of Order. She further explained, when a motion is not seconded, the motion is lost.

Councilor Arthur stated he would like to hear the comments Councilor Pardee wanted to make earlier in regards to Ordinance 2011-02.

Councilor Pardee stated at the January 3, 2011, regular Council meeting City Attorney White advised that ordinances adopted on an emergency basis were subject to being legally challenged. Mr. White added that emergency ordinances should only be adopted when referring to the health, welfare and safety of the public and should not be adopted for zoning issues. Based on City Attorney White's advice he felt it would better serve the City to adopt Ordinance No. 2011-02 which allowed internet cafes by special exception. He felt Ordinance No. 2011-02 was less likely to be legally challenged.

Mayor Pruette asked City Manager Jarboe to consider maintaining a Facebook page for the City. She added Facebook pages have been set up for the Neptune Beach Senior Activity Center and the Public Safety Department.

City Manager Jarboe stated he would consider the idea. He added that information regarding City business was already posted on the City website.

Adjournment

There being no further business, the meeting adjourned at 7:02 p.m.

ATTEST:

Harriet Pruette, Mayor

Lisa Volpe, CMC, City Clerk

Approved:



**MINUTES
WORKSHOP CITY COUNCIL MEETING
JANUARY 24, 2011, 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 24, 2011 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 Kara Tucker
Councilor Eric Pardee
Councilor Richard Arthur
Councilor John Jolly
City Attorney Chris White
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

Community Development Director Amanda Askew
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:

- The nitrogen project is 50% complete.
- Building Official Don Ford will be out on leave for several weeks due to health issues. A licensed contracted building official has been hired to conduct building inspections in his absence.

Mayor Pruette questioned the status of the solar power system for City Hall. City Manager Jarboe replied both grants had been approved.

PUBLIC COMMENTS

Mayor Pruette advised she would be opening a separate public hearing for anyone wishing to speak to "internet cafes."

David Baker, 1102 First Street, stated there was a problem along First Street with dog owners not cleaning up after their dogs. He suggested the City have new

property owners and tenants sign a document acknowledging they were informed of the animal control laws. He further suggested pet owners be required to register their pets with the City.

PROPOSED ORDINANCES

Election
Referendum

ORDINANCE NO. 2011-XX, ELECTION: AN ORDINANCE CALLING FOR A REFERENDUM TO AMEND SEC. 2.02 ELECTION AND TERMS, SECTION 3.05 SCHEDULE AND NOTICE OF ELECTIONS AND SECTION 3.06 CITY CANVASSING BOARD OF THE CHARTER; AND ESTABLISHING AN EFFECTIVE DATE.

Jerry Holland, Duval County Supervisor of Elections, explained the referendum would change the dates of the city election to coincide with other districts within the county. This would allow the City to hold an election in August, only if there were more than two candidates running for a Council seat. The two candidates with the most votes in the August election would then be placed on the November election ballot along with the candidates for the State and Federal election. The City would save money by eliminating the need to hold a separate runoff election after the November general election because the County would absorb the entire cost.

City Clerk Volpe stated the need for a runoff would cost the City between \$4,000 and \$5,000. She would also like to include in the referendum changing the time of the swearing in of new council members from 8:00 p.m. to 6:00 or 7:00 p.m.

Mayor Pruette asked City Attorney White if he had reviewed and approved the ordinance and referendum. City Attorney White responded "yes" he has reviewed the ordinance and referendum.

Mayor Pruette stated Council would need to pass this Ordinance on first read at the February 7, 2011, regular council meeting and adopt it on second read at the March 7, 2011 regular meeting in time for it to be placed on the ballot.

Councilor Pardee pointed out there were differences in Section 2.02 Election and terms. Whereas, what was stricken from (c) ~~The candidate or nominee receiving the clear "majority of votes for each seat" at such general election shall be declared elected.~~ was different from the new language being placed in (d) In the event that a candidate does not receive a "majority of the votes cast" in the primary election, then the names of the candidates placing first and second shall be placed on the ballot in the general election. It was his understanding the language "majority of votes for each seat" was different from the language "the majority of the votes cast." He explained the terms "all votes cast" would mean 50% plus one vote. He felt this should be amended to read "majority of all the vote's casts."

City Clerk Volpe stated she would amend Section 2.02 (d) to read 50% plus 1.

Consensus: **TO CHANGE THE LANGUAGE IN SECTION 2.02(d) TO 50 % PLUS ONE OF ALL VOTES CAST.**

Councilor Jolly was concerned about the differences in Section 3.05 Schedule and notice of elections (d) Public notice. ~~All elections held pursuant to this charter shall have at least 30 days' notice of election or referendum by publication in a local newspaper. The publication shall be made at least twice, once in the fifth week and once in the third week prior to the week in which the election or referendum is to be held.~~ Notice of General election should be noticed 30 days prior to the beginning of qualifying (3rd week and 5th week. Referendum election shall be noticed 30 days prior to the election also 3rd week and 5th week. He felt the old language was clearer.

City Attorney White advised the wording was clearer in the old form and recommended leaving the language in the original form.

Consensus: **TO LEAVE THE LANGUAGE IN SECTION 3.05(d) IN ITS ORIGINAL FORM.**

City Clerk Volpe asked Council if they wanted to change the time for swearing in new candidates. Mayor Pruette stated changing the time from 8:00 p.m. to 7:00 p.m. would be appropriate. Ms. Volpe did clarify that present council's terms would be one hour shorter.

Consensus: **TO CHANGE TIME OF SWEARING IN NEW CANDIDATES FROM 8:00 P.M. TO 7:00 P.M.**

Consensus: **FORWARD TO THE FEBRUARY 7, 2011 REGULAR COUNCIL MEETING FOR FIRST READ.**

Election
Ordinance

ORDINANCE NO. 2011-XX, AMENDING CHAPTER 9, ELECTIONS: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING THE CODE OF ORDINANCES CHAPTER 9 ELECTIONS SECTION 9-2 SCHEDULE OF ELECTIONS; SEC. 9-3 PUBLIC NOTICE OF ELECTIONS; SEC. 9-5 QUALIFYING OF CANDIDATES; SEC. 9-6 CAMPAIGN FINANCES; SEC. 9-8 REGISTRATION BOOKS; SEC. 9-9 ELECTION ADMINISTRATION AND PROVIDING AN EFFECTIVE DATE.

City Clerk Volpe explained this Ordinance could not be passed until after the vote on the referendum. Once the referendum was voted on and the Charter is amended this Ordinance would amend the Code to coincide with the Charter.

Councilor Pardee stated he had the same concern with this ordinance regarding Section 2.02(d). City Clerk Volpe stated she would amend Section 2.02(d) to coincide with the referendum.

Mayor Pruette asked what would happen if the citizens did not approve the referendum. Jerry Holland responded if the citizens did not approve the referendum the county would conduct the elections as usual and the city would have to pay the cost for a runoff if one was necessary, as has been in the past. As Supervisor of Elections he could require the City to conduct its own elections separate from the county but it was not his intent or desire to do that.

Amendment to the
Referendum

Supervisor of Elections Jerry Holland stated he would like to make the following change: Section 3.05 Schedule and notice of elections. (d) Public notice. Notice of General election should be noticed 30 days prior to the beginning of qualifying. (3rd week and the week). Referendum election shall be noticed 30 days prior to the beginning of qualifying election.

Consensus: **TO AMEND THE LANGUAGE IN SECTION 3.05 SCHEDULE AND NOTICE OF ELECTIONS (d) AS SUGGESTED BY MR. HOLLAND AS FOLLOWS TO READ AS FOLLOWS: PRIOR TO THE BEGINNING OF QUALIFYING ELECTION.**

Councilor Pardee questioned if the following change was something that was changed by the State: Section 9-6 Campaign Finances. (c) Any individual making independent expenditures in a city election as defined in F.S. 106.011(5), in the amount of ~~one hundred~~ five thousand dollars (~~\$100.00~~ \$5,000.00) or more shall be subject to, and

comply with, F.S. 106.071.

Beth Fleet, Candidate and Records Director for the Supervisor of Elections Office, explained Section 9-6(c) was in reference to political committees not an individual candidate.

City Clerk Volpe stated she would double check the Section.

Consensus: **FORWARD TO THE FEBRUARY WORKSHOP FOR DISCUSSION.**

City Manager Jarboe stated this Ordinance could not be adopted until the referendum to change the Charter was voted on and approved by the citizens.

Internet Cafés

ADULT ARCADE ORDINANCE – OPTIONS A, B, & C:

Mayor Pruette opened the public hearing.

Darryl Grubbs, 1919 Nightfall Drive, stated he visited a few local internet cafes. He would consider them social gathering places rather than an opportunity for criminal activity. He explained "internet cafés" sold internet time for customers wanting to check e-mail, surf the internet, or play computer games. They also offered a number of sweepstakes games at no charge. He added the City of Jacksonville ordinance, limiting the number of internet cafés, was prompted because they felt internet cafes were competition for local dog track poker rooms. The ordinance was not prompted due to any criminal activity. He reviewed the 170 pages of crime statistics reported to the Council by Chief Sembach. Out of the 170 pages, he found only 46 actual crime related incidents over a two year period. The owners of the internet café donate 5% of their gross revenues to charities and they would offer to donate some of those proceeds to a local charity such as the senior center.

Mr. Grubbs referenced Section 5-33(b) of Option A regarding "Each location (for an internet café) must be more than eight hundred (800) feet from another permitted location, worship facility, residential district, and establishment for the sale of alcoholic beverage for consumption on premises, hotel/motel, school or park. He asked Council to consider relaxing that stipulation because it would eliminate the location in Tradewinds Plaza.

Mr. Grubbs referenced Section 5.37(a)&(b) of Option A, regarding Business Tax Receipt and Machine Registration Fees. He felt this total annual fee of \$17,000 to operate the internet café was too much. He also did not feel it was necessary to require an armed security guard on the premises during all operating hours.

Mr. Grubbs asked the Council to consider grandfathering in his tenant because the City did not begin the process to prohibit or allow internet cafés by special exception only, until after his tenant signed a lease agreement and tried to obtain a business tax receipt. He added that he would be the first to react if there were any problems or concerns in Tradewinds Plaza.

Michael Aston, 1523 Summer Sands Drive, voiced concern about a gambling establishment being within 500 feet of the Summer Sands subdivision. He did not want a gambling establishment at his backdoor. He distributed information to the Council regarding other cities and counties that are having problems with internet cafés. He asked Council to protect the citizens of Neptune Beach by prohibiting "internet cafés"

Kerry Chin, 227A Margaret Street, Vice Chair of the Community Development Board, explained the Community Development Board recommended Council approve Option B, Section 27-225 prohibited internet cafés. The Board further recommended amending 27-225(5) that internet cafés and other related businesses be isolated in (5) and adding (6) to group the remaining prohibited uses.

Mr. Chin added it was his interpretation that Section 27-226-1, Table of Permissible Uses currently did not allow internet cafés. There was an argument that "internet cafés" were similar to "arcades." He felt that was a false association. It was his interpretation that "arcades" were establishments that utilized coin-operated amusement games while "internet cafés" utilized desktop computers for which people were buying time to surf the internet. He felt there was a huge difference between the two terms.

Mr. Chin further added it had been argued "internet cafés" fell under the definition of a "video game parlor" as described in Section 5-26, an establishment or store which has a coin or token operated video game, pinball machine or other recreational machine or device available for operation by the public. It was his interpretation an "internet café" did not fall under this definition. He felt allowing internet cafés would do the community more harm than good.

There being no further comments from the public, the public hearing was closed.

City Manager Jarboe explained Council had three options to consider: A) regulation of internet cafés, B) prohibit internet cafés, or C) allow internet cafés by special exception only. He recommended whatever option Council chose that they forward it to the following special meeting for emergency read and adoption. He explained options B & C could not be adopted as an emergency because changes to the land use code had to be advertised to the public. Therefore, he suggested Council consider adopting Option A as an emergency.

Chief Sembach stated according to statistics from the Jacksonville Sheriff's Office there are between 40 and 50 internet cafés in Jacksonville. He quoted statistics of criminal activities and felt the regulation for armed security guards should remain.

Mayor Pruette asked each Councilor what option they would like to see adopted.

Option A

Councilor Pardee was concerned about Section 5-37(a) notwithstanding any other provision of the Ordinance Code, and in accordance with Chapter 205 Florida Statutes, the exclusive annual business tax receipt for each license center shall be \$40.00 per day of operation, payable by the licensee on or before October 1 of each year for the flowing one (10 year operational period beginning on October 1). He felt \$40.00 a day was an excessive amount and questioned if it coincided with Chapter 205 Florida Statute.

Councilor Pardee questioned Section 5-33 Permitting and Fees (b) Permits Limited. Each location must be more than eight hundred (800) feet from another permitted location, worship facility, residential district, and establishment for the sale of alcoholic beverage for consumption on premises, hotel/motel, school or park. He questioned if an "internet café" would be allowed within the City at all if that requirement was enacted.

Councilor Arthur agreed the City needed to adopt regulations for "internet cafés" at the minimum. He was concerned about the timeline and did not wish to place any hardships on a business after it had been established.

Vice Mayor Tucker agreed the City needed to at least have an Ordinance to regulate "internet cafés." She was also concerned about the timeline since there was a business at stake.

Councilor Jolly also agreed the City needed to have an Ordinance in place to at least regulate "internet cafés" if they are not prohibited. He presented a list of suggested amendments to Option A for Council to consider. He further suggested Council adopt Option A tonight and work on adoption Option B with the proper advertisements.

Mayor Pruette asked if the requirement that the location for an internet café be 800 feet away from the places listed in Section 5-33(b) would prohibit any locations within the City.

Community Development Director Askew replied Section 5-33 was modeled after Chapter 4 Alcohol Sales, Section 4.4 Location of establishments. The distance is measured by following the shortest route of ordinary pedestrian travel along the public thoroughfares from the main entrance of the proposed place of business to the other main entrance. Under this condition she was not sure whether or not an internet café would be allowed in Tradewinds Plaza.

City Attorney White advised Neptune Beach was still under the scope of the City of Jacksonville ordinance. Until that ordinance is amended by a vote of the Jacksonville City Council internet cafes are not allowed in the City. Whatever Neptune Beach does during that interim will go into effect once the beaches are excluded from the county wide ordinance.

Mayor Pruette was concerned once the beaches were excluded from the City of Jacksonville ordinance, if the city did not have an ordinance in place, internet cafes would migrate to Neptune Beach. Therefore, she felt an ordinance needed to be in place to protect the City.

Mayor Pruette stated she did not understand why internet cafes were not already defined in the Code or the land use table. City Attorney White explained there were different opinions on that depending on the different interpretations.

City Attorney White advised State law required four favorable votes to adopt an ordinance on an emergency basis.

Mayor Pruette asked if Council had any other questions considering Options A, B, or C.

Consensus: **TO FORWARD OPTION A, TO THE SPECIAL MEETING IMMEDIATELY FOLLOWING THE WORKSHOP FOR EMERGENCY READ AND ADOPTION.**

Option B

ORDINANCE NO. 2011-XX, AMENDING ARTICLE IV, LAND USE: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES CHAPTER 27 UNIFIED LAND DEVELOPMENT REGULATIONS, ARTICLE IV, LAND USE, 27-225 USES EXPRESSLY PROHIBITED WITHIN ZONING DISTRICTS AND PROVIDING AN EFFECTIVE DATE.

City Manager Jarboe suggested forwarding Option B to first read in February.

City Clerk Volpe stated because Option B amended the Land Use Code it would have to be advertised for first read in February. However, if Council chose Option C they could forward it to tonight's special meeting for first read and the second reading

would be at the February 7th regular meeting.

City Attorney White added there was a timing issue with Option B because it would have to be properly advertised. The decision Council needed to make was to move forward with either Option B which would prohibit internet cafes, or Option C which would allow internet cafes by special exception limiting them to two.

City Clerk Volpe stated Council has already decided to forward Option A regarding rules and regulations for internet cafes. She explained if the Council did not want internet cafes they should move forward with Option B. If the Council wanted to allow internet cafes by special exception only and limit them to two, then they should chose to move forward with Option C.

Mayor Pruette asked each Council member to comment on the option they preferred.

Councilor Pardee voiced concern that Option B also prohibited other establishments as follows: Section 27-225(5) All zoning districts: it also adds other establishments, indoor and outdoor firing ranges other than for governmental purposes, indoor and outdoor flea markets, vendors on public rights-of-ways or public property including the beach, adult arcade amusement center, electronic game promotions, internet cafes, game centers, arcades, tattoo or body artists, pawn shops, bingo halls, billiard or pool halls, gaming video poker establishments, computer game centers, games played on individual machines or computer including any type of card token or coin operated video or simulated games, or similar activities or machines which are played for any type of compensation or reward, carriage, jitney, rickshaw or similar devices non-motorized or motorized used to transport passengers for any form of compensates.

Councilor Pardee stated he would support Option B if it were amended to strike out everything not pertaining to "internet cafes."

Mayor Pruette asked Community Development Director Askew to comment on Section 27-225(5).

Mrs. Askew explained she included the additional establishments in Section 27-225(5) because technically they were prohibited; however, they were not listed in the Table of Uses Chart.

Mayor Pruette questioned why Council was considering Option B, if these establishments were technically already prohibited by Code.

Community Development Director Askew cited Section 27-226(a)&(b). (a) All uses shall conform to the standards for each district as provided for in Table 27-226-1. Table of Permissible Uses. and (b) Because the list of permissible uses cannot include every conceivable type of activity, those uses that are listed shall be interpreted by the city manager or designee to include other uses that have similar impacts to the listed uses. She explained the uses are technically not allowed but because they were not included in the Table of Permission Uses it was not clear. If they are included in the Table of Permission Uses it will make it clearer instead of based a question of interpretation.

Mrs. Askew further explained the Community Development Board recommended Council approve Option B, with the stipulation that the establishments outlined in Section 27-225(5) that did not relate to internet cafes be removed from (5) and included in a new subparagraph (6).

Councilor Pardee agreed he would consider Option B if it only included establishments dealing specifically with internet cafes, such as, arcade amusement center and electronic game promotions.

Councilor Jolly felt the ordinance for Option B should also include definitions for those establishments in Section 27-225(a).

Vice Mayor Tucker stated she would support Option B with the amendments as well as adding the definitions. She was concerned about the timeline and the effect the pending ordinances would have on the current application made by the tenant in Tradewinds Plaza.

City Attorney White explained it was the applicant's responsibility to be aware of pending city ordinances in regards to how it would affect his application.

Mayor Pruette asked if there was a consensus to vote on the emergency read for Option A at the following special meeting. Forward Option B adding the amendments for the establishments suggested by Councilor Pardee and the definitions as suggested by Councilor Jolly.

Consensus: **FORWARD OPTION B AS AMENDED TO THE FEBRUARY 7, 2011, REGULAR COUNCIL MEETING FOR FIRST READ.**

City Clerk Volpe asked if there was a consensus to forward Option C to the special meeting for first read.

Councilor Pardee suggested moving forward with Option B and Option C.

Consensus: **FORWARD OPTION C TO THE FOLLOWING SPECIAL MEETING FOR FIRST READ. IF OPTION C FAILS THEN FORWARD OPTION B TO BE ADVERTISED FOR FIRST READ FEBRUARY 7, 2011.**

CONTRACTS / AGREEMENTS / NONE

ISSUE DEVELOPMENT / NONE

COUNCIL COMMENTS

Mayor Pruette thanked everyone who participated in the Bowl-a-Thon. She stated the sign made by resident Kerry Chin was voted 'Best Sign' and the Neptune Beach team was 2nd to raise the most money for Dial-a-Ride.

Mayor Pruette stated she would be placing the issue of Ethics Reform on the February workshop meeting agenda.

Adjournment

There being no further business, the meeting adjourned at 7:30 pm.

Harriet Pruette, Mayor

Attest:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
SPECIAL CITY COUNCIL MEETING
JANUARY 24, 2011 AT 7:30 P.M
CITY HALL, 116 FIRST STREET
NEPTUNE BEACH, FLORIDA

Pursuant to proper notice a Special Meeting of the City Council of the City of Neptune Beach was held January 24, 2011 at 7:30 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

STAFF:

Mayor Harriet Pruette
Vice Mayor Kara Tucker
Councilor Richard Arthur
Councilor John Jolly
Councilor Eric Pardee
City Attorney Chris White
City Manager James Jarboe
City Clerk Lisa Volpe, CMC

Community Development Director Amanda Askew
Director of Public Safety David Sembach

Order Call

Mayor Pruette called the special meeting to order at 7:35 p.m.

Ord. No. 2011-01

ORDINANCE NO. 2011-11, AMENDING CHAPTER 5, AMUSEMENTS, EMERGENCY READ & PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES CHAPTER 5 AMUSEMENTS AND ENTERTAINMENTS, ARTICLE II. VIDEO GAME PARLORS AND PROVIDING AN EFFECTIVE DATE.

Moved by Jolly, seconded by Tucker.

Motion: **TO ADOPT OPTION A, ORDINANCE NO. 2011-01 ON EMERGENCY READ.**

Mayor Pruette read Ordinance 2011-01 by title only and opened the public hearing.

Mr. Daryl Grubbs, 1919 Nightfall Drive, stated there were two types of machines. There are games of skill and games of chance. The Jacksonville ordinance requires \$4,500 for 50 games of chance machines and \$17,000 for the games of skill. He asked council to consider lowering the fees and amending the required distance from residential districts, and establishments for the sale of alcoholic beverage for consumption on premises,

There being no further comments from the public, the public hearing was closed.

Councilor Jolly stated he would like to amend Ordinance 2011-01 to include the amendments he presented in writing.

Mayor Pruette explained Councilor Jolly presented 13 pages of amendments before tonight's meeting and the Council has not had time to consider them.

Vice Mayor Tucker asked if the Ordinance could be amended after tonight's vote. City Attorney Chris White stated if the Ordinance is adopted tonight on an emergency basis it will be adopted in its current version.

Councilor Jolly stated he would sponsor the ordinance.

Roll Call Vote:

Ayes: 4 – Arthur, Jolly, Tucker, Pruette

Noes: 1 – Pardee

MOTION CARRIED

Ord. No. 2011-02
Option C

ORDINANCE NO. 2011-02, AMENDING CHAPTER 27 LAND USE, FIRST READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES CHAPTER 27 UNIFIED LAND DEVELOPMENT REGULATIONS, ARTICLE I, IN GENERAL, SECTION 27-15 DEFINITIONS, AND ARTICLE IV, LAND USE, SECTION 27-225 USES EXPRESSLY PROHIBITED WITHIN ZONING DISTRICTS AND TABLE 27-226-1 PERMISSIBLE USES AND PROVIDING AN EFFECTIVE DATE.

Mayor Pruette opened the public hearing.

There being no comments from the public, the public hearing was closed.

Moved by Pardee, seconded by Tucker.

Motion: **TO PASS ORDINANCE 2011-02 ON FIRST READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Pardee, Tucker, Pruette

Noes: 0

MOTION CARRIED

City Clerk Volpe stated this will be forwarded to the February 7, 2011 regular council meeting for second read.

Ord. No. 2011-XX
Option B

ORDINANCE NO. 2011-02, AMENDING CHAPTER 27, LAND USE: 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 27-225 USES EXPRESSLY PROHIBITED WITHIN ZONING DISTRICTS AND PROVIDING AN EFFECTIVE DATE.

City Clerk Volpe stated Option B will be forwarded to the February 7, 2011 regular meeting for first read.

Adjournment

There being no further business, the meeting adjourned at 7:37 p.m.

Harriet Pruette, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
SPECIAL CITY COUNCIL MEETING
JANUARY 10, 2011 AT 6:00 P.M
CITY HALL, 116 FIRST STREET
NEPTUNE BEACH, FLORIDA

Pursuant to proper notice a Special Meeting of the City Council of the City of Neptune Beach was held January 10, 2011, 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 Kara Tucker
Councilor Richard Arthur
Councilor John Jolly
City Attorney Chris White
City Manager James Jarboe
City Clerk Lisa Volpe, CMC

None

ABSENT:

Councilor Eric Pardee

Roll Call

Mayor Pruette called the special meeting to order and announced the purpose of the meeting was to consider replacing the resigning city attorney.

Mayor Pruette stated City Attorney White has given the City Council a letter of resignation. She respected his decision and wished him every future success.

For the Record

Mayor Pruette stated for the record "Mr. White has honorably and faithfully served the Council and the City of Neptune Beach for the past thirteen years. He has provided dedicated and sound legal advice in a dignified and professional manner and deserves many thanks."

Mayor Pruette stated the City Attorney position is critical and City Council needed to act quickly to find a replacement because his resignation would be effective on February 28, 2011.

Moved by Jolly, seconded by Tucker.

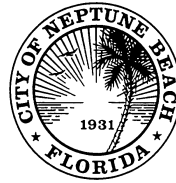
Motion: **TO APPROVE FOR DISCUSSION THE PROCESS FOR HIRING A NEW CITY ATTORNEY.**

Roll Call Vote:

Ayes: 4 – Arthur, Jolly, Tucker, Pruette

Noes: 0

Absent: 1 – Pardee



MINUTES
REGULAR CITY COUNCIL MEETING
JANUARY 3, 2011 AT 6:00 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 3, 2011, at 6:00 p.m. in the City Hall Council Chambers, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

STAFF:

Mayor Harriet Pruette
Vice Mayor Kara Tucker
Councilor Richard Arthur
Councilor John Jolly
Councilor Eric Pardee
City Attorney Christopher White
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

Community Development Director Amanda Askew
Director of Public Safety David Sembach
Deputy City Clerk Karla Strait, CMC

Order Call/Pledge

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

AWARDS / PRESENTATIONS/ RECOGNITION OF GUESTS

Mayor Pruette recognized the presence of Boy Scout Troop #282.

Mayor Pruette presented a Proclamation to James Rossey Collins for obtaining the rank of Eagle Scout on November 27, 2010.

Mayor Pruette presented a plaque to former Councilor and Vice Mayor Fred E. Lee in recognition and appreciation of his many years of service to the City.

APPROVAL OF MINUTES

Moved by Jolly, seconded by Tucker.

Minutes

Motion: **APPROVE THE FOLLOWING MINUTES:**

DECEMBER 7, 2010, REGULAR CITY COUNCIL MEETING
DECEMBER 7, 2010, SPECIAL INDUCTION CEREMONY

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Pardee, Tucker, Pruette

Noes: 0

MOTION CARRIED

Public Comments

PUBLIC COMMENTS / NONE

Mayor Pruette opened the public hearing.

There being no comments from the public, the public hearing was closed.

Agenda
Amendment

Mayor Pruette stated she was amending the agenda to move the variance appeal forward due to a schedule conflict.

Appeal V10-09
Linda Altman
1810 Fourth St.

APPEAL FOR V10-09, LINDA ALTMAN, 1810 FOURTH STREET: Appeal by Linda Altman for a decision of the Community Development Board denying three variance requests.

Mayor Pruette stated in accordance with Section 27-153 Procedure for Appeal, the Code states no new evidence may be presented unless it pertains to events or circumstances which have substantially changed since the Community Development Board's meeting. She asked Jeb Branham, Attorney and Representative for Linda Altman, if there was any new evidence that had substantially changed since the Board's decision. Mr. Branham responded he was not aware of any new evidence. Mayor Pruette stated if Council had any questions she would call on him to provide the information. She stated the Council's responsibility was to affirm, modify, or reverse the decision of the Board. The decision must be based on the information provided in the packet that was presented to the Community Development Board and to determine if the Board's decision was supported by competent substantial evidence and testimony.

City Attorney White explained when hearing an appeal Council was acting as a body in an appellant basis similar to an appellant court. An appellant court is not allowed to retry a case. The Council was not to rehear the variance but to determine from the record whether there was competent substantial evidence to support the decision of the Board.

Mayor Pruette stated the Council would take each appeal separately and vote on each one separately.

V10-09-01
Fence Height

The first variance request appeal was V10-09-01 for the fence height. Mayor Pruette asked each Councilor to state whether or not they believed the decision of the CDB was supported by competent substantial evidence and testimony.

Councilor Pardee stated he felt the decision of the CDB was not supported by competent substantial evidence. He felt there was confusion among the Board as to which side of the lot was the front and which side of the lot was the side. He agreed Mr. Branham was correct in his interpretation of Section 27-147. He interpreted the front of yard as facing Myra Street and the side yard facing Fourth Street. The Code did not state the smallest side of a corner lot should be considered the front yard. He felt the Board was given deficient evidence from staff, that the front yard faced Myra Street, and thereby based their decision on incompetent evidence. He supported reversing the decision of the Board and approving the variance request.

Councilor Arthur felt there was sufficient evidence to support the decision of the Board. He felt whether the side yard in question was the front or the side yard, the fence would still have a four foot height limitation.

Councilor Jolly also felt the Board had enough evidence to determine their decision. The Code was clear that you could not have more than a four foot fence on either side of a corner.

Councilor Tucker agreed the Board had enough information to support their decision.

Mayor Pruette stated she agreed with the decision of the Board.

Moved by Jolly, seconded by Arthur.

For the Record

Jeb Branham stated for the record that he would like an opportunity to address the Council or have the record reflect that he was not given the opportunity.

Mayor Pruette invited Mr. Branham to speak and reminded him that new evidence could not be heard.

Mr. Jeb Branham explained why he felt the variance requests met the criteria of the seven finding of facts.

- 1) The property was unique because there were telecommunication facilities adjacent to what he considered the side yard of the property. Because of the way the property was configured the only usable exterior space was the side yard. The rear yard is three feet wide and virtually an alley.
- 2) There was no usable exterior space on the parcel other than the side yard and it is reasonable to have some degree of privacy on the side yard.
- 3) There were no neighbors or adjacent property owners opposing the variance request. There was no indication that it would diminish property values. If anything it would increase property values. The fence would not be any higher than the one that was there before.
- 4) It would not have an adverse affect on property values or adjacent properties.
- 5) He did not see anything in the ULDC that prevented the placement of the fence. There were a number of six foot fences in the area including one directly across the street from this property.
- 6) The need for the variance is created by the presence of the telecommunications facilities and the configuration of the lot.
- 7) The variance would not confer any special privileges.

Mr. Branham felt the findings of facts had been met. He did not see any evidence in the seven findings of facts to support the decision of the Community Development Board to deny the variance requests.

Motion: **TO AFFIRM THE DECISION OF THE COMMUNITY DEVELOPMENT BOARD FOR V10-09-1, FENCE HEIGHT.**

Roll Call Vote:

Ayes: 4 – Arthur, Jolly, Tucker, Pruette

Noes: 1 – Pardee

MOTION CARRIED

V10-09-02
Accessory
Structure

The second variance request appeal was V10-09-02 for the accessory structure.

Mayor Pruette asked Mr. Branham if he would like to speak to the second variance appeal.

Mr. Jeb Branham explained the accessory structure and the outside stairway were both to be located in what he considered to be the side yard of the lot. The issue of the request is "what is the side yard." There is nothing in the Code that supports staff's interpretation that the side yard should be on Fourth Street. The accessory structure and the stairs would be allowed without a variance in a side yard. Section 27-235-5 stated that outside stairways could extend up to four feet from a building into a required yard. The proposed stairs would extend three feet from the building and should not require a variance under any circumstances.

Mayor Pruette asked each councilor to state their opinion.

Councilor Jolly affirmed the decision of the Board.

Councilor Tucker stated she also affirmed the decision of the Board.

Councilor Arthur believed the Community Development Board had competent substantial evidence to support their decision.

Councilor Pardee agreed with Mr. Branham that the Board did not have competent substantial evidence. He felt anyone driving by the house would agree the front of the house faced Fourth Street.

Mayor Pruette also felt evidence was present to support the decision of the Board.

Moved by Jolly, seconded by Tucker.

Motion: **TO AFFIRM THE DECISION OF THE COMMUNITY DEVELOPMENT BOARD FOR V10-09-2, ACCESSORY STRUCTURE.**

Roll Call Vote:

Ayes: 4 – Arthur, Jolly, Tucker, Pruette

Noes: 1 – Pardee

MOTION CARRIED

V10-09-03
Outside Stairway

The third variance request appeal was V10-09-03 for the outside stairway.

Mr. Branham added, regardless of how you configure the home the stairs should be allowed under Section 27-235-5 which allows stairways to be built four feet off of a building.

Councilor Pardee stated his position on this request was the same as his position for the first two.

Councilor Arthur felt the staff and the Community Development Board had competent evidence.

Councilors Tucker and Jolly agreed with the decision of the Community Development Board.

Moved by Jolly, seconded by Tucker.

Motion: **TO AFFIRM THE DECISION OF THE COMMUNITY DEVELOPMENT BOARD FOR V10-09-3, OUTSIDE STAIRWAY.**

Roll Call Vote:

Ayes: 4 – Arthur, Jolly, Tucker, Pruette

Noes: 1 – Pardee

MOTION CARRIED

For the Record Mayor Pruette stated for the record Council received, in their agenda packet, a verbatim of the Community Development Board meeting along with photos and other evidence that was presented to the Board.

COMMUNICATIONS AND CORRESPONDENCE

Councilors Pardee, Arthur, and Jolly disclosed they had spoken previously with Mr. Daryl Grubbs regarding internet cafés.

Mayor Pruette stated she also spoke with Mr. Grubbs.

City Manager Jarboe recommended deferring Ordinances 2011-01 and 2011-02 to the workshop meeting for discussion.

CITY MANAGER REPORT

City Manager Jarboe stated the holiday decorations that were stolen from Town Center had been recovered and the thief was captured by Atlantic Beach police.

COMMENTS FROM THE PUBLIC / NONE

CONSENT AGENDA / NONE

VARIANCES / NONE

ORDINANCES

Ord. No. 2010-22 ORDINANCE NO. 2010-22, AMENDING CHAPTER 13, NOISE, SECTION 13-5, NOISE PROHIBITED, SECOND READ AND PUBLIC HEARING: AN ORDINANCE AMENDING THE CODE ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA CHAPTER 13 NOISE, SECTION 13-5 NOISE PROHIBITED; UNNECESSARY NOISE STANDARD; STATEMENT OF INTENT; SWORN COMPLAINT REQUIRED; PROPERTY OWNER RESPONSIBILITY AND PROVIDING AN EFFECTIVE DATE.

Mayor Pruette agreed to sponsor the Ordinance.

Mayor Pruette read Ordinance No. 2010-22 by title only and opened the public hearing.

There being no comments from the public, the public hearing was closed.

Moved by Jolly, seconded by Tucker.

Motion: **TO ADOPT ORDINANCE NO. 2010-22 ON SECOND READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Pardee, Tucker, Pruette

Noes: 0

MOTION CARRIED

- Ord. No. 2011-01 ORDINANCE NO. 2011-01, AMENDING CHAPTER 5: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES CHAPTER 54 AMUSEMENTS AND ENTERTAINMENT, ARTICLE II. VIDEO GAME PARLORS AND PROVIDING AN EFFECTIVE DATE.
- Ord. No. 2011-02 ORDINANCE NO. 2011-02, AMENDING CHAPTER 27: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES CHAPTER 27 UNIFIED LAND DEVELOPMENT REGULATIONS, ARTICLE I, IN GENERAL , SECTION 27-15 DEFINITIONS, AND ARTICLE IV, LAND USE, TABLE 27-226-1 PERMISSIBLE USE AND PROVIDING AN EFFECTIVE DATE.

Mayor Pruette stated if there were no objections she would like to forward Ordinances 2011-01 and 2011-02 to the January workshop.

Mayor Pruette invited Mr. Daryl Grubbs, owner of Tradewinds Plaza, to address the Council regarding his prospective tenants request to open an internet café.

Mr. Daryl Grubbs, 1919 Nightfall Drive, owner of Tradewinds Plaza, Atlantic Boulevard, explained he had a tenant that wanted to establish an internet café in Tradewinds Plaza. He was informed the City of Jacksonville adopted an ordinance limiting internet cafes, but that the ordinance did not affect the beaches, so he agreed to sign a lease agreement with the tenant. When the tenant tried to obtain a Business Tax Receipt, to open the business, he was informed by the City of Neptune Beach that the COJ ordinance did pertain to the Beaches' districts. Mr. Grubbs then contacted City of Jacksonville Councilman Dick Brown who agreed the ordinance should not have affected the Beach cites and stated he would introduced a new ordinance for the City of Jacksonville to consider that would exempt the beach cites. His concern now is the two proposed Neptune Beach ordinances that are being considered that would not allow internet cafes. Mr. Grubbs asked Council to support him in allowing the internet café to be established.

Mayor Pruette stated the Council would be considering the ordinances at the January 24th workshop meeting.

Mr. Grubbs questioned if his tenant would be issued a Business Tax Receipt to open the business if the City of Jacksonville adopted the new ordinance before Neptune Beach adopted proposed Ordinances 2011-01 and 2011-02. City Manager Jarboe responded if the City of Jacksonville adopted the ordinance exempting the Beaches' districts at the January 11, 2011 meeting the tenant would be eligible to obtain a permit as long as he met all other requirements for a license.

Discussion ensued regarding the City of Jacksonville enacting ordinances affecting the Beach cities without giving the required seven day notice.

City Manager Jarboe stated the City of Jacksonville had a right to adopt countywide ordinances with the exception of zoning issues. However, they were required to give the districts within the county a seven day notice. Mayor Pruette wrote a letter to Jacksonville City Councilman Dick Brown requiring that the seven day notice be mandatory.

Councilor Jolly suggested Mayor Pruette compose a letter to the Jacksonville City Council requesting they delay action on the new ordinance. This would allow Neptune Beach time to adopt our own ordinances governing internet cafes.

Mayor Pruette stated she would consider writing the letter.

City Attorney White explained ordinances passed on emergency basis were subject to being challenged. He advised that emergency ordinances should only refer to the health, safety, and general welfare of the public and should not be used for zoning issues. He advised if the City of Jacksonville adopted the ordinance excluding the Beaches from their existing ordinance which allows internet cafes and Neptune Beach does not have an ordinance in place disallowing internet cafes then the tenant is eligible to apply for and be granted permission to open an internet café. The only way to avoid that is if the City of Jacksonville did not adopt the ordinance to exclude the Beaches until Neptune Beach has something in place.

Councilor Pardee suggested the new Council abide by Section 2-46 requiring that ordinances be sponsored by a council member and reviewed by the city attorney.

Consensus: **FORWARD ORDINANCES 2011-01 AND 2011-02 TO THE JANUARY 24, 2011 WORKSHOP MEETING.**

City Attorney White stated the City of Jacksonville is required to notify the districts within the Interlocal Agreement when an ordinance would apply to the entire county. However, there was language included that "their failure to do so does not invalidate the application of the ordinance". He felt that particular language needed to be removed.

Mayor Pruette asked Chief David Sembach if he had any comments regarding internet cafes.

Chief David Sembach stated internet cafes were illegal until the City of Jacksonville made them legal by adopting the ordinance. The term "internet café" is misleading in that they are not places people go to have coffee and work on the internet. They were actually gambling parlors where people sit and play machines. He felt internet cafes would breed crime. As Chief of Police it was his duty to prevent crime and he did not want internet cafes in Neptune Beach.

OLD BUSINESS / NONE

NEW BUSINESS

Res. No. 2011-01 **RESOLUTION NO. 2011-11: A RESOLUTION APPOINTING MEMBERS TO THE POLICE OFFERS RETIREMENT BOARD.**

Moved by Pardee, seconded by Jolly.

Motion: **TO ADOPT RESOLUTION NO. 2011-01.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Tucker, Weldon, Pruette

Noes: 0

MOTION CARRIED

911 Agreement **911 AGREEMENT:**

Moved by Pardee, seconded by Tucker.

Motion: **TO APPROVE THE 911 USER FEE AGREEMENT.**

Ayes: 5 – Arthur, Jolly, Pardee, Tucker, Pruette
Noes: 0

MOTION CARRIED

COUNCIL COMMENTS

Mayor Pruette stated the second Annual Bowl-a-Thon to benefit Dial-a-Ride would be held on Saturday, January 22, 2011. She invited everyone to participate.

Adjournment

There being no further business, the meeting adjourned at 7:09 p.m.

ATTEST:

Harriet Pruette, Mayor

Lisa Volpe, CMC, City Clerk

Approved:

MOTION CARRIED

City Manager Jarboe suggested the City Clerk advertise the position in the Florida Times Union. The advertisement would ask interested attorney's to provide a resume and salary requirements. Experience in code enforcement, land use, and litigation were important issues to consider. He suggested Council review the resumes at the February 7, 2011, meeting and select three or four candidates to be interviewed at the February 28, 2011 meeting. A special meeting could be held to make a selection.

City Attorney White stated he would not be involved in the selection process and felt it would be unfair for him to make recommendations. If anyone had any questions regarding the process they could call him at his office. He advised the budget for legal services would most likely increase because the City would be charged more on an hourly basis. He felt Council should consider a figure for a retainer that would cover attendance at meetings and day to day business along with an hourly rate to cover litigation, administrative proceedings, and other legal services. He suggested looking for someone who is well versed in municipal law and could litigate land use issues. He cautioned against hiring a large firm.

Vice Mayor Tucker agreed the new attorney should have experience in litigation and land use. She also agreed with selecting three or four top candidates to interview. She thanked Mr. White for his service and stated she had enjoyed working with him.

City Attorney White questioned how the candidates would be narrowed down for an interview. City Manager Jarboe replied each council member would receive copies of all the resumes that were submitted. The top candidates would be selected at the February 7, 2011 by use of a number ranking system. The top candidates would be interviewed by the Council at the February 28, 2011 meeting.

Councilor Jolly asked City Attorney White what information and qualifications the city should request in the advertisement. City Attorney White replied the advertisement should request a detailed professional biography with emphasize on experience in municipal land use law and related litigation.

City Manager Jarboe stated Council should not procrastinate and leave the city without legal counsel. City Attorney White responded as a professional obligation he would work with his successor on litigation issues that were pending.

Councilor Arthur questioned what Council should expect to pay as a retainer and hourly fee. City Attorney White replied if Council wanted an attorney to attend meetings, the attorney should have a retainer as well as an hourly fee for other legal services. He cautioned choosing the attorney with the lowest retainer because hourly fees could be billed to make up the difference. He suggested reviewing the contracts of attorneys in similar cities.

Councilor Arthur asked if Council should consider salary requests before conducting interviews. City Attorney White stated salary requests should be submitted with the resumes. City Manager Jarboe felt Council should consider the person and then negotiate a salary.

City Attorney White stated Council could make a selection and then negotiate a salary. If salary negotiations did not work out with the first candidate they could negotiate a salary with the second.

Mayor Pruette stated she would like candidates to submit salary requirements with their resumes. Councilor Arthur agreed. City Attorney White stated the City should ask in the advertisement that candidates provide their salary requirements along with resumes.

City Clerk Volpe stated there was a three day deadline to place an advertisement in the Florida Times Union. If she sent in the advertisement tomorrow it could be in the paper on Friday. She suggested setting a deadline for receiving resumes for 12:00 p.m., January 28, 2011. This would allow Council a full ten days to review them before the meeting on February 7th.

City Attorney White advised some applicants may want to telephone council members with questions. He felt questions should be directed to the City Clerk or City Manager. Mayor Pruette stated she would prefer questions be directed to the City Manager. City Attorney White asked City Clerk Volpe to state in the ad that all questions be directed to the City Manager.

Councilor Arthur questioned who would draft the contract for the new City Attorney. City Manager Jarboe responded the candidate that is selected would provide a "letter of agreement" and Council could choose whether or not they wanted to add or delete any language.

City Attorney White stated Council could agree on the record to the terms and conditions of the contract and have it prepared after the person is hired. The contract would be simple. It would include compensation, termination, and whether or not there is a severance or if the person is serving at will.

Consensus: **MOVE FORWARD WITH THE SEARCH FOR A NEW CITY ATTORNEY.**

Roll Call Vote:

Ayes: 4 – Arthur, Jolly, Tucker, Pruette

Noes: 0

Absent: 1 – Pardee

MOTION CARRIED

Adjournment

There being no further business, the meeting adjourned at 6:35 p.m.

Harriet Pruette, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
SPECIAL CITY COUNCIL MEETING
DECEMBER 7, 2010, AT 8:00 P.M.
CITY HALL, 116 FIRST STREET
NEPTUNE BEACH, FLORIDA

Pursuant to proper notice a Special Meeting of the City Council of the City of Neptune Beach was held December 7, 2010, at 8:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

The following Council members and staff were in attendance:

Mayor Harriet Pruette
Vice Mayor John Weldon
Councilor Eric Pardee
Councilor Kara Tucker
City Attorney Chris White
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

STAFF:
Community Development Director Amanda Askew
Senior Activity Center Director Leslie Lyne
Director of Finance Steve Ramsey
Director of Public Safety Chief Sembach
Director of Public Services Leon Smith
Deputy City Clerk Karla Strait, CMC

Order call

Mayor Pruette called the special meeting to order at 8:00 p.m.

Invocation and Pledge

Mayor Pruette asked Councilor Weldon to lead the Pledge of Alliance.

Councilor Weldon asked the incoming Council to continue the effort to keep Neptune Beach a desirable place to live.

Mayor Pruette stated Councilor Weldon accomplished many things during his term including the following:

- Serving as Chairperson on the Planning of Development Review Board during the Land Use Code revisions
- Proposing the ordinance for the 35 foot height limit
- limiting commercial building size to 60,000 square feet
- development of the new Publix Shopping Center
- protecting the tree canopy, the marshlands, and the environment.

Mayor Pruette presented a plaque to Councilor Weldon in recognition and appreciation of his many years of service to the City.

Oaths of Office

OATHS OF OFFICE:

City Clerk Lisa Volpe administered the Oath of Office to Richard Arthur and John Jolly, whereupon they each, respectively, assumed the duties of their elected office.

**Presentation of
Certificate of Election**

PRESENTATION OF CERTIFICATE OF ELECTION: City Clerk Volpe presented a Certificate of Election to Councilor Arthur for Seat 4 and Councilor Jolly for Seat 5

Council Comments

Councilor Jolly thanked the voters and promised to do a good job.

Councilor Arthur stated he was excited and looking forward to being part of the solutions to problems facing our city. He felt there were a lot of opportunities to improve our City.

Councilor Pardee welcomed the new council members.

Councilor Tucker congratulated the new council members and stated she was looking forward to working with the new council.

Mayor Pruette also welcomed the new council members and was looking forward to working with them. She hoped the Council could reason and debate with one another and still remain friends outside the council chambers. She thanked City Manager Jarboe and all the staff for making the Councils job easier.

Jan. & Feb. 2011
Council Mtgs.

City Clerk Volpe asked if the workshop meetings for January and February could be held on the fourth Monday due to the third Monday's both falling on holidays.

Consensus: **TO HOLD THE JANUARY AND FEBRUARY 2011 WORKSHOP MEETINGS ON THE FOURTH MONDAY IN LIEU OF THE THIRD MONDAY.**

Appointment of
Vice- Mayor

ELECTION OF VICE-MAYOR: Pursuant to Section 2.04(b), City Charter, Mayor Pruette opened the floor for nominations for Vice Mayor.

Councilor Jolly nominated Councilor Tucker to serve as Vice Mayor.

There being no further nominations, Mayor Pruette closed the floor and asked City Clerk Volpe to call the roll.

Roll Call Vote to elect Councilor Tucker to serve as Vice Mayor:

Ayes: 5 – Arthur, Jolly, Pardee, Tucker, Pruette

Noes: 0

Results: **COUNCILOR TUCKER TO SERVE AS VICE MAYOR.**

Adjournment

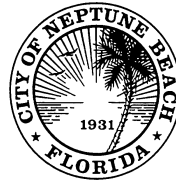
There being no further business, the meeting adjourned at 8:11 p.m.

Harriet Pruette, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
REGULAR CITY COUNCIL MEETING
DECEMBER 7, 2010 AT 7:30 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 December 7, 2010, at 7:30 p.m. in the City Hall Council Chambers, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

STAFF:

Mayor Harriet Pruette
Councilor Eric Pardee
Councilor Kara Tucker
Councilor John Weldon
City Attorney Christopher White
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

Community Development Director Amanda Askew
Senior Activity Center Director Leslie Lyne
Director of Finance Steve Ramsey
Director of Public Safety David Sembach
Director of Public Services Leon Smith
Deputy City Clerk Karla Strait, CMC

Order Call/Pledge

Mayor Pruette called the meeting to order at 7:30 p.m. and asked Councilor Tucker to lead the Pledge of Allegiance.

AWARDS / PRESENTATIONS/ RECOGNITION OF GUESTS / NONE

APPROVAL OF MINUTES

Moved by Tucker, seconded by Weldon.

Minutes

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

NOVEMBER 1, 2010, WORKSHOP CITY COUNCIL MEETING
NOVEMBER 15, 2010, WORKSHOP CITY COUNCIL MEETING
NOVEMBER 15, 2010 SPECIAL CITY COUNCIL MEETING

Roll Call Vote:

Ayes: 4 – Pardee, Tucker, Weldon, Pruette

Noes: 0

MOTION CARRIED

COMMUNICATIONS AND CORRESPONDENCE

Councilor Weldon questioned if the pump for the package treatment plant had arrived from Italy. City Manager Jarboe responded it should arrive within two weeks.

Councilor Weldon questioned the status of the solar power grant. City Manager Jarboe stated he had received information that some manufacturers would love to be the first to install solar power for a City.

CITY MANAGER REPORT / NONE

COMMENTS FROM THE PUBLIC / NONE

CONSENT AGENDA / NONE

VARIANCES / NONE

ORDINANCES

Ord. No. 2010-19 ORDINANCE NO. 2010-19, AMENDING CHAPTER 23, UTILITIES, SECOND READ AND PUBLIC HEARING: AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF NEPTUNE BEACH FLORIDA, AMENDING CHAPTER 23, UTILITIES, ARTICLE III. SEWERS AND SEWAGE DISPOSAL, SECTION 23-53 SAME RECOVERY OF CITY COSTS, AND PROVIDING AN EFFECTIVE DATE.

Mayor Pruetto read Ordinance No. 2010-19 by title only and opened the public hearing.

City Clerk Volpe stated the ordinance numbers had been adjusted from first read.

There being no comments from the public, the public hearing was closed.

Moved by Weldon, seconded by Tucker.

Motion: **TO ADOPT ORDINANCE NO. 2010-19 ON SECOND READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 4 - Pardee, Tucker, Weldon, Pruetto

Noes: 0

MOTION CARRIED

Ord. No. 2010-20 ORDINANCE NO. 2010-20, AMENDING CHAPTER 27, ADDING SANDWICH BOARD SIGNS, SECOND READ AND PUBLIC HEARING: AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF NEPTUNE BEACH, FLORIDA CHAPTER 27 UNIFIED LAND DEVELOPMENT REGULATIONS AMENDING SECTION 27-576 DEFINITIONS AND ADDING 27-584-A SANDWICH BOARD SIGNS AND PROVIDING AN EFFECTIVE DATE.

Mayor Pruetto read Ordinance No. 2010-20 by title only and opened the public hearing.

There being no comments from the public, the public hearing was closed.

Moved by Pardee, seconded by Tucker.

Motion: **TO ADOPT ORDINANCE NO. 2010-20 ON SECOND READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 4 – Pardee, Tucker, Weldon, Pruetto

Noes: 0

MOTION CARRIED

Ord. No. 2010-21 ORDINANCE NO. 2010-21, AMENDING CHAPTER 27, ALLOWABLE USES WITHIN ZONING DISTRICT, SECOND READ AND PUBLIC HEARING: AN ORDINANCE AMENDING THE CODE OF ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, CHAPTER 27 UNIFIED LAND DEVELOPMENT REGULATIONS AMENDING SECTION 27-227, SPECIAL RESTRICTIONS AND CONDITIONS ON ALLOWABLE USES WITHIN ZONING DISTRICTS AND PROVIDING AN EFFECTIVE DATE.

Mayor Pruette read Ordinance No. 2010-21 by title only and opened the public hearing.

There being no comments from the public, the public hearing was closed.

Moved by Tucker, seconded by Weldon.

Motion: **TO ADOPT ORDINANCE NO. 2010-21 ON SECOND READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 4 – Lee, Pardee, Tucker, Pruette

Noes: 0

MOTION CARRIED

Ord. No. 2010-22 ORDINANCE NO. 2010-22, AMENDING CHAPTER 13, NOISE, SECTION 13-5, NOISE PROHIBITED, FIRST READ: AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF NEPTUNE BEACH, FLORIDA CHAPTER 13 NOISE, SECTION 13-5 NOISE PROHIBITED; UNNECESSARY NOISE STANDARD; STATEMENT OF INTENT; SWORN COMPLAINT REQUIRED; PROPERTY OWNER RESPONSIBILITY AND PROVIDING AN EFFECTIVE DATE.

City Attorney White stated this amendment corrected language in paragraph 2 to correspond with language in paragraph 1, regarding sworn complaints and/or police reports. Also in paragraph 1 the word residential was removed so it would also apply to commercial property.

Moved by Weldon, seconded by Tucker.

Motion: **TO PASS ORDINANCE NO. 2010-22 ON FIRST READ.**

Roll Call Vote:

Ayes: 4 – Pardee, Tucker, Weldon, Pruette

Noes: 0

MOTION CARRIED

OLD BUSINESS

Anglican Church APPROVAL OF REQUEST FOR RESURRECTION ANGLICAN CHURCH TO USE JARBOE PARK FOR A CHRISTMAS MOVIE ON FRIDAY DECEMBER 17, 2010. City Manager Jarboe recommended approval and suggested Council allow the City Manager to approve such requests in the future.

Moved by Weldon, seconded by Tucker.

Motion: **TO DIRECT THE CITY MANAGER TO AUTHORIZE THE RESURRECTION ANGLICAN CHURCH TO USE JARBOE PARK AS LONG AS THEY MEET THE GUIDELINES.**

Roll Call Vote:

Ayes: 4 – Pardee, Tucker, Weldon, Pruette

Noes: 0

MOTION CARRIED

NEW BUSINESS

Res. No. 2010-12 **RESOLUTION NO. 2010-12: A RESOLUTION AMENDING THE PERSONNEL POLICY OF THE CITY OF NEPTUNE BEACH.**

City Manager Jarboe explained this Resolution added brother-in-law and sister-in-law to the definition of “family” in the personnel policy.

Moved by Weldon, seconded by Tucker.

Motion: **TO ADOPT RESOLUTION NO. 2010-12.**

Roll Call Vote:

Ayes: 4 – Pardee, Tucker, Weldon, Pruette

Noes: 0

MOTION CARRIED

Res. No. 2010-13 **RESOLUTION NO. 2010-13: A RESOLUTION APPOINTING MEMBERS TO THE CODE ENFORCEMENT BOARD AND THE COMMUNITY DEVELOPMENT BOARD.**

Mayor Pruette asked the appointees to stand and be recognized.

Moved by Pardee, seconded by Tucker.

Motion: **TO ADOPT RESOLUTION 2010-13.**

Ayes: 4 – Pardee, Tucker, Weldon, Pruette

Noes: 0

MOTION CARRIED

CDB10-09
Seminole
Shoppes

CDB10-09, SPECIAL EXCEPTION FOR SEMINOLE SHOPPES, LLC, FOR OUTDOOR SEATING BETWEEN 626 ATLANTIC BOULEVARD AND 620 ATLANTIC BOULEVARD.

Mr. Michael Hirschberg, representative for Hurricane Wings and Grill, explained the Community Development Board recommended approval of the special exception for outdoor dining with the condition that there be no outdoor music acts or amplified activity. The applicant did not intent to establish a bar like atmosphere but they would like to be allowed to play low level music outdoors in an effort to drown out some of the noise from Atlantic Boulevard.

Councilor Pardee disclosed he had spoken with Mr. Hirschberg regarding the request prior

to the meeting.

Councilor Weldon asked if staff was agreeable to changing the condition to allow low level music outdoors. City Manager Jarboe suggested making the condition subject to the noise ordinance. Community Development Askew stated because the property did not abut residential property and staff was okay with low level music. Mayor Pruetto stated she would support it but if there were complaints the owners would be hearing from the city.

Moved by Pardee, seconded by Tucker.

Motion: **TO APPROVE CDB10-09, 626 TO 620 ATLANTIC BOULEVARD, SPECIAL EXCEPTION FOR OUTDOOR SEATING SUBJECT TO THE EXISTING NOISE ORDINANCE.**

Roll Call Vote:

Ayes: 4 – Pardee, Tucker, Weldon , Pruetto

Noes: 0

MOTION CARRIED

COUNCIL COMMENTS

Councilor Pardee felt Council needed to discuss possible changes regarding the people dressed/acting as Santa, Mrs. Santa, and the Elves at the annual Christmas in the Park event.

Mayor Pruetto stated he could place the issue on a workshop.

Adjournment

There being no further business, the meeting adjourned at 7:52 p.m.

ATTEST:

Harriet Pruetto, Mayor

Lisa Volpe, CMC, City Clerk

Approved:



**MINUTES
WORKSHOP CITY COUNCIL MEETING
NOVEMBER 15, 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 November 15, 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

Community Development Director Amanda Askew
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:

- There has been some confusion regarding the grant from the City of Jacksonville for the solar power. He hoped to have it settled this week.
- The construction of the package plant has begun but the City is waiting for a filter to arrive from Italy. It should be completed by April of 2012.

Mayor Pruette asked City Manager Jarboe if he had information concerning the trash compactors for the Southcoast development order. City Manager Jarboe replied on average it would cost Southcoast \$700.00 less per year for the trash compactors. Southcoast would need to rebuild and reinforce the existing concrete pads.

Councilor Weldon questioned if the information Council received from Southcoast for the development order was inaccurate. City Manager Jarboe replied the applicant did not have knowledge of the actual cost for the compactors at that time.

Councilor Weldon added if the facts had been presented at the meeting Council may have addressed the development order differently. City Manager Jarboe explained he would be meeting with Southcoast this week regarding the matter.

For the Record Councilor Weldon stated for the record "it is a really important priority that the compactors be part of the overall development and if the data presented was inaccurate and gave Council a poor basis for which to make a decision it may become necessary to reopen that development order." He asked Council to reconsider approval of the development order in light of the inaccurate information provided by Southcoast.

Mayor Pruette stated it would be beneficial to both Southcoast and Town Center for Southcoast to exchange the dumpsters for compactors.

PUBLIC COMMENTS / NONE

PROPOSED ORDINANCES

Sandwich Board
Signs

ORDINANCE NO. 2010-XX, SANDWICH BOARD SIGNS: AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF NEPTUNE BEACH, FLORIDA CHAPTER 27 UNIFIED LAND DEVELOPMENT REGULATIONS AMENDING SECTION 27-576 DEFINITIONS AND ADDING SECTION 27-584 SANDWICH BOARD SIGNS AND PROVIDING AN EFFECTIVE DATE.

City Manager Jarboe explained this Ordinance would help the businesses. He suggested the following amendment: Sandwich board signs placed in violation of this section will result in immediate removal of the sign and ~~the business sandwich board sign permit~~ privileges will be denied shall be revoked for the remainder of that year.

Councilor Weldon added the amendment would make this Ordinance consistent with the Ordinance for outdoor sales.

Vice Mayor Lee asked if a warning would be given to violators before privileges were revoked. City Manager Jarboe replied a warning would be given by the Code Enforcement Officer before the violation was sent to the Code Enforcement Board.

Councilor Pardee suggested the business owners come in to City Hall to review the ordinance and sign a document agreeing to the terms.

Consensus: **TO FORWARD TO THE FOLLOWING SPECIAL MEETING AMENDED AS FOLLOWS: "SANDWICH BOARDS SIGNS PLACED IN VIOLATION OF THIS SECTION WILL RESULT IN IMMEDIATE REMOVAL OF THE SIGN AND THE SANDWICH BOARD SIGN PRIVILEGES SHALL BE REVOKED FOR THE REMAINDER OF THAT YEAR.**

CONTRACTS / AGREEMENTS / NONE

ISSUE DEVELOPMENT

Outdoor Sales

Temporary Suspension of Outdoor Sales and / or ORDINANCE NO. 2010-20, OUTDOOR SALES: AN ORDINANCE AMENDING THE CODE OF ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA CHAPTER 27 UNIFIED LAND DEVELOPMENT REGULATIONS AMENDING SECTION 27-227, SPECIAL RESTRICTIONS AND CONDITIONS ON ALLOWABLE USES WITHIN ZONING DISTRICTS AND PROVIDING AN EFFECTIVE DATE.

Mayor Pruette stated outdoor sales could be permitted by approving a temporary suspension of outdoor sales or by adopting an ordinance.

City Manager Jarboe stated he would prefer the Council adopt an ordinance. He recommended approval of the ordinance with the following amendment: (5)a ~~events~~ by Neptune Beach general retail stores may have outside sales ~~be held~~ on the premises of their licensed store. (5)f needs to remain as follows: outdoor sales of fireworks are prohibited.

Councilor Pardee asked if the businesses would be required to obtain a permit for outdoor sales. Community Development Director Askew explained it was included in the ordinance that stores must apply for a yearly permit approved by the city manager or his designee.

Councilor Weldon stated he would prefer an ordinance to outdoor sales because it would provide for standards and regulations. He had concerns regarding poorly organized or non-regulated outdoor sales and felt outdoor sales should be regulated carefully.

Mayor Pruette questioned if Council should review the ordinance after a certain time period.

Vice Mayor Lee suggested a six month period with an annual review.

Councilor Pardee questioned (a)8 of the ordinance regarding tents. City Manager Jarboe explained this would avoid tents being placed in parking lots and taking up parking spaces that were required by the development order.

Consensus: **FORWARD TO THE FOLLOWING SPECIAL MEETING AS AMENDED.**

Youth Council

CREATION OF YOUTH CITY COUNCIL: Councilor Tucker stated she would like to table the request to create a Youth Council until she could gather more information.

Personnel Policy Change

PERSONNEL POLICY CHANGE: City Manager Jarboe explained during the union negotiations employees were concerned the definition of "family" did not include "brother-in-law" or "sister-in-law". He had suggested adding those terms to the personnel policy in lieu of the union contract.

City Clerk Volpe stated the amendment would have to be done through adoption of a Resolution. She would prepare the Resolution for the December regular meeting.

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

Resurrection Anglican Church

RESURRECTION ANGLICAN CHURCH – REQUEST FOR USE OF JARBOE PARK FOR CHRISTMAS MOVIE: City Manager Jarboe explained the Resurrection Anglican Church previously showed movies in Jarboe Park without complaints. He recommended approval and also suggested that Council allow the City Manager to approve such requests in the future.

Consensus: **TO APPROVE THE RESURRECTION ANGLICAN CHURCH TO HAVE A CHRISTMAS MOVIE IN JARBOE PARK AND ALLOW THE CITY MANAGER TO APPROVE FUTURE REQUESTS ON A CASE BY CASE BASIS.**

Adjournment

There being no further business, the meeting adjourned at 6:25 pm.

Attest:

Harriet Pruetten, Mayor

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
SPECIAL CITY COUNCIL MEETING
NOVEMBER 15, 2010 AT 6:25 P.M
CITY HALL, 116 FIRST STREET
NEPTUNE BEACH, FLORIDA

Pursuant to proper notice a Special Meeting of the City Council of the City of Neptune Beach was held November 15, 2010 at 6:25 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 James Jarboe
City Clerk Lisa Volpe, CMC

Community Development Director Amanda Askew
Director of Public Safety David Sembach

Order Call

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

Ord. No. 2010-19

ORDINANCE NO. 2010-19, SANDWICH BOARD SIGNS, FIRST READ: AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF NEPTUNE BEACH, FLORIDA CHAPTER 27 UNIFIED LAND DEVELOPMENT REGULATIONS AMENDING SECTION 27-576 DEFINITIONS AND ADDING SECTION 27-584-A SANDWICH BOARD SIGNS AND PROVIDING AN EFFECTIVE DATE.

Moved by Weldon, seconded by Lee.

Motion: **TO PASS ORDINANCE NO. 2010-19 ON FIRST READ WITH THE FOLLOWING AMENDMENTS: PAGE 2, LAST PARAGRAPH SHOULD READ "SANDWICH BOARD SIGNS PLACED IN VIOLATION OF THIS SECTON WILL RESULT IN IMMEDIATE REMOVAL OF THE SIGN AND SANDWICH BOARD SIGN PRIVILEGES SHALL BE REVOKED FOR A PERIOD OF ONE YEAR.**

Mayor Pruette agreed to sponsor this Ordinance.

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Tucker, Weldon, Pruette
Noes: 0

MOTION CARRIED

Outdoor Sales

TEMPORARY SUSPENSION OF OUTDOOR SALES AND / OR ORDINANCE NO. 2010-20 OUTDOOR SALES, FIRST READ: AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF NEPTUNE BEACH, FLORIDA CHAPTER 27 UNIFIED LAND DEVELOPMENT REGULATIONS AMENDING SECTION 27-227 SPECIAL RESTRICTIONS AND CONDITIONS ON ALLOWABLE USES WITHIN ZONING DISTRICTS AND PROVIDING AN EFFECTIVE DATE.

Moved by Lee, seconded by Pardee.

Motion: TO PASS ORDINANCE 2010-20 ON FIRST READ WITH THE FOLLOWING AMENDMENTS: (5)a ~~EVENTS BY NEPTUNE BEACH GENERAL RETAIL STORES MAY HAVE OUTSIDE SALES -BE HELD ON THE PREMISES OF THEIR LICENSED STORE AND (5)f. NEEDS TO REMAIN AS FOLLOWS: OUTDOOR SALES OF FIREWORKS ARE PROHIBITED.~~ AND (5)a4. ADD THE WORD "DESIGNATED" AND (5)a5 STRIKE THE WORD "IN".

Councilor Weldon added the following amendment: Sales must be held only on the premises of licensed stores.

Amendment: SALES MUST BE HELD ONLY ON THE PREMISES OF LICENSED STORES.

Mayor Pruette questioned if Council wanted an annual review.

City Clerk Volpe clarified the Council wanted to add (5)g. would be an annual review.

Amendment: TO ADD (5)G. TO BE REVIEWED ANNUALLY.

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Tucker, Weldon, Pruette

Noes: 0

MOTION CARRIED

Board of
Canvassers

CERTIFICATE OF BOARD OF CANVASSERS: Certificate of the Board of Canvassers held on the 15th day of November, 2010.

COUNCILOR SEAT 4 whole number of votes cast was 2,605 of which number

*Richard Arthur received 1,614 votes
Patrick Krechowski received 991 votes

COUNCILOR SEAT 5 whole number of votes cast was 2,752 of which number

*John Jolly received 1,666 votes
Leman (Buz) Rosenberg received 1,086 votes

Moved by Weldon, seconded by Pardee.

Motion: THIS COUNCIL HEREBY CERTIFYS THE RESULTS PROVIDED BY THE BOARD OF CANVASSERS FOR THE ELECTION HELD ON NOVEMBER 2, 2010.

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Tucker, Weldon, Pruette

Noes: 0

MOTION CARRIED

Minutes:

APPROVAL OF MINUTES: City Manager Jarboe explained the bond attorney needed an approved copy of the November 1, 2010 minutes showing that Council approved the loan.**NOVEMBER 1, 2010 REGULAR CITY COUNCIL MEETING**

Moved by Tucker, seconded by Weldon.

Motion: **TO APPROVE THE NOVEMBER 1, 2010, REGULAR CITY COUNCIL MEETING MINUTES.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Tucker, Weldon, Pruette

Noes: 0

MOTION CARRIEDCouncil
Comments

Mayor Pruette suggested holding the December regular meeting on Tuesday, December 7, 2010 beginning at 7:30 p.m. before swearing in the new council memberS at 8:00 p.m.

Consensus: **TO HOLD THE DECEMBER REGULAR COUNCIL MEETING ON DECEMBER 7, 2010 AT 7:30 P.M.**

Vice Mayor Lee stated this would be his last council meeting due to his election to the School Board. He added that it was an honor to have served on the Neptune Beach City Council.

Adjournment

There being no further business, the meeting adjourned at 6:45 p.m.

Harriet Pruette, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
WORKSHOP CITY COUNCIL MEETING
NOVEMBER 1, 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 November 1, 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

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

Call to Order/Roll
Call

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

Ord. No. 2010-19

ORDINANCE NO.2010-19, AMENDING CHAPTER 23, UTILITIES: AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 23, UTILITIES, ARTICLE III. SEWERS AND SEWAGE DISPOSAL, SECTION 23-53 SAME RECOVERY OF CITY COSTS, AND PROVIDING AN EFFECTIVE DATE.

City Manager Jarboe explained the City currently charges 8% interest on sewer connections. This Ordinance will lower the interest rate to prime plus 1 point.

Consensus: **FORWARD TO THE NOVEMBER REGULAR MEETING FOR FIRST READ.**

Res. No. 2010-12

RESOLUTION NO. 2010-12: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEPTUNE BEACH, FLORIDA AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$2,400,000 INFRASTRUCTURE SURTAX REVENUE BONDS, SERIES 2010 TO PROVIDE FUNDS FOR SEWAGE TREATMENT PLANT IMPROVEMENTS AND REPLACEMENT OF IN-GROUND INFRASTRUCTURE OF THE CITY'S WATER AND SEWER UTILITY SYSTEM; APPROVING A FORM OF LOAN AGREEMENT AND AUTHORIZING EXECUTION AND DELIVERY OF THE LOAN AGREEMENT AND OTHER ACTION IN CONNECTION WITH THE DELIVERY OF SUCH BONDS; AUTHORIZING AWARD OF THE BONDS TO THE SUCCESSFUL BIDDER FOLLOWING SOLICITATION OF COMPETITIVE PROPOSALS; PLEDGING THE CITY'S SHARE OF HALF CENT INFRASTRUCTURE SALES SURTAX REVENUES AND CERTAIN GRANT REIMBURSEMENTS AND ALSO PROVIDING FOR PAYMENT FROM NON-AD VALOREM REVENUES; AND PROVIDING AN EFFECTIVE DATE.

City Manager Jarboe explained this is a bank loan which is considered a bond under Florida law.

Director of Finance Ramsey explained he received bids today at 2:00 p.m. and forwarded them to Dunlap & Associates Financial Advisors to calculate the best deal possible. The loan was divided into two separate loans. A \$700,000 loan will be paid through a grant from the St. Johns River Water Management District over a 3 three year term period at 1.88% interest. The remaining 1.7 will be for a ten year term period with a 2.66 % interest rate.

City Manager Jarboe explained for the audience the State has required all cities and counties on the upper St. Johns River to retrofit their sewer plant and clean up the nitrogen.

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

Sub-Grant
Agreement

SUB GRANT AGREEMENT BETWEEN THE CITY OF JACKSONVILLE AND THE CITY OF NEPTUNE BEACH: Building Official Don Ford explained this agreement was for a grant to install solar power on the City Hall building.

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

Adjournment

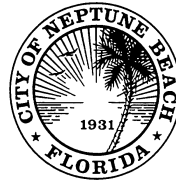
There being no further business, the meeting adjourned at 6:10 pm.

Harriet Pruette, Mayor

Attest:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
REGULAR CITY COUNCIL MEETING
NOVEMBER 1, 2010 AT 6:10 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 November 1, 2010, at 6:10 p.m. in the City Hall Council Chambers, 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 Christopher White
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

Community Development Director Amanda Askew
Director of Public Safety David Sembach

Order Call/Pledge Mayor Pruette called the meeting to order at 6:10 p.m. and asked Councilor Pardee to lead the Pledge of Allegiance.

AWARDS / PRESENTATIONS/ RECOGNITION OF GUESTS / NONE

APPROVAL OF MINUTES

Moved by Lee, seconded by Tucker

Minutes

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

OCTOBER 4, 2010, REGULAR CITY COUNCIL MEETING
OCTOBER 18, 2010, SPECIAL CITY COUNCIL MEETING
OCTOBER 18, 2010, WORKSHOP CITY COUNCIL MEETING

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Tucker, Weldon, Pruette

Noes: 0

MOTION CARRIED

COMMUNICATIONS AND CORRESPONDENCE

Vice Mayor Lee was concerned about graffiti throughout the city and asked City Manager Jarboe to look into the problem.

Mayor Pruette voiced concerned regarding ants on the beach and asked City Manager Jarboe to look into the problem. City Manager Jarboe explained the sand dunes could not be sprayed with pesticides and putting out baits would be a problem for cats. Councilor Weldon stated the ant problem was related to the drought. He suggested waiting to see if they go away on their own before using any pest control on the beach. Mayor Pruette stated she was informed last year by staff, the ants were a result of too much rain.

City Clerk Volpe asked everyone to remember to vote tomorrow.

CITY MANAGER REPORT

City Manager Jarboe reported the following:

He met with Town Center merchants last week regarding their business concerns. The merchants would like the city to allow them to use sign boards and have ongoing outdoor sales. He would prepare the proposed ordinances for Council to consider. He felt the city could also help the merchants by placing directional signs for businesses. He would also like to consider having a map of Town Center businesses created to mail out with Beaches Energy electric bills.

COMMENTS FROM THE PUBLIC

Lynda Padrta, 1113 First Street, thanked Councilor Weldon and Vice Mayor Lee for their service to the city. She stated she was looking forward to the outdoor Thanksgiving Day event.

CONSENT AGENDA**RELAY FOR LIFE****OUTDOOR ALCOHOL FOR THANKSGIVING**

Moved by Tucker, seconded by Weldon.

Motion: **TO APPROVE THE CONSENT AGENDA.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Tucker, Weldon, Pruette

Noes: 0

MOTION CARRIED

VARIANCES / NONE**ORDINANCES**

Ord. No. 2010-18 **ORDINANCE NO. 2010-18. AMENDING THE BUDGET, SECOND READ AND PUBLIC HEARING: AN ORDINANCE AMENDING THE OPERATING BUDGET FOR THE CITY OF NEPTUNE BEACH, FLORIDA FOR FISCAL YEAR 2010, BEGINNING OCTOBER 1, 2009 AND ENDING SEPTEMBER 30, 2010.**

Mayor Pruette read Ordinance No. 2010-18 by title only and opened the public hearing.

There being no comments from the public, the public hearing was closed.

Moved by Lee, seconded by Pardee.

Motion: **TO ADOPT ORDINANCE NO. 2010-18 ON SECOND READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Tucker, Weldon, Pruette

Noes: 0

MOTION CARRIED

Ord. No. 2010-19 **ORDINANCE NO.2010-19, AMENDING CHAPTER 23, UTILITIES, FIRST READ: AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF NEPTUNE BEACH, FLORIDA, AMENDING CHAPTER 23, UTILITIES, ARTICLE III. SEWERS AND SEWAGE DISPOSAL, SECTION 23-53 SAME RECOVERY OF CITY COSTS, AND PROVIDING AN EFFECTIVE DATE.**

Moved by Pardee, seconded by Tucker.

Motion; **TO PASS ORDINANCE NO. 2010-19 ON FIRST READ.**

Ayes: 5 – Lee, Pardee, Tucker, Weldon, Pruette

Noes: 0

MOTION CARRIED

OLD BUSINESS / NONE

NEW BUSINESS

Res. No. 2010-11 **RESOLUTION NO. 2010-11: A RESOLUTION APPOINTING MEMBERS TO THE CODE ENFORCEMENT BOARD.**

Moved by Weldon, seconded by Tucker.

Motion: **TO ADOPT RESOLUTION NO. 2010-11.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Tucker, Weldon, Pruette

Noes: 0

MOTION CARRIED

Res. No. 2010-12 **RESOLUTION NO. 2010-12: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEPTUNE BEACH, FLORIDA; AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$2,400,000 INFRASTRUCTURE SURTAX REVENUE BONDS, SERIES 2010 TO PROVIDE FUNDS FOR SEWAGE TREATMENT PLANT IMPROVEMENTS AND REPLACEMENT OF IN-GROUND INFRASTRUCTURE OF THE CITY'S WATER AND SEWER UTILITY SYSTEM; APPROVING A FORM OF LOAN AGREEMENT AND AUTHORIZING EXECUTION AND DELIVERY OF THE LOAN AGREEMENT AND OTHER ACTION IN CONNECTION WITH THE DELIVERY OF SUCH BONDS; AUTHORIZING AWARD OF THE BONDS TO THE SUCCESSFUL BIDDER**

FOLLOWING SOLICITATION OF COMPETITIVE PROPOSALS; PLEDGING THE CITY'S SHARE OF HALF CENT INFRASTRUCTURE SALES SURTAX REVENUES AND CERTAIN GRANT REIMBURSEMENTS AND ALSO PROVIDING FOR PAYMENT FROM NON-AD VALOREM REVENUES; AND PROVIDING AN EFFECTIVE DATE.

Moved by Weldon, seconded by Lee

Motion: **TO ADOPT RESOLUTION 2010-19.**

Amended Motion: **TO HAVE "HANCOCK BANK PROPOSAL" INCLUDED IN PARAGRAPH C.**

Ayes: 5 – Lee, Pardee, Tucker, Weldon, Pruette
Noes: 0

MOTION CARRIED

PDRB 10-06
Replat
241 Atlantic Blvd.

PDRB 10-06, REPLAT FOR 241 ATLANTIC BOULEVARD, SOUTHCOAST BEACHES II, LLC & SOUTHCOAST CAPITAL PARTNERSHIP, LTD.

Mayor Pruette opened the public hearing.

There being no comments from the public, the public hearing was closed.

Lindley Tolbert, Representative for Southcoast Capital, explained they have made changes to the previously approved development order. The new development has been designed for two buildings with a courtyard in the center. The first floor will consist of two or three retail shops and a restaurant. The second floor will be used for office space by Southcoast Capital. The Replat request was to move the lot lines to accommodate the new development. The requested variances were similar to those of the previously approved development order. The special exception for parking is due to the parking requirements for the restaurant.

Mayor Pruette disclosed she spoke with Lindley Tolbert, Ed Jones, Richard Arthur, and Kerry Chin, regarding the development order.

Councilor Tucker disclosed she had spoken with Richard Arthur, Chairman of the Planning & Development Review Board, regarding the development order.

Mayor Pruette stated the Planning & Development Review Board recommended approval of the development order.

Councilor Weldon asked Ms. Tolbert if the garbage dumpsters located in the adjacent parking lot could be replaced by compactors.

Mayor Pruette stated Councilor Weldon's question should be addressed when Council discusses the variance request for parking. She felt it would be easier for Council to address each issue of the development order individually.

Councilor Weldon stated his vote on the Replat would depend upon the applicants response to his question and he would like to ask the question at this point.

Mayor Pruette felt Councilor Weldon's question at this point would be confusing for the Council and they should consider the Replat first before considering the variances. She asked if there was a consensus to discuss each issue individually.

Consensus: **TO DISCUSS EACH ISSUE INDIVIDUALLY.**

Mayor Pruette stated the consensus of the Council was to vote on the Replat first and then discuss the variances one by one and place stipulations if necessary.

Councilor Weldon argued that he had the floor. He disagreed with the consensus and asked for someone to make a motion if they wished to take the floor away from him.

Moved by Pardee, seconded by Tucker.

Motion: **TO TAKE THE FLOOR AWAY FROM COUNCILOR WELDON AND ADDRESS EACH ITEM ONE AT A TIME.**

Roll Call Vote:

Ayes: 3 – Pardee, Tucker, Pruette

Noes: 2 – Lee, Weldon

MOTION CARRIED

Moved by Pardee, seconded by Lee

Motion: **TO APPROVE THE REPLAT IN ACCORDANCE WITH THE PLANNING & DEVELOPMENT REVIEW BOARD.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Tucker, Weldon, Pruette

Noes: 0

MOTION CARRIED

V10-08
Variances
241 Atlantic Blvd.

V10-08, VARIANCES FOR 241 ATLANTIC BOULEVARD, SOUTHCOAST BEACHES II, LLC 7 SOUTHCOAST CAPITAL PARTNERSHIP, LTD.

Variance # 1

- (1) Section 27-229-1, a variance request of 1 foot to the minimum corner side yard (west) setback leaving 6 feet in lieu of the required 7 foot setback on the ground floor (building)

Mayor Pruette stated the Planning & Development Review Board recommended approval of V10-08 for the front yard second story balcony over Atlantic Boulevard with the condition of an indemnification agreement.

Moved by Lee, seconded by Tucker.

Motion: **TO APPROVE VARIANCE NO. 1**

Amended Motion: **TO INCLUDE INDEMNIFICATION AGREEMENT SATISFACTORY TO THE CITY.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Tucker, Weldon, Pruette

Noes: 0

MOTION CARRIED

- Variance # 2 (2) Section 27-229-1, a variance request of 5 feet to the minimum corner side yard setback leaving 2 feet in lieu of the required 7 foot setback for the second story balcony (facing Section Street)

Mayor Pruette stated the Planning & Development Review recommended approval of variance request V10-08 for the side yard setback on the west side.

Councilor Weldon stated the landscape design showed palm trees would be planted in the rights-of-way. He asked if Southcoast Capital was committed to planting the palm trees. Ms. Tolbert agreed that they were committed to planting palm trees in the rights-of-way and the landscaping would match the current landscape in Town Center.

Moved by Lee, seconded Pardee.

Motion: **TO APPROVE V10-08 VARIANCE NO 2. FOR VARIANCE TO REQUEST ON THE WEST SIDE.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Tucker, Weldon, Pruette

Noes: 0

MOTION CARRIED

- Variance # 3 (3) Section 27-299-1, a variance request of -5 feet to the minimum front yard setback leaving -5 feet in lieu of the required 0 foot setback for the second story balcony facing Atlantic Boulevard.

Mayor Pruette stated the Planning & Development Review Board recommended approval of V10-08 the variance request for side yard for second story balcony on Second Street with the condition that an indemnification agreement is in place.

Councilor Weldon stated he would like to see the unused ATM, currently located in the parking lot, be replaced with a bicycle and scooter parking area. Ms. Tolbert responded that property was owned by their parent company. The parent company intended to remove the ATM and create four parking spaces for motorcycles or scooters, bike racks and benches. That would be a separate project from this development order.

For the Record Mayor Pruette asked Mrs. Tolbert if she would state for the record the ATM would be removed and the motorcycle and scooter parking area would be created. Mrs. Tolbert replied "yes" the motorcycle and scooter parking area would be created.

Moved by Lee, seconded by Pardee

Motion: **TO APPROVE V10-08 NO. 3 FOR A SECOND STORY BALCONY ON SECOND STREET WITH THE CONDITION OF AN INDEMINIFICATION AGREEMENT TO THE CITY.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Tucker, Weldon, Pruette

Noes: 0

MOTION CARRIED

- Variance # 4 (4) Section 27-229-1, a variance to increase the maximum lot coverage by 5% creating 90% in lieu of the 85% maximum lot coverage

Mayor Pruette stated the Planning & Development Review Board recommended approval of V10-08 allowance for maximum lot coverage with matching brick pavers.

Moved by Pardee, seconded by Tucker

Motion: **TO APPROVE V10-08 NO 4 FOR MAXIMUM LOT COVERAGE.**

Ayes: 5 – Lee, Pardee, Tucker, Weldon, Pruette

Noes: 0

MOTION CARRIED

Variance # 5

- (5) Section 27-540(a) a variance to reduce the minimum number of required parking to 25 spaces in lieu of the required 37 spaces

Mayor Pruette explained the Planning & Development Review Board recommended approval of V10-08 for required parking with the condition that no signage restricting parking spaces would be permitted. She asked City Attorney White to explain the parking restriction.

City Attorney White advised it was his opinion the condition to not allow signage to restrict parking spaces on private property was arbitrary and not reasonable. He felt it could be contested in court.

Lindley Tolbert explained they would be providing 14 parking spaces to the city. They would also deed a strip of land to the city, at no charge, for additional parking.

Councilor Weldon agreed restricting parking was a business issue and the government should not be involved. He complimented Ms. Tolbert for providing parking in Town Center.

Moved by Lee, seconded by Tucker

Motion: **TO APPROVE THE RECOMMENDATION OF THE PLANNING & DEVELOPMENT REVIEW BOARD AS TO V10-08 BUT TO NOT APPROVE THEIR RECOMMENDATION FOR THE PROHIBITION ON THE PARKING SIGN.**

Ayes: 5 – Lee, Pardee, Tucker, Weldon, Pruette

Noes: 0

MOTION CARRIED

Variance # 6

- (6) Section 27-563, a variance to not require a dumpster in lieu of the required dumpster

Mayor Pruette stated the Planning & Development Review Board recommended approval of V10-08 to remove the requirement of an onsite dumpster if a dumpster was provided offsite.

Mrs. Tolbert explained this variance request was also previously approved by Council for the last development order. They would like to use the extra dumpster pad in the adjacent parking lot. They were looking into eventually replacing all of the garbage dumpsters with trash compactors. There were negotiating with Waste Pro to provide service for the compactors.

City Manager Jarboe stated there was a tremendous odor and leakage problem with the current trash dumpsters and this has become a code enforcement issue. He suggested Mrs. Tolbert work out a service agreement with Waste Pro. Mrs. Tolbert replied she was working with Waste Pro regarding the installation of trash compactors. That issue was separate from the development order.

Councilor Weldon asked Mrs. Tolbert if she could guarantee the City, if the development order is approved, that they would install the trash compactors as long as the local trash collector accommodated pick up service for them. Mrs. Tolbert responded she did not want to commit to a contract with the waste management company until a reasonable agreement could be reached. She did not wish to tie the issue of the trash compactors to the approval of this development order.

Vice Mayor Lee felt the trash compactor issue should not be related to the approval of the development order. He felt the City should help them negotiate an agreement with the garbage contractor.

Councilor Tucker asked if this particular variance could be tabled until City Manager Jarboe had a chance to speak with the garbage contractor.

City Attorney White advised it would not be prudent to table one variance request when other variance requests were involved in the approval of a development order.

Vice Mayor Lee added due to code enforcement issues with the dumpsters it would be to their advantage to negotiate an agreement with Waste Pro for the trash compactors.

Moved by Lee, seconded by Tucker

Motion: **TO APPROVE SECTION 27-563 VARIANCE NOT TO REQUIRE A DUMPSTER IN LIEU OF THE REQUIRED DUMPSTER IF THE CORPORATION SOUTHCOAST BEACHES CAN WORK OUT A REASONABLE LEASING AGREEMENT ON THE COMPACTOR.**

Mrs. Tolbert stated the motion sounded as if she was being required to install compactors and work out a reasonable agreement with the trash collector.

City Attorney White questioned if the intent of the motion was to grant the variance contingent upon installing trash compactors.

Vice Mayor Lee stated the intention of his motion was to approve the variance and if Southcoast Capital could not negotiate a reasonable agreement with the garbage contractor the variance would still be granted to allow them use of the extra dumpster pad in the adjoining parking area.

Vice Mayor Lee withdrew his original motion.

Moved by Lee, seconded by Tucker

Amended Motion: **TO APPROVE THE VARIANCE APPROVAL BY THE PLANNING & DEVELOPMENT REVIEW BOARD CONTINGENT UPON THE PROPERTY OWNER OBTAINING A REASONABLE LEASE FOR THE COMPACTOR. IN THE EVENT THE PROPERTY DOES NOT OBTAIN A REASONABLE LEASE FOR THE COMPACTOR, NOT INCLUDING THE HAUL, THE VARIANCE STILL STANDS AND SHE IS ENTITLED TO USE THE AVAILABLE PAD RATHER THAN PLACING THE DUMPSTER AT THE NEW BUILDING.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Tucker, Weldon, Pruette

Noes: 0

MOTION CARRIED

Variance # 7

(7) Section 27-547-1, a variance to not require an off street loading space in lieu of one required off street loading space

Mayor Pruette stated the Planning & Development Review Board recommended approval of V10-08, to remove the requirement of an loading space with the condition that loading and unloading would be limited to the hours of 7:00 a.m. and 10:00 a.m.

Moved by Lee, seconded by Tucker

Motion: **TO APPROVE V10-08 SECTION 27-547-1 VARIANCE TO NOT REQUIRE OFF SITE LOADING SPACE WITH THE CONDITION THAT LOADING AND UNLOADING WOULD BE LIMITED TO THE HOURS OF 7:00 A.M. AND 10:00 A.M.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Tucker, Weldon, Pruette

Noes: 0

MOTION CARRIED

PDRB10-07
Development
Order
241 Atlantic Blvd.

PDRB10-07, DEVELOPMENT ORDER FOR 241 ATLANTIC BOULEVARD, SOUTHCOAST BEACHES II, LLC & SOUTHCOAST CAPITAL PARTNERSHIP, LTD:

Mayor Pruette stated the Planning & Development Review Board recommended approval of the PDRB10-07 for the final development for Southcoast Beaches, LLC, 241 Atlantic Boulevard, with the following conditions: 1) insurance policy with an indemnification of the city, 2) landscaping compatible with Town Center, 3) lighting compatible with Town Center, 4) maintenance of the sidewalks, and 5) any intensification of use would require a new development order.

Moved by Lee, seconded by Tucker

Motion: **TO APPROVE PDRB10-07 WITH THE CONDITIONS STATED IN THE PLANNING & DEVELOPMENT REVIEW BOARD RECOMMENDATION.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Tucker, Weldon, Pruette

Noes: 0

MOTION CARRIED

PDRB10-08
Special Exception
241 Atlantic Blvd.

PDRB10-08, SPECIAL EXCEPTION FOR 241 ATLANTIC BOULEVARD, SOUTHCOAST BEACHES II, LLC & SOUTHCOAST CAPITAL PARTNERSHIP, LTD.

Mayor Pruette stated the Planning & Development Review Board recommended approval of the PDRB10-08 special exception for outdoor dining on private property at 241 Atlantic Boulevard.

Moved by Lee, seconded by Tucker

Motion: **TO APPROVE PDRB10-08 SPECIAL EXCEPTION FOR OUTDOOR DINING.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Tucker, Weldon, Pruette

Noes: 0

MOTION CARRIED

Sub-Grant
Agreement

SUB GRANT AGREEMENT BETWEEN THE CITY OF JACKSONVILLE AND THE CITY OF NEPTUNE BEACH: Building Official Don Ford explained this agreement was for a grant to install a solar power system for the City Hall building.

Moved by Tucker, seconded by Lee

Motion: **TO APPROVE THE SUB GRANT.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Tucker, Weldon, Pruette

Noes: 0

MOTION CARRIED

COUNCIL COMMENTS

Vice Mayor Weldon stated he objected to being censored for the second time by the Council. He added that vigorous debate is an essential part of any democracy and each Councilor represented the citizens of Neptune Beach. He felt the Council cutting off his right to speak was a dangerous precedent. He encouraged other Council members to think about that.

Mayor Pruette commented she would never censor anyone. As Mayor it was her duty to move the meetings along. The last time the Council was faced with a development order there were motions being made to the motions and it was extremely confusing. She added that Councilor Weldon had every right to speak on the individual variance requests and the meeting moved along as she had intended.

Adjournment

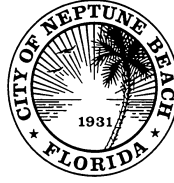
There being no further business, the meeting adjourned at 7:20 p.m.

Harriet Pruette, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved:



**MINUTES
WORKSHOP CITY COUNCIL MEETING
OCTOBER 18, 2010, AT 6:05 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 October 18, 2010 at 6:05 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

STAFF:

Mayor Harriet Pruette
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

ABSENT:

Vice Mayor Fred Lee

Call to Order/Roll
Call

Mayor Pruette called the meeting to order at 6:05 p.m.

PRESENTATIONS

Mayor Pruette presented a Proclamation in recognition of "Junior Civitan Day."

Mayor Pruette announced the Neptune Beach Police Department recently received accreditation.

Barbara Jackson, Chairperson, Ish Brant Beautification Committee, President, Florida Native Plant Society, Florida Master Naturalist, and Duval County Master Gardener, gave a presentation on Invasive Plants.

Mayor Pruette announced the art work currently on display in the Council Chambers was the work of Fletcher High School art students.

CITY MANAGER'S ACTION LIST

City Manager Jarboe reported on the following:

- We have received grant money short of \$1,000 to provide solar power to the City Hall building. Building Official Don Ford will be in charge of the project.

PUBLIC COMMENTS

Mary Ann Padrta, 1030 Second Street, voiced concern regarding non-conforming properties not being allowed to maintain the existing non-conformity without having to apply for a variance.

Holly and Jeff Tyrrell, 702 First Street, were informed they could not request a variance because of their existing duplex. They asked Council to consider amending Section 27-146.

June Salaun, 1565 Park Terrace East, explained she was part of a group of University of Maryland alumni that met at Carribbee Key once a month. The group would like to request permission of the Council to place a sea turtle, painted with the University of Maryland logos, in Town Center.

Mayor Pruette suggested forwarding the request to a workshop meeting. She asked Mr. Salaun to provide City Manager Jarboe with the details before the meeting.

PROPOSED ORDINANCES / NONE

CONTRACTS / AGREEMENTS / NONE

ISSUE DEVELOPMENT

Relay for Life

APPROVAL OF RELAY FOR LIFE EVENT TO BE HELD IN JARBOE PARK ON APRIL 16, AND APRIL 17, 2011: City Manager Jarboe explained this was a non-profit event that took place in Jarboe Park every year.

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

Thanksgiving Day

APPROVAL OF OUTDOOR ALCOHOL FOR THANKSGIVING:

City Manager Jarboe explained Curtis Winters, Owner of Sun Dog Diner, and John Brocato, Owner of Sunny Carribbee, have requested their establishments be included this year, in the Thanksgiving Day celebration with Pete's Bar. He added if approved by the Council the additional establishments would also need to provide the city indemnity up to one million dollars, provide extra security, participate with the cleanup, and sign an agreement to the conditions.

Curtis Winter, Owner of Sun Dog Diner, stated he has wanted to participate in the event for quite some time now, He would be willing to hire an additional police officer to provide security and would help with the clean up.

Councilor Pardee asked Tom Wittingslow, owner of Pete's Bar, if this would place any additional rules on his establishment. Mr. Wittingslow responded this would not place any additional burden on his establishment. This would just expand the outdoor area to add the sidewalk and allow their customers to flow in and out of the area.

City Manager Jarboe stated this would allow the two establishments to participate in the event. The issue was that these two establishments agree to the conditions. Mr. Winter stated he would be responsible for the additional police officer.

Chief Sembach clarified the street was going to be closed off there would need to be a police officer at each street end and one police officer to work Sun Dog Diner and Sunny Caribbee. City Manager Jarboe replied that would be part of the conditions in the agreement.

Nancy Jenson, Owner of Pete's Bar, added an additional dumpster may be necessary for the cleanup.

Mayor Pruette stated she would like to make sure the streets were cleaned before everyone leaves. She recommended authorizing the City Manager to work out the details of the agreement.

Councilor Weldon stated he had no objections if the event was properly managed. However, as a citizen he will object if the event gets out of control.

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

COUNCIL COMMENTS

Councilor Pardee stated the building official for the City of Jacksonville was currently negotiating with Atlantic Beach to provide service in the absence of their building official. He was asked to inquire as to whether or not Neptune Beach would be interested in having the City of Jacksonville provide inspection services in the absence of our building official.

City Manager Jarboe stated he would definitely be interested in negotiating with the City of Jacksonville to provide backup inspection service. He would inquire and report back to the Council.

Mayor Pruette presented a Proclamation proclaiming October 25, 2010 "John Weldon Day" in honor of his 60th birthday.

Adjournment

There being no further business, the meeting adjourned at 6:45 pm.

Harriet Pruette, Mayor

Attest:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
SPECIAL CITY COUNCIL MEETING
OCTOBER 18, 2010 AT 6:00 P.M
CITY HALL, 116 FIRST STREET
NEPTUNE BEACH, FLORIDA

Pursuant to proper notice a Special Meeting of the City Council of the City of Neptune Beach was held October 18, 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
Councilor Eric Pardee
Councilor Kara Tucker
Councilor John Weldon
City Attorney Chris White
City Manager James Jarboe
City Clerk Lisa Volpe, CMC

Director of Public Safety David Sembach

ABSENT:

Vice Mayor Fred Lee

Order Call

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

Res. No. 2010-10

RESOLUTION NO. 2010-10: A RESOLUTION APPOINTING MEMBERS TO THE CODE ENFORCEMENT BOARD AND THE COMMUNITY DEVELOPMENT BOARD.

Mayor Pruette stated she would exclude the Code Enforcement Board appointments because the appointees were not present.

Moved by Tucker, seconded by Weldon.

Motion: **TO ADOPT RESOLUTION NO. 2010-10, EXCLUDING THE CODE ENFORCEMENT BOARD APPOINTMENTS.**

Roll Call Vote:

Ayes: 4 – Pardee, Tucker, Weldon, Pruette

Noes: 0

MOTION CARRIED

Union Contracts

APPROVAL OF LABOR UNION CONTRACTS: City Manager Jarboe stated these are the exact contracts that were approved by the Council last year. There have been no increases in salaries or benefits.

Moved by Weldon, seconded by Pardee.

Motion: **TO APPROVE THE LABOR UNION CONTRACTS AND AUTHORIZE THE CITY MANAGER TO COMPLETE THE NEGOTIATIONS.**

Roll Call Vote:

Ayes: 4 – Pardee, Tucker, Weldon, Pruette.

Noes: 0

MOTION CARRIED

Adjournment

There being no further business, the meeting adjourned at 6:05 p.m.

Harriet Pruette, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
REGULAR CITY COUNCIL MEETING
OCTOBER 4, 2010 AT 6:00 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 October 4, 2010, at 6:00 p.m. in the City Hall Council Chambers, 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 Christopher White
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

Public Safety Director David Sembach

Order Call/Pledge

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

APPROVAL OF MINUTES

Moved by Tucker, seconded by Pardee.

Minutes

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

SEPTEMBER 7, 2010, WORKSHOP CITY COUNCIL MEETING
SEPTEMBER 7, 2010, REGULAR CITY COUNCIL MEETING
SEPTEMBER 20, 2010, SPECIAL CITY COUNCIL MEETING
SEPTEMBER 20, 2010, WORKSHOP CITY COUNCIL MEETING

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Tucker, Weldon, Pruette

Noes: 0

MOTION CARRIED

COMMUNICATIONS AND CORRESPONDENCE

Vice Mayor Lee voiced concern regarding graffiti throughout the city. He asked City Manager Jarboe for assistance in having it cleaned up.

Mayor Pruette thanked Director of Finance Steve Ramsey for filling in as City Manager during City Manager Jarboe's absence last week.

CITY MANAGER REPORT

City Manager Jarboe reported the following:

The revenue for building permits has increased 8% and revenue for cash receipts has increased 18%.

The City has received a little over half of the money, through a grant, for solar powering the City Hall building. He has requested another grant for the remainder of the amount through the City of Jacksonville.

COMMENTS FROM THE PUBLIC

Mary Ann Padrta, 1030 Second Street, thanked City Manager Jarboe for allowing her to repair her sidewalk after she was denied a permit by Community Development Director Amanda Askew. She voiced concern regarding her daughter, Lynda Padrta, being denied a building permit to extend her deck because her property was non-conforming.

CONSENT AGENDA / NONE

VARIANCES / NONE

ORDINANCES

Ord. No. 2010-18 **ORDINANCE NO. 2010-18, AMENDING THE BUDGET, FIRST READ: AN ORDINANCE AMENDING THE OPERATING BUDGET FOR THE CITY OF NEPTUNE BEACH, FLORIDA FOR FISCAL YEAR 2010, BEGINNING OCTOBER 1, 2009 AND ENDING SEPTEMBER 30, 2010.**

City Manager Jarboe stated the amendment was for a \$280,000 grant received by the Police Department and needed to be appropriated into the budget for auditing purposes.

Moved by Weldon, seconded by Lee.

Motion: **TO PASS ORDINANCE NO. 2010-18 ON FIRST READ.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Tucker, Weldon, Pruette

Noes: 0

MOTION CARRIED

OLD BUSINESS / NONE

NEW BUSINESS

Res. No. 2010-09 **RESOLUTION NO. 2010-09: A RESOLUTION APPOINTING MEMBERS TO THE CODE ENFORCEMENT BOARD.**

Moved by Lee, seconded by Tucker.

Motion: **TO ADOPT RESOLUTION NO. 2010-09**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Tucker, Weldon, Pruette

Noes: 0

MOTION CARRIED

AWARDS / PRESENTATIONS/ RECOGNITION OF GUESTS

Austin Forest Mayor Pruette presented a Proclamation to Austin Forest for attaining the rank of Eagle Scout.

COUNCIL COMMENTS

Councilor Tucker adopted Florida Boulevard and has collected 31 bags of trash over the last three months.

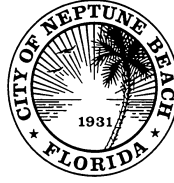
Adjournment There being no further business, the meeting adjourned at 6:15 p.m.

Harriet Pruette, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved:



**MINUTES
WORKSHOP CITY COUNCIL MEETING
SEPTEMBER 20, 2010, AT 6:05 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 September 20, 2010 at 6:05 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 Finance Steve Ramsey
Director of Public Safety David Sembach

Call to Order/Roll
Call

Mayor Pruette called the meeting to order at 6:05 p.m.

PRESENTATIONS

Mayor Pruette announced today was Billy Jones' birthday and asked everyone to stand and sing Happy Birthday.

CITY MANAGER'S ACTION LIST

City Manager Jarboe reported on the following:

- The Florida Times Union printed an article titled Neptune Facts.
- The Public Safety Department has been recertified by the Florida Group.

Councilor Weldon stated there were several places in the September 7, 2010, meeting minutes that stated the Waste Pro contract was only extended for three (3) years and it was extended for five (5) years. City Clerk Volpe stated she would correct the error.

PUBLIC COMMENTS

Scott Wiley, 723 Davis Street, felt it was not a good time to appoint a Special Magistrate in lieu of the Code Enforcement Board due to the economic situation.

PROPOSED ORDINANCES

CEB / Magistrate

ORDINANCE NO. 2010-XX, SPECIAL MAGISTRATE: AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY NEPTUNE BEACH, FLORIDA, AMENDING CHAPTER 2, ADMINISTRATION, ARTICLE VII. BOARDS AND COMMISSIONS, DIVISION 2 CODE ENFORCEMENT BOARD, AMENDING SEC. 2-436. INTENT, SEC. 2-437. IMPLEMENTATION OF F. S. CH. 162, SEC. 2-438. DEFINITIONS, SEC. 2-439. ORGANIZATION, SEC. 2-440. POWERS, SEC. 2-443. ADMINISTRATIVE FINES; LIENS, SEC. 2-445. APPEALS AND SEC. 2-446. SERVICE OF NOTICES AND PROVIDING AN EFFECTIVE DATE.

City Manager Jarboe explained this ordinance changes "Code Enforcement Board" to "Special Magistrate". He added the city would break even in costs because code violators would have to pay for the cost of the hearing.

Councilor Weldon stated the City pays an outside attorney to attend Code Enforcement Board meetings in some cases. City Attorney White explained an outside attorney is hired on rare occasions when the case is too complicated for staff to present.

Councilor Weldon asked if the City would still need to hire an outside attorney if cases were heard by a Special Magistrate. City Attorney White responded the City would still have to hire an outside attorney to present complicated cases to the Special Magistrate.

Mayor Pruette stated the City of Jacksonville Beach has to hire an attorney to defend certain cases. In those cases it costs the City not only for the Special Magistrate but also for the attorney.

Councilor Pardee asked if code enforcement case hearings could be held during the day. City Attorney Jarboe replied most board members have to work during the day.

Councilor Tucker felt it was not the right time for the City to switch from a Code Enforcement Board to a Special Magistrate. She would be willing to reconsider it in the future.

Councilor Weldon felt the City would save money by using a Special Magistrate because code enforcement cases would be handled more efficiently. A Special Magistrate would be more predictable and citizens would be more likely to solve issues before having to face a magistrate. He understood there was not enough support to forward this but hoped the Council would consider this again in the future.

Mayor Pruette felt the budget was too tight and the City should continue with the Code Enforcement Board. She also felt the Code Enforcement Board does a good job and she would prefer to wait.

Vice Mayor Lee was okay with delaying the decision.

Consensus: **TO DELAY SWITCHING FROM A CODE ENFORCEMENT BOARD TO A SPECIAL MAGISTRATE.**

CONTRACTS / AGREEMENTS / NONE**ISSUE DEVELOPMENT / NONE**

COUNCIL COMMENTS

Mayor Pruette stated there was an article in the newspaper regarding the City of Jacksonville increasing taxes for the beaches. She asked Finance Director Ramsey to explain the tax increase to the Council. Director of Finance Steve Ramsey explained last year Duval County did not charge enough taxes to beaches residents because they erred in setting their tax rate. According to the Interlocal Agreement the City of Jacksonville City Council is suppose to set their tax rate, subtract 3.2907 mills, and that is the rate they charge to beaches residents. The rate from the County last year should have been 5.982 but they only charged 5.448. This year they will be setting the tax rate correctly according to the Interlocal Agreement.

Adjournment

There being no further business, the meeting adjourned at 6:25 pm.

Attest:

Harriet Pruette, Mayor

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
SPECIAL CITY COUNCIL MEETING
SEPTEMBER 20, 2010 AT 6:00 P.M
CITY HALL, 116 FIRST STREET
NEPTUNE BEACH, FLORIDA

Pursuant to proper notice a Special Meeting of the City Council of the City of Neptune Beach was held September 20, 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 Manager James Jarboe
City Clerk Lisa Volpe, CMC
City Attorney Chris White

Director of Finance Steve Ramsey
Director of Public Safety David Sembach

Order Call

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

Ord. 2010-16

ORDINANCE NO. 2010-16, ADOPTING FINAL MILLAGE RATES, SECOND READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, ADOPTING FINAL MILLAGE RATES AND LEVYING AD VALOREM TAXES FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2010, AND ENDING SEPTEMBER 30, 2011; SETTING FORTH CERTAIN INFORMATION REGARDING "ROLLED-BACK RATES"; DIRECTING THE CITY MANAGER TO ADJUST THE ADOPTED MILLAGE RATES IN THE EVENT OF CHANGES IN THE ASSESSMENT ROLL AND TAXABLE VALUE; PROVIDING AN EFFECTIVE DATE.

Mayor Pruette read Ordinance No. 2010-16 by title only and opened the public hearing.

There being no comments from the public, the public hearing was closed.

Moved by Weldon, seconded by Pardee.

Motion: **TO ADOPT ORDINANCE NO. 2010-16 ON SECOND READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Tucker, Weldon, Pruette
Noes: 0

MOTION CARRIED

Ord. No. 2010-17 ORDINANCE NO. 2010-17, ADOPTING A FINAL BUDGET, SECOND READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, ADOPTING A FINAL BUDGET AND APPROPRIATING FUNDS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2010, AND ENDING SEPTEMBER 30, 2011; PROVIDING AN EFFECTIVE DATE.

Mayor Pruette read Ordinance No. 2010-17 by title only and opened the public hearing.

There being no comments from the public, the public hearing was closed.

Moved by Weldon, seconded by Tucker.

Motion: **TO ADOPT ORDINANCE NO. 2010-17 ADOPTING THE FINAL BUDGET ON SECOND READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Tucker, Weldon, Pruette.

Noes: 0

MOTION CARRIED

Crafternoon APPROVAL OF “CRAFTERNOON” EVENT TO BE HELD IN JARBOE PARK: Mayor Pruette stated this will be the third year the event has been held in Jarboe Park. City Manager Jarboe added there have been no complaints from the event in the past and all proceeds are donated to the Children's Home Society.

Moved by Lee, seconded by Tucker.

Motion: **TO APPROVE THE “CRAFTERNOON” EVENT TO BE HELD IN JARBOE PARK.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Tucker, Weldon, Pruette

Noes: 0

MOTION CARRIED

Adjournment There being no further business, the meeting adjourned at 6:05 p.m.

Harriet Pruette, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
WORKSHOP CITY COUNCIL MEETING
SEPTEMBER 7, 2010, AT 5:15 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 September 7, 2010 at 5:15 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

Community Development Director Amanda Askew
Detective Camille Burban
Finance Director Steve Ramsey

**Call to Order/Roll
Call**

Mayor Pruette called the meeting to order at 5:15 p.m.

**Waste Pro
Contract**

EXTENSION OF SOLID WASTE FRANCHISE WITH WASTE PRO: Mayor Pruette explained Waste Pro has requested a five year extension on their waste pick-up contract.

Mayor Pruette asked City Attorney White if there would be any legal issues with extending the Waste Pro contract. City Attorney White advised it would not be a legal problem.

City Manager Jarboe explained the current contract with Waste Pro was for \$17.24 per month for residential household waste pick-up. The extension of the contract would eliminate side yard pick-up service, provide curbside pick-up, and reduce the monthly rate to \$14.57. The extension would become effective immediately saving the City \$75,000 over the next nine months. The five year extension of the contract also provided that Waste Pro would not increase the rates until FY2013. The \$14.57 per month rate would be effective for three years saving the City a total of approximately \$543,000. This savings would be put into a reserve fund to be used for hurricane damage and tipping fee reserves.

Mr. Howard Burnett, Representative for Waste Pro, explained Waste Pro began servicing Neptune Beach when they were awarded the contract in 2006. He felt it was important to have a company that responded to the needs of the residents in a timely manner. He added that Neptune Beach is very important to Waste Pro and he felt they have earned the trust of the City. He stated the rate of \$14.57 for curbside service is within six cents of their 2006 bid. He added his company would assist in notifying customers of the switch to curbside service.

Councilor Pardee disclosed he met with Mr. Burnett prior to the meeting. He supported the contract extension because Waste Pro has done a great job for the city and the rate

would be locked in for three years.

Vice Mayor Lee disclosed he spoke with Mr. Burnett by telephone prior to the meeting. He asked if there was a possibility of combining the pick-up days for recycling, trash, and yard waste instead of having all of the pick-ups on different days of the week. He felt this would minimize the truck traffic east of Third Street.

Mr. Burnett replied that would not minimize the truck traffic because there were three separate trucks, one for each service. There would also be the same amount of wear and tear on the trucks. It would be impossible for them to collect all three services on the same day because they would need four trucks.

Councilor Tucker disclosed she met with Mr. Burnett and a representative for Advanced Disposal prior to the meeting.

Councilor Weldon questioned if the \$14.57 rate was based on a recent household count. Mr. Burnett replied he would suggest an updated count and suggested that a city employee and a representative for Waste Pro conduct a new house count.

Councilor Weldon stated he understood Waste Pro contributed to some of our social service funds and questioned if that would continue under the new extended contract. Mr. Burnett responded that was in the original contract and would continue.

Councilor Weldon wanted to ensure there would be no cost of living increase and no other changes to the contract until 2013. He asked if any requests for fuel surcharges would still be at the discretion of the Council. Mr. Burnett replied requests for fuel surcharges were not in the original agreement and would be at the discretion of the Council. The five year extension of the contract guaranteed the rate of \$14.57 starting September 1, 2010 until FY2013.

Councilor Weldon questioned if Waste Pro intended to convert to an automated service anytime during the five year contract. Mr. Burnett replied they did not intend to convert to an automated pick-up service.

Councilor Weldon asked to allow representatives of other trash collection companies to address the Council.

Mayor Pruette asked if anyone representing a waste pick-up company would like to speak.

Susan Wilburn, Representative for Republic Services, requested the Council consider other opportunities. She added Republic Services would offer competitive rates.

Jessica Deal, Representative for Advance Disposal Services, encouraged Council to consider other options. She added Advance Disposal Services rates were less now than they were four years ago.

Mayor Pruette asked Council members to comment on the consensus to either extend the Waste Pro contract or bid for a new contract.

Councilor Pardee supported extending the Waste Pro contract.

Vice Mayor Lee asked if this was considered a point of order for the Council because they arrived at a consensus at the last workshop meeting to bid out the contract. He added the numbers from Waste Pro were attractive but questioned if Council was confident other garbage collection companies would not be able to beat the prices.

Councilor Weldon stated he is reversing his decision from the previous consensus due to the new information being presented. He felt it would be very difficult for other

companies to beat the new rate being offered by Waste Pro. The City would also be saving \$75,000 over the next nine months and this would not be offered by any other garbage collection company. He also felt the money should be held in a reserve fund for tipping fees only and if it was not needed for tipping fees the money should be used to reduce the rates for the residents.

Mayor Pruette stated the tipping fees would be between \$150,000 and \$300,000. The City would also need extra money for attorney fees.

Councilor Tucker supported extending the Waste Pro contract based on the new information provided.

Vice Mayor Lee stated he wants to have in writing exactly how the reserves will be spent because he and Councilor Weldon would be leaving the Council this coming November.

Mayor Pruette stated she agreed to bid out the contract before receiving the new information and cost savings to the City. She added the City has had issues with Waste Pro in the past however, the company has made changes and resolved those issues. She felt it may be difficult to start over with a new company. She felt the overall savings was worth extending the contract for five years because the savings could be placed in a reserve fund for the \$150,000 to \$300,000 tipping fees the city could have next year.

Councilor Tucker questioned if there would be any legal issues if the Council changed the consensus to extend the Waste Pro contract instead of bidding it out. City Attorney White stated it was not a legal issue.

Consensus: **TO FORWARD THE FOLLOWING REGULAR MEETING FOR A VOTE.**

Ord. No. 2010-14 **ORDINANCE NO. 2010-14, COMBINING THE PLANNING AND DEVELOPMENT REVIEW BOARD:** Community Development Director Askew explained this ordinance would create a new Community Development Board by combining the Planning & Development Review Board and the Board of Appeals. The duties for approving variances and development orders would remain the same.

Vice Mayor Lee asked how many alternates member would serve on the Board. Ms. Askew replied the Board would consist of 7 regular members. Section 27-38(l) would need to be amended to reflect 3 alternates.

Consensus: **FORWARD TO THE FOLLOWING REGULAR MEETING FOR A SECOND READ AND PUBLIC HEARING.**

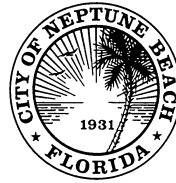
Adjournment There being no further business, the meeting adjourned at 5:49 pm.

Harriet Pruette, Mayor

Attest:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
REGULAR CITY COUNCIL MEETING
SEPTEMBER 7, 2010 AT 6:00 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 September 7, 2010, at 6:00 p.m. in the City Hall Council Chambers, 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 Christopher White
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

Community Development Director Amanda Askew
Detective Camille Burban
Finance Director Steve Ramsey

Order Call/Pledge Mayor Pruette called the meeting to order at 6:00 p.m. and asked City Attorney White to lead the Pledge of Allegiance.

2010/2011 BUDGET ORDINANCES

Ord. No. 2010-16 ORDINANCE NO. 2010-16, FIRST READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, ADOPTING FINAL MILLAGE RATES AND LEVYING AD VALOREM TAXES FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2010, AND ENDING SEPTEMBER 30, 2011; SETTING FORTH CERTAIN INFORMATION REGARDING "ROLLED BACK RATES"; DIRECTING THE CITY MANAGER TO ADJUST THE ADOPTED MILLAGE RATES IN THE EVENT OF CHANGES IN THE ASSESSMENT ROLL AND TAXABLE VALUE; PROVIDING AN EFFECTIVE DATE.

Mayor Pruette read Ordinance No. 2010-16 by title only and opened the public hearing.

There being no comments from the public, the public hearing was closed.

Moved by Weldon, seconded by Tucker.

Motion: **TO PASS ORDINANCE NO. 2010-16 ON FIRST READ AND PUBLIC HEARING.**

Councilor Weldon added this proposed millage rate is actually lower than what was advertised.

Mayor Pruette thanked the staff for their efforts to save money so the City would not have to raise taxes this year.

Vice Mayor Lee also thanked the staff. He added the General Fund had been reduced over \$500,000 in the last four years and staff had been reduced by 17%. This will also be the third year city employees have not received salary increases.

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Tucker, Weldon, Pruette

Noes: 0

MOTION CARRIED

Ord. No. 2010-17 ORDINANCE NO.2010-17, FIRST READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, ADOPTING A FINAL BUDGET AND APPROPRIATING FUNDS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2010, AND ENDING SEPTEMBER 30, 2011, PROVIDING AN EFFECTIVE DATE.

Mayor Pruette read Ordinance No. 2010-17 by title only and opened the public hearing.

There being no comments from the public, the public hearing was closed.

Moved by Lee, seconded by Pardee.

Motion: **TO PASS ORDINANCE NO. 2010-17 ON FIRST READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Tucker, Weldon, Pruette

Noes: 0

MOTION CARRIED

AWARDS / PRESENTATIONS / RECOGNITION OF GUESTS / NONE

APPROVAL OF MINUTES

Moved by Lee, seconded by Tucker.

Minutes

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

AUGUST 2, 2010, WORKSHOP CITY COUNCIL MEETING
AUGUST 2, 2010, REGULAR CITY COUNCIL MEETING
AUGUST 16, 2010, WORKSHOP CITY COUNCIL MEETING

Councilor Pardee felt the August 2, 2010, Regular City Council Meeting minutes should be amended as follows: Councilor Pardee had forwarded an e-mail to the City Clerk requesting she pull up blogs and Mayor Pruette asked ~~Council~~ Councilor Pardee to consider staff time and copying costs when forwarding blogs to the City Clerk's office.

Mayor Pruette disputed the amendment and asked City Clerk Lisa Volpe to retrieve the verbatim of the discussion so it could be read for the record.

Councilor Pardee read the following from the verbatim:

Mayor Pruette: I want to bring up something. "You know last year during budget time we directed Lisa, the City Clerk, to do two sided copies and there for a while she was making two sided copies. We are not doing binders and we decided it was not really working for us and we told her we wanted to cut back with paperwork which we had to save money. And Eric, last week you sent Lisa an e-mail and asked her to read some blogs about a storey and in doing so what happens is Lisa has to make a copy of not only the e-mail because every time we send an e-mail to City Hall as a Councilor she has to make copies for staff, copies for press, and copies for the Council and it takes her time and effort to do it. I just fell like blogs are our own free choice of reading or not reading and it takes Lisa's time up for her to do this so I think we should be at least considerate of Lisa's time and remember that every time we send something we have to make copies of it. So if you would I would appreciate it."

Vice Mayor Lee withdrew his motion to approve the minutes as submitted.

Moved by Pardee, seconded by Lee.

Motion: **TO APPROVE THE MINUTES WITH THE CHANGES TO THE AUGUST 2, 2010 REGULAR COUNCIL MEETING CHANGING "ASKED COUNCIL" TO "ASKED COUNCILOR PARDEE" UNDER COUNCIL COMMENTS.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Tucker, Weldon, Pruette

Noes: 0

MOTION CARRIED

COMMUNICATIONS AND CORRESPONDENCE

Mayor Pruette stated there are some streets in the City that were in need of repairs. She suggested money be set aside in next year's budget for street repairs.

Mayor Pruette explained to the audience Council could not vote at workshop meetings. They could only discuss agenda items, agree to a consensus, and forward the items to a regular meeting for a vote.

City Clerk Lisa Volpe stated her office has received the Code book supplements. She requested Council members drop off their Code books so they could be updated.

CITY MANAGER REPORT

City Manager Jarboe reported the following:

The State notified him last week of the possibility of receiving an additional \$250,000 in grant money for the nitrogen and green projects. The match would come from money the City has already spent on the nitrogen project.

He has sent information to the Florida Department of Transportation regarding grants for street repairs.

COMMENTS FROM THE PUBLIC

Jane Coleman, Representative for Waste Management Company, stated at the August workshop meeting the consensus of the Council was to request proposals for the waste collection contract. She sent a letter to the City Manager last week explaining Waste Management would be interested in responding to the request for proposals. She asked Council to consider requesting proposals because the market was a lot different today than it was four years ago when the city last asked for proposals.

Howard Burnett, Representative for Waste Pro, stated Waste Management Company did not bid for the contract when it was proposed four years ago. They submitted a one page letter outlining several reasons why they were unable to bid the contract. He was not aware of any changes with Waste Management as to why they would now be interested in residential garbage collection. He added that to his knowledge Waste Management did not have any residential contracts and walked away from the largest one they previously had with the City of Jacksonville.

Susan Wilburn, Representative for Republic Services, asked Council to consider requesting proposals. She felt the City may have an opportunity to save more money in the long run.

CONSENT AGENDA / NONE

VARIANCES / NONE

ORDINANCES

Ord. No. 2010-12 ORDINANCE NO. 2010-12, SECOND READ AND PUBLIC HEARING: 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 read Ord. No. 2010-12 by title only and opened the public hearing.

There being no comments from the public, the public hearing was closed.

Moved by Weldon, seconded by Lee

Motion: **TO ADOPT ORDINANCE NO. 2010-12 ON SECOND READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Tucker, Weldon, Pruette

Noes: 0

MOTION CARRIED

Ord. No. 2010-14 ORDINANCE NO. 2010-14 COMBINING PDRB AND BOA, SECOND READ AND PUBLIC HEARING: AN ORDINANCE OF THE CODE OF ORDINANCES OF THE CITY OF NEPTUNE BEACH, FLORIDA, AMENDING SEC. 17-37. REQUIREMENT OF PLANS AND SPECIFICATIONS. AND SEC. 17-38. PERMIT. AND CHAPTER 27 UNIFIED LAND DEVELOPMENT REGULATIONS* SEC. 27-15. DEFINITIONS. AND SEC. 27-32. GENERALLY. DIVISION 2. PLANNING AND DEVELOPMENT REVIEW BOARD AND SEC. 27-36. ESTABLISHMENT. AND SEC. 27-38. OFFICERS. AND SEC. 27-39.

GENERAL FUNCTIONS, POWERS AND DUTIES. AND SEC. 27-40. BOARD PROCEDURES. AND SEC. 27-41. VOTING AND QUORUM. AND DELETING DIVISION 3. BOARD OF APPEALS AND SEC. 27-46. ESTABLISHMENT. AND SEC. 27-47. MEMBERSHIP AND OFFICERS. AND SEC. 27-48. GENERAL FUNCTIONS, POWERS AND DUTIES. AND SEC. 27-49. BOARD PROCEDURES. AND SEC. 27-50. VOTING AND QUORUM. AND SEC. 27-51. RIGHTS OF DISQUALIFIED MEMBER. AND SEC. 27-52. LEGAL REPRESENTATION. AND AMENDING-DIVISION 6. CITY COUNCIL SEC. 27-66. CITY COUNCIL. AND SEC. 27-82. PROCEDURE FOR APPLYING FOR AND ISSUING DEVELOPMENT ORDERS. AND SEC. 27-87. REQUIRED AND OPTIONAL CONTENTS OF PRELIMINARY DEVELOPMENT ORDERS. AND SEC. 27-102. PROCEDURES FOR PLATTING. AND SEC. 27-124. PROCEDURE FOR MINOR DEVIATIONS. AND SEC. 27-125. PROCEDURE FOR MAJOR DEVIATIONS. AND SEC. 27-132. REVIEW OF LEGISLATIVE DECISIONS. AND SEC. 27-133. REVIEW OF ADMINISTRATIVE DECISIONS. AND SEC. 27-141. GENERALLY. AND SEC. 27-144. NOTICE REQUIREMENTS. AND SEC. 27-145. PROCEDURES FOR APPLYING FOR AND ISSUING A VARIANCE FOR PROPERTY LOCATED WITHIN THE R-1, R-2, R-3, R-4 AND R-5 ZONING DISTRICTS. AND SEC. 27-145.1 ADMINISTRATIVE VARIANCES. AND SEC. 27-145.2. PROCEDURES FOR APPLYING FOR AND ISSUING A VARIANCE FOR PROPERTY LOCATED WITHIN THE C-1, C-2, C-3, CBC AND CONSERVATION ZONING DISTRICTS. AND SEC. 27-147. REQUIRED FINDINGS NEEDED TO ISSUE A VARIANCE. AND SEC. 27-148. IMPOSITION OF CONDITIONS IN ISSUING A VARIANCE. AND SEC. 27-150. SPECIAL PROVISIONS WHERE VARIANCE IS SOUGHT TO REQUIREMENTS IN SPECIAL FLOOD HAZARD DISTRICTS. AND SEC. 27-153. PROCEDURE FOR APPEAL. AND SEC. 27-158.1. NOTICE REQUIREMENTS. AND SEC. 27-159. PROCEDURES FOR APPLYING FOR AND ISSUING A SPECIAL EXCEPTION. AND SEC. 27-160. REQUIRED FINDINGS NEEDED TO RECOMMEND A SPECIAL EXCEPTION. AND SEC. 27-161. IMPOSITION OF CONDITIONS IN ISSUING A SPECIAL EXCEPTION. AND SEC. 27-177. PROCEDURE FOR REZONING OF LAND. AND SEC. 27-178. NOTICE AND PROCEDURAL REQUIREMENTS FOR REZONING OF LAND OR CHANGES TO CODE. AND SEC. 27-184. SIMULTANEOUS ACTION ON AMENDMENT TO THE COMPREHENSIVE PLAN AND THIS CODE. AND SEC. 27-187. PROCEDURE FOR AMENDING THE COMPREHENSIVE PLAN. AND SEC. 27-219. INTERPRETATION OF ZONING DISTRICT BOUNDARIES. AND SEC. 27-228. USES PERMITTED BY SPECIAL EXCEPTION. AND SEC. 27-361. EXPIRATION OF CONCURRENCY CERTIFICATE. AND SEC. 27-363. PROCEDURE FOR APPEAL. AND SEC. 27-407. ESTABLISHMENT OF SPECIAL FLOOD HAZARD DISTRICTS, COASTAL HIGH HAZARD DISTRICTS, AND SHALLOW FLOODING DISTRICTS. AND SEC. 27-413. PROCEDURE FOR APPEAL. AND SEC. 27-446. PERMIT APPLICATION PROCEDURES. AND SEC. 27-448. CHAMPION AND HERITAGE TREES. AND SEC. 27-449. TREE PRESERVATION DURING DEVELOPMENT AND CONSTRUCTION. AND SEC. 27-453. PROCEDURE FOR APPEAL. AND SEC. 27-457. LANDSCAPING REQUIREMENTS FOR VEHICULAR USE AREAS. AND SEC. 27-476. STREET DESIGN STANDARDS. AND SEC. 27-538. EXEMPTIONS. AND SEC. 27-539. SUBMISSION OF PLANS. AND SEC. 27-540. OFF-STREET PARKING REQUIREMENTS. AND SEC. 27-544. MOTORCYCLE PARKING REQUIREMENTS. AND SEC. 27-545. DEFERRAL OF PARKING REQUIREMENTS. AND SEC. 27-546. REDUCTION FOR MIXED OR JOINT USE OF PARKING SPACES. AND SEC. 27-547. SPACES REQUIRED FOR OFF-STREET LOADING. AND SEC. 27-548. DESIGN STANDARDS FOR OFF-STREET PARKING AND LOADING AREAS. AND SEC. 27-596. ART PROJECT. AND SEC. 27-609. PROCEDURE FOR APPEAL. AND SEC. 27-626. DEFINITIONS. AND SEC. 27-627. APPLICATION REQUIREMENTS FOR NOMINATION. AND SEC. 27-628. PROCEDURE FOR DESIGNATING A LANDMARK AND HISTORIC DISTRICT. AND SEC. 27-629. CONDITIONS FOR NOT DESIGNATING A NOMINATED LANDMARK OR HISTORIC DISTRICT. AND SEC. 27-633. IDENTIFICATION OF LANDMARKS AND HISTORIC DISTRICTS. AND SEC. 27-635. EXCEPTIONS. AND SEC. 27-636. APPLICATION REQUIREMENTS FOR CERTIFICATE OF APPROPRIATENESS. AND

SEC. 27-637. PROCEDURE FOR APPLYING FOR AND ISSUING A CERTIFICATE OF APPROPRIATENESS. AND SEC. 27-642. PROCEDURE FOR APPEAL. AND PROVIDING AN EFFECTIVE DATE.

Mayor Pruette read Ordinance No. 2010-14 by title only and opened the public hearing.

There being no comments from the public, the public hearing was closed.

Moved by Weldon, seconded by Tucker.

Motion: **TO ADOPT ORDINANCE NO. 2010-14 AS AMENDED WITH THE MINOR CHANGES SPECIFIED BY STAFF INCLUDING THREE ALTERNATES ON SECOND READ.**

Mayor Pruette stated she would support the Ordinance with the understanding Mr. Keene's suggested changes would be placed on the September workshop meeting.

Councilor Weldon stated he would support the Ordinance with the caveat that Council respects the contribution of all the individual members of the various boards that have participated and served and Council does their best to demonstrate the thanks they have for all the board members efforts during the process.

City Clerk Volpe questioned when the Ordinance would go into effect. City Attorney White suggested the Ordinance be effective November 1st. This would give Council enough time to appoint members to the new board.

Councilor Weldon amended the motion.

Amended Motion: **TO MAKE THE ORDINANCE EFFECTIVE NOVEMBER 1, 2010.**

Councilor Weldon stated he would like Council to appoint the new board members at the October regular meeting.

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Tucker, Weldon, Pruette
Noes: 0

MOTION CARRIED

City Attorney asked that a copy of the title of the ordinance be filed with the minutes.

Ord. No. 2010-15 **ORDINANCE NO. 2010-15, INCREASING WATER AND SEWER RATES, SECOND READ AND PUBLIC HEARING: AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF NEPTUNE BEACH, FLORIDA CHAPTER 23 UTILITIES, ARTICLE IV WATER AND SEWER SERVICE CHARGES SECTION 23-84(B), (C) AND (D) TO INCREASE WATER RATES AND AMENDING SECTION 23-85(A), (B) AND (C) TO INCREASE SEWER RATES; AND ESTABLISHING AN EFFECTIVE DATE.**

Mayor Pruette read Ord. No. 2010-15 by title only and opened the public hearing.

There being no comments from the public, the public hearing was closed.

Andy Burnham, Burton & Associates, gave a power point presentation on the Water and Sewer Rate Study they conducted for the City. They recommended two plans of

adjustments. This Ordinance would implement Plan 2, which was more moderate. They also recommended conducting a water and sewer rate study annually.

Vice Mayor Lee explained the City made adjustments three years ago to increase the negative Reserve Fund balance. However, due to the economic situation and water conservation efforts the fund did not increase. Vice Mayor Lee asked Mr. Burnham if he felt the city had reached the bottom of water conservation efforts. Mr. Burnham replied he was hesitant to state we had reached the very bottom. But he would say there was limited room for growth. The only thing that could affect consumption now would be loss of customers due to foreclosures and additional economic conditions.

Moved by Weldon, seconded by Tucker.

Motion: **TO ADOPT ORDINANCE NO. 2010-15 ON SECOND READ.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Tucker, Weldon, Pruette

Noes: 0

MOTION CARRIED

OLD BUSINESS

Waste Pro

WASTE PRO CONTRACT: Mayor Pruette called for a motion to approve the five year extension of the Waste Pro contract.

Moved by Pardee, seconded by Tucker

Motion: **TO APPROVE THE WASTE PRO FIVE YEAR EXTENSION.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Tucker, Weldon, Pruette

Noes: 0

MOTION CARRIED

NEW BUSINESS

Res. No. 2010-08

RESOLUTION NO. 2010-08: A RESOLUTION APPOINTING MEMBERS TO THE POLICE OFFICER'S RETIREMENT BOARD.

Mayor Pruette thanked Mr. Linger for his willingness to serve on the board and asked him to introduce himself to the council.

David Linger, CPA, 1817 Hopkins Creek Lane, introduced himself to the Council. He explained he had some expertise in the area of retirement pensions.

Councilor Weldon stated Mr. Linger was a Certified Public Accountant and did a lot of volunteer work in the community. He was the Chairman of Pablo Towers Board of Directors and has volunteered years of work of BEAM. He felt the City was privileged to have him serve on the Police Officers Retirement Fund board.

Vice Mayor Lee, Councilor Tucker and Councilor Pardee, thanked Mr. Linger for his willingness to serve on the Board.

Moved by Weldon, seconded by Tucker.

Motion: **TO ADOPT RESOLUTION NO. 2010-08**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Tucker, Weldon, Pruette

Noes: 0

MOTION CARRIED

COUNCIL COMMENTS

Councilor Pardee explained the reason he wanted to amend the August 2, 2010, Regular Meeting minutes. He stated he sent an e-mail to the City Clerk with an attachment of an article that appeared in the Shorelines newspaper and requested that it be copied to the Council. The article was regarding the closing of P.J.s Sports Grill and the Village Inn in Neptune Beach. He thought Council might be interested in reading the article and comments that were written below the article. He felt he had the right to send the article and request that it be copied to Council. He donated a ream of paper to the City for copying purposes.

Adjournment

There being no further business, the meeting adjourned at 7:00 p.m.

Harriet Pruette, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved:



MINUTES
WORKSHOP CITY COUNCIL MEETING
AUGUST 16, 2010, AT 6:00 P.M.
CITY HALL, 116 FIRST STREET
NEPTUNE BEACH, FLORIDA

Pursuant to proper notice a Workshop Meeting of the City Council of the City of Neptune Beach was held August 16, 2010 at 6:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

STAFF:

Mayor Harriet Pruette
Vice Mayor Fred Lee
Councilor Kara Tucker
Councilor John Weldon
City Attorney Chris White
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

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

ABSENT:

Councilor Eric Pardee

Call to
Order/Roll
Call

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

PRESENTATIONS / NONE

CITY MANAGER'S ACTION LIST

City Manager Jarboe reported on the following:

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

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

PUBLIC COMMENTS

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

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

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

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

PROPOSED ORDINANCES / NONE

CONTRACTS / AGREEMENTS

Waste Pro

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

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

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

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

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

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

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

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

ISSUE DEVELOPMENT

CEB
Magistrate

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

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

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

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

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

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

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

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

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

PORF Board

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

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

that both applicants were Certified Public Accountants.

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

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

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

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

Finding of
Facts

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Budget FY
2010-2011

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

AND THE SECOND BUDGET MEETING ON SEPTEMBER 20TH.**COUNCIL COMMENTS**

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

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

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

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

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

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

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

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

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

Attest:

Harriet Pruette, Mayor

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
WORKSHOP CITY COUNCIL MEETING
AUGUST 2, 2010, AT 6:00 P.M
CITY HALL, 116 FIRST STREET
NEPTUNE BEACH, FLORIDA

Pursuant to proper notice a Workshop Meeting of the City Council of the City of Neptune Beach was held August 2, 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 Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

Director of Public Safety David Sembach

Absent:
City Attorney Chris White

Call to Order/Roll
Call

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

Water and Sewer
Rates

WATER AND SEWER RATES: City Manager Jarboe stated there were two choices for water and sewer rate increases. Plan 1 would increase 20% in the first year and then small amounts for the rest and Plan 2 would increase approximately 7% each year.

Each councilor felt that it would be better to increase at a lower rate each year than to have one large increase in the first year.

Consensus: **FORWARD TO 2010-15 PLAN 2 THE FOLLOWING AGENDA.**

Town Center
Holiday
Decorations

TOWN CENTER HOLIDAY DECORATIONS: City Manager Jarboe stated the town center agency had \$50,000 to buy more holiday decorations. This money would be given to the city for the city to purchase the items. The agency hoped to make Town Center a holiday destination for shoppers and diners.

Consensus: **FORWARD TO THE FOLLOWING CONSENT AGENDA**

Adjournment

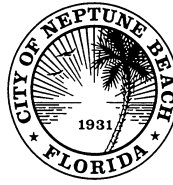
There being no further business, the meeting adjourned at 6:25 pm.

Harriet Pruetto, Mayor

Attest:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
REGULAR CITY COUNCIL MEETING
August 2, 2010 AT 6:25 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 August 2, 2010, at 6:25 p.m. in the City Hall Council Chambers, 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 Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

Public Safety Director Chief David Sembach

Absent:

City Attorney Christopher White

Order Call/Pledge

Mayor Pruette called the meeting to order at 6:25 p.m. and asked Councilor Tucker to lead the Pledge of Allegiance.

AWARDS / PRESENTATIONS / RECOGNITION OF GUESTS / NONE

APPROVAL OF MINUTES

Moved by Lee, seconded by Pardee.

Minutes

Motion: **TO APPROVE THE FOLLOWING MINUTES AS AMENDED.**

JULY 12, 2010, REGULAR CITY COUNCIL MEETING
JULY 12, 2010, WORKSHOP CITY COUNCIL MEETING
JULY 19, 2010, SPECIAL CITY COUNCIL MEETING
JULY 19, 2010, WORKSHOP CITY COUNCIL MEETING

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Tucker, Pruette

Noes: 0

Absent: 1 - Weldon

MOTION CARRIED

COMMUNICATIONS AND CORRESPONDENCE

Councilor Pardee asked City Manager Jarboe how the movies in the park were going. City Manager Jarboe responded that there were no complaints and the movies were family friendly.

CITY MANAGER REPORT

City Manager Jarboe reported the following:

- Ander Crenshaw, U.S. Representative, will be at Jacksonville Beach City Hall at 10 am on August 9th to talk about Beach Renourishment.

COMMENTS FROM THE PUBLIC / NONE

Alan Martin, 1113 First Street, felt the city should ticket people who watered their lawn on days they were not supposed to.

CONSENT AGENDA

- RESOLUTION 2010-07: A RESOLUTION OF THE CITY OF NEPTUNE BEACH CITY COUNCIL ACCEPTING THE LOCAL HAZARD MITIGATION STRATEGY DOCUMENT.
- Town Center Holiday Decorations

Moved by Tucker, seconded by Pardee.

Motion: **TO APPROVE THE CONSENT AGENDA.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Tucker, Weldon, Pruette

Noes: 0

MOTION CARRIED

VARIANCES / NONE**ORDINANCES**

Ord. No. 2010-13

ORDINANCE NO. 2010-13, ADDING SECTION 22-5, IMMOBILIZING OF VEHICLES, PUBLIC HEARING AND FINAL READ: 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 put a boot on vehicles that had numerous outstanding parking tickets.

Mayor Pruette read Ord. No. 2010-13 by title only and opened the public hearing.

There being no comments from the public, the public hearing was closed.

Moved by Weldon, seconded by Lee.

Motion: **TO ADOPT ORDINANCE NO. 2010-13 ON SECOND READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Tucker, Weldon, Pruette

Noes: 0

MOTION CARRIED

Ord. No. 2010-14

ORDINANCE NO. 2010-14 COMBINING PDRB AND BOA, FIRST READ: AN ORDINANCE OF THE CODE OF ORDINANCES OF THE CITY OF NEPTUNE BEACH, FLORIDA, AMENDING SEC. 17-37. REQUIREMENT OF PLANS AND SPECIFICATIONS. AND SEC. 17-38. PERMIT. AND CHAPTER 27 UNIFIED LAND DEVELOPMENT REGULATIONS* SEC. 27-15. DEFINITIONS. AND SEC. 27-32. GENERALLY. DIVISION 2. PLANNING AND DEVELOPMENT REVIEW BOARD AND SEC. 27-36. ESTABLISHMENT. AND SEC. 27-38. OFFICERS. AND SEC. 27-39. GENERAL FUNCTIONS, POWERS AND DUTIES. AND SEC. 27-40. BOARD PROCEDURES. AND SEC. 27-41. VOTING AND QUORUM. AND DELETING DIVISION 3. BOARD OF APPEALS AND SEC. 27-46. ESTABLISHMENT. AND SEC. 27-47. MEMBERSHIP AND OFFICERS. AND SEC. 27-48. GENERAL FUNCTIONS, POWERS AND DUTIES. AND SEC. 27-49. BOARD PROCEDURES. AND SEC. 27-50. VOTING AND QUORUM. AND SEC. 27-51. RIGHTS OF DISQUALIFIED MEMBER. AND SEC. 27-52. LEGAL REPRESENTATION. AND AMENDING-DIVISION 6. CITY COUNCIL SEC. 27-66. CITY COUNCIL. AND SEC. 27-82. PROCEDURE FOR APPLYING FOR AND ISSUING DEVELOPMENT ORDERS. AND SEC. 27-87. REQUIRED AND OPTIONAL CONTENTS OF PRELIMINARY DEVELOPMENT ORDERS. AND SEC. 27-102. PROCEDURES FOR PLATTING. AND SEC. 27-124. PROCEDURE FOR MINOR DEVIATIONS. AND SEC. 27-125. PROCEDURE FOR MAJOR DEVIATIONS. AND SEC. 27-132. REVIEW OF LEGISLATIVE DECISIONS. AND SEC. 27-133. REVIEW OF ADMINISTRATIVE DECISIONS. AND SEC. 27-141. GENERALLY. AND SEC. 27-144. NOTICE REQUIREMENTS. AND SEC. 27-145. PROCEDURES FOR APPLYING FOR AND ISSUING A VARIANCE FOR PROPERTY LOCATED WITHIN THE R-1, R-2, R-3, R-4 AND R-5 ZONING DISTRICTS. AND SEC. 27-145.1 ADMINISTRATIVE VARIANCES. AND SEC. 27-145.2. PROCEDURES FOR APPLYING FOR AND ISSUING A VARIANCE FOR PROPERTY LOCATED WITHIN THE C-1, C-2, C-3, CBC AND CONSERVATION ZONING DISTRICTS. AND SEC. 27-147. REQUIRED FINDINGS NEEDED TO ISSUE A VARIANCE. AND SEC. 27-148. IMPOSITION OF CONDITIONS IN ISSUING A VARIANCE. AND SEC. 27-150. SPECIAL PROVISIONS WHERE VARIANCE IS SOUGHT TO REQUIREMENTS IN SPECIAL FLOOD HAZARD DISTRICTS. AND SEC. 27-153. PROCEDURE FOR APPEAL. AND SEC. 27-158.1. NOTICE REQUIREMENTS. AND SEC. 27-159. PROCEDURES FOR APPLYING FOR AND ISSUING A SPECIAL EXCEPTION. AND SEC. 27-160. REQUIRED FINDINGS NEEDED TO RECOMMEND A SPECIAL EXCEPTION. AND SEC. 27-161. IMPOSITION OF CONDITIONS IN ISSUING A SPECIAL EXCEPTION. AND SEC. 27-177. PROCEDURE FOR REZONING OF LAND. AND SEC. 27-178. NOTICE AND PROCEDURAL REQUIREMENTS FOR REZONING OF LAND OR CHANGES TO CODE. AND SEC. 27-184. SIMULTANEOUS ACTION ON AMENDMENT TO THE COMPREHENSIVE PLAN AND THIS CODE. AND SEC. 27-187. PROCEDURE FOR AMENDING THE COMPREHENSIVE PLAN. AND SEC. 27-219. INTERPRETATION OF ZONING DISTRICT BOUNDARIES. AND SEC. 27-228. USES PERMITTED BY SPECIAL EXCEPTION. AND SEC. 27-361. EXPIRATION OF CONCURRENCY CERTIFICATE. AND SEC. 27-363. PROCEDURE FOR APPEAL. AND SEC. 27-407. ESTABLISHMENT OF SPECIAL FLOOD HAZARD DISTRICTS, COASTAL HIGH HAZARD DISTRICTS, AND SHALLOW FLOODING DISTRICTS. AND SEC. 27-413. PROCEDURE FOR APPEAL. AND SEC. 27-446. PERMIT APPLICATION PROCEDURES. AND SEC. 27-448. CHAMPION AND HERITAGE TREES. AND SEC. 27-449. TREE PRESERVATION DURING DEVELOPMENT AND CONSTRUCTION. AND SEC. 27-453. PROCEDURE FOR APPEAL. AND SEC. 27-457. LANDSCAPING REQUIREMENTS FOR VEHICULAR USE AREAS. AND SEC. 27-476. STREET DESIGN STANDARDS. AND SEC. 27-538. EXEMPTIONS. AND SEC. 27-539. SUBMISSION OF PLANS. AND SEC. 27-540. OFF-STREET PARKING REQUIREMENTS. AND SEC. 27-544. MOTORCYCLE PARKING REQUIREMENTS. AND SEC. 27-545. DEFERRAL OF PARKING REQUIREMENTS. AND SEC. 27-546. REDUCTION FOR MIXED OR JOINT USE OF PARKING SPACES. AND SEC. 27-547. SPACES REQUIRED FOR OFF-STREET LOADING. AND SEC. 27-548. DESIGN STANDARDS FOR OFF-STREET PARKING AND LOADING AREAS. AND SEC. 27-596. ART PROJECT. AND SEC. 27-609. PROCEDURE FOR APPEAL. AND SEC. 27-626. DEFINITIONS. AND SEC. 27-627. APPLICATION REQUIREMENTS FOR NOMINATION. AND SEC. 27-628. PROCEDURE FOR DESIGNATING A LANDMARK AND HISTORIC DISTRICT. AND SEC. 27-629. CONDITIONS FOR NOT DESIGNATING A NOMINATED LANDMARK OR HISTORIC DISTRICT. AND SEC. 27-633. IDENTIFICATION OF

LANDMARKS AND HISTORIC DISTRICTS. AND SEC. 27-635. EXCEPTIONS. AND SEC. 27-636. APPLICATION REQUIREMENTS FOR CERTIFICATE OF APPROPRIATENESS. AND SEC. 27-637. PROCEDURE FOR APPLYING FOR AND ISSUING A CERTIFICATE OF APPROPRIATENESS. AND SEC. 27-642. PROCEDURE FOR APPEAL. AND PROVIDING AN EFFECTIVE DATE.

City Manager Jarboe explained this Ordinance combined the Planning and Development Review Board and the Board of Appeals into one board to do both functions.

Mayor Pruette read Ordinance No. 2010-14 by title only and asked if any one had any comments.

There were no comments from the public.

Councilor Weldon asked the City Council to consider removing the finding of facts in this ordinance. City Manager Jarboe stated that would need to be put in a different ordinance. Council decided to workshop this issue.

Mayor Pruette felt, with the new board, an extra alternate would be a good idea. This could also be discussed at the workshop.

Moved by Pardee, seconded by Tucker.

Motion: **TO PASS ORDINANCE NO. 2010-14 ON FIRST READ.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Tucker, Weldon, Pruette

Noes: 0

MOTION CARRIED

Ord. No. 2010-15

ORDINANCE NO. 2010-15, INCREASING WATER AND SEWER RATES, FIRST READ: AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF NEPTUNE BEACH, FLORIDA CHAPTER 23 UTILITIES ARTICLE IV WATER AND SEWER SERVICE CHARGES SECTION 23-84(B), (C) AND (D) TO INCREASE WATER RATES AND AMENDING SECTION 23-85(A), (B) AND (C) TO INCREASE SEWER RATES; AND ESTABLISHING AN EFFECTIVE DATE.

City Manager Jarboe explained this Ordinance raised the water and sewer rates according to Plan 2 which raised them by approximately 7% each year.

Moved by Weldon, seconded by Tucker.

Motion: **TO PASS ORDINANCE NO. 2010-15 ON FIRST READ.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Tucker, Weldon, Pruette

Noes: 0

MOTION CARRIED

OLD BUSINESS

Waste Pro

WASTE PRO CONTRACT: City Manager Jarboe stated this would eliminate side yard pick up but the garbage contractor wanted a five year commitment.

Councilor Weldon stated he was not prepared to give them a five year extension. Councilor Pardee felt it would be a good idea to lock in the next five years at today's prices.

Consensus: **TO WORKSHOP THE ENTIRE CONTRACT AT THE NEXT WORKSHOP MEETING.**

NEW BUSINESS

PDRB10-05
327 Atlantic Blvd.

PDRB10-05 – NEPTUNE PLAZA LLC 327 ATLANTIC BLVD. STARBUCKS APPLICATION FOR COVERED TERRACE: City Manager Jarboe stated this would add a covered canopy to the outdoor dining.

Councilor Weldon questioned Stanley Hill, representative for Starbucks whether they intended to enclose the entire area in the future. He said they probably would in the future.

Councilor Pardee reminded them to keep the area clean.

Moved by Weldon, seconded by Lee.

Motion: **TO APPROVE PDRB10-05 AS THE PLANNING BOARD RECOMMENDED.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Tucker, Weldon, Pruette

Noes: 0

MOTION CARRIED

COUNCIL COMMENTS

Councilor Pardee had forwarded an email to the City Clerk requesting she pull up blogs and Mayor Pruette asked Councilor Pardee to consider staff time and copying costs when forwarding blogs to the City Clerk's office. She felt that was more of a personal preference if someone chose to read them.

Adjournment

There being no further business, the meeting adjourned at 6:45 p.m.

Harriet Pruette, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved:



**MINUTES
WORKSHOP CITY COUNCIL MEETING
JULY 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 July 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

Director of Public Safety David Sembach
Community Development Director Amanda Askew
Director of Finance Steve Ramsey
Director of Public Services Leon Smith

**Call to Order/Roll
Call**

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

PRESENTATIONS

FMIT

TOM CONLEY – FLORIDA MUNICIPAL INSURANCE TRUST: Mr. Tom Conley stated he was present only to thank the city for purchasing insurance through Florida Municipal Insurance Trust. He explained Florida Municipal Insurance Trust was a non-profit insurance trust administered by the Florida League of Cities. They return money to cities if no major storms occur during the year and they would be sending a check to Neptune Beach for approximately \$26,000 this year. City Manager Jarboe asked Mr. Conley how much money they returned to the City last year. Mr. Conley replied they refunded the City \$23,000 last year.

Councilor Weldon asked if they only provided property damage insurance. Mr. Conley replied they also provided general liability for public officials, police liability, auto, property, medical and workers compensation.

**Water & Sewer
Rate Study**

BURTON & ASSOCIATES – WATER & SEWER RATE STUDY: City Manager Jarboe stated a representative from Burton and Associates was here to give a presentation on the Water & Sewer Rate Study.

Mr. Andy Burnham, Senior Vice President & Project Manager explained the last time the water and sewer rate study was conducted was in 2007. At that time the Council adopted a three year rate adjustment the last of which was effective this current fiscal year.

The purpose of the rate study was to evaluate the financial status and performance of the water and sewer enterprise fund. The objective was to develop a financial management plan that would; 1) satisfy operating and capital cost requirements, 2) ensure financial solvency and regulatory compliance, 3) Establish and maintain adequate operating reserves, and 4) minimize rate increases to customers.

He estimated the cost of capital improvement requirements from 2010 to 2020 would amount to \$8.9 million dollars. This included the following:

- Nitrogen removal solution - \$1.9 million
- Future sewer line replacement – \$2.6 million
- Future water line replacement - \$1.9 million
- Other infrastructure, sewer and reuse projects - \$0.8 million
- Renewal, replacement, and rehabilitation projects - \$1.7 million

He explained there was a negative operating reserve balance at the end of fiscal year 2009 of \$660,000. The City should have a target balance of \$480,000 to cover three months of operating and maintenance expenses. The City is currently \$1.1 to \$1.2 million dollars from where it should be on an operating reserve point.

He stated water consumption has declined due to the current economic conditions, conservation awareness and other factors. This resulted in reduced revenues of an estimated \$2.8 million.

The goals of the study were to establish and maintain operating reserves equal to three months of operating and maintenance by fiscal year 2014, fund the capital improvement plan and develop a plan of annual rate adjustments.

He presented the following rate adjustment plans to the Council:

1. Plan 1: A one-time rate adjustment of 20.5% in fiscal year 2011 followed by inflationary adjustments of 2.5% beginning fiscal year 2012 through fiscal year 2015.
2. Plan 2: A level multi-year plan of adjustments – increasing the rate 7.8% in 2011, 7.8% in 2012, 7.9% in 2013, 7.9% in 2014 and 2.5% in 2015.

The conclusions were that the current rates did not meet certain critical financial requirements and without the rate adjustments the reserve balance would become increasing negative and the City would be in default of the State Revolving Loan Agreement.

The recommendation was to implement either of the two plans of annual rate adjustments and to update the revenue sufficiency analysis annually to verify or modify rate adjustments plan based upon economic conditions.

Mayor Pruette stated the previous auditors had noted the water and sewer funds were deteriorating. She asked Council if they had any questions or comments.

Councilor Tucker commented that she would like to see a comparison of water rates to other similar cities.

Councilor Weldon asked Mr. Burnham if they had any samples of similar size communities in Florida that were charging similar rates. Mr. Burnham replied the rate adjustment plans were comparable to other small communities.

Vice Mayor Lee stated the reserve funds were in the negative before the previous water and sewer rate study and those three rate adjustments were going to build up the three months of operating reserves. He questioned if the decrease in consumption was why the reserves were still negative. Mr. Burnham responded that was correct in addition to the unoccupied homes and commercial buildings. Vice Mayor Lee questioned if the operation of the water and sewer system was efficient. Mr. Burnham replied the operating cost have been reduced and the reduction in water usage was the sole cause of the revenue difference.

Councilor Pardee clarified the operating reserve funds were used in case of emergencies. Mr. Burnham replied the reserves were intended for liquidity purposes, monthly variances and cash flow due to weather patterns and seasonal demands also the timing of writing checks verses when the revenue was received. The reserves are also used for unanticipated operating expenses associated with a natural disaster. Councilor Pardee asked how much the City was short on reserves. Mr. Burnham replied the reserve funds were a negative \$700,000. Councilor Pardee asked if he was correct in the explanation that Plan 1 would increase the reserves by 2012 and Plan 2 would increase the reserves by 2014. Mr. Burnham responded under Plan 2 the reserves would break even at a zero reserve.

Mayor Pruette added if the water consumption changed and people started using more water the reserves could increase faster. She also said that once people got used to conserving they would continue to conserve. Mr. Burnham stated if that was to happen the City could evaluate the rate adjustment plan.

Mayor Pruette thanked Mr. Burnham for an excellent presentation and asked Council if they wanted to forward the water and sewer rate adjustment to the August workshop meeting.

City Manager Jarboe stated an Ordinance would need to be prepared in order to adjust the water and sewer rates. The Ordinance would require two readings and a public hearing to notify the rate payers. Mr. Burnham added the process would need to be started at least 30 in advance of the public hearing.

Mayor Pruette stated she would call a Special Meeting prior to the regular August meeting for discussion.

Consensus: **FORWARD TO A SPECIAL MEETING PRIOR TO THE REGULAR AUGUST MEETING.**

FIND Island

JOHN DAVIS – JTA – F.I.N.D. MITIGATION SITE SCHEDULE: Mr. John Davis distributed copies of the Mitigation Site Schedule to Council. The schedule is as follows:

- June 15, 2010 – SJRWMD and ACOE permit applications submitted
- July 20, 2010 – Release Request for Proposals (RFP) for spoil material removal
- September 2010 – Receive Technical Proposals for spoil removal
- January 2011 – Receive SJRWMD and ACOE permit approvals
- February 2011 – Receive Price Proposal for spoil removal
- February 2011 – Award contract for spoil removal

- March 2011 – Execute contract for spoil removal
- April – July 2011 – Removal of spoil

Council members thanked Mr. Davis for the update and his efforts to assist.

Beaches Trolley

Mayor Pruette presented a contribution check for \$1,000 to Mr. Mike Miller, JTA, for the operation of the Beaches Trolley. Mr. Miller thanked Council for the contribution. He added this was the third year of the Trolley operation and he hoped it lasted for many more.

CITY MANAGER'S ACTION LIST

City Manager Jarboe reported on the following:

- We received a Green Grant for \$57,000 to use towards making the City Hall green. He did not have permission to expend the funds from the Green Grant yet. The City also received a grant for approximately \$3,700 to use towards the purchase of a green vehicle. There was also approximately \$15,000 to use towards an energy audit.
- He would provide Council a copy of the preliminary budget before the end of the week.
- He will propose a property tax in the near future.
- The new Publix Shopping Center should be completed the second week of August.
- Public Services has completed the sewer crossover ditch at Fletcher High School.

PUBLIC COMMENTS

Cynthia Key, 225 Myra Street, voiced concern regarding a major dirt issue with the properties that abutted hers. She asked the Council if they could help her with the problem. City Manager Jarboe responded the City could not require the property owners to do anything.

Lynda Padrta, 1113 First Street, stated the water and sewer rate study was great adding that the reduction in water usage has a far more impact than only Neptune Beach. She was concerned about combining the Board of Appeals and the Planning & Development Review Board because of the differences in responsibilities. She did not see how the City would save money by having a Magistrate in lieu of the Code Enforcement Board.

PROPOSED ORDINANCES

AN ORDINANCE OF THE CODE OF ORDINANCES OF THE CITY OF NEPTUNE BEACH, FLORIDA, AMENDING SEC. 17-37. REQUIREMENT OF PLANS AND SPECIFICATIONS. AND SEC. 17-38. PERMIT. AND CHAPTER 27 UNIFIED LAND DEVELOPMENT REGULATIONS* SEC. 27-15. DEFINITIONS. AND SEC. 27-32. GENERALLY. DIVISION 2. PLANNING AND DEVELOPMENT REVIEW BOARD AND SEC. 27-36. ESTABLISHMENT. AND SEC. 27-38. OFFICERS. AND SEC. 27-39. GENERAL FUNCTIONS, POWERS AND DUTIES. AND SEC. 27-40. BOARD PROCEDURES. AND SEC. 27-41. VOTING AND QUORUM. AND DELETING DIVISION 3. BOARD OF APPEALS AND SEC. 27-46. ESTABLISHMENT. AND SEC. 27-47. MEMBERSHIP AND OFFICERS. AND SEC. 27-48. GENERAL FUNCTIONS, POWERS AND DUTIES. AND SEC. 27-49. BOARD PROCEDURES. AND SEC. 27-50. VOTING AND QUORUM. AND SEC. 27-51. RIGHTS OF DISQUALIFIED MEMBER. AND SEC. 27-52. LEGAL REPRESENTATION. AND

AMENDING-DIVISION 6. CITY COUNCIL SEC. 27-66. CITY COUNCIL. AND SEC. 27-82. PROCEDURE FOR APPLYING FOR AND ISSUING DEVELOPMENT ORDERS. AND SEC. 27-87. REQUIRED AND OPTIONAL CONTENTS OF PRELIMINARY DEVELOPMENT ORDERS. AND SEC. 27-102. PROCEDURES FOR PLATTING. AND SEC. 27-124. PROCEDURE FOR MINOR DEVIATIONS. AND SEC. 27-125. PROCEDURE FOR MAJOR DEVIATIONS. AND SEC. 27-132. REVIEW OF LEGISLATIVE DECISIONS. AND SEC. 27-133. REVIEW OF ADMINISTRATIVE DECISIONS. AND SEC. 27-141. GENERALLY. AND SEC. 27-144. NOTICE REQUIREMENTS. AND SEC. 27-145. PROCEDURES FOR APPLYING FOR AND ISSUING A VARIANCE FOR PROPERTY LOCATED WITHIN THE R-1, R-2, R-3, R-4 AND R-5 ZONING DISTRICTS. AND SEC. 27-145.1 ADMINISTRATIVE VARIANCES. AND SEC. 27-145.2. PROCEDURES FOR APPLYING FOR AND ISSUING A VARIANCE FOR PROPERTY LOCATED WITHIN THE C-1, C-2, C-3, CBC AND CONSERVATION ZONING DISTRICTS. AND SEC. 27-147. REQUIRED FINDINGS NEEDED TO ISSUE A VARIANCE. AND SEC. 27-148. IMPOSITION OF CONDITIONS IN ISSUING A VARIANCE. AND SEC. 27-150. SPECIAL PROVISIONS WHERE VARIANCE IS SOUGHT TO REQUIREMENTS IN SPECIAL FLOOD HAZARD DISTRICTS. AND SEC. 27-153. PROCEDURE FOR APPEAL. AND SEC. 27-158.1. NOTICE REQUIREMENTS. AND SEC. 27-159. PROCEDURES FOR APPLYING FOR AND ISSUING A SPECIAL EXCEPTION. AND SEC. 27-160. REQUIRED FINDINGS NEEDED TO RECOMMEND A SPECIAL EXCEPTION. AND SEC. 27-161. IMPOSITION OF CONDITIONS IN ISSUING A SPECIAL EXCEPTION. AND SEC. 27-177. PROCEDURE FOR REZONING OF LAND. AND SEC. 27-178. NOTICE AND PROCEDURAL REQUIREMENTS FOR REZONING OF LAND OR CHANGES TO CODE. AND SEC. 27-184. SIMULTANEOUS ACTION ON AMENDMENT TO THE COMPREHENSIVE PLAN AND THIS CODE. AND SEC. 27-187. PROCEDURE FOR AMENDING THE COMPREHENSIVE PLAN. AND SEC. 27-219. INTERPRETATION OF ZONING DISTRICT BOUNDARIES. AND SEC. 27-228. USES PERMITTED BY SPECIAL EXCEPTION. AND SEC. 27-361. EXPIRATION OF CONCURRENCY CERTIFICATE. AND SEC. 27-363. PROCEDURE FOR APPEAL. AND SEC. 27-407. ESTABLISHMENT OF SPECIAL FLOOD HAZARD DISTRICTS, COASTAL HIGH HAZARD DISTRICTS, AND SHALLOW FLOODING DISTRICTS. AND SEC. 27-413. PROCEDURE FOR APPEAL. AND SEC. 27-446. PERMIT APPLICATION PROCEDURES. AND SEC. 27-448. CHAMPION AND HERITAGE TREES. AND SEC. 27-449. TREE PRESERVATION DURING DEVELOPMENT AND CONSTRUCTION. AND SEC. 27-453. PROCEDURE FOR APPEAL. AND SEC. 27-457. LANDSCAPING REQUIREMENTS FOR VEHICULAR USE AREAS. AND SEC. 27-476. STREET DESIGN STANDARDS. AND SEC. 27-538. EXEMPTIONS. AND SEC. 27-539. SUBMISSION OF PLANS. AND SEC. 27-540. OFF-STREET PARKING REQUIREMENTS. AND SEC. 27-544. MOTORCYCLE PARKING REQUIREMENTS. AND SEC. 27-545. DEFERRAL OF PARKING REQUIREMENTS. AND SEC. 27-546. REDUCTION FOR MIXED OR JOINT USE OF PARKING SPACES. AND SEC. 27-547. SPACES REQUIRED FOR OFF-STREET LOADING. AND SEC. 27-548. DESIGN STANDARDS FOR OFF-STREET PARKING AND LOADING AREAS. AND SEC. 27-596. ART PROJECT. AND SEC. 27-609. PROCEDURE FOR APPEAL. AND SEC. 27-626. DEFINITIONS. AND SEC. 27-627. APPLICATION REQUIREMENTS FOR NOMINATION. AND SEC. 27-628. PROCEDURE FOR DESIGNATING A LANDMARK AND HISTORIC DISTRICT. AND SEC. 27-629. CONDITIONS FOR NOT DESIGNATING A NOMINATED LANDMARK OR HISTORIC DISTRICT. AND SEC. 27-633. IDENTIFICATION OF LANDMARKS AND HISTORIC DISTRICTS. AND SEC. 27-635. EXCEPTIONS. AND SEC. 27-636. APPLICATION REQUIREMENTS FOR CERTIFICATE OF APPROPRIATENESS. AND SEC. 27-637. PROCEDURE FOR APPLYING FOR AND ISSUING A CERTIFICATE OF APPROPRIATENESS. AND SEC. 27-642. PROCEDURE FOR APPEAL. AND PROVIDING AN EFFECTIVE DATE.

Mayor Pruette asked Community Development Director Amanda Askew to come forward to respond to questions from the Council.

Councilor Pardee asked if there were changes to the Ordinance other than only the names of the Board.

Community Development Director Askew replied the function of the Board of the Appeals and the Planning & Development Review Board will remain the same with the new Community Development Board. She also changed that plans be submitted to the Building Department or Community Development Director instead of to the Building Official.

Councilor Pardee was concerned combining the Boards may extend the length of the meetings. Mrs. Askew stated it would not because there was usually only one item on the agenda. She added that there was an item for a Board of Appeals meeting this month but it had to be postponed due to lack of a quorum.

Vice Mayor Lee questioned how much money it would save the city to combine the Boards. City Manager Jarboe stated a memo was previously sent out to the Council explaining the City would save approximately \$3,900 per year. City Clerk Volpe stated the savings would be in advertising and staff cost.

Councilor Weldon added that in addition to cost saving this would also create a larger pool of qualified citizens willing to volunteer. The Community Development Board would approve residential variance requests and recommend approval or denial to Council regarding commercial developments, variances and special exceptions.

Councilor Weldon asked how the findings of facts would be used. Mrs. Askew replied the Code reads that the Board of the Appeals and the Planning & Development Review Board must complete the findings of facts for variance request. However, the Council is not required to complete the findings of facts. Council would still be required to review the recommendations of the Community Development Board for commercial variances, development orders and special exceptions.

Councilor Weldon felt combining the Boards would save the City a reasonable amount of money, streamline the process for applicants, and allow for a larger pool of volunteers qualified to serve on the Board.

Councilor Tucker stated she supported combining the Boards. She questioned how many members would serve on the Board. Mrs. Askew replied there would be 7 regular members and 2 alternate members.

Mayor Pruette felt the Board members needed more training and the city could not afford it.

Vice Mayor Lee asked how many members there were currently serving on both boards. City Clerk Volpe replied the Board of Appeals currently had 5 regular members and one alternate. The Planning & Development Review Board has 2 regular members that would be termed out by the end of this year.

City Clerk Volpe suggested keeping the regular members currently serving until their terms expired.

Vice Mayor Lee asked Mrs. Askew to find out which members wished to serve on the new Board and work out the details. Mayor Pruette stated she was the one that placed members on the Board and she would get with Mrs. Askew.

Mayor Pruette stated she appreciated all the Board volunteers. She felt the City had to look at every way to save money and this was one way the city could save money.

Consensus: **FORWARD TO THE AUGUST REGULAR MEETING FOR FIRST READ.**

CONTRACTS / AGREEMENTS / NONE

ISSUE DEVELOPMENT

CEB

CODE ENFORCEMENT MAGISTRATE: Councilor Pardee stated he liked having a Code Enforcement Board because it allowed citizens of the community to participate in code enforcement issues within the community. He felt a Special Magistrate would not have the same community involvement. He also did not see how this would save the city money because a Special Magistrate would be paid \$175.00. He asked to see a cost comparison.

Vice Mayor Lee agreed with Councilor Pardee that he would like to see a cost comparison. He was also concerned that a special magistrate would delay the process.

Councilor Tucker also agreed she would like to see a cost comparison. She voiced concern regarding the Code Enforcement Board being composed of citizens was controversial because it pitted neighbors against neighbors.

Mayor Pruette added that it is hard for some citizens to look a neighbor in the eye and tell them you are going to fine them.

Councilor Weldon stated the Code Enforcement Board had a history of being inconsistent making legally damaging decisions. He added that many of the citizens serving on the board did not have the training to apply the law consistently. He felt the board also had a history of trying to moderate what the Council has dictated in the Code. He felt there was no other consistent way to enforce the Code than using a Special Magistrate who is removed from the community and would apply the Code as it is written. He added the Jacksonville Beach has been very satisfied using a Special Magistrate.

Mayor Pruette stated it was easier to get members to volunteer for the Code Enforcement Board than any of the other boards. She would also like to see a cost saving comparison.

City Manager Jarboe stated a Special Magistrate would cost more money.

Consensus: **GET A COST ANALYSIS AND FORWARD TO THE AUGUST WORKSHOP MEETING.**

PORF

POLICE OFFICERS RETIRMENT FUND BOARD: Mayor Pruette stated the Council appointed two of the members to this five member board and those members had to live in the City. One of those appointees, Mr. Donald Padgett was forced to resign because he moved out of the city and the Council needed to appoint another member.

Assistant Chief Tony Carrillo, Chairman of the Police Officers Retirement Fund Board, stated Don Padgett was no longer interested in serving on the board and the Council needed to appoint a new member.

Mayor Pruette stated the appointment should be a person with a background in insurance, an attorney, or a CPA. She asked Council to let her know if they knew anyone in the community that would be interested in serving on the Board. The next PORF Board meeting was in August.

Vice Mayor Lee asked if there was job description for the board members. Mr. Carrillo replied the board made decisions based on advice from the Board's attorney and financial advisors. City Clerk Volpe responded the Code of Ordinances describes the duties of the Board.

Mayor Pruette read the following aloud from the May 20, 2010, PORF Board meeting: "actually they have to approve it. They don't even have to say. They have to rubber stamp it. So right, the City does not take action on that, but they can't say we don't like your choice. They have to appoint him to the Board. The other two are their appointments and they appoint anybody who lives in the City". She asked Assistant Chief Carrillo to pass the following information to Mr. Christian: We want to work together with the Board in a collective way, because it is an important issue we want the right person that will help the city. This Council does not rubber stamp anybody. We never have.

Hurricane
Preparedness

HURRICANE PREPAREDNESS INFORMATION: City Manager Jarboe explained Director of Public Safety, Chief Sembach acts as the City's coordinator for civil defense as well as disaster related activities.

Chief Sembach explained there were some changes in hurricane forecasting this year. Forecasting has become more precise. They are able to predict landfall much better. Also instead of 36 hours notice for a hurricane watch we now have 48 hours. Also instead of 24 hours for a hurricane warning we now have 36. This gives us an extra 12 hours to prepare. The ability to narrow the point of landfall which means fewer people will have to be evacuated. They also changed the S? Simpson Hurricane Scale so that the storm surge and the category number are separate.

If the City were to get hit with a category 2 or category 3 hurricane the barrier island would be underwater and a mandatory evacuation would be required. The mandatory evacuation would be a strong recommendation, however, they could not force people to evacuate.

The beaches will work as a team and evacuees will not be able to re-enter the barrier island until all three beaches were deemed safe. He would be working with together with the county at the emergency operation center with Mayor Pruette as the representative for the City. Duval County will have four complexes set up and one of those will be at the beach.

The department spent \$10,000 of stimulus money this year on hurricane supplies and equipment. They now have 60 portable stop signs, two large generators, air compressors, helmets and gloves and they are well prepared for a natural disaster.

Mayor Pruette stated she went to a hurricane preparedness workshop a few weeks ago and she was informed that citizens would be able to reenter the barrier island by showing a drivers license with a current beach address. She was also learned that no one could reenter until all three beach cities were safe.

City Manager Jarboe added that all requisition request go through the State to FEMA then back down to the County level.

Mayor Pruette stated she also learned FEMA would purchase an entire gas station to provide gas for city vehicles. Chief Sembach replied they would requisition tanker trucks and drive them to Neptune Beach, that was part of the master plan.

Councilor Tucker asked if the Chief needed any information from the Council regarding their whereabouts after evacuation. Chief Sembach stated the Council could evacuate to where ever they wanted but Mayor Pruette had to go the emergency operations center downtown.

Chief Sembach added there would be a hotel available for city employees to evacuate to.

Local Mitigation

RESOLUTION 2010-XX: A RESOLUTION OF THE CITY OF NEPTUNE BEACH CITY COUNCIL ACCEPTING THE LOCAL HAZARD MITIGATION STRATEGY DOCUMENT.

This is a revised edition of a previously adopted Resolution that allows the City to be eligible for funding for reimbursement from FEMA.

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

Sewer Impr. Loan

LOAN FOR SEWER IMPROVEMENTS UP TO 2.4 MILLION: City Manager Jarboe stated this would allow him to request proposals for the loan for the nitrogen, retrofit of the sewer plant, and the reuse project. The additional over the 1.9 million would be for contingencies as recommended by the engineer.

Vice Mayor Lee asked if the interest would decrease with the principal when half of the loan was paid back. Finance Director Steve Ramsey replied as the principal amount decreases the interest payment will also decrease.

Vice Mayor Lee asked if there would be penalty to transfer the loan to a State Revolving Fund. Mr. Ramsey replied "no" that was one of the conditions that would be placed on the loan.

COUNCIL COMMENTS

Councilor Weldon asked when the elimination of side yard pick-up would be effective. City Manager Jarboe explained he was still negotiating with Waste Pro and would have the final details for the next workshop meeting. Councilor Weldon stated there needed to be at least one month notice to residents. City Manager Jarboe replied the alert system, website, and door hangers would be used to notify residents.

Adjournment

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

Harriet Pruette, Mayor

Attest:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
SPECIAL CITY COUNCIL MEETING
JULY 19, 2010 AT 8:00 P.M
CITY HALL, 116 FIRST STREET
NEPTUNE BEACH, FLORIDA

Pursuant to proper notice a Special Meeting of the City Council of the City of Neptune Beach was held July 19, 2010 at 8:00 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 Manager James Jarboe
City Clerk Lisa Volpe, CMC
City Attorney Chris White

Community Development Director Amanda Askew
Director of Finance Steve Ramsey
Director of Public Safety David Sembach
Director of Public Services Leon Smith

Order Call

Mayor Pruette called the special meeting to order at 8:00 p.m.

Sewer
Improvements

LOAN FOR SEWER IMPROVEMENTS UP TO 2.4 MILLION: Approval to allow the City Manager to secure a loan for the sewer improvements.

Moved by Lee, seconded by Tucker.

Motion: **TO LET THE CITY MANAGER AND FINANCE DIRECTOR SECURE A LOAN FOR SEWER IMPROVEMENTS NOT TO EXCEED 2.4 MILLION.**

Councilor Weldon asked if the proposals would be brought back to Council for final approval. City Manager Jarboe replied that was correct.

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Tucker, Weldon, Pruette
Noes: 0

MOTION CARRIED

Adjournment

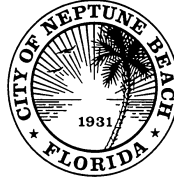
There being no further business, the meeting adjourned at 8:05 p.m.

Harriet Pruette, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
WORKSHOP CITY COUNCIL MEETING
JULY 12, 2010, AT 5:30 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 July 12, 2010 at 5:30 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
Director of Public Services Leon Smith

Call to Order/Roll
Call

Mayor Pruette called the meeting to order at 5:30 p.m.

TMDL

TMDL – IMPROVEMENTS – BIDS: City Manager Jarboe stated this project would reduce the nitrogen entering the Intracoastal. This is an unfunded State mandate. There were a total of four bids submitted. The low bidder was WPC, Industrial Contractors. City Attorney White has reviewed the contract and recommended approval.

Councilor Weldon asked Michael Hershey, engineer for the project to address the Council regarding the four bids that were received. Councilor Weldon also questioned if WPC, Industrial Contractors were responsible.

Michael Hershey, P.E. Vice President, Applied Technology & Management, explained he worked with WPC on two previous projects and both projects turned out well. Mr. Hershey added WPC was short for Water Processing Company.

Councilor Weldon questioned if Mr. Hershey was confident WPC would execute the contract without additional change orders. Mr. Hershey stated he could not guarantee there would not be any change orders. He suggested the City create a contingency allowance to cover any change orders that may arise.

Councilor Weldon asked Mr. Hershey if he was confident that all four of the bidders bid on the same specifications. Mr. Hershey replied all the bids were within ten to

fifteen percent which is an indication that the bidders all had a fairly common understanding of the project would entail.

Councilor Weldon asked Mr. Hershey if he was confident the new technology would work and if the contractor would guarantee the work.. Mr. Hershey responded the contractors and the equipment manufactures would stand behind the project. He was confident the project would exceed the expectations required by the Department of Environmental Protection.

Councilor Weldon was concerned because Jacksonville Beach and Atlantic Beach were building new sewer plants verses this new technology. Mr. Hershey replied he was looking forward to doing a comparison of the total cost for the beach cities. He felt the City would be pleasantly surprised at the cost savings.

Mayor Pruette was concerned about rainfall overflow. Mr. Hershey replied the package plant would be kept in service as backup to supplement the treatment of the new system.

Councilor Weldon asked City Attorney White if he was comfortable with the contract. City Attorney White responded he was comfortable with the contract.

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

Employee
Insurance

EMPLOYEE HEALTH INSURANCE: City Manager Jarboe explained the cost of employee health insurance for the same program as last year increased 30%. The new plan offered by Avmed would not increase costs for the City but would increase deductibles and the maximum out of pocket amount for employees. The new plan includes three options for employees to choose from. There was a base plan a buy up plan and a premium plan.

Consensus: **FORWARD TO THE FOLLOWING CONSENT AGENDA**

Waste Pro

WASTE PRO CONTRACT – SIDE YARD PICK – UP: City Manager Jarboe stated he was in the process of negotiating the possibility of eliminating side yard pick up. This would save the City approximately \$80,000. The savings would be placed in reserves to help offset the landfill tipping fees that may be required next year by the City of Jacksonville. He would need Council approve to negotiate a new contract.

Mayor Pruette asked when the Waste Pro contract expired. City Manager Jarboe replied the contract expired next year and we had the option to continue the contract or receive bids from other companies.

Mayor Pruette questioned how Waste Pro would assist the city in reemphasizing the importance of recycling to residents. She questioned if all the recycling material was properly disposed of or if some was taken to the dump, which would add more weight going into the landfill and therefore adding to the tipping fee charges. City Manager Jarboe explained Waste Pro would assist the city in a recycling promotion and education program that would increase participation in curbside recycling which would help decrease the volume of waste entering the landfill. Mayor Pruette asked if the tipping fees were based on weight. City Manager Jarboe responded the tipping fees would be based on poundage.

Councilor Pardee asked if there was a plan to notify the residents of the elimination of side yard pick up. City Manager Jarboe explained residents would be notified by the phone alert system, the website, newspaper, and door hangers. The change will not affect elderly and handicap residents.

Vice Mayor Lee asked if there would still be two day week pick up. City Manager Jarboe replied the two day a week pick up would remain in place.

Vice Mayor Lee asked City Manager Jarboe to try to negotiate a better contract with Waste Pro. He wanted the citizens to be aware the City was being proactive and that the money saved would be put into a reserve fund to help offset the cost of the future tipping fees.

Councilor Weldon was concerned that eliminating the curb side service would make residents believe that the rate would be decreased which is not the case.

City Manager Jarboe explained with Council approval the savings would be placed in the budget under a special reserve fund for sanitation.

Councilor Weldon encouraged the City maintain the twice a week trash collection in the future.

Councilor Tucker stated she supported eliminating the side yard trash pickup.

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

St. Johns River

2010 LOWER ST. JOHNS RIVER TRIBUTARIES BASIN MANAGEMENT ACTION PLAN II: City Manager Jarboe explained this is an agreement dealing with cleaning the fecal matter and nitrogen gas entering Hopkins Creek. Council previously authorized \$25,000 in the budget to monitor the fecal matter in the creek.

Vice Mayor Lee asked if this cost would be shared with residents. City Manager Jarboe stated the property owners using septic tanks would be responsible. He hoped a grant would cover half the cost.

Vice Mayor Lee asked how many septic tanks were in the City. City Manager Jarboe replied there were approximately 60 that were still located in the City.

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

Budget Meetings

City Manager Jarboe stated the first budget hearing was scheduled for Tuesday, September 7th and second hearing was scheduled for Monday, September 20th.

Adjournment

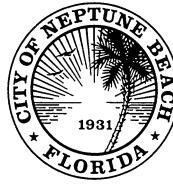
There being no further business, the meeting adjourned at 6:15 pm.

Harriet Pruetten, Mayor

Attest:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
REGULAR CITY COUNCIL MEETING
JULY 12, 2010 AT 6:15 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 July 12, 2010, at 6:15 p.m. in the City Hall Council Chambers, 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 Christopher White
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

Public Safety Director Chief David Sembach

Order Call/Pledge

Mayor Pruette called the meeting to order at 6:15 p.m. and asked Councilor Pardee to led the Pledge of Allegiance.

AWARDS / PRESENTATIONS / RECOGNITION OF GUESTS / NONE

APPROVAL OF MINUTES

Moved by Tucker, seconded by Weldon.

Minutes

Motion: **TO APPROVE THE FOLLOWING MINUTES AS AMENDED.**

Councilor Pardee asked to amend the consensus on page 3 of the Workshop meeting to read as follows: To continue sending out second notices and do not send to second read.

JUNE 7, 2010, REGULAR CITY COUNCIL MEETING
JUNE 21, 2010, WORKSHOP CITY COUNCIL MEETING

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Tucker, Weldon, Pruette

Noes: 0

MOTION CARRIED

COMMUNICATIONS AND CORRESPONDENCE

July 4th Celebration Mayor Pruette asked Chief Sembach to report on the July 4th Holiday activities. Chief Sembach explained the activities in the city this past 4th of July has improved. The Jacksonville Sherriff's Office supplied 5 horses, 6 patrol officers and 1 sergeant. There was one big party on the 400 block of Lora Street and there was about 400 people in the street. They only had to make five arrests. There were five loud party citations issued. There was only one fight, four thefts and no house burglaries were reported.

Councilor Tucker brought up an e-mail regarding the JSO horses defecating on the beach. City Manager Jarboe stated that was a minor issue and the issue will be part of the planning for next year.

Mayor Pruette thanked Councilor Tucker for calling JTA regarding a complaint from a citizen about a bus going off route and dropping an inebriated person into a residential neighborhood.

CITY MANAGER REPORT

City Manager Jarboe reported the following:

- He has been in negotiations with the two unions.
- A 30 day notification is required for the draft permit for operation of the sewer plant.
- There was a concern regarding arsenic showing up in the fluid in the sewer plant that turned out to be a problem with the lab testing.
- The Village Inn and PJ's Sports Grill have closed.

Councilor Tucker stated Danail Durbec with Clean it up Green it Up Jacksonville, would be photographing her at the part of Florida Boulevard that she adopted on Monday, July 19th. If any other Council members would like to be included in the photo, they were welcome to come.

Mayor Pruette stated City Manager Jarboe would be giving information regarding the upcoming hurricane season at the next workshop meeting.

City Clerk Lisa Volpe stated the September Regular Meeting will be on Tuesday, September 7th, due to the Labor Day Holiday.

COMMENTS FROM THE PUBLIC / NONE**CONSENT AGENDA**

- JTA Beaches Trolley – \$1,000 Contribution
- RESOLUTION NO. 2010-05: A RESOLUTION ALLOWING THE CITY MANAGER TO EXECUTE AND DELIVER THE ATLANTIC BOULEVARD MAINTENANCE AGREEMENT TO THE FLORIDA DEPARTMENT OF TRANSPORTATION.
- TMDL – Improvements – Bids / To award the bid to WPC, Industrial Contractors
- Employee Health Insurance / To approve the new health insurance plan offered by AvMed.
- Waste Pro – Side Yard Pick-up – To approve the elimination of side yard pick-up.
- 2010 Lower St. Johns River Tributaries Basin Management Action Plan II / To approve the agreement

Moved by Weldon, seconded by Lee.

Motion: **TO APPROVE THE CONSENT AGENDA.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Tucker, Weldon, Pruette

Noes: 0

MOTION CARRIED

VARIANCES / NONE

ORDINANCES

Ord. No. 2010-10

ORDINANCE NO. 2010-10, AMENDING CHAPTER 27, ADDITION OF DAY SPA, SECOND READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES CHAPTER 27 UNIFIED LAND DEVELOPMENT REGULATIONS, ARTICLE I, IN GENERAL, SECTION 27-15, DEFINITIONS, ARTICLE IV, LAND USE, TABLE 27-226-1 PERMISSIBLE USE AND TABLE 27-540-1 OFF-STREET PARKING REQUIREMENTS AND PROVIDING AN EFFECTIVE DATE.

City Manager Jarboe explained this Ordinance would allow Day Spas in the C-1 district.

Mayor Pruette read Ord. No. 2010-10 by title only and opened the public hearing.

There being no comments from the public, the public hearing was closed.

Moved by Pardee, seconded by Tucker.

Motion: **TO ADOPT ORDINANCE NO. 2010-10 ON SECOND READ AND PUBLIC HEARING.**

Mayor Pruette asked if Council wanted to add language that would more clearly define not allow tattooing as a service. City Manager Jarboe stated the tattooing would not be allowed.

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Tucker, Weldon, Pruette

Noes: 0

MOTION CARRIED

Ord. No. 2010-12

ORDINANCE NO. 2010-12, AMENDING CHAPTER 27, DRIVE THRU, FIRST READ AND PUBLIC HEARING: 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.

City Manager Jarboe explained this Ordinance defined that all drive thru windows be located to the side or rear of the building and away from the principle abutting thoroughfares by special exception.

Mayor Pruette read Ordinance No. 2010-12 by title only and opened the public hearing.

There being no comments from the public, the public hearing was closed.

Moved by Weldon, seconded by Tucker.

Motion: **TO PASS ORDINANCE NO. 2010-12 ON FIRST READ.**

Mayor Pruette agreed to sponsor Ordinance 2010-12.

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Tucker, Weldon, Pruette

Noes: 0

MOTION CARRIED

Ord. No. 2010-13

ORDINANCE NO. 2010-13, ADDING SECTION 22-5, IMMOBILIZING OF VEHICLES, FIRST READ: 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 help enforce payment of parking tickets by allowing police officers to place a boot a vehicle after having three unpaid parking tickets.

Moved by Lee, seconded by Tucker.

Motion: **TO PASS ORDINANCE NO. 2010-13 ON FIRST READ.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Tucker, Weldon, Pruette

Noes: 0

MOTION CARRIED

OLD BUSINESS

Lemon St.
Right-of-way

LEMON STREET RIGHT-OF-WAY – RESTRICTIVE COVENANT: City Manager Jarboe stated this would allow the owner of the property to develop the property for commercial use. It also indemnifies the City.

City Attorney White stated he received and reviewed all necessary documents and they were ready for approval.

Moved by Pardee, seconded by Tucker.

Motion: **TO APPROVE THE DECLARATION OF RESTRICTIVE COVENANT ALONG WITH THE LEMON STREET RIGHT-OF-WAY AGREEMENT.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Tucker, Weldon, Pruette

Noes: 0

MOTION CARRIED

NEW BUSINESS

PDRB10-04
750 Third St.

PDRB10-04 – SPECIAL EXCEPTION – 750 THIRD STREET: Mayor Pruette explained Mr. Smith had called and informed her that he and his staff were out of town and could not attend the meeting.

Councilor Weldon encouraged the Council to be cautious and reluctant when making these special exceptions for the C-1 district.

Moved by Pardee, seconded by Tucker.

Motion: **TO APPROVE PDRB10-04 AS THE PLANNING BOARD RECOMMENDED.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Tucker, Weldon, Pruette

Noes: 0

MOTION CARRIED

Res. No. 2010-06 RESOLUTION NO. 2010-06: A RESOLUTION REAPPOINTING MEMBERS TO THE BOARD OF APPEALS.

Pruette moving Mr. Trefinger from an alternate member to a regular member.

Moved by Lee, seconded by Tucker.

Motion: **TO APPROVE RESOLUTION NO. 2010-06.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Tucker, Weldon, Pruette

Noes: 0

MOTION CARRIED

COUNCIL COMMENTS

Councilor Pardee asked if there would be another workshop meeting in July. City Clerk Volpe stated there would be a workshop meeting on Monday, July 19, 2010.

Councilor Weldon asked if the topic of consolidating the Board of Appeals and the Planning & Development Review Board would be on the July 19th workshop agenda. City Clerk Volpe replied “yes” as well as the subject of a magistrate in lieu of the Code Enforcement Board.

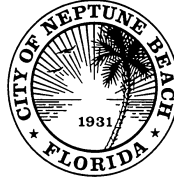
Adjournment There being no further business, the meeting adjourned at 6:45 p.m.

Harriet Pruette, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved:



**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.

be closed. She suggested moving the meeting to July 12, 2010.

Consensus: **TO HOLD THE JULY REGULAR MEETING ON MONDAY, JULY 12, 2010.**

CITY MANAGER REPORT

City Manager Jarboe reported the following:

- The 2nd Annual Beaches Challenge 5K Run and 2.5 K Walk, to benefit the Senior Activity Center, will be held Saturday, June 19, 2010 at 8:30 a.m.
- The contractor has been asked to clean up the debris along Third Street from the repaving.
- The new Publix would be opening within approximately six weeks.
- There has not been a final resolution between the property owners as to the construction of a roadway between the shopping centers.
- He would not be issuing any permits allowing bands on private properties during the 4th of July celebration.
- Finance Director Steve Ramsey is coming into the office twice a week and working from his home on 2010/2011 FY budget.

Vice Mayor Lee asked if the City had outlined a plan for cleaning up any oil that may wash ashore due to the oil spill in the Gulf of Mexico. City Manager Jarboe stated the Department of Environmental Protection had control over the situation. However, the city would be monitoring the beaches.

COMMENTS FROM THE PUBLIC / NONE

CONSENT AGENDA / NONE

VARIANCES / NONE

ORDINANCES

Ord. No. 2010-10

ORDINANCE NO. 2010-10, ADD DAY SPAS, FIRST READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES CHAPTER 27 UNIFIED LAND DEVELOPMENT REGULATIONS, ARTICLE I, IN GENERAL, SECTION 27-15, DEFINITIONS, ARTICLE IV, LAND USE, TABLE 27-226-1 PERMISSIBLE USE AND TABLE 27-540-1 OFF-STREET PARKING REQUIREMENTS AND PROVIDING AN EFFECTIVE DATE.

City Manager Jarboe explained this Ordinance would allow upscale salons in the C-1 district by special exception.

Mayor Pruetto read the Ordinance by title only and opened the public hearing.

There being no comments from the public, the public hearing was closed.

Moved by Lee, seconded by Pardee.

Motion: **TO PASS ORDINANCE NO. 2010-10 ON FIRST READ AND PUBLIC HEARING.**

Councilor Weldon questioned if the parking requirements would be adequate. City Manager Jarboe explained the parking requirements for day spas were the same as shopping centers.

Councilor Pardee explained the applicant had informed him that there would be no overnight stays for medical procedures and procedures would be by appointment only.

Roll Call Vote;

Ayes: 5 – Lee, Pardee, Tucker, Weldon, Pruetto

Noes: 0

Mayor Pruette stated she would sponsor the Ordinance.

MOTION CARRIED

Ord. No. 2010-11 **ORDINANCE NO. 2010-11, AMENDING ARTICLE IV. WATER AND SEWER CHARGES, FIRST READ: 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 223-105 BILLING AND PAYMENT AND PROVIDING AN EFFECTIVE DATE.**

City Manager Jarboe stated this Ordinance would eliminate the requirement to send out second notices for water and sewer non payments.

Moved by Lee, seconded by Pardee.

Motion: **TO PASS ORDINANCE NO. 2010-11 ON FIRST READ.**

Vice Mayor Lee asked how many customers would be affected by the Ordinance. City Manager Jarboe stated this would affect about 100 to 200 customers per month which was approximately 7% of all utility accounts. This would save the city money in staff time.

Councilor Weldon stated this was an issue regarding the level of service provided by the city and historically customers were given a second notice before their water and sewer was cut off. He wanted to debate the issue.

Mayor Pruette stated the Ordinance would be forwarded to the June workshop meeting for further discussion before the second read.

Councilor Weldon protested not being able to discuss the Ordinance at a regular meeting.

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Tucker, Weldon, Pruette

Noes: 0

MOTION CARRIED

OLD BUSINESS / NONE

NEW BUSINESS

Surplus **SURPLUS POLICE VEHICLES:** City Manager Jarboe explained the police department had the following vehicles to surplus:

2003 Chevy Impala VIN # 2G1WF55KX39410324

2003 Chevy Impala VIN # 2G1WF55KX39225142

2003 Chevy Impala VIN # 2G1WF55K739217970

2004 Chevy Impala VIN # 2G1WF55K149227126

Moved by Weldon, seconded by Lee.

Motion: **TO SURPLUS THE ITEMS LISTED.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Tucker, Weldon, Pruette

Noes: 0

MOTION CARRIED

Councilor Weldon stated the grant to replace these vehicles came with the requirement that the Public Safety Department pursue more aggressive DWI enforcement. City Manager Jarboe stated he would have that placed in the Cast-a-Line Newsletter.

Movies in the Park **MOVIES IN THE PARK:** City Manager Jarboe explained the Resurrection Anglican Church has requested permission to show movies in Jarboe Park. He was not in favor of allowing the showing of the movies in the park due to noise ordinance concerns.

Moved by Pardee, seconded by Lee.

Motion: **TO APPROVE THE MOVIES IN THE JARBOE PARK.**

Vice Mayor Lee was also concerned there would be noise complaints because the movies would not be over until after 11:00 p.m.

City Manager Jarboe previously suggested they ask the Girl Scouts if they could use the Girl Scout building inside the park to show the movies.

Mayor Pruette asked if Councilor Pardee wanted to withdraw the motion and make another or if the Council wanted to vote on the motion as is.

City Manager Jarboe stated the city has had this issue with other events in the park. If there is a noise complaint the police are required to ask them to cease and desist or issue a citation.

Councilor Pardee stated he would be favor of allowing them the opportunity.

Mayor Pruette stated they have been warned that if there was a noise complaint they would have to shut down.

Vice Mayor Lee stated as long as they knew there was a chance of being shut down he would be in favor of giving them the opportunity.

City Attorney White suggested, due to the nature of a religious group showing movies on public property, the city inquire as to what movies they intended to show.

Roll Call Vote:

Ayes: 3 – Lee, Pardee, Tucker

Noes: 2 – Weldon, Pruette

MOTION CARRIED**COUNCIL COMMENTS**

Councilor Pardee was concerned the new DUI enforcement would affect the traffic patrol. He asked Chief Sembach if there was a station closer to the beach where DUI offenders could be booked. Chief Sembach responded DUI offenders had to be taken downtown to Jacksonville by the arresting officer because they had to be present when the breathalyzer test was administered. Chief Sembach added that other beach patrols would provide back up assistance if needed.

Councilor Weldon asked what the citizens should expect. Chief Sembach explained the grant specifies the new vehicles had to be marked as police vehicles. He intended to have the markings placed on the sides. They would not be marked in the front or the rear. They would not have lights on the top and they would not have a yellow city tag. They would have a lot of lights for safety purposes and would be equipped with cameras on both the front and the rear. Perpetrators would not be able to identify the police car until they passed it or approached

either side.

Mayor Pruette stated she went before the JTA Board last week and they assured her they were working on a solution to have the dirt mound in the intracoastal removed and they may need our help in securing the permit.

City Attorney White advised the new State law effective October 1, 2009 allowed municipalities to allow outdoor doggie dining. There were some new requirements in effect. City Manager Jarboe explained our permit application would have to be amended to adhere to the new State requirement. City Attorney White advised information on dog dining permits would have to be furnished to the State.

Vice Mayor Lee thanked City Manager Jarboe and staff for cleaning the graffiti off of the fence by the Church.

Adjournment

There being no further business, the meeting adjourned at 6:50 p.m.

Harriet Pruette, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved:

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 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: _____



MINUTES
REGULAR CITY COUNCIL MEETING
JUNE 7, 2010 AT 6:00 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 June 7, 2010, at 6:00 p.m. in the City Hall Council Chambers, 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 Christopher White
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

Public Safety Director Chief David Sembach

Order Call/Pledge

Mayor Pruette called the meeting to order at 6:00 p.m. and asked Councilor Weldon to lead the pledge of allegiance.

AWARDS / PRESENTATIONS / RECOGNITION OF GUESTS / NONE

APPROVAL OF MINUTES

Moved by Tucker, seconded by Lee.

Minutes

Motion: **TO APPROVE THE FOLLOWING MINUTES AS AMENDED.**

MAY 3, 2010, REGULAR CITY COUNCIL MEETING
MAY 24, 2010, WORKSHOP CITY COUNCIL MEETING

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Tucker, Weldon, Pruette

Noes: 0

MOTION CARRIED

COMMUNICATIONS AND CORRESPONDENCE

Mayor Pruette stated the agenda item for approval for the church to show movies in Jarboe Park would be added at the end of the agenda. It was mistakenly left off the agenda although it shows in the minutes it was to be voted on.

City Clerk Volpe stated the July regular meeting would fall on July 5, 2010 and City Hall would

be closed. She suggested moving the meeting to July 12, 2010.

Consensus: **TO HOLD THE JULY REGULAR MEETING ON MONDAY, JULY 12, 2010.**

CITY MANAGER REPORT

City Manager Jarboe reported the following:

- The 2nd Annual Beaches Challenge 5K Run and 2.5 K Walk, to benefit the Senior Activity Center, will be held Saturday, June 19, 2010 at 8:30 a.m.
- The contractor has been asked to clean up the debris along Third Street from the repaving.
- The new Publix would be opening within approximately six weeks.
- There has not been a final resolution between the property owners as to the construction of a roadway between the shopping centers.
- He would not be issuing any permits allowing bands on private properties during the 4th of July celebration.
- Finance Director Steve Ramsey is coming into the office twice a week and working from his home on 2010/2011 FY budget.

Vice Mayor Lee asked if the City had outlined a plan for cleaning up any oil that may wash ashore due to the oil spill in the Gulf of Mexico. City Manager Jarboe stated the Department of Environmental Protection had control over the situation. However, the city would be monitoring the beaches.

COMMENTS FROM THE PUBLIC / NONE

CONSENT AGENDA / NONE

VARIANCES / NONE

ORDINANCES

Ord. No. 2010-10 **ORDINANCE NO. 2010-10, ADD DAY SPAS, FIRST READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES CHAPTER 27 UNIFIED LAND DEVELOPMENT REGULATIONS, ARTICLE I, IN GENERAL, SECTION 27-15, DEFINITIONS, ARTICLE IV, LAND USE, TABLE 27-226-1 PERMISSIBLE USE AND TABLE 27-540-1 OFF-STREET PARKING REQUIREMENTS AND PROVIDING AN EFFECTIVE DATE.**

City Manager Jarboe explained this Ordinance would allow upscale salons in the C-1 district by special exception.

Mayor Pruette read the Ordinance by title only and opened the public hearing.

There being no comments from the public, the public hearing was closed.

Moved by Lee, seconded by Pardee.

Motion: **TO PASS ORDINANCE NO. 2010-10 ON FIRST READ AND PUBLIC HEARING.**

Councilor Weldon questioned if the parking requirements would be adequate. City Manager Jarboe explained the parking requirements for day spas were the same as shopping centers.

Councilor Pardee explained the applicant had informed him that there would be no overnight stays for medical procedures and procedures would be by appointment only.

Roll Call Vote;

Ayes: 5 – Lee, Pardee, Tucker, Weldon, Pruette

Noes: 0

Mayor Pruette stated she would sponsor the Ordinance.

MOTION CARRIED

Ord. No. 2010-11

ORDINANCE NO. 2010-11, AMENDING ARTICLE IV. WATER AND SEWER CHARGES, FIRST READ: 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 223-105 BILLING AND PAYMENT AND PROVIDING AN EFFECTIVE DATE.

City Manager Jarboe stated this Ordinance would eliminate the requirement to send out second notices for water and sewer non payments.

Moved by Lee, seconded by Pardee.

Motion: **TO PASS ORDINANCE NO. 2010-11 ON FIRST READ.**

Vice Mayor Lee asked how many customers would be affected by the Ordinance. City Manager Jarboe stated this would affect about 100 to 200 customers per month which was approximately 7% of all utility accounts. This would save the city money in staff time.

Councilor Weldon stated this was an issue regarding the level of service provided by the city and historically customers were given a second notice before their water and sewer was cut off. He wanted to debate the issue.

Mayor Pruette stated the Ordinance would be forwarded to the June workshop meeting for further discussion before the second read.

Councilor Weldon protested not being able to discuss the Ordinance at a regular meeting.

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Tucker, Weldon, Pruette

Noes: 0

MOTION CARRIED

OLD BUSINESS / NONE

NEW BUSINESS

Surplus

SURPLUS POLICE VEHICLES: City Manager Jarboe explained the police department had the following vehicles to surplus:

2003 Chevy Impala VIN # 2G1WF55KX39410324

2003 Chevy Impala VIN # 2G1WF55KX39225142

2003 Chevy Impala VIN # 2G1WF55K739217970

2004 Chevy Impala VIN # 2G1WF55K149227126

Moved by Weldon, seconded by Lee.

Motion: **TO SURPLUS THE ITEMS LISTED.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Tucker, Weldon, Pruette

Noes: 0

MOTION CARRIED

Councilor Weldon stated the grant to replace these vehicles came with the requirement that the Public Safety Department pursue more aggressive DWI enforcement. City Manager Jarboe stated he would have that placed in the Cast-a-Line Newsletter.

Movies in the Park **MOVIES IN THE PARK:** City Manager Jarboe explained the Resurrection Anglican Church has requested permission to show movies in Jarboe Park. He was not in favor of allowing the showing of the movies in the park due to noise ordinance concerns.

Moved by Pardee, seconded by Lee.

Motion: **TO APPROVE THE MOVIES IN THE JARBOE PARK.**

Vice Mayor Lee was also concerned there would be noise complaints because the movies would not be over until after 11:00 p.m.

City Manager Jarboe previously suggested they ask the Girl Scouts if they could use the Girl Scout building inside the park to show the movies.

Mayor Pruette asked if Councilor Pardee wanted to withdraw the motion and make another or if the Council wanted to vote on the motion as is.

City Manager Jarboe stated the city has had this issue with other events in the park. If there is a noise complaint the police are required to ask them to cease and desist or issue a citation.

Councilor Pardee stated he would be favor of allowing them the opportunity.

Mayor Pruette stated they have been warned that if there was a noise complaint they would have to shut down.

Vice Mayor Lee stated as long as they knew there was a chance of being shut down he would be in favor of giving them the opportunity.

City Attorney White suggested, due to the nature of a religious group showing movies on public property, the city inquire as to what movies they intended to show.

Roll Call Vote:

Ayes: 3 – Lee, Pardee, Tucker

Noes: 2 – Weldon, Pruette

MOTION CARRIED**COUNCIL COMMENTS**

Councilor Pardee was concerned the new DUI enforcement would affect the traffic patrol. He asked Chief Sembach if there was a station closer to the beach where DUI offenders could be booked. Chief Sembach responded DUI offenders had to be taken downtown to Jacksonville by the arresting officer because they had to be present when the breathalyzer test was administered. Chief Sembach added that other beach patrols would provide back up assistance if needed.

Councilor Weldon asked what the citizens should expect. Chief Sembach explained the grant specifies the new vehicles had to be marked as police vehicles. He intended to have the markings placed on the sides. They would not be marked in the front or the rear. They would not have lights on the top and they would not have a yellow city tag. They would have a lot of lights for safety purposes and would be equipped with cameras on both the front and the rear. Perpetrators would not be able to identify the police car until they passed it or approached

either side.

Mayor Pruette stated she went before the JTA Board last week and they assured her they were working on a solution to have the dirt mound in the intracoastal removed and they may need our help in securing the permit.

City Attorney White advised the new State law effective October 1, 2009 allowed municipalities to allow outdoor doggie dining. There were some new requirements in effect. City Manager Jarboe explained our permit application would have to be amended to adhere to the new State requirement. City Attorney White advised information on dog dining permits would have to be furnished to the State.

Vice Mayor Lee thanked City Manager Jarboe and staff for cleaning the graffiti off of the fence by the Church.

Adjournment

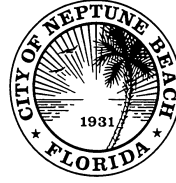
There being no further business, the meeting adjourned at 6:50 p.m.

Harriet Pruette, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved:



**MINUTES
WORKSHOP CITY COUNCIL MEETING
MAY 24, 2010, AT 6:18 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 May 24, 2010 at 6:18 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

STAFF:

Mayor Harriet Pruette
Vice Mayor Fred Lee
Councilor Kara Tucker
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

Director of Public Safety David Sembach

ABSENT:

Councilor Eric Pardee
Councilor John Weldon
City Attorney Chris White

Call to Order/Roll
Call

Mayor Pruette called the meeting to order at 6:18 p.m. and stated for the record that a quorum was present.

PRESENTATIONS / NONE

CITY MANAGER'S ACTION LIST

City Manager Jarboe reported on the following:

- There have been a number of complaints regarding traffic on Atlantic Boulevard due to the construction work.
- The Publix Shopping Center has begun the construction of the outparcels.
- There have also been complaints regarding the work by Florida Department of Transportation in the Third Street rights-of-way.
- He is working with the Department of Environmental Protection on issues regarding the sewer plant.
- He will be meeting with representatives of the City of Jacksonville regarding the new tipping fees.

Vice Mayor Lee questioned when the repaving of Third Street would begin. City Manager Jarboe replied the repaving on Third Street would most likely begin once the Florida Department of Transportation has completed repaving Atlantic Boulevard and a portion of Third Street in Jacksonville Beach.

Mayor Pruette stated the annual "Dancin' in the Street" event was a huge success.

PUBLIC COMMENTS

Lynda Padrta, 1113 First Street, urged Council to keep pressure on Jacksonville Transportation Authority to remove the dirt pile in the Intracoastal. She asked Council to review the process of the Planning & Development Review Board due to the misunderstanding of a Council member.

PROPOSED ORDINANCES

ORDINANCE NO. 2010-XX, AMENDING ARTICLE IV. 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.

City Manager Jarboe explained this Ordinance will eliminate having to place door hangers or other notices for late payments in addition to the first notice.

Vice Mayor Lee questioned how many late payments the City received each month. City Manager Jarboe responded they varied from 150 to 400 per month.

City Manager Jarboe stated he would be meeting with representatives of Burton and Associates regarding utility rate study.

Consensus: **FORWARD TO THE JUNE REGULAR MEETING FOR FIRST READ.**

CONTRACTS / AGREEMENTS

Restrictive
Covenant

LEMON STREET RIGHT-OF-WAY RESTRICTIVE COVENANT: City Manager Jarboe stated the documents have been prepared. He asked Council to defer approval until the property has been cleaned up.

William Finger, Attorney for COH Jacksonville, Florida, stated he would have the contractor clean up the property.

Consensus: **TO ALLOW CITY MANAGER JARBOE TO DECIDE WHEN TO PLACE ON THE COUNCIL AGENDA DUE TO THE PROPERTY NEEDING TO BE CLEANED UP.**

ISSUE DEVELOPMENT

Jarboe Park
Movies

RESURRECTION ANGLICAN CHURCH – MOVES IN JARBOE PARK – DAVID BALL: David Ball, Pastor for Resurrection Anglican Church, explained they would like permission to show movies in Jarboe Park beginning Friday, June 18th. The movies

would be free to the public and popcorn and drinks would be provided free of charge.

City Manager Jarboe voiced concern regarding the noise ordinance and the nearby residential properties. Due to the daylight the movies would not begin showing until after 9:00 p.m. and would not end until after 10:00 p.m.

Pastor Ball replied they would begin the movies right at sunset and would not have large speakers. They would be in the center of the park as far away as possible from residential housing. He agreed to shut down the movies if there were any noise complaints.

Councilor Tucker was also concerned about the noise because there have been noise complaints from previous events held in Jarboe Park. She was also concerned about the parking arrangements. Pastor Ball replied they would use the side of the Beaches Chapel for parking.

City Manager Jarboe suggested they ask the Girl Scouts if they could use the Girl Scout building in the park to show the movies.

Mayor Pruette suggested they show the movies on the Beaches Chapel property. Pastor Ball stated the noise ordinance would remain an issue even if the movies were shown on the Church property. He felt the event would attract more people if it were held in the park because some people may not feel comfortable going to a church.

Vice Mayor Lee suggested putting those conditions in writing. City Manager Jarboe stated once Council approved the event he would prepare an agreement.

Consensus: **TO HAVE CITY MANAGER JARBOE WORK OUT THE DETAILS AND FORWARD TO THE JUNE REGULAR MEETING FOR APPROVAL.**

750 Third St.

DISCUSSION FOR ALLOWING AN UPSCALE SALON – 750 THIRD STREET: Mayor Pruette asked Mr. Jim Smith, owner of the property at 750 Third Street, to address the Council

Mr. Jim Smith, owner of the Secure One Building, 750 Third Street, explained he had a tenant interested in renting the upstairs space of the building which is 2,600 square feet. The tenant would like to have an upscale salon that would include cosmetic services. He was requesting the City change the permissible use table to allow this type of business by special exception.

City Manager Jarboe stated Council would have to change the Code and amend the Ordinance to allow this use by special exception. The request would first need to go to the Planning & Development Review for recommendation to the Council. After the Planning & Development Review Board makes their recommendation to the Council the Council would still need to have two readings of the Ordinance before its official adoption.

Mayor Pruette stated she placed this on the agenda to find out if Council would be willing to change the Code.

Vice Mayor Lee questioned why salons were not allowed in C-1 zoning district. City Manager Jarboe stated the C-1 zoning district was for professional services.

Mayor Pruette felt the upscale salon would fit into the C-1 district.

City Manager Jarboe explained if the Council opted to change the Code to allow the salon it would not be approved until the July regular Council meeting.

Consensus: **FORWARD TO THE JUNE REGULAR MEETING FOR FIRST READ.**

COUNCIL DISCUSSION

Mayor Pruette thanked Vice Mayor Lee and Councilor Tucker for donating door prizes for the Florida League of Cities Dinner meeting that was hosted by the Beach cities. She also thanked Vice Mayor Lee for attending the budget meeting with Jacksonville Mayor John Peyton.

Vice Mayor Lee stated he attended the Jacksonville budget meeting with Mayor Peyton that was held at the Jacksonville Beach Community Center. He stated it was a good process whereas departments were broken up into groups and priorities were determined.

Councilor Tucker stated she was unable to attend the Jacksonville budget meeting because she and Mayor Pruette were representing Neptune Beach at the Florida League of Cities dinner meeting. She thanked City Clerk Lisa Volpe for attending the dinner meeting.

Councilor Tucker stated she adopted Florida Boulevard as part of the Keep Jacksonville Beautiful plan. She invited the Council to become her friends and help clean up the area.

Adjournment

There being no further business, the meeting adjourned at 6:45 pm.

Harriet Pruette, Mayor

Attest:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
REGULAR CITY COUNCIL MEETING
May 3, 2010 AT 6:00 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 May 3, 2010, at 6:00 p.m. in the City Hall Council Chambers, 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 Christopher White
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

Assistant Chief Anthony Carrillo

Order Call/Pledge

Mayor Pruette called the meeting to order at 6:00 p.m. and asked Vice Mayor Lee to lead the pledge of allegiance.

AWARDS / PRESENTATIONS / RECOGNITION OF GUESTS / NONE

APPROVAL OF MINUTES

Moved by Lee, seconded by Tucker.

Councilor Pardee stated the April 19, 2010 workshop minutes needed to be amended to read that the Publix building was recently inspected jointly by the City of Neptune Beach and the City of Jacksonville.

Minutes

Motion: **TO APPROVE THE FOLLOWING MINUTES AS AMENDED.**

APRIL 4, 2010, REGULAR CITY COUNCIL MEETING
APRIL 19, 2010, WORKSHOP CITY COUNCIL MEETING

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Tucker, Weldon, Pruette
Noes: 0

MOTION CARRIED

COMMUNICATIONS AND CORRESPONDENCE

Mayor Pruette stated the three beach cities would be sponsoring the Florida League of Cities Dinner Meeting this month. She asked for donations of door prizes.

Mayor Pruette stated she would not be available to attend the budget meeting of City of Jacksonville Mayor Peyton and asked Vice Mayor Lee if he would attend in her absence. Vice Mayor Lee agreed to attend the meeting.

Mayor Pruette stated she received a letter from Mr. Blaylock, Jacksonville Transportation Authority, which indicated they were looking at different options to remove the dirt mound in the intracoastal.

City Clerk Volpe asked Council for a consensus to hold the May Workshop meeting on the 24th.

Consensus: **TO HOLD THE MAY WORKSHOP MEETING ON MAY 24, 2010.**

CITY MANAGER REPORT

City Manager Jarboe reported the following:

- Director of Finance Steve Ramsey is still recuperating from his surgery. He is expected to return to work at the end of May.
- Chief Sembach is on vacation.
- The Florida Department of Transportation has almost completed installing the new traffic signals on Third Street and Atlantic Boulevard. Once the new traffic signals have been installed they would begin the repaving.
- Construction of the new Publix is moving forward and should be expected to open in the middle of August. The Blockbuster video store will remain open and there may be a restaurant built on one of the outparcels.

Councilor Pardee asked City Manager Jarboe to update the Council on the grant for Jarboe Park improvements being provided by Wal-mart and Kellogg's. City Manager Jarboe stated the grant may not be accepted because they wanted indemnity from the City.

COMMENTS FROM THE PUBLIC / NONE

CONSENT AGENDA

- 3RD Annual Neptune Beach Surf Camp – June 14 – July 16
- Neptune Beach Senior Activity Center – Second Annual Beaches 5K Run & 2.5K Walk – June 19
- RESOLUTION 2010-04: 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.

Moved by Weldon, seconded by Tucker.

Motion: **TO APPROVE THE CONSENT AGENDA.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Tucker, Weldon, Pruette

Noes: 0

MOTION CARRIED

VARIANCES / NONE**ORDINANCES**

Ord. No. 2010-06 ORDINANCE NO. 2010-06, ADDING TO SECTION 2-447, AUTHORIZING ISSUE OF CITATIONS FOR CODE VIOLATIONS, SECOND READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA ADDING TO SECTION 2-447 PROVISIONS OF DIVISION SUPPLEMENTAL IN THE CODE OF ORDINANCES AUTHORIZING THE CITY MANAGER AND HIS DESIGNEE TO ISSUE CITATIONS FOR VIOLATIONS OF THE CITY'S CODE AS HE DEEMS NEEDED AND PROVIDING AN EFFECTIVE DATE.

This Ordinance would allow the City Manager or his designee to issue a citation for a code violation.

Mayor Pruette read Ordinance No. 2010-06 by title only and opened the public hearing.

There being no comments from the public, the public hearing was closed.

Moved by Pardee, seconded by Lee.

Councilor Pardee recommended changes the second sentence to read the following: No citations shall be issued without the approval of the City Manager or his designee.

Motion: **TO ADOPT ORDINANCE 2010-06 AS AMENDED ON SECOND READ AND PUBLIC HEARING.**

Roll Call Vote;

Ayes: 5 – Lee, Pardee, Tucker, Weldon, Pruette

Noes: 0

MOTION CARRIED

Ord. No. 2010-07 ORDINANCE NO. 2010-07, AMENDING SECTION 22-26 SCHEDULES OF STREETS, DISTRICTS, AND ZONES, SECOND READ AND PUBLIC HEARING: AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF NEPTUNE BEACH, FLORIDA, AMENDING CHAPTER 22, TRAFFIC AND MOTOR VEHICLES, ARTICLE II. PARKING, STOPPING AND STANDING, SECTION 22-26, SCHEDULES OF STREETS, DISTRICTS AND ZONES, AND PROVIDING AN EFFECTIVE DATE.

This Ordinance would raise the fine for parking violations from \$25.00 to \$35.00.

Mayor Pruette read Ordinance No. 2010-07 by title only and opened the public hearing.

There being no comments from the public, the public hearing was closed.

Moved by Pardee, seconded by Tucker.

Motion: **TO ADOPT ORDINANCE NO. 2010-07 ON SECOND READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Tucker, Weldon, Pruette

Noes: 0

MOTION CARRIED

Ord. No. 2010-08 ORDINANCE NO. 2010-08, AMENDING SECTION 2-362 SERVICE FEE FOR DISHONORED CHECKS, SECOND READ AND PUBLIC HEARING: AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF NEPTUNE BEACH, FLOIRDA, AMENDING CHAPTER 2, ADMINISTRATION, ARTICLE VI. FINANCE, SECTION 2-362, SERVICE FEE FOR DISHONORED CHECKS.

This would raise the fee for returned checks from \$20.00 to \$30.00 and help generate revenue to cover the costs.

Mayor Pruette read Ordinance No. 2010-08 by title only and opened the public hearing.

There being no comments from the public, the public hearing was closed.

Moved by Tucker, seconded by Weldon.

Motion: **TO ADOPT ORDINANCE NO. 2010-08 ON SECOND READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Tucker, Weldon, Pruette

Noes: 0

MOTION CARRIED

Ord. No. 2010-09 ORDINANCE NO. 2010-09, AMENDING ARTICLE IV, WATER AND SEWER CHARGES, SECOND READ AND PUBLIC HEARING: AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF NEPTUNE BEACH, FLORIDA, AMENDING ARTICLE IV. WATER AND SEWER CHARGES, SECTION 23-81(D) NEW CONNECTIONS; WATER AND SEWER TAP-INS, SECTION 23-83(A) SECURITY DEPOSIT'S AND SECTION 23-89 NOTICE OF PROPOSED TERMINATION OF SERVICE; ADMINISTRATIVE HEARING; DISCONNECTING SERVICE OF FAILURE TO PAY CHARGES; RECONNECTING FEE AND PROVIDING AN EFFECTIVE DATE.

This Ordinance increases the utility deposit from \$75.00 to \$150.00 and the reconnection charge from \$50.00 to \$75.00.

Mayor Pruette read Ord. No. 2010-09 by title only and opened the public hearing.

There being no comments from the public, the public hearing was closed.

Moved by Lee, seconded by Weldon.

Motion: **TO ADOPT ORDINANCE NO. 2010-09 ON SECOND READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Tucker, Weldon, Pruette

Noes: 0

MOTION CARRIED

OLD BUSINESS

Res. No. 2010-03 RESOLUTION NO. 2010-03: A RESOLUTION ESTABLISHING THE ORDER OF BUSINESS FOR THE CITY COUNCIL REGULAR AND WORKSHOP MEETINGS.

Moved by Weldon, seconded by Tucker.

Motion: **TO APPROVE RESOLUTION NO. 2010-03.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Tucker, Weldon, Pruette

Noes: 0

MOTION CARRIED

NEW BUSINESS

PDRB10-03

PDRB10-03, PRELIMINARY DEVELOPMENT ORDER FOR SHIVAM NEPTUNE, LLC / DAYS INN, 1401 ATLANTIC BOULEVARD: The purpose of the development order is to add a drive-thru window to the existing liquor store.

Bobby Shivam, 351 Way East, Jacksonville, Shawn Lenoble, 702 9th Avenue South, Jacksonville Beach, Days Inn Operations Manager, explained Golden Ox Liquors was a family owned business and has been in business for over 15 years in the Jacksonville area. They have a joint venture with the Days Inn at this location. The development order was a request for a drive thru window for the liquor store to be located on the north side of the Days Inn building. There would not be a menu board or a loud speaker. There would be 90 feet from the drive thru window to Atlantic Boulevard. If necessary they would be willing to install directional arrows and barricades to guide traffic safely around the building.

Councilor Pardee asked there would be food sold through the drive thru window. Mr. Lenoble replied there would not be any food sold through the window.

Councilor Pardee asked City Manager Jarboe if there were any other businesses in the city with drive thru windows located on the front of the building. City Manager Jarboe replied “no” with the exception of Pete’s Bar.

Councilor Pardee asked Kerry Chin, Chairman of the Planning & Development Review Board, if the board denied the development order based on the Code. Mr. Chin responded the Code required drive thru windows to be located on the rear of buildings. The code did not address liquors stores being allowed in any specific zoning district. The Board was also concerned about traffic.

Mayor Pruette stated the Planning & Development Review Board recommended denial of the development order with a 6 to 1 vote.

Vice Mayor Lee stated he listened to the tape recording of the Planning & Development Review meeting. The board members were concerned because the Code did not clearly state any requirements for liquor stores. There was also not a clear definition in the Code regarding what would be considered the front of the Days Inn building. The City Manager informed him this afternoon that Chief Sembach did not consider the drive thru to cause an issue with traffic. He asked if the development order should be forwarded to the May workshop to address the Code issues.

Councilor Weldon felt the Code was completely clear that drive thru windows were not to be adjacent to the main arterial immediately in front of the building. He felt vehicles backed up at the drive thru would create a traffic issue.

Councilor Tucker was concerned about the traffic and the crime rate in the area. She asked Assistant Police Chief Tony Carrillo to report on crime rate. Assistant Chief Carrillo reported there were 31 police calls to the Days Inn in 2008, 34 in 2009, and as of today there have been 6 police calls for 2010.

For the Record Councilor Pardee stated for the record it was intention to follow the Code and hear all the facts before making his decision.

Vice Mayor Lee asked the applicant if they had the flexibility to relocate the drive thru window. Mr. Lenoble replied they had considered all options and it was most feasible to place the drive thru window on the north side. Vice Mayor Lee stated he would consider the front of the building to be on the side of the building that the entrance was facing. In this case it would be the east side, therefore if the Code allows drive thru windows on the side of buildings then the application meets the Code.

Mayor Pruette asked City Attorney White to give his opinion on what should be considered the front of the building. City Attorney White stated Chapter 27-227 of the Code of Ordinances states the drive thru window has to be on the located to the rear of the building facing away from the principle abutting thoroughfare. In this instance there is room for interpretation because logic dictates the front of the building is the side where the entrance is located.

Moved by Pruette, seconded by Weldon.

Motion: **TO UPHOLD THE PLANNING & DEVELOPMENT REVIEW BOARD'S DECISION TO DENY PDRB10-03.**

Roll Call Vote:

Ayes: 3 – Tucker, Weldon, Pruette

Noes: 2 – Lee, Pardee

MOTION CARRIED

Vice Mayor Lee stated he would like to place this Code issue on a future workshop agenda for discussion.

OPEN DISCUSSION

Pardee stated last week he was misquoted in the Beaches Leader and the Folio newspapers.

Adjournment

There being no further business, the meeting adjourned at 6:55 p.m.

Harriet Pruette, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved:



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 40th 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 1st.

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

3rd ANNUAL NEPTUNE BEACH SURF CAMP – JUNE 14 – JULY 16: Mayor Pruette explained this would be the 3rd 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 mount 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

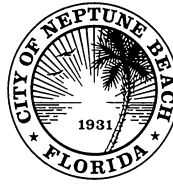
There being no further business, the meeting adjourned at 7:25 pm.

Harriet Pruetten, Mayor

Attest:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
REGULAR CITY COUNCIL MEETING
APRIL 5, 2010 AT 6:00 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 April 5, 2010, at 6:00 p.m. in the City Hall Council Chambers, 116 First Street, Neptune Beach, Florida.

Attendance**IN ATTENDANCE:**

Mayor Harriet Pruette
Vice Mayor Fred Lee
Councilor Eric Pardee
Councilor Kara Tucker
Councilor John Weldon
City Manager Jim Jarboe

STAFF:

Community Development Director Amanda Askew
Director of Public Safety David Sembach
Deputy City Clerk Karla Strait, CMC

ABSENT:

City Attorney Christopher White
City Clerk Lisa Volpe, CMC

Order Call/Pledge

Mayor Pruette called the meeting to order at 6:00 p.m. and led the pledge of allegiance.

AWARDS / PRESENTATIONS / RECOGNITION OF GUESTS

Mayor Pruette recognized the presence of several students from Fletcher High School that would be observing the meeting.

Mayor Pruette presented a Proclamation to Geoffrey Sample, declaring the month of April "Water Conservation Month".

APPROVAL OF MINUTES

Moved by Tucker, seconded by Lee.

Minutes

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

MARCH 1, 2010 REGULAR CITY COUNCIL MEETING
MARCH 15, 2010 WORKSHOP CITY COUNCIL MEETING

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Tucker, Weldon, Pruette
Noes: 0

MOTION CARRIED

COMMUNICATIONS AND CORRESPONDENCE

Mayor Pruette thanked staff for their participation in the success of the "Spring in the Park" event that was held on Good Friday.

CITY MANAGER REPORT

City Manager Jarboe reported the following:

- The Florida Department of Transportation has installed cameras above the traffic light at Atlantic Boulevard and Third Street that will allow them to monitor traffic and provide information for the 511 system. The cameras were not installed for the purpose of issuing traffic citations.
- The agreement for the \$950,000 grant from the St. Johns River Water Management District has been signed and accepted.
- The old water lines and sidewalks are being replaced on Third Street south of Florida Boulevard.
- A program has been set up to inspect the five private lift stations located in the city.

Mayor Pruette asked if Florida Department of Transportation owned the sidewalk along Third Street. City Manager Jarboe replied the sidewalk was owned by FDOT. The City is responsible for restoring the sidewalk after the installation of the new water lines.

2008/2009 Audit

Gary Hugget, Masters, Smith, and Wisby presented the September 30, 2009 Financial Report to the Council.

The Enterprise Funds had a negative change in assets of \$223,000 due to water and sewer rates. If the expenses remain consistent and the city continued to raise water and sewer fees, the fund should be in the back in the positive within the next couple of years.

Vice Mayor Lee questioned if any positive increase in the water and sewer rate fees would be allocated to increase the Reserve Fund. Mr. Hugget replied any increase would be allocated as a capital asset above and beyond the debt related liabilities and was not necessarily cash money.

Councilor Weldon questioned the current reserve level of the Enterprise Funds. Mr. Hugget responded there was currently no money in the enterprise reserve fund.

Vice Mayor Lee stated the City had a substantial reserve in the General Fund. Mr. Hugget replied he would not say the reserve fund was substantial.

Councilor Weldon questioned what the level of reserves should be in the Enterprise Fund. Mr. Hugget replied the standard minimum recommendation was for every city to have three months worth of operational expenses.

Councilor Weldon questioned whether the liability of \$1,165,094, within the Enterprise Funds, was money that was transferred from the General Fund. Mr. Hugget replied there was only one bank account and when one fund did not have enough money to pay out cash it would borrow from another fund.

Councilor Weldon asked what amount was transferred from the General Fund into the Enterprise Fund for the FY2008-2009. Mr. Hugget stated \$288,455 had actually been paid back into the general fund during FY2008-2009. Therefore, the Enterprise Fund did not consume monies from other sources throughout FY2008-2009.

Mr. Hugget reported in the overview of the Governmental Funds, the General Fund had a positive increase of \$245,000 and a decrease in net assets of \$575,000.

Councilor Weldon asked if the increased balance in the General Fund actually reflected the level of reserves. Mr. Hugget responded in this case the money was unreserved.

Councilor Weldon stated the City has been trying to increase the level of reserves. Mr. Hugget stated that was correct, however the increase is reflected in assets not actual cash money in the bank.

Councilor Weldon questioned if the numbers in the General Fund actually reflected the level of reserves. Mr. Hugget replied there were different ways to look at it. The money would be available should the city have the money or resources to go spend at its discretion.

Councilor Weldon asked Mr. Hugget to state the amount of reserves in the General Fund. Mr. Hugget replied the fund balance in the reserve was \$2,113.00. The unreserved fund within the General Fund was \$1,645,329.

Councilor Weldon asked what percentage of the General Fund was expended on an annual basis. Mr. Hugget replied the General Fund expends about \$343,000 per month. Therefore, the recommended three months of reserves would amount to approximately \$1,029,000.00. There was currently one month worth of cash operations within the reserve fund.

Councilor Weldon clarified for the audience that the positive numbers did not reflect available capital or an excess of collected taxes. He added the City did not have adequate reserves to operate the Enterprise Funds at present and the reserves needed to be replenished before the City could ever consider reducing revenue sources. Mr. Hugget stated that was correct.

Councilor Weldon was concerned if there was a major hurricane this season and the City sustained major damage what kind of funds would be available before the Federal Emergency Management Administration could deliver cash. Mr. Hugget stated the cash balance as of September 30, 2009 was \$833,759. City Manager Jarboe stated if necessary the City could take out an emergency loan to continue operations until money was received from FEMA.

Vice Mayor Lee stated the City recently made a decision to erase the deficits in the Enterprise Funds. This would allow the City to handle major emergency issues. City Manager Jarboe stated the City has been using Better Jacksonville funds to handle major emergency issues.

Vice Mayor Lee questioned the current percentage of the General Fund. Director of Finance Steve Ramsey responded the percentage of reserves in the General Fund was approximately 20%.

Vice Mayor Lee asked if the City could start adding money to the fund next year. Mr. Ramsey replied we were hoping to start adding to the fund next year or shortly after.

City Manager Jarboe stated the City has taken action to gradually build up the Reserve Fund.

Vice Mayor Lee asked if the Police Officers Pension Fund was fully funded. Mr. Hugget replied there was a pension asset of \$67,153 but that did not mean it was fully funded. The actuarial value of assets is \$5,188,000 with an accrued liability of \$7,000,000 and an unfunded amount of \$1,832,031. However the balance sheet shows a positive.

Councilor Weldon asked Mr. Hugget if he was confident that city staff was doing a good job in managing the financial affairs of the City and if the accounting conformed to standard accounting practice. Mr. Hugget replied his firm was not a financial analyst. They audited the numbers provided and verified their accuracy. They did not provide financial advice. The opinion letter stated they thought the city's financials were fairly presented.

Councilor Pardee questioned how the St. Johns River Water Management District rules would affect the City's revenue. Mr. Hugget stated the City may have to increase usage charges. His firm did not participate in water and sewer rate studies.

Mayor Pruette asked City Manager Jarboe when the Water and Sewer Rate Study would begin. City Manager Jarboe stated the study would begin in about a month.

City Manager Jarboe stated the only pension plan for the City was for the Police Officers. All other employees had a 401K. Mr. Hugget advised next year there would be a post employment benefit and cities would be required to start capturing insurance costs for those that have retired and are still carrying insurance coverage. Even though the retiree was paying their premium the extra group rate in the premiums would have to be picked up as a liability. He did not think this would have a huge impact on Neptune Beach. But it would be included in the 2010 Financial Statement.

Vice Mayor Lee questioned the amount of bonded debt and if decreases were made to that amount FY2008-09. City Manager Jarboe stated both the City Hall and the Public Safety Building had been paid off. However those were not bonded debt. Director of Finance Ramsey replied the total of bonded debt was 7.7 million with interest rates varying from 3.4 to 4.85 percent.

COMMENTS FROM THE PUBLIC

Lynda Padrta, 1113 First Street, felt the Audit Report was very clearly explained and the questions from the Council were excellent. The city should be proud of the financial state and is headed in the right direction. She supported the presentation of the Water Conservation Proclamation.

Allen Martin, 1113 First Street, wanted to make sure that the City of Jacksonville Beach was replacing the lights on the beach with cobra head lights.

CONSENT AGENDA

- Approval for Resurrection Anglican Church to hold an Easter Sunday Service in Jarboe Park

Moved by Weldon, seconded by Lee.

Motion: **TO APPROVE THE CONSENT AGENDA.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Tucker, Weldon, Pruette

Noes: 0

MOTION CARRIED

VARIANCES / NONE

ORDINANCES

Ord. No. 2010-05

ORDINANCE NO. 2010-05, ADDING SECTION (D) TO SECTION 23-27 ADOPTING THE ST. JOHNS RIVER WATER MANAGEMENT CONSERVATION RULE, SECOND READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA ADDING (D) TO SECTION 23-27 IN THE CODE OF ORDINANCES ADOPTING THE ST. JOHNS RIVER WATER MANAGEMENT DISTRICT'S WATER CONSERVATION RULE FOR LANDSCAPE IRRIGATION AND PROVIDING AN EFFECTIVE DATE.

City Manager Jarboe explained adoption of this Ordinance is part of a requirement to receive a \$950,000 grant from St. Johns Water Management District. The City will have a consultation with violators on the first offense and on the second and third offense they will required to go before the Code Enforcement Board.

Mayor Pruette read Ordinance No. 2010-05 by title only and opened the public hearing.

There being no comments from the public, the public hearing was closed.

Moved by Weldon, seconded by Lee.

Motion: **TO ADOPT ORDINANCE NO. 2010-05 ON SECOND READ AND PUBLIC HEARING.**

Vice Mayor Lee noted a typo in the top left hand corner of the first page of the Ordinance. Deputy City Clerk Strait stated the typo would be corrected before the Ordinance was signed.

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Tucker, Weldon, Pruette

Noes: 0

MOTION CARRIED

Ord. No. 2010-06 **ORDINANCE NO. 2010-06. ADDING TO SECTION 2-447. AUTHORIZING ISSUE OF CITATIONS FOR CODE VIOLATIONS, FIRST READ: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA ADDING TO SECTION 2-447 PROVISIONS OF DIVISION SUPPLEMENTAL IN THE CODE OF ORDINANCES AUTHORIZING THE CITY MANAGER AND HIS DESIGNEE TO ISSUE CITATIONS FOR VIOLATIONS OF THE CITY'S CODE AS HE DEEMS NEEDED AND PROVIDING AN EFFECTIVE DATE.**

City Manager Jarboe explained the normal code enforcement process can take up to 60 days to bring compliance. This Ordinance would allow the City Manager designee to issue a citation for a code violation.

Mayor Pruette agreed to sponsor the Ordinance.

Moved by Lee, seconded by Pardee.

Motion: **TO PASS ORDINANCE 2010-06 ON FIRST READ.**

Roll Call Vote;

Ayes: 5 – Lee, Pardee, Tucker, Weldon, Pruette

Noes: 0

MOTION CARRIED

Ord. No. 2010-07 **ORDINANCE NO. 2010-07, AMENDING SECTION 22-26 SCHEDULES OF STREETS, DISTRICTS, AND ZONES, FIRST READ: AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF NEPTUNE BEACH, FLORIDA, AMENDING CHAPTER 22, TRAFFIC AND MOTOR VEHICLES, ARTICLE II. PARKING, STOPPING AND STANDING, SECTION 22-26, SCHEDULES OF STREETS, DISTRICTS AND ZONES, AND PROVIDING AN EFFECTIVE DATE.**

City Manager Jarboe stated this Ordinance would raise the fee for parking violations from \$25.00 to \$35.00.

Moved by Pardee, seconded by Tucker.

Motion: **TO PASS ORDINANCE NO. 2010-07 ON FIRST READ.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Tucker, Weldon, Pruette

Noes: 0

MOTION CARRIED

Ord. No. 2010-08 ORDINANCE NO. 2010-08, AMENDING SECTION 2-362 SERVICE FEE FOR DISHONORED CHECKS, FIRST READ: AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF NEPTUNE BEACH, FLOIRDA, AMENDING CHAPTER 2, ADMINISTRATION, ARTICLE VI. FINANCE, SECTION 2-362, SERVICE FEE FOR DISHONORED CHECKS.

City Manager Jarboe explained this would raise the fee for returned checks from \$20.00 to \$30.00 and would generate revenue to help cover the costs.

Vice Mayor Lee questioned how many dishonored checks the City received per month. City Manager Jarboe replied during a bad month there are probably 50 returned checks and there are quite a few water cut offs each month.

Moved by Weldon, seconded by Tucker.

Motion: **TO PASS ORDINANCE NO. 2010-08 ON FIRST READ.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Tucker, Weldon, Pruette

Noes: 0

MOTION CARRIED

Ord. No. 2010-09 ORDINANCE NO. 2010-09, AMENDING ARTICLE IV, WATER AND SEWER CHARGES, FIRST READ: AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF NEPTUNE BEACH, FLOIRDA, AMENDING ARTICLE IV. WATER AND SEWER CHARGES, SECTION 23-81(D) NEW CONNECTIONS; WATER AND SEWER TAP-INS, SECTION 23-83(A) SECURITY DEPOSIT'S AND SECTION 23-89 NOTICE OF PROPOSED TERMINATION OF SERVICE; ADMINISTRATIVE HEARING; DISCONNECTING SERVICE OF FAILURE TO PAY CHARGES; RECONNECTING FEE AND PROVIDING AN EFFECTIVE DATE.

City Manager Jarboe explained raising the utility deposit from \$75.00 to \$150.00 and the reconnection charge from \$50.00 to \$75.00 would generate revenue to help cover the costs.

Councilor Weldon asked City Manager Jarboe if it was his intent to increase the charge of reconnects fees outside of normal business hours and not to increase the reconnect charges during regular business hours. City Manager Jarboe replied that was correct. It cost the City money in overtime to reconnect shut offs during after business hours.

Moved by Weldon, seconded by Lee.

Motion: **TO PASS ORDINANCE NO. 2010-09 ON FIRST READ.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Tucker, Weldon, Pruette

Noes: 0

MOTION CARRIED

OLD BUSINESS

Community RENEW REVOCABLE CONDITIONAL USE AGREEMENT WITH BEACHES LOCAL FOOD
Garden Lease NETWORK / COMMUNITY GARDEN:

Moved by Weldon, seconded by Lee.

Motion: **TO APPROVE THE LEASE AGREEMENT WITH BEACHES LOCAL FOOD NETWORK.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Tucker, Weldon, Pruette

Noes: 0

MOTION CARRIED

NEW BUSINESS

PDRB10-02
Seagate Shores5

PDRB10-02 REPLAT OF JARRETT POINT UNIT 1 (A.K.A. SEAGATE SHORES SUBDIVISION) LOCATED AT THE END OF SEAGATE AVENUE: City Manager Jarboe stated the replat was required by the City of Jacksonville Beach due to the drainage design.

Tom Rogers, representative for the owners of the plat, stated the replat included the information requested by the City of Jacksonville Beach.

Councilor Weldon asked Mr. Rogers what the owners had planned for the project. Mr. Rogers stated they planned to install curbing and drainage culverts. They planned to sell the property as individual lots.

Councilor Weldon voiced concern regarding the preservation of the tree canopy on the island. He encouraged the owners to cooperate with the City in trying to preserve the natural beauty of the site.

Mayor Pruette stated there was a City easement with access to the March on the property that should be available to citizens and should not be made to look private. Mr. Rogers stated the owners understood the public had the right to access the marsh via a driveway on the right of way.

Councilor Weldon questioned if each individual lot would need Council approval. City Manager Jarboe replied yes that they would have to submit building plans. Councilor Pardee stated they would not need Council approval; they would only need approval from the Building Department. Councilor Weldon asked if the previous variance granted by the Council for the dock was still effective. City Manager Jarboe stated the dock permit has expired. The other variances granted for the property have not expired.

Moved by Weldon, seconded by Lee.

Motion: **TO APPROVE THE REVISE PLAT FOR JARRETT POINT.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Tucker, Weldon, Pruette

Noes: 0

MOTION CARRIED

OPEN DISCUSSION

Mayor Pruette had adjourned the meeting but several Council members wanted to make comments. Mayor Pruette stated she would allow the Council members to make comments this time. She did not want to get into the habit of conducting city business without it being on the agenda. She felt these comments should have taken place earlier in the meeting during Council correspondence. She added that there would be an item called "open discussion" on the April workshop meeting agenda. This would allow Council to vote on whether or not to allow comments at the end of each meeting.

Councilor Pardee suggested replacing the 13" television located in the conference room that was used during emergency situations with a 32" LCD television.

Mayor Pruette stated he could place the subject on a workshop meeting.

There were no further comments from the Council.

Adjournment

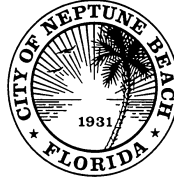
There being no further business, the meeting adjourned at 7:30 p.m.

Harriet Pruette, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved:



**MINUTES
WORKSHOP CITY COUNCIL MEETING
MARCH 15, 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 March 15, 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
City Attorney Chris White
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

Director of Finance Steve Ramsey
Deputy City Clerk, Karla Strait, CMC

ABSENT:

Councilor John Weldon

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:

- The nitrogen grant was signed by the City and sent to the St. Johns River Water Management District on March 5, 2010.
- The City applied for a \$60,000 solar grant and a tree grant for Florida Boulevard.
- The Public Safety Department has received many grants.

PUBLIC COMMENTS

Lynda Padrta, 1113 First Street, suggested the City continue to work with Jacksonville Transportation Authority to have the dirt mound removed from the marsh.

PROPOSED ORDINANCES

Water & Sewer
Charges

ORDINANCE NO. 2010-XX, AMENDING ARTICLE IV, 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 23-81(D) NEW CONNECTIONS; WATER AND SEWER TAP-INS, SECTION 23-83(A) SECURITY DEPOSITS AND SECTION 23-89 NOTICE OF PROPOSED TERMINATION OF SERVICE; ADMINISTRATIVE HEARING; DISCONNECTING SERVICE OF FAILURE TO PAY CHARGES; RECONNECTING FEE AND PROVIDING AN EFFECTIVE DATE.

City Manager Jarboe explained raising the utility deposit from \$75.00 to \$150 and the reconnection charge from \$50.00 to \$75.00 would generate revenue to help cover the costs.

Consensus: **FORWARD TO THE APRIL REGULAR MEETING FOR FIRST READ.**

Vice Mayor Lee agreed to sponsor this Ordinance.

Dishonored Check
Fee

ORDINANCE NO. 2010-XX, AMENDING SECTION 2-362 SERVICE FEE FOR DISHONORED CHECKS: AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF NEPTUNE BEACH, FLORIDA, AMENDING CHAPTER 2, ADMINISTRATION, ARTICLE VI. FINANCE, SECTION 2-362, SERVICE FEE FOR DISHONORED CHECK, AND PROVIDING AN EFFECTIVE DATE.

City Manager Jarboe explained raising the fee for returned checks from \$20.00 to \$30.00 would generate revenue to help cover the costs.

Consensus: **FORWARD TO THE APRIL REGULAR MEETING FOR FIRST READ.**

Councilor Tucker agreed to sponsor this Ordinance.

Citations for Code
Violations

ORDINANCE NO. 2010-XX, ADDING TO SECTION 2-447, AUTHORIZING ISSUE OF CITATIONS FOR CODE VIOLATIONS: AN ORDINANCE OF THE CITY OF NEPTUNE, FLORIDA ADDING TO SECTION 2-447 PROVISIONS OF DIVISION SUPPLEMENTAL IN THE CODE OF ORDINANCES AUTHORIZING THE CITY MANAGER AND HIS DESIGNEE TO ISSUE CITATIONS FOR VIOLATIONS OF THE CITY'S CODE AS HE DEEMS NEEDED AND PROVIDING AN EFFECTIVE DATE.

City Manager Jarboe explained the normal code enforcement process can take up to 50 days to bring compliance. This Ordinance would allow the City Manager designee to issue a citation for a code violation.

Councilor Pardee felt the designee should be the Building Official or the Code Enforcement Officer. He would like that language to be inserted into the Ordinance.

Consensus: **FORWARD TO THE APRIL REGULAR MEETING FOR FIRST READ.**

Mayor Pruette agreed to sponsor the Ordinance.

Traffic & Motor
Vehicles

ORDINANCE NO. 2010-XX, AMENDING SECTION 22-26 SCHEDULES OF STREETS, DISTRICTS AND ZONES: AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF NEPTUNE BEACH, FLORIDA, AMENDING CHAPTER 22, TRAFFIC AND MOTOR VEHICLES, ARTICLE II. PARKING,

STOPPING AND STANDING, SECTION 22-26, SCHEDULES OF STREETS, DISTRICTS AND ZONES, AND PROVIDING AN EFFECTIVE DATE.

City Manager Jarboe stated this Ordinance would raise the fee for parking violations from \$25.00 to \$35.00.

Councilor Pardee agreed to sponsor the Ordinance.

Consensus: **FORWARD TO THE APRIL REGULAR MEETING FOR FIRST READ.**

CONTRACTS / AGREEMENTS

Community
Garden

REVOCABLE CONDITIONAL USE AGREEMENT WITH BEACHES LOCAL FOOD NETWORK / COMMUNITY GARDEN: Terri Methein, representative for the Community Garden explained the Beaches Local Food Network was a non-profit organization. She would provide a copy of the financials to the Council if requested.

Councilor Pardee stated he would like to review the financials and make sure the organization was following the rules set forth in the lease agreement.

Consensus: **FORWARD TO THE APRIL REGULAR MEETING**

ISSUE DEVELOPMENT

Statewide Water
Authority

RESOLUTION NO. 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 WATER OR THE FLORIDA AQUIFER AT RISK BY THE TRANSFER OF NORTH FLORIDA WATER TO CENTRAL OR SOUTH FLORIDA.

Mayor Pruette introduced the Resolution and stated Neptune Beach had a proven history of support to protect the River and could be proud of that.

Vice Mayor Lee was concerned the adoption of the Resolution may jeopardize the City's chances of receiving the nitrogen grant from the St. Johns Water Management District.

Councilor Pardee stated he would not support the Resolution. He said the council was becoming an activist Council.

Councilor Tucker questioned if our sister cities had adopted a similar Resolution. Mayor Pruette responded that about 11 cities in the Northeast Florida Regional Planning District have adopted similar Resolutions.

City Manager Jarboe stated he would do some research to clarify if the St. Johns River Water Management District was for or against this Resolution and report back to the Council

Consensus: **TO FORWARD TO THE APRIL WORKSHOP AND HAVE THE CITY MANAGER PROVIDE ADDITIONAL INFORMATION REGARDING THE NITROGEN GRANT IS PROVIDED BY THE CITY MANAGER.**

Jarboe Park
Easter Service

APPROVAL FOR RESURRECTION ANGLICAN CHURCH TO HOLD AN EASTER SUNDAY SERVICE IN JARBOE PARK: City Manager Jarboe explained Reverend David Ball, Resurrection Anglican Church, has asked for permission to hold an Easter Sunday Service in Jarboe Park. They normally meet in the Old Chapel at 5:00 p.m. However, they were not able to use the Old Chapel on Sunday mornings.

Vice Mayor Lee questioned if allowing this would give the Church a privilege over other organizations or events requesting use of the park.

City Manager Jarboe replied the Church would have to provide an insurance rider naming the City just like any other organization or event coordinator.

City Clerk Volpe advised the Council this request would need to be approved before the April 5, 2010 regular meeting because Easter Sunday was April 4th.

City Attorney White advised the Council could grant the City Manager permission to the grant the request and ratify the action at the April 5, 2010 regular meeting.

Consensus: **TO ALLOW THE CITY MANAGER TO GRANT PERMISSION FOR THE CHURCH TO USE THE PARK FOR EASTER SUNDAY SERVICE AND HAVE THE COUNCIL RATIFY THE APPROVAL AT THE APRIL REGULAR MEETING.**

FY 2010-2011
Budget

FY 2010-2011 BUDGET: City Manager Jarboe stated the Council had asked him to provide information on possible ways for the city to save money. He explained the following was a list of suggestions from department heads. He added for the record that these were only suggestions, not recommendations. He will make recommendations when the proposed revenues are received from the County and the State and when he presents the budget to Council.

- Combing PDRB & BOA Meetings / Move to Day
- Day meeting for CEB / Magistrate
- Tree Permit Charge
- Right-of-way Permit Charge @ \$25.00
- Parking Fine Increase
- Utility Tax on Electric
- Renegotiate and Reduction in Public Works Uniforms
- City Buildings Mat Service Reductions
- Drop Motorcycle Contract
- No Lawn Maintenance (Police & Public Works Bldgs)
- Reduce Service by Cutting Staff
- Solar from behind K-mart
- Increase Millage Rate
- Eliminate Safety Bonuses
- Combine Council Regular and Workshop Meetings
- Reduce level of Services
- Meter Re-reads @ \$20.00
- Increase after hour charge from \$50.00 to \$75.00
- Deposit Increase from \$75.00 to \$150.00
- Increase fee for dishonored Checks from \$20.00 to \$30.00

Vice Mayor Lee stated he was interesting in hearing ideas from citizens on city cost saving ideas. He wanted to have one or two meetings that would include public suggestions.

City Manager Jarboe stated a public suggestion meeting could be held as part of a budget workshop meeting.

Mayor Pruette asked that the meeting for public suggestions be advertised on the website and in the monthly newsletter.

Councilor Pardee stated he would like to hear cost saving ideas from Board members as well as citizens.

Councilor Tucker was concerned if Board meetings were held during the day many citizens would not participate.

Adjournment

There being no further business, the meeting adjourned at 7:00 pm.

Attest:

Harriet Pruette, Mayor

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
REGULAR CITY COUNCIL MEETING
MARCH 1, 2010 AT 6:00 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 March 1, 2010, at 6:00 p.m. in the City Hall Council Chambers, 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 Christopher White
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

Community Development Director Amanda Askew
Director of Public Safety David Sembach

Order Call/Pledge

Mayor Pruette called the meeting to order at 6:00 p.m. and led the pledge of allegiance.

AWARDS / PRESENTATIONS / RECOGNITION OF GUESTS

APPROVAL OF MINUTES

Moved by Tucker, seconded by Lee.

Minutes

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

FEBRUARY 1, 2010, REGULAR CITY COUNCIL MEETING
FEBRUARY 8, 2010, WORKSHOP CITY COUNCIL MEETING

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Tucker, Weldon, Pruette

Noes: 0

MOTION CARRIED

COMMUNICATIONS AND CORRESPONDENCE

Mayor Pruette asked if the City Manager had any information regarding the flags that were recently stolen on Florida Boulevard. City Manager Jarboe responded the police had not received any information. Vice Mayor Lee stated some flag poles were found behind the fence at Neptune Beach Elementary School.

CITY MANAGER REPORT

City Manager Jarboe reported the following:

- He is working with the Department of Environmental Protection on the location of the monitoring stations.
- The Code Enforcement Officer has been responding to complaints of banner signs and issuing citations for junk cars.
- The Building Official has been busy with inspections for the new Publix Shopping Center. As a result the Building Department has received \$20,000 in revenue.
- He was working with the Department of Environmental Protection regarding plans for the construction and operation of the nitrogen retro fit.
- He was in the process of reviewing the garbage contract which would expire in less than one year.
- He was waiting to hear from the St. Johns Water Management District regarding the finalization of the \$950,000 grant.
- Burton and Associates would begin the water and sewer rate study this month.

Mayor Pruette stated in reference to Resolution No. 2010-01, the city has been told the roadway between the shopping center is in the design phase. City Manager added the contract has been issued for the engineers to design the road.

Councilor Tucker stated she received a telephone call from a citizen regarding the sidewalk on Florida Boulevard at Third Street. City Manager Jarboe advised the Department of Transportation is in replacing the traffic light. The new traffic light pole is in the middle of the sidewalk. Once the traffic light is installed a new sidewalk will be constructed.

COMMENTS FROM THE PUBLIC

Lee Hope, 324 Driftwood Road, voiced concern regarding Ordinance No. 2010-03. City Manager Jarboe stated he would speak with Mr. Hope after the meeting.

CONSENT AGENDA

- Approval of 911 Contract
- RESOLUTION NO. 2010-01: A RESOLUTION OF THE CITY OF NEPTUNE BEACH, FLORIDA REQUESTING THAT REGENCY PROPERTIES, OWNERS OF SEMINOLE SHOPS, AND NEPTUNE BEACH REALTY CORP., OWNERS OF NEPTUNE PLAZA, CONSIDER CONSTRUCTING A PASS THROUGH BETWEEN THEIR TWO SHOPPING CENTERS.
- Community Organic Garden Plant Sale
- Forfeiture Fund Expenditures

Moved by Lee, seconded by Tucker.

Motion: **TO APPROVE THE CONSENT AGENDA.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Tucker, Weldon, Pruette

Noes: 0

MOTION CARRIED

VARIANCES / NONE

ORDINANCES

Ord. No. 2010-01 ORDINANCE NO. 2010-01, AMENDING SECTION 27-548, DESIGN STANDARDS FOR OFF-STREET PARKING AND LOADING, SECOND READ AND PUBLIC HEARING: AN ORDINANCE AMENDING THE CODE ORDINANCES OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING ARTICLE XIII, OFF STREET PARKING AND LOADING, SECTION 27548 DESIGN STANDARDS FOR OFF-STREET PARKING AND LOADING SECTION 27-548(B)(1) AND PROVIDING AN EFFECTIVE DATE.

Mayor Pruette read Ordinance No. 2010-01 by title only and opened the public hearing.

There being no comments from the public, the public hearing was closed.

Moved by Weldon, seconded by Pardee.

Motion: **TO ADOPT ORDINANCE NO. 2010-01 ON SECOND READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Tucker, Weldon, Pruette

Noes: 0

MOTION CARRIED

Ord. No. 2010-02 ORDINANCE NO. 2010-02, AMENDING SECTION 22-3(A) MOTOR VEHICLE PARKING, SECOND READ AND PUBLIC HEARING: AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING ARTICLE I IN GENERAL, SECTION 22-3(A) CERTAIN MOTOR VEHICLES PROHIBITED FROM PARKING IN COMMERCIAL DISTRICTS AND PROVIDING AN EFFECTIVE DATE.

Mayor Pruette read Ordinance No. 2010-02 by title only and opened the public hearing.

There being no comments from the public, the public hearing was closed.

Moved by Weldon, seconded by Lee.

Motion: **TO ADOPT ORDINANCE NO. 2010-02 ON SECOND READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Tucker, Weldon, Pruette

Noes: 0

MOTION CARRIED

Ord. No. 2010-03 ORDINANCE NO. 2010-03, AMENDING SECTION 27-581, PROHIBITED SIGNS, SECOND READ AND PUBLIC HEARING: AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING ARTICLE XV ADVERTISING, CHAPTER 27, SECTION 27-581, PROHIBITED SIGNS AND PROVIDING AN EFFECTIVE DATE.

Mayor Pruette read Ordinance No. 2010-03 by title only and opened the public hearing.

There being no comments from the public, the public hearing was closed.

Moved by Tucker, seconded by Lee.

Motion: **TO ADOPT ORDINANCE NO. 2010-03 ON SECOND READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 4 – Lee, Pardee, Tucker, Weldon

Noes: 1 – Pruette

MOTION CARRIED

Ord. No. 2010-04 ORDINANCE NO. 2010-04, AMENDING SECTION 27-163 EXPIRATION OF SPECIAL EXCEPTION PERMIT, SECOND READ AND PUBLIC HEARING: AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING ARTICLE III. ADMINISTRATIVE AND ENFORCEMENT PROCEDURES, SECTION 27-163 EXPIRATION OF SPECIAL EXCEPTION PERMIT AND PROVIDING AN EFFECTIVE DATE.

Mayor Pruette read Ordinance No. 2010-04 by title only and opened the public hearing.

There being no comments from the public, the public hearing was closed.

Moved by Lee, seconded by Tucker.

Motion: **TO ADOPT ORDINANCE NO. 2010-04 ON SECOND READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Tucker, Weldon, Pruette

Noes: 0

MOTION CARRIED

Ord. No. 2010-05 ORDINANCE NO. 2010-05, ADDING SECTION (D) TO SECTION 23-27 ADOPTING THE ST. JOHNS RIVER WATER MANAGEMENT CONSERVATION RULE, FIRST READ: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA ADDING (D) TO SECTION 23-27 IN THE CODE OF ORDINANCE ADOPTING THE ST. JOHNS RIVER WATER MANAGEMENT DISTRICT'S WATER CONSERVATION RULE FOR LANDSCAPE IRRIGATION AND PROVIDING AN EFFECTIVE DATE.

City Manager Jarboe explained adoption of this Ordinance is part of a requirement to receive a \$950,000 grant from St. Johns Water Management District.

Mayor Pruette asked City Manager Jarboe to explain this has nothing to do with the consumptive use permit. City Manager Jarboe explained the consumptive use permit was a different issue.

Councilor Weldon stated it has become necessary for the St. Johns Water Management District to require small municipalities to comply because there is a serious water shortage in Florida. He feels these conservation measures will increase and become more stringent as time progresses.

Moved by Weldon, seconded by Lee.

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Tucker, Weldon, Pruette

Noes: 0

MOTION CARRIED

OLD BUSINESS / NONE

NEW BUSINESS

PDRB10-01
P.J.'s Bar & Grill
240 Third Street

PRELIMINARY DEVELOPMENT ORDER FOR ROBERTA R. ROBSON – P.J.'S BAR AND GRILL, 240 THIRD STREET: The applicant is proposing to build a roof extending 12 feet front the front of the building over the patio area.

Jhon Jaimes, representative for P.J.'s Bar & Grill approached the podium to respond to questions from the Council.

Councilor Weldon asked Mr. Jaimes the purpose of the extension of the roof. Mr. Jaimes replied the extended roof would protect outdoor diners from the weather.

Councilor Weldon asked if alcohol would be served in the outdoor seating area. Mr. Jaimes replied alcohol will be served in the outdoor seating area but the extension of the roof had nothing to do with serving alcohol.

Councilor Tucker questioned if there were future plans to enclose the outdoor seating area. Mr. Jaimes replied they had no plans to enclose the area.

Mayor Pruette stated the Planning & Development Review Board recommended approval of the development order.

Moved by Tucker, seconded by Pardee.

Motion: **TO APPROVE THE RECOMMENDATION OF THE PLANNING & DEVELOPMENT REVIEW WITH THE CONDITION THAT THERE WILL BE NO AMPLIFIED OUTDOOR MUSIC.**

Councilor Weldon stated he would like to abstain from the vote due to his financial interest in the adjacent property. He felt the city should not engage in this form of piecemeal development. He asked Mr. David Linger to address the Council.

David Linger, 1817 Hopkins Creek Lane, opposed the development. He felt the development did not fit in with the character of the neighborhood. He also felt the developer needed the outdoor seating area in order to obtain a liquor license.

Mayor Pruette asked Mr. Jaimes, representative for the development, if they planned to enclose the outdoor seating area in the future. Mr. Jaimes replied the owners were not present, however, he was not aware of any future plans to completely enclose the outdoor seating area.

Mayor Pruette asked Community Development Director Askew if the Planning & Development Review Board had any concerns regarding the roof extension. Ms. Askew responded the vote to recommend approval was not unanimous. The Board discussed future options but the applicant did not make any commitments.

Councilor Weldon was concerned that over time a new tenant may request to have the area completely enclosed. He felt this type of piecemeal development was very poor zoning and development management and was a disservice to adjacent businesses. He also felt the city should have a predictable consistent zoning and development process.

Vice Mayor Lee asked Kerry Chin, Chairman of the Planning & Development Review Board to address the Council.

Mr. Chin stated the Board did not find a legal reason to deny the request. He added that the Central Business District had less setback restrictions and they would be able to enclose the outdoor seating area if they chose.

Councilor Pardee stated the Council has approved less extensive developments in the Central Business District.

Councilor Weldon stated he objects to the development because the property did not have adequate parking. In order for the business to succeed, their customers would have to park in the parking lot next door.

Roll Call Vote:

Ayes: 4 – Lee, Pardee, Tucker, Pruette

Noes: 0

Abstain: 1 – Weldon

MOTION CARRIED

Res. No. 2010-02 **RESOLUTION 2010-02:** A RESOLUTION REAPPOINTING MEMBERS TO THE CODE ENFORCEMENT BOARD.

Moved by Weldon, seconded by Lee.

Motion: **TO APPROVE RESOLUTION NO. 2010-02.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Tucker, Weldon, Pruette

Noes: 0

MOTION CARRIED

FIND Island **F.I.N.D. ISLAND UPDATE:** City Manager Jarboe explained he and Mayor Pruette recently met with representatives of Jacksonville Transportation Authority. They provided him with information and copies of the permits. Mayor Pruette asked J.T.A. if they would hold an open public meeting at Neptune Beach City Hall to discuss possible remedies for the island.

Public Records **PUBLIC RECORDS:** Mayor Pruette asked City Attorney White to address the Council regarding public records generated through e-mails and the use of personal computers.

City Attorney White advised Council to use caution when using their personal computer for official city business. He explained that any city business generated on a personal computer is considered public record and open for inspection to the public. He further advised if anyone created a document on their personal computer that was official city business they needed to provide a copy of the document to the City Clerk, otherwise they will be responsible for the disposition of the record in accordance with state requirements. However, if the City Clerk has been provided a copy of the document they would not be responsible for its disposal. Furthermore, all city records should be maintained by the City Clerk.

OPEN DISCUSSION / NONE

Adjournment There being no further business, the meeting adjourned at 6:50 p.m.

Harriet Pruette, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved:



**MINUTES
WORKSHOP CITY COUNCIL MEETING
FEBRUARY 8, 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 February 8, 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 Center Director Leslie Lyne
Director of Finance Steve Ramsey
Director of Public Safety David Sembach
Deputy City Clerk, Karla Strait, CMC

**Call to Order/Roll
Call**

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

PRESENTATIONS

Mayor Pruette announced the artwork displayed in the Council Chambers was the work of local artist Ms. Linda Olsen.

CITY MANAGER'S ACTION LIST

City Manager Jarboe reported on the following:

- The \$900,000 grant from the St. Johns River Water Management District was in the approval stage. This will help with the unfunded mandate from the Department of Environmental Protection and the Environmental Protection Agency.
- Grants for solar power and the retrofit of the Sewer Plant were also in process.

Councilor Pardee asked if grants for 'green' vehicles were available. City Manager Jarboe stated there were grants for \$3,000 available for vehicles. He did not think \$3,000 was enough money to help the city purchase vehicles. He added the City did not purchase any vehicles last year and did not plan to purchase vehicles this year except for those purchased through police grants.

Councilor Pardee questioned if battery powered vehicles could be used on the beach. City Manager Jarboe stated battery operated vehicles would not have enough power use on the beach.

Vice Mayor Lee asked City Manager Jarboe to comment on the Hopkins Creek Contamination Study. City Manager Jarboe explained the Department of Environmental Protection found a fecal count in Hopkins Creek. A study was being conducted to determine where the contamination originated.

Mayor Pruette asked City Manager Jarboe to comment on the status of the repairs of the railings on the Kings Road Bridge. City Manager Jarboe explained a driver swerved to miss an animal and hit the railing on the Kings Road Bridge. The railing was repaired Friday afternoon.

Councilor Weldon reminded the Council they had originally agreed to place a pedestrian walkway across the King Road bridge. City Manager Jarboe stated now that the bridge was complete he would submit an application for funding to the Inland Navigation District.

PUBLIC COMMENTS

Ann Von Thron, 1012 Oceanfront, supported extending the parking hours on First Street to 9:30 or 10:00 p.m.

Vita Hope, 324 Driftwood, supported extending the parking hours on First Street to 10:00 or 10:30 p.m.

John Underwood, 110 Magnolia Street, supported extending the parking hours on First Street.

Kerry Chin, 227 Margaret Street, supported extending the parking hours on First Street to 9:30 p.m.

David Baker, 1102 First Street, supported extending the parking hours on First Street to 9:30 p.m.

Todd Bosco, 135 Cherry Street, supported extending the parking hours on First Street to 9:30 p.m.

PROPOSED ORDINANCES

Water
Conservation

ORDINANCE NO. 2010-XX, WATER CONSERVATION: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA ADDING (d) TO SECTION 23-27 IN THE CODE OF ORDINANCES ADOPTING THE ST. JOHNS RIVER WATER MANAGEMENT DISTRICT'S WATER CONSERVATION RULE FOR LANDSCAPE IRRIGATION.

City Manager Jarboe explained the St. Johns River Water Management District has encouraged counties and cities to enforce their water conservation rules. The city is required to adopt the Ordinance in order to be eligible for grants through the SJRWMD.

Vice Mayor Lee felt if the SJRWMD was willing to help, the City should also do our part by enforcing their water conservation rules.

Councilor Pardee felt the rules were very restrictive and would be hard for the city to enforce. City Manager Jarboe explained this Ordinance would implement only the two day rules that are outlined in the Ordinance.

Councilor Pardee was also concerned about having to raise water rates due to less water consumption.

Mayor Pruette asked that all Council members sponsor this Ordinance.

Consensus: **FORWARD TO THE MARCH REGULAR MEETING FOR FIRST READ.**

CONTRACTS / AGREEMENTS / NONE

ISSUE DEVELOPMENT

Road Connecting
Shopping Centers

RESOLUTION NO. 2010-XX: A RESOLUTION OF THE CITY OF NEPTUNE BEACH, FLORIDA REQUESTING THAT REGENCY PROPERTIES, OWNERS OF SEMINOLE SHOPS, AND NEPTUNE BEACH REALTY CORP., OWNERS OF NEPTUNE PLAZA, CONSIDER CONSTRUCTING A PASS THROUGH BETWEEN THEIR TWO SHOPPING CENTERS.

City Manager Jarboe explained the City could not construct the road because the property was private property abutting Proctor Ace Hardware and the new Publix. A negotiation for the roadway construction was underway between the two property owners.

Councilor Weldon felt this was a very important public safety issue. He questioned if the Resolution was aggressive enough and suggested sending a stronger message to the property owners.

Mayor Pruette stated as Mayor she would write a letter using stronger language to send to the property owners along with the Resolution.

Councilor Pardee felt the roadway between the shopping centers would remove the traffic impact on Atlantic Boulevard. He would support the Resolution but he felt using stronger language and putting pressure on the property owners would have a negative impact.

Consensus: **FORWARD TO THE MARCH REGULAR MEETING FOR APPROVAL.**

Restrictive
Covenant

DISCUSSION OF RESTRICTIVE COVENANT: City Manager Jarboe explained the restrictive covenant was for the old McCall's site which was an old pesticide storage facility. The restrictive covenant would mean there could never be residential buildings on the property. City Attorney White would be working with the attorney for McCall's.

Mayor Pruette asked if this would any cost to the City. City Manager Jarboe replied this would not be any cost to the City.

Vice Mayor Lee asked City Attorney White if the City would be liable for any damages in the future. City Attorney White replied the city would not face any liability. There would be indemnification language in the subordination agreement between the city and property owner.

Consensus: **TO GIVE THE CITY MANAGER AUTHORITY TO MOVE FORWARD AND BRING BACK THE ISSUE TO THE COUNCIL.**

Plant Sale

City Manager Jarboe stated the Community Garden was requesting permission to have a plant sale to raise money for their educational program. The policy for large events held in Jarboe Park was that they needed approval from the Council.

Laurie Clark, 420 South Street, a coordinator for the Community Garden, explained they would like to hold fall and spring fundraisers to raise money for upkeep, maintenance, and educational programs.

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

Forfeiture Funds

EXPENDITURES FROM POLICE FORFEITURE FUNDS: City Manager Jarboe stated the forfeiture fund came from confiscated property of felony offenders. Finance Director Steve Ramsey explained there was currently \$60,000 in the Fund. Chief Sembach was requesting expenditures in the amount of \$11,998.

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

First Street
Parking

EXTENDING PARKING HOURS ON FIRST STREET: City Manager Jarboe stated there have been recent requests to extend the parking on First Street to 9:30 or 10:00 p.m. The Police Chief has the authority to change the hours, however, because the current "no parking signs" have been in place for many years, he thought it was appropriate to seek approval from the Council.

Mayor Pruette read the following from the Code of Ordinances: Section 22-27: Authority to prohibit. The chief of police of the city hereby is authorized and empowered to designate such areas within which motor vehicles may not be parked or left unattended as he may deem necessary to promote fire safety and patrol security.

Councilor Pardee felt parking on First Street should be allowed to 10:00 p.m.

Vice Mayor Lee stated he would like to see the parking on First Street extended to 9:30 p.m.

Councilor Tucker stated she would support extending the hours to either 9:30 or 10:00 p.m.

Councilor Weldon supported extending the parking to 10:00 p.m. He did not feel a half an hour would make much difference.

Mayor Pruette supported extending the parking to 9:30 p.m. She asked Police Chief Sembach to consistently enforce the no parking hours and report back to the Council January 2011.

Consensus: **TO AUTHORITY THE CITY MANAGER AND THE POLICE CHIEF TO EXTEND THE PARKING HOURS ON FIRST STREET.**

Discussion

Councilor Weldon voiced concern regarding the spoil island placed in the intracoastal waterway by the Jacksonville Transportation Authority. The concern was that J.T.A. did not properly complete the project. City Manager Jarboe suggested the Mayor write a letter encouraging J.T.A. to landscape the spoil island.

Adjournment

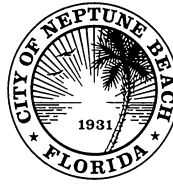
There being no further business, the meeting adjourned at 7:00 pm.

Harriet Pruetto, Mayor

Attest:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
REGULAR CITY COUNCIL MEETING
FEBRUARY 1, 2010 AT 6:00 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 February 2, 2010, at 6:00 p.m. in the City Hall Council Chambers, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

STAFF:

Mayor Harriet Pruette
Vice Mayor Fred Lee
Councilor Eric Pardee
Councilor Kara Tucker
City Attorney Christopher White
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

Community Development Director Amanda Askew
Director of Public Safety David Sembach

ABSENT:

Councilor John Weldon

Order Call/Pledge

Mayor Pruette called the meeting to order at 6:00 p.m. and asked Vice Mayor Lee to lead the pledge of allegiance.

AWARDS / PRESENTATIONS / RECOGNITION OF GUESTS

Mayor Pruette presented a Proclamation to the Beaches A1A Parrothead Club declaring February 20, 2010 Parrothead Day.

APPROVAL OF MINUTES

Moved by Pardee, seconded by Tucker.

Minutes

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

JANUARY 11, 2010, SPECIAL CITY COUNCIL MEETING
JANUARY 11, 2010, WORKSHOP CITY COUNCIL MEETING

Roll Call Vote:

Ayes: 4 – Lee, Pardee, Tucker, Pruette

Noes: 0

MOTION CARRIED

COMMUNICATIONS AND CORRESPONDENCE

CITY MANAGER REPORT

City Manager Jarboe reported the following:

- The \$950,000 grant for nitrogen and reuse should be approved next week by the St. Johns River Water Management District.
- The design for the nitrogen retrofit at the plant is 60% complete.
- The garbage service has improved since they were fined.
- The audit was close to completion. He was waiting on information from the audit to begin study for nitrogen process.
- He is in the process of developing requests for proposals for banks.

COMMENTS FROM THE PUBLIC

Jeffrey Buckholz, 2061 Felch Avenue, Jacksonville, felt an off duty police officer working at Sun Dog was not impartial when he arrested him for trespassing, drunk and disorderly conduct and resisting an officer without violence. He felt there needed to be an outside investigation into the Neptune Beach Police Department. He also felt the city should adopt a policy for off duty policemen working for private establishments.

CONSENT AGENDA / NONE**VARIANCES / NONE****ORDINANCES**

Ord. No. 2010-01 ORDINANCE NO. 2010-01, AMENDING SECTION 27-548, DESIGN STANDARDS FOR OFF-STREET PARKING AND LOADING, FIRST READ: AN ORDINANCE AMENDING THE CODE ORDINANCES OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING ARTICLE XIII, OFF STREET PARKING AND LOADING, SECTION 27548 DESIGN STANDARDS FOR OFF-STREET PARKING AND LOADING SECTION 27-548(B)(1) AND PROVIDING AN EFFECTIVE DATE.

City Manager Jarboe explained the surrounding cities have lowered their parking requirements.

Vice Mayor Lee agreed to sponsor Ordinance No. 2010-01.

Moved by Lee, seconded by Pardee

Motion: **TO PASS ORDINANCE NO. 2010-01 ON FIRST READ.**

Roll Call Vote:

Ayes: 4 – Lee, Pardee, Tucker, Pruette

Noes: 0

MOTION CARRIED

Ord. No. 2010-02 ORDINANCE NO. 2010-02, AMENDING SECTION 22-3(A) MOTOR VEHICLE PARKING, FIRST READ: AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING ARTICLE I IN GENERAL, SECTION 22-3(A) CERTAIN MOTOR VEHICLES PROHIBITED FROM PARKING IN COMMERCIAL DISTRICTS AND PROVIDING AN EFFECTIVE DATE.

City Manager Jarboe explained this Ordinance would reduce the time of parking in commercial parking lots from 12 hours to 3 hours. This would prevent overnight parking of commercial vehicles.

Vice Mayor Lee agreed to sponsor Ordinance No. 2010-02.

Moved by Lee, seconded by Pardee

Motion: **TO PASS ORDINANCE NO. 2010-02 ON FIRST READ.**

Roll Call Vote:

Ayes: 4 – Lee, Pardee, Tucker, Pruette

Noes: 0

MOTION CARRIED

Ord. No. 2010-03

ORDINANCE NO. 2010-03, AMENDING SECTION 27-581, PROHIBITED SIGNS, FIRST READ: AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING ARTICLE XV ADVERTISING, CHAPTER 27, SECTION 27-581, PROHIBITED SIGNS AND PROVIDING AN EFFECTIVE DATE.

City Manager Jarboe explained this Ordinance further defines that snipe signs are not allowed in public rights-of-way or on private property. This does not change the situation for personal expression signs on private property, political signs, or garage sale signs.

Mayor Pruette was concerned this would be more restrictive on private property rights. She questioned if someone would be able to place a sign on their property to advertise something for sale. City Manager Jarboe stated this does not change the Code; it just further defines the Code. That right is covered under personal expression signs.

Councilor Pardee agreed to sponsor Ordinance No. 2010-03.

Moved by Pardee, seconded by Tucker

Motion: **TO PASS ORDINANCE NO. 2010-03**

Roll Call Vote:

Ayes: 4 – Lee, Pardee, Tucker, Pruette

Noes: 0

MOTION CARRIED

Ord. No. 2010-04

ORDINANCE NO. 2010-04, AMENDING SECTION 27-163 EXPIRATION OF SPECIAL EXCEPTION PERMIT, FIRST READ: AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING ARTICLE III. ADMINISTRATIVE AND ENFORCEMENT PROCEDURES, SECTION 27-163 EXPIRATION OF SPECIAL EXCEPTION PERMIT AND PROVIDING AN EFFECTIVE DATE.

City Manager Jarboe explained this Ordinance would have special exception permits expire after one year.

Mayor Pruette stated she would sponsor this Ordinance.

Moved by Lee, seconded by Tucker

Motion: **TO PASS ORDINANCE NO. 2010-04 ON FIRST READ.**

Roll Call Vote:

Ayes: 4 – Lee, Pardee, Tucker, Pruette

Noes: 0

MOTION CARRIED

OLD BUSINESS / NONE

NEW BUSINESS / NONE

OPEN DISCUSSION

Vice Mayor Lee thanked everyone for their participation in the first Annual Bowl-a-Thon for Dial-a-Ride.

Vice Mayor Lee asked when the discussion would begin on the 2010/2011 budget. Mayor Pruette suggested placing the budget on the March workshop agenda.

Adjournment

There being no further business, the meeting adjourned at 6:30 p.m.

Harriet Pruette, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved:



**MINUTES
WORKSHOP CITY COUNCIL MEETING
JANUARY 11, 2010, AT 6:06 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 11, 2010 at 6:06 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 Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

Community Development Director Amanda Askew
Senior Activity Center Director Leslie Lyne
Director of Finance Steve Ramsey
Director of Public Services Leon Smith
Deputy City Clerk, Karla Strait, CMC

ABSENT:

City Attorney Chris White

Call to Order/Roll
Call

Mayor Pruette called the meeting to order at 6:06 p.m.

PRESENTATIONS / NONE

CITY MANAGER'S ACTION LIST

City Manager Jarboe reported on the following:

- The St. Johns River Water Management District will consider approval of nitrogen grant at their February meeting.
- The city was trying to secure a grant to provide solar power to the City Hall and Public Services buildings.
- A water and sewer rate study will begin in February after the audit is completed.
- The recent cold weather caused several water breaks.

PUBLIC COMMENTS / NONE

PROPOSED ORDINANCES

- Parking SECTION 22-3. CERTAIN MOTOR VEHICLES PROHIBITED FROM PARKING IN COMMERCIAL DISTRICTS: City Manager Jarboe explained this proposed ordinance would limit parking for non-delivery trucks to 3 consecutive hours.
- Consensus: **FORWARD TO THE FEBRUARY REGULAR MEETING FOR FIRST READ.**
- Special Exception Permits SECTION 27-163. EXPIRATION OF SPECIAL EXCEPTION PERMIT: City Manager Jarboe explained currently there was no expiration on building permits for special exceptions. Under the proposed ordinance building permits for special exceptions will expire after twelve months if construction has not commenced.
- Consensus: **FORWARD TO THE FEBRUARY REGULAR MEETING FOR FIRST READ.**
- Off Street Parking and Loading SECTION 27-548. DESIGN STANDARDS FOR OFF-STREET PARKING AND LOADING AREAS: City Manager Jarboe explained the proposed ordinance would decrease the size of the standard parking spaces.
- Consensus: **FORWARD TO THE FEBRUARY REGULAR MEETING FOR FIRST READ.**
- Prohibited Signs SECTION 27-581. PROHIBITED SIGNS: City Manager Jarboe explained clarified that snipe signs are prohibited unless otherwise exempted or expressly authorized.
- Consensus: **FORWARD TO THE FEBRUARY REGULAR MEETING FOR FIRST READ.**

CONTRACTS / AGREEMENTS / NONE**ISSUE DEVELOPMENT**

- Montessori Tide MONTESSORI TIDES CHILDREN'S FOUNDATION (MTCF) – CHILDREN'S FESTIVAL AT JARBOE PARK: City Manager Jarboe explained he had the authority to approve of the festival and the item could be removed from the Council agenda.
- February 2010 Meetings FEBRUARY 2010 MEETINGS: City Clerk Volpe stated the February workshop meeting would fall on Presidents Day and the City Hall would be closed. She asked Council if they would prefer to hold the workshop meeting on February 8th or February 22nd.
- Consensus: **TO HOLD THE FEBRUARY WORKSHOP MEETING ON FEBRUARY 8TH.**
- Discussion Councilor Pardee voiced concern regarding vehicles jumping curbs and running inside of buildings. He suggested adding language to the Code that would require restaurants to provide barricades to prevent vehicles from running into buildings.
- Vice Mayor Lee invited everyone to attend a Bowl-a-thon to benefit Dial-a-Ride.
- Adjournment There being no further business, the meeting adjourned at 6:15 pm.

Harriet Pruetten, Mayor

Attest:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
SPECIAL CITY COUNCIL MEETING
JANUARY 11, 2010 AT 6:00 P.M
CITY HALL, 116 FIRST STREET
NEPTUNE BEACH, FLORIDA

Pursuant to proper notice a Special Meeting of the City Council of the City of Neptune Beach was held January 11, 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 Manager James Jarboe
City Clerk Lisa Volpe, CMC

Community Development Director Amanda Askew
Senior Center Director Leslie Lyne
Director of Finance Steve Ramsey
Director of Public Services Leon Smith
Deputy City Clerk, Karla Strait, CMC

ABSENT:

City Attorney Chris White

Order Call

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

Minutes

Moved by Lee, seconded by Tucker.

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

DECEMBER 7, 2008, REGULAR CITY COUNCIL MEETING

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Tucker, Weldon, Pruette

Noes: 0

MOTION CARRIED

PDRB09-19
110-112 First St.

PDRB09-19, DEVELOPMENT ORDER FOR MEZZA LUNA, 110-112 FIRST STREET: Mr. Niall Falloon, the applicant, proposed adding a metal roof over the outdoor dining patio area. This area will not be heated or cooled.

Councilor Weldon asked Mr. Falloon if he planned to enclose the area. Mr. Falloon replied he liked the open air feeling and he had no plans to enclose the area.

Mayor Pruette questioned the use of heaters in the outdoor area. Mr. Falloon replied he was notified last Friday the heaters were not allowed per the Code. He may install gas heating in the future.

Moved by Weldon, seconded by Lee.

Motion: **TO APPROVE PDRB09-19, DEVELOPMENT ORDER FOR MEZZA LUNA, 110 – 112 FIRST STREET, MR. NIAL FALLOON.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Tucker, Weldon, Pruette

Noes: 0

MOTION CARRIED

Res. No. 2009-17 **RESOLUTION NO. 2009-17; A RESOLUTION APPOINTING MEMBERS TO THE BOARD OF APPEALS.**

Mr. Donald MacLeod introduced himself to the Council. Mayor Pruette and Vice Mayor Lee thanked Mr. MacLeod for volunteering his service for the Board. City Clerk Volpe stated Mr. MacLeod's term as an alternate member would begin on January 11, 2010 and end on January 10, 2011.

Moved by Lee, seconded by Weldon.

Motion: **TO APPROVE RESOLUTION NO. 2009-17**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Tucker, Weldon, Pruette

Noes: 0

MOTION CARRIED

Adjournment There being no further business, the meeting adjourned at 6:05 p.m.

Harriet Pruette, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
REGULAR CITY COUNCIL MEETING
DECEMBER 7, 2009 AT 6:00 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 December 7, 2009 at 6:00 p.m. in the City Hall Council Chambers, 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 Christopher White
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

Community Development Director Amanda Askew
Senior Activity Center Director Leslie Lyne
Director of Finance Steve Ramsey
Director of Public Safety David Sembach
Director of Public Service Leon Smith

Order Call/Pledge

Mayor Pruette called the meeting to order at 6:00 p.m. and asked City Attorney Chris White to lead the pledge of allegiance.

AWARDS / PRESENTATIONS / RECOGNITION OF GUESTS

Mr. Kenny Weeks, Manager of the Walmart Store located at Beach Boulevard and Hodges Boulevard, stated the store selected Jarboe Park to be the recipient of a \$20,000 grant for park improvements.

Mayor Pruette thanked Mr. Weeks and asked him to work with City Manager Jarboe on the improvements.

APPROVAL OF MINUTES

Moved by Lee, seconded by Tucker.

Minutes

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

NOVEMBER 2, 2009 REGULAR CITY COUNCIL MEETING
NOVEMBER 16, 2009, SPECIAL CITY COUNCIL MEETING
NOVEMBER 16, 2009, WORKSHOP CITY COUNCIL MEETING

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Tucker, Weldon, Pruette
Noes: 0

MOTION CARRIED

COMMUNICATIONS AND CORRESPONDENCE

Mayor Pruette thanked staff for Christmas in the Park.

CITY MANAGER REPORT

City Manager Jarboe reported the following:

- The Jacksonville Sheriff's Office and the Department of Environmental Protection were investigating the dumping behind the Penman Plaza shopping center.
- The Public Service Department was working on the nitrogen issue.
- The Public Service Department was working with the Code Enforcement Officer conducting inspections to prevent grease from entering the sewer system.
- The Town Center Christmas Tree Lighting and Christmas in the Park events were a success.
- The Ish Brant Beautification Committee was working with the City of Jacksonville to beautify Florida Boulevard.

COMMENTS FROM THE PUBLIC

Rick Duncan, 407 McCollum Circle, favored Resolution No. 2009-18, designating Ish Brant Park.

Susan Moore, 401 McCollum Circle, favored Resolution No. 2009-18, designating Ish Brant Park.

Kerry Chin, 227A Margaret Street, Chair of the Planning and Development Review Board, explained the reasoning of the Planning and Development Review Board in relation to the variances requested by Penman Plaza.

CONSENT AGENDA / NONE**VARIANCES**

V09-13
Penman Plaza

V09-13, VARIANCE REQUEST FOR PENMAN PLAZA, 1209, 1223 AND 1301 ATLANTIC BOULEVARD: The request is for the Penman Plaza Shopping Center expansion to vary Sections 27-229, Lot Coverage Requirements, Section 27-455, Minimum Landscape Requirements, Section 27-457 Landscaping Requirements for Vehicular Use Areas, Section 27-540 Off Street Parking, and Section 27-459 Landscaping Buffer.

Carlos Asensio, 3715 Northside Parkway, Atlanta, Georgia, Flagler Construction Management, Penman Plaza Manager, introduced himself to the Council and responded to the Council.

Councilor Weldon questioned why the applicant was asking for changes to the variances that were previously approved by the Council last year.

Mr. Asensio replied the site plan was revised after it was presented to prospective tenants. The changes were due to a strong need for additional parking on the westside of the site. The site plan was also reevaluated and the percentages of landscape area were different from the previously approved variance request.

Councilor Weldon asked Mr. Asensio if the developer would consider relocating the landscape area from the western side to the eastern portion of the property.

Mr. Asensio stated relocating the landscape to the eastern side would create a problem due to the Winn Dixie lease. The Winn Dixie lease was signed in 1986 before the new ordinances were in place.

Councilor Weldon was concerned about the request to reduce the landscape buffer along Atlantic Boulevard from six feet to three feet. This would further decrease the required green space and increase the impervious surface on the site.

Mr. Asensio explained they did not want to disrupt the asphalt parking area that was currently in place nor did they want to disrupt the traffic pattern. They felt the landscaping design for the three foot buffer would be sufficient.

Councilor Weldon asked if the proposed parking areas would be impervious.

Mr. Asensio responded they shifted them from pavers to asphalt because they were concerned that truck traffic would destroy the pavers creating an operational maintenance problem for the owners.

Councilor Weldon asked if they could place the pavers in lieu of asphalt in a different location on the site.

Mr. Asensio stated they could place pavers for 20 parking spaces towards the Tire Kingdom site.

Mayor Pruette stated the Planning & Development Review Board recommended denial of the variance request to reduce the landscape area. The Board recommended approval for the parking with the condition that the parking spaces be pervious.

Councilor Tucker questioned where the handicap spaces would be located on the site.

Mr. Asensio replied the two handicap spaces and the ramp that were currently in place would remain.

Councilor Tucker was concerned how the trucks would be entering and exiting the center.

Mr. Asensio explained they envisioned the trucks entering along the back of the site off of Penman Road and exiting onto Atlantic Boulevard.

Councilor Pardee asked Mr. Asensio if the owner and developer would consider the recommendations and the stipulations placed on the variance requests by the Planning & Development Review Board.

Mr. Asensio stated the owner would like to maintain the existing three feet buffer on Atlantic Boulevard. He added when the center was purchased in 1980 the site was complete asphalt.

Councilor Pardee asked if there were plans for additional buildings on the site. Mr. Asensio replied "no."

Mayor Pruette stated she agreed with the Board's decision to deny the variance request to reduce the six foot perimeter landscape to three foot.

Vice Mayor Lee asked if the owner would consider making other parking spaces on the site pervious material in exchange for the asphalt parking spaces on the west side of the site.

Councilor Weldon added the city was being asked to sacrifice green space as well as a substantial increase in impervious surface in exchange for nothing from the owner.

Vice Mayor Lee stated the city would be getting a vibrant shopping center in return.

City Manager Jarboe stated that a motion needed to be on the table before discussion.

Mayor Pruette suggested the Council consider each variance request separately.

Councilor Pardee asked Community Development Director Askew to explain each variance request to the Council.

Variance Request
for Lot Coverage

Mr. Askew explained this request was to increase the maximum lot coverage. The Council previously approved a variance request to increase the maximum lot coverage to 80.9% in lieu of 75%. This request was not as intrusive because they were now proposing a maximum lot coverage of 79.6%.

Moved by Weldon, seconded by Lee.

Motion: **TO APPROVE THE RECOMMENDATION OF THE PLANNING & DEVELOPMENT REVIEW BOARD RELATED TO SECTION 27-229-1 VARIANCE TO INCREASE THE MAXIMUM LOT COVERAGE RESULTING IN A 79.6% TOTAL LOT COVERAGE FOR THE PROJECT.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Tucker, Weldon, Pruette

Noes: 0

MOTION CARRIED

Variance Request
for Gross
Landscape Area

Mayor Pruette stated the Planning & Development Review Board recommended approval of the variance request to reduce the gross landscape by 2.7%.

Mr. Askew explained this request was to reduce the gross landscape area to 17.3% in lieu of the required 20%. The Council previously granted a variance to allow a reduction to 16.4%. This was also an improvement from the previously granted variance request.

Moved by Pardee, seconded by Lee.

Motion: **TO APPROVE THE RECOMMENDATION OF THE PLANNING & DEVELOPMENT REVIEW BOARD AND APPROVE THE SECOND VARIANCE FOR SECTION 27-44(b) GROSS LANDSCAPE AREA.**

Roll Call Vote:

Ayes: 4 – Lee, Pardee, Tucker, Pruette

Noes; 1 – Weldon

MOTION CARRIED

Variance Request
for Signage

Mayor Pruette stated the Planning & Development Review Board recommended approval of the additional monument sign provided that the two existing non-conforming signs are brought into compliance prior to construction of the new sign.

Mrs. Askew explained this request was for an additional sign. The site has two existing signs, one on Atlantic Boulevard and one on Penman Road. The Code only allows one sign per development.

Moved by Weldon, seconded by Lee.

Motion: **TO DENY THE PLANNING & DEVELOPMENT REVIEW BOARD RECOMMENDATION ON VARIANCE FOUR RELATED TO THE ADDITIONAL MONUMENT SIGNS.**

Councilor Pardee asked how many parcels were included in this development.

Mrs. Askew replied there are three separate parcels. The Tire Kingdom has its own separate

parcel and they are allowed a sign. The Sonic is on a separate parcel and they are allowed a sign. The remainder of the property is one large lot.

Councilor Weldon stated there would also be signage on the building which could be viewed from the street. In fact the developer has requested replacing the hardwood trees with palm trees so the building signs could be better seen from Atlantic Boulevard. He found the request reasonable and would agree with the recommendation of the Planning & Development Review Board.

Mayor Pruette asked Councilor Weldon to withdraw his previous motion and state a new one with the stipulations recommended by the Planning & Development Review Board.

Moved by Weldon, seconded by Lee.

Motion: **TO APPROVE THE RECOMMENDATION OF THE PLANNING & DEVELOPMENT REVIEW BOARD WITH THE FOLLOWING EXCEPTIONS, TO APPROVE TWO MONUMENT SIGNS, ONE ON PENMAN ROAD, AND ONE ON ATLANTIC BOULEVARD AND BOTH OF THOSE SIGNS MUST BE BROUGHT INTO COMPLIANCE WITH THE EXISTING SIGN ORDINANCE.**

Councilor Pardee stated there was a potential for the building to become a two story in the future which would increase the need for additional signage. He asked City Attorney White how this would fit into the current sign ordinance.

City Attorney White advised the question before the Council was a request for a variance. A variance is to offer relief from the Code. If this building became two stories and needed additional signage they would need to request a variance.

Vice Mayor Lee suggested forwarding the subject of signage to a workshop meeting to discuss the issue of signage for a shopping center with fifty stores verses a shopping center with only five stores.

City Manager Jarboe clarified the Planning & Development Review Board has asked that the existing signs come into compliance with the Code before the additional monument sign is erected.

Roll Call Vote:

Ayes: 3 – Lee, Weldon, Pruette

Noes: 2 – Pardee, Tucker

MOTION CARRIED

Variance Request
for Landscape
Area

Mayor Pruette stated this variance request was to reduce the perimeter landscape area to three feet from six feet. The Planning & Development Review Board has recommended Council deny the variance.

Mrs. Askew explained the Code requires a nine foot perimeter landscape area. The applicant was previously granted a variance from the Council to reduce the perimeter landscape area from nine feet to six feet. This request would reduce the perimeter landscape area from six feet to three feet.

Moved by Weldon, seconded by Lee.

Motion: **TO ENDORSE THE RECOMMENDATION OF THE PLANNING & DEVELOPMENT REVIEW BOARD TO DENY THE VARIANCE TO REDUCE THE PERIMETER OF THE LANDSCAPE AREA TO THREE FEET FROM THE AGREED SIX FEET.**

Councilor Weldon felt this variance request was an effort to reduce to the overall cost of redesigning the shopping center. He felt this was not adequate justification to vary the Code.

Councilor Pardee felt it was unfair to make the developer change the perimeter landscape area because the shopping center was existing and was approved by the City in the 1980's. He felt, if they were demolishing the entire building and rebuilding from the ground, they should have to come into compliance with the Code.

Moved by Weldon, seconded by Lee.

Amended Motion: **TO AMEND THE MOTION TO CLARIFY THAT THEY ARE NOT REQUIRING THE APPLICANT TO DEFAULT TO THE REQUIRED NINE FEET OF LANDSCAPE BUFFER AREA. THEY ARE ONLY REQUIRING THEM TO COMPLY WITH THE PREVIOUSLY EXISTING VARIANCE WHICH WAS SIX FEET OF LANDSCAPE BUFFER ALONG ATLANTIC BOULEVARD.**

City Manager Jarboe stated the Council had to vote on the amendment before voting on the previous motion as amended.

Roll Call Vote for the amendment:

Ayes: 4 – Lee, Tucker, Weldon, Pruette

Noes: 1 – Pardee

MOTION CARRIED

Roll Call Vote on the Motion as Amended:

Ayes: 4 – Lee, Tucker, Weldon, Pruette

Noes: 1 – Pardee

MOTION CARRIED

Variance Request for Parking Spaces

Mayor Pruette explained this variance was for parking spaces. The Planning & Development Review Board has recommended approval to increase the maximum number of parking spaces to 56 with the condition that these parking spaces be pervious material with a friendly amendment to have the new parking spaces south of the Tire Kingdom made of pervious materials.

Moved by Weldon, seconded by Pardee.

Motion: **TO APPROVE VARIANCE #5 TO SECTION 27-540 TO INCREASE THE MAXIMUM NUMBER OF PARKING SPACES TO 56 OVER THE MINIMUM REQUIREMENT IN LIEU OF 30 SPACES OVER THE MINIMUM REQUIREMENT WITH THE STIPULATION THAT AN EQUIVALENT NUMBER OF SPACES OR AN EQUIVALENT SQUARE FOOTAGE OF PARKING AREA BE PAVED WITH PERVIOUS MATERIALS SO THAT WE END UP WITH THE SAME AMOUNT OF PERVIOUS VERSES IMPERVIOUS SURFACE.**

Councilor Weldon requested stated the pervious parking spaces be placed in the front of the shopping center. Mr. Asensio whether they were placed in the front or the rear of the property they would still be pervious. He felt it would not make a difference because it would still increase the pervious pavement on the site.

Vice Mayor Lee asked Mr. Asensio if he would agree to Councilor Weldon's stipulations.

Mr. Asensio replied they would accommodate 21 pervious parking spaces in the front of the parcel.

City Manager Jarboe stated the Planning & Development Review Board recommended a total of 36 parking spaces be pervious.

Mr. Asensio explained the asphalt pavement was already in place. They would have to tear out the existing pavement in order to put pavers in the front. He would agree to that if that was the motion.

Vice Mayor Lee asked if the Council was really going to make the developer tear out existing pavement.

Councilor Pardee felt this could be resolved by allowing them to get a certain amount of pervious parking spaces at any location on the site.

Councilor Weldon stated if an effort to move forward he would to agree to allow the pervious parking spaces to be placed anywhere on the site.

Moved by Weldon.

Amended Motion: **TO ALLOW THE PERVIOUS SPACES TO BE LOCATED ANYWHERE ON SITE.**

City Manager asked Vice Mayor Lee to withdraw the second to the original motion so that it would fail for lack of second and asked Councilor Weldon state a new motion.

Vice Mayor Lee withdrew his second to the original motion.

Moved by Weldon, seconded by Pardee.

Motion: **TO APPROVE THE FIFTH REQUESTED VARIANCE SECTION 27-540 INCREASING THE MAXIMUM NUMBER OF PARKING SPACES TO 56 SPACES OVER THE MINIMUM REQUIREMENT IN LIEU OF 30 SPACES OVER THE MINIMUM REQUIREMENT WITH THE STIPULATION THAT AN EQUIVALENT AMOUNT OF PAVEMENT TO THE 36 SPACES IN QUESTION WILL BE PAVED WITH PERVIOUS MATERIALS ANYWHERE ON THE PROPERTY.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Tucker, Weldon, Pruette

Noes: 0

MOTION CARRIED

Mayor Pruette called a recess at 7:25 p.m. and reconvened the meeting at 7:30 p.m.

PDRB09-18
Penman Plaza

PDRB09-18, DEVELOPMENT ORDER FOR PENMAN PLAZA ASSOCIATES, 1209, 1223, AND 1301 ATLANTIC BOULEVARD:

Moved by Lee, seconded by Tucker.

Motion: **TO APPROVE PDRB09-18 PENMAN PLAZA ASSOCIATES BASED ON VARIANCES AS APPROVED.**

Councilor Pardee suggested that Council workshop the sign ordinance. He felt this was a unique situation because the shopping center was located on a corner lot and had three entrances.

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Tucker, Weldon, Pruette

Noes: 0

MOTION CARRIED

ORDINANCES

Ord. No. 2009-13 ORDINANCE NO. 2009-13, CHAPTER 18, ABANDONING OR PRIVATE USE OF PUBLIC PROPERTY, SECOND READ AND PUBLIC HEARING: AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF NEPTUNE BEACH, FLORIDA ADDING CHAPTER 18 SECTION 18-5 ABANDONING OR PRIVATE USE OF PUBLIC PROPERTY.

Mayor Pruette read Ordinance No. 2009-13 by title only and opened the public hearing.

Michael Aston, 1523 Summer Sands Drive, favored the ordinance.

There being no further comments from the public, the public hearing was closed.

Councilor Weldon stated he and Mayor Pruette would like to reinsert the language regarding a "super majority vote" back into the ordinance.

Moved by Weldon, seconded by Pruette.

Substitute **TO APPROVE ORDINANCE 2009-13 AMENDING THE CODE OF**
Motion: **ORDINANCES OF THE CITY OF NEPTUNE BEACH ADDING CHAPTER 18**
 SECTION 18-5 ABANDONING OR PRIVATE USE OF PUBLIC PROPERTY
 INCLUDING THE ORIGINAL LANGUAGE OF THE ORDINANCE THAT IS
 CURRENTLY STRICKEN IN THE EXAMPLE WE HAVE IN FRONT OF US
 READING "THEREFORE LEGISLATION AUTHORIZING THE
 ABANDONMENT, CLOSURE OR VACATING OF CITY PROPERTY OR
 RIGHTS OF WAY SHALL REQUIRE A SUPER MAJORITY VOTE OF THE
 CITY COUNCIL. THE THIRD PARAGRAPH AS WELL THIS SECTION
 SHALL NOT APPLY TO THE LEASING OF PUBLIC PROPERTY OR
 RIGHTS OF WAY NOT TO APPROVALS BY THE CITY MANAGER OF
 RESIDENTIAL DRIVEWAY ACCESS TO PUBLIC STREETS.

City Manager Jarboe stated that would be substitute motion whether than an amendment. Vice Mayor Weldon asked that his motion be made a substitute motion.

Vice Mayor Lee was concerned that a super majority vote would allow two Council members the ability to deny a motion.

Councilor Weldon stated the State of Florida required matters relating to money and public resources be subject to a super majority vote. He felt the same should apply to all public resources which included rights of way and public property.

Vice Mayor Lee suggested amending the Ordinance adding language that it would also take a "super majority vote" to reverse the decision.

Moved by Weldon, seconded by Lee.

Amendment: **TO AMEND ORDINANCE 2009-13 TO INCLUDE BOTH PARAGRAPHS**
 PREVIOUSLY STRICKEN AND TO MODIFY THE SECOND PARAGRAPH
 WHICH CURRENTLY READS "THEREFORE LEGISLATION
 AURTHORIZING THE ABANDONMENT, CLOSURE, OR VACATING OF
 CITY PROPERTY OR RIGHTS OF WAY SHALL REQUIRE A SUPER
 MAJORITY VOTE OF THE COUNCIL IN ORDER TO REVERSE THIS
 DECISION ON THE PART OF THE CITY COUNCIL A SUPER MAJORITY
 VOTE IS REQUIRED.

City Attorney White recommended inserting the following change: "Any change to the voting requirements would have to be done by a super majority vote."

Moved by Weldon, seconded by Lee.

Amendment to the amendment: **THE SECOND SENTENCE WOULD READ "ANY CHANGES TO THE VOTING REQUIREMENTS OF THIS ORDINANCE WOULD REQUIRE A SUPER MAJORITY VOTE."**

Roll Call Vote on the two Amendments:

Ayes: 4 – Lee, Tucker, Weldon, Pruette

Noes: 1 – Pardee

MOTION CARRIED

Moved by Weldon, seconded by Pruette

Motion: **TO ADOPT THE ORDINANCE AS AMENDED.**

Roll Call Vote:

Ayes: 4 – Lee, Tucker, Weldon, Pruette

Noes: 1 – Pardee

MOTION CARRIED

Ord. No. 2009-14

ORDINANCE NO. 2009-14, AMENDING CHAPTER 2, ADMINISTRATION, POLICE OFFICERS RETIREMENT SYSTEM, SECOND READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH AMENDING CHAPTER 2, ADMINISTRATION, ARTICLE V, EMPLOYEE BENEFITS, DIVISION 4, POLICE OFFICERS' RETIREMENT SYSTEM, SECTIONS 2-345 THROUGH 2-349.25, INCLUSIVE OF THE CODE OF ORDINANCES OF THE CITY OF NEPTUNE BEACH; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING AN EFFECTIVE DATE.

Finance Director Steve Ramsey explained the Ordinance needed to be changed in accordance with new legislation.

Mayor Pruette read Ordinance No. 2009-14 by title only and opened the public hearing.

There being no comments from the public, the public hearing was closed.

Moved by Weldon, seconded by Pardee.

Motion: **TO APPROVE ORDINANCE NO. 2009-14 AMENDING CHAPTER 2 ADMINISTRATION POLICE OFFICERS RETIREMENT SYSTEM.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Tucker, Weldon, Pruette

Noes: 0

MOTION CARRIED

OLD BUSINESS / NONE

NEW BUSINESS

Res. No. 2009-17

RESOLUTION NO. 2009-17: A RESOLUTION APPOINTING MEMBERS TO THE BOARD OF APPEALS.

Due to the absence of Mr. McLeod the Resolution was forwarded to the January regular meeting.

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

Res. No. 2009-18 RESOLUTION NO. 2009-18: A RESOLUTION OF THE CITY OF NEPTUNE BEACH HONORING ISH BRANT AND DECLARING A NAMESAKE PARK.

Moved by Weldon, seconded by Lee.

Motion: **TO APPROVE RESOLUTION 2009-18, RESOLUTION OF THE CITY OF NEPTUNE BEACH HONORING ISH BRANT AND DECLARING A NAMESAKE PARK.**

Roll Call Vote:

Ayes: 4 – Lee, Tucker, Weldon, Pruette

Noes: 1 – Pardee

MOTION CARRIED

OPEN DISCUSSION

Adjournment There being no further business, the meeting adjourned at 8:00 p.m.

Harriet Pruette, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved:



**MINUTES
WORKSHOP CITY COUNCIL MEETING
NOVEMBER 16, 2009, AT 6:15 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 November 16, 2009 at 6:15 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 Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

Community Development Director Amanda Askew
Senior Activity Center Director Leslie Lyne
Director of Public Safety David Sembach
Director of Public Services Leon Smith

ABSENT:

City Attorney Chris White

Call to Order/Roll
Call

Mayor Pruette called the meeting to order at 6:15 p.m.

PRESENTATIONS / NONE

CITY MANAGER'S ACTION LIST

City Manager Jarboe reported on the following:

- Mediation is currently in process between the Environmental Protection Agency and the St. Johns River Keeper regarding a requirement to decrease the nitrogen levels to as low as 1.7. The current required level is 5.7 and our sewer plant renovations were designed to maintain a nitrogen level of 3.2. If the 1.7 requirement passes this could double or triple the water and sewer rates for residents of Neptune Beach.

Mayor Pruette asked City Manager Jarboe if the City should postpone the upcoming Water and Sewer Rate Study until the mediation was settled. City Manager Jarboe responded the Water and Sewer Rate Study could not be conducted until the Audit was complete later in the year and he would have more information at that time.

PUBLIC COMMENTS

Ann Von Thron, 1012 Oceanfront, supported extending the permitted parking hours on First Street.

Sybil Ansbacher, 2008 Strand Street, favored the super majority vote on Ordinance 2009-13.

Vita Hope, 324 Driftwood Road, supported the super majority vote on Ordinance 2009-13.

Kerry Chin, 227-A Margaret Street, favored the spirit of Ordinance 2009-13. But opposed abandoning of public property for the sole benefit of a private person or cooperation. He supported the Ordinance with the super majority vote requirement.

Chris Chin, 227-A Margaret Street, supported Ordinance No. 2009-13 with the super majority vote requirement included.

PROPOSED ORDINANCES

Ord. No. 2009-13

ORDINANCE NO. 2009-13, CHAPTER 18, ABANDONING OR PRIVATE USE OF PUBLIC PROPERTY: AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF NEPTUNE BEACH, FLORIDA ADDING CHAPTER 18 SECTION 18-5 ABANDONING OR PRIVATE USE OF PUBLIC PROPERTY.

Vice Mayor Lee stated he was concerned about the "super majority vote" because future Council's could easily change the Ordinance. He felt the "super majority vote" reversed the voting criteria because instead of needed three votes to adopt an Ordinance it would take only two votes to deny an Ordinance.

Councilor Pardee agreed with Vice Mayor Lee on the "super majority vote" language.

Councilor Tucker agreed with Vice Mayor Lee and Councilor Pardee.

Councilor Weldon felt "super majority votes" should be limited to specific issues. Currently the State mandates a super majority vote on budgetary issues and he felt because public property also has monetary value therefore a super majority vote was appropriate. In an effort to ease concerns of other Council members he suggested adding language "that it would take a "super majority vote" to reserve the ordinance".

Mayor Pruette requested the following paragraph in Section 18-5 to be reinserted: This section shall not apply to the leasing of public property or rights-of-way, nor to approvals by the City Manager of residential driveway access to public streets.

Councilor Weldon felt the "super majority vote" was important because members of Council could be strongly influenced by well meaning members of the public.

Vice Mayor Lee agreed to reinsert the "super majority vote" requirement in an effort to move the Ordinance forward.

Councilor Pardee stated the "super majority vote" was stricken from the first read of the Ordinance. He questioned if the entire Ordinance would need to go back to first read if the language was reinserted.

City Clerk Volpe stated the Ordinance could be amended on second read and would

not need to go back to first read.

Consensus: **REINSERT ALL LANGUAGE AND FORWARD TO SECOND READ AS AMENDED.**

City Manager Jarboe they would have to vote on the amendment to undelete at the regular meeting before voting for the second read.

Chapter 6 Animals

CHAPTER 6, ANIMALS: City Manager Jarboe explained an Animal Ordinance Committee was created to recommend amendments to the animal ordinance. The recommendations have been reviewed by the staff and were now before the Council. He felt some of the proposed changes did not apply to our small city due to the size of our staff and the cost.

City Manager Jarboe recommended deleting the following proposed changes:

Section 6-13, definition of Potentially Dangerous Dogs. He felt it was too subjective, open to interpretation, hard to enforce and would not hold up in court.

Section 6-3, Licensing Required for Dogs and Cats. He stated the City stopped licensing dogs and cats and depended on the rabies tag to make sure they were licensed. He added only 10 to 15% of owners actually registered their animals. It also required a lot of staff time and only brought in \$1,500 per year.

City Manager Jarboe recommended reinserting the following proposed change.

The defendant may exercise their option on a penalty by paying a specific fine at the Public Safety Department within 10 days before having to appear in court.

He felt the remainder of the recommended proposed changes presented by the Animal Ordinance Committee should be considered.

Councilor Weldon stated the committee also recommended the Council appoint an Animal Board to oversee and enforce the Ordinance. City Manager Jarboe responded he also recommended deleting that proposed change.

Councilor Weldon agreed the city should not reinstate the licensing requirement. The city did not have the staff or financial resources to support an Animal Board. He suggested the City Attorney rewrite the definition of Potential Dangerous Dogs so that it would be less open to interpretation and hold up in Court.

Councilor Tucker stated she supported the changes as recommended by the City Manager and the Animal Ordinance committee. She also felt all three beach cities should have similar animal ordinances.

Councilor Pardee agreed with the proposed changes by the committee and the City Manager. He asked City Manager Jarboe to review the changes with the City Attorney and the Board once more and prepare a clean copy with the proposed changes for the Council.

Vice Mayor Lee stated the issue of the dog committee began over an aggressive dog. He agreed with Councilor Weldon's suggestion to have the City Attorney revise the language of the Potentially Dangerous Dog so that it would hold up in a Court.

City Manager Jarboe stated he would prepare a clean Ordinance to present to the Council for the January workshop meeting.

Councilor Weldon questioned the proposed change of hours allowing dogs on the beach. He asked a committee member to approach the podium and address the issue.

City Manager Jarboe stated it was not a task of the Animal Ordinance Committee to change the hours that dogs were allowed to be on the beach.

Mr. Hammerfer, Professional Dog Trainer, and Member of the Animal Ordinance Committee, explained the reasoning for the Potentially Dangerous Animals definition was to allow the owner the opportunity to seek training and revise the way they handled an animal before someone was hurt.

City Clerk Volpe stated the Code as follows: It is unlawful for any person who shall own, keep, harbor, or be in control of a dog to allow the dog upon the Atlantic Ocean beach in the city except during the hours of 5:00 p.m. to 9:00 a.m. during daylight savings time and 4:00 p.m. to 10:00 p.m. during eastern standard time.

Nichole Hahl, Attorney, and member of the Animal Ordinance Committee, explained there was a State law definition of Potentially Dangerous Dogs and cities could not make the law less restrictive but were allowed to make the law stricter. The purpose was to recognize the potential of a dog to become aggressive and make sure the dog received training and attention before it actually became dangerous. The Potential Dangerous Dog definition has been successfully used and upheld in other cities throughout Florida.

Sandy Golding, Member of the Animal Ordinance Committee, stated their definition of Potentially Dangerous Dog was modeled after the Humane Society of the United States legislation.

Mayor Pruette asked Director of Public Safety Sembach for his opinion on the proposed changes.

Chief Sembach felt the Animal Ordinance Committee was created due to an overreaction to an isolated incident involving a dog attack. He added there has not been a report of a dog bite to a human in over a year. There will always be isolated incidents. He felt the current Ordinance was comprehensive and complete and did not require any changes.

Consensus: **CITY MANAGER JARBOE AND CITY ATTORNEY TO RESEARCH CASE LAW ON POTENTIALLY DANGEROUS DOGS PROVIDE A CLEAN COPY TO COUNCIL AND COMMITTEE MEMBERS AND FORWARD TO THE JANUARY OR FEBRUARY WORKSHOP MEETING.**

CONTRACTS / AGREEMENTS / NONE

ISSUE DEVELOPMENT

Res. No. 2009-XX **RESOLUTION NO. 2009-XX: A RESOLUTION OF THE CITY OF NEPTUNE BEACH HONORING ISH BRANT AND DECLARING A NAMESAKE PARK.**

Councilor Weldon stated he coincidentally uncovered the fact that the Ish Brant Park located behind the K-mart was never officially designated by Resolution. The Resolution was suppose to have been adopted in 1998. Due to an administrative error the Resolution was never placed on the Council agenda. Therefore he would like to

correct the error and have Council adopt the Resolution.

City Manager Jarboe stated this error was an oversight by the Council in 1998 and it was always assumed the park had been designated.

Councilor Pardee suggested exploring alternate uses for property that would benefit the city monetarily before declaring the property as a park. He also asked for staff to explore the possibility of the city reclaiming the Lemon Street right-of-way to allow vehicles access to the park.

Mayor Pruette felt it would be difficult for the city to reclaim the right-of-way. She also asked Council to consider that the property has been a park for the past ten years.

City Manager Jarboe stated if a road was provided to the park there would still not be access to the park because vehicles would have to travel through the K-mart property to access the roadway into the park.

Councilor Weldon strongly encouraged council to forward the Resolution to the Regular Council meeting and adopt the Resolution as originally intended.

City Manager Jarboe stated he would contact the three owners of the adjacent property in an effort to reclaim the right-of-way.

Consensus: **FORWARD TO THE DECEMBER REGULAR COUNCIL MEETING.**

Adjournment

There being no further business, the meeting adjourned at 7:40 pm.

Attest:

Harriet Pruette, Mayor

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
SPECIAL CITY COUNCIL MEETING
NOVEMBER 16, 2009 AT 6:00 P.M
CITY HALL, 116 FIRST STREET
NEPTUNE BEACH, FLORIDA

Pursuant to proper notice a Special Meeting of the City Council of the City of Neptune Beach was held November 16, 2009 at 6:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

Mayor Harriet Pruette
Vice Mayor Fred Lee
Councilor Eric Pardee
Councilor Kara Tucker
Councilor John Weldon
City Manager James Jarboe
City Clerk Lisa Volpe, CMC

STAFF:

Community Development Director Amanda Askew
Senior Center Director Leslie Lyne
Director of Public Safety David Sembach
Director of Public Services Leon Smith

ABSENT:

City Attorney Chris White

Order Call

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

Ord. No. 2009-12

ORDINANCE NO. 2009-12, AMENDING THE OPERATING BUDGET, SECOND READ AND PUBLIC HEARING: AN ORDINANCE AMENDING THE OPERATING BUDGET FOR THE CITY OF NEPTUNE BEACH, FLORIDA FOR FISCAL YEAR 2009, BEGINNING OCTOBER 1, 2008 AND ENDING SEPTEMBER 30, 2009.

Mayor Pruette read Ordinance No. 2009-12 by title only and opened the public hearing.

There being no comments from the public, the public hearing was closed.

Moved by Lee, seconded by Tucker.

Motion: **TO ADOPT ORDINANCE NO. 2009-12 ON SECOND AND FINAL READ.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Tucker, Weldon, Pruette
Noes: 0

MOTION CARRIED

PDRB09-17
309 Atlantic Blvd

PDRB09-17, SPECIAL EXCEPTION FOR OUTDOOR DINING, 309 ATLANTIC BOULEVARD, ATOMIC FLYING FISH: Mayor Pruette asked Mr. Buckley Baranic to approach the podium for questions from the Council.

Councilor Pardee was concerned about the Sprint customers loitering and drinking store bought beer on their premises. He asked if this would be monitored. Mr. Baranic replied they would be monitoring the area and there would only be seating for sixteen customers. The dining would be casual with beer and wine served. The entrance to the outdoor dining area would be located at the front of the store.

Vice Mayor Lee asked Mr. Baranic if he was familiar with the new outdoor dining guidelines that have imposed. Mr. Baranic replied he has reviewed them and was comfortable with the new guidelines. Vice Mayor Lee voiced concern regarding grease from restaurants entering the city sewer system. Mr. Baranic stated he would be monitoring the disposal of the grease.

Councilor Weldon asked Mr. Baranic if the outdoor seating area would be covered. Mr. Baranic replied he may desire to place a canopy top over the outdoor dining area in the future and he would obtain any permits necessary at that time. Councilor Weldon asked Mr. Baranic to make sure the outdoor dining area met all the handicap requirements.

City Manager Jarboe stated his greatest concern was sewer nitrogen and the amounts of grease entering the city sewer system. This is also a concern with all restaurants.

Moved by Lee, seconded by Weldon.

Motion: **TO APPROVE PDRB09-17 ALONG WITH THE SPECIAL EXCEPTION RULES FOR OUTDOOR DINING INCLUDING GREASE TRAP AND RAILINGS.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Tucker, Weldon, Pruette

Noes: 0

MOTION CARRIED

Surplus Items

APPROVAL TO SURPLUS ITEMS: Approval for the Police Department to surplus a 2004 Suzuki DRZ 400 and a 1997 Chevrolet Tahoe.

Moved by Pardee, seconded by Tucker.

Motion: **TO APPROVE THE SURPLUS ITEMS.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Tucker, Weldon, Pruette

Noes: 0

MOTION CARRIED

Adjournment

There being no further business, the meeting adjourned at 6:15 p.m.

Harriet Pruette, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
SPECIAL CITY COUNCIL MEETING
NOVEMBER 16, 2009 AT 6:00 P.M
CITY HALL, 116 FIRST STREET
NEPTUNE BEACH, FLORIDA

Pursuant to proper notice a Special Meeting of the City Council of the City of Neptune Beach was held November 16, 2009 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 Manager James Jarboe
City Clerk Lisa Volpe, CMC

Community Development Director Amanda Askew
Senior Center Director Leslie Lyne
Director of Public Safety David Sembach
Director of Public Services Leon Smith

ABSENT:

City Attorney Chris White

Order Call

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

Ord. No. 2009-12

ORDINANCE NO. 2009-12, AMENDING THE OPERATING BUDGET, SECOND READ AND PUBLIC HEARING: AN ORDINANCE AMENDING THE OPERATING BUDGET FOR THE CITY OF NEPTUNE BEACH, FLORIDA FOR FISCAL YEAR 2009, BEGINNING OCTOBER 1, 2008 AND ENDING SEPTEMBER 30, 2009.

Mayor Pruette read Ordinance No. 2009-12 by title only and opened the public hearing.

There being no comments from the public, the public hearing was closed.

Moved by Lee, seconded by Tucker.

Motion: **TO ADOPT ORDINANCE NO. 2009-12 ON SECOND AND FINAL READ.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Tucker, Weldon, Pruette

Noes: 0

MOTION CARRIED

PDRB09-17
309 Atlantic Blvd

PDRB09-17, SPECIAL EXCEPTION FOR OUTDOOR DINING, 309 ATLANTIC BOULEVARD, ATOMIC FLYING FISH: Mayor Pruette asked Mr. Buckley Baranic to approach the podium for questions from the Council.

Councilor Pardee was concerned about the Sprint customers loitering and drinking store bought beer on their premises. He asked if this would be monitored. Mr. Baranic replied they would be monitoring the area and there would only be seating for sixteen customers. The dining would be casual with beer and wine served. The entrance to the outdoor dining area would be located at the front of the store.

Vice Mayor Lee asked Mr. Baranic if he was familiar with the new outdoor dining guidelines that have imposed. Mr. Baranic replied he has reviewed them and was comfortable with the new guidelines. Vice Mayor Lee voiced concern regarding grease from restaurants entering the city sewer system. Mr. Baranic stated he would be monitoring the disposal of the grease.

Councilor Weldon asked Mr. Baranic if the outdoor seating area would be covered. Mr. Baranic replied he may desire to place a canopy top over the outdoor dining area in the future and he would obtain any permits necessary at that time. Councilor Weldon asked Mr. Baranic to make sure the outdoor dining area met all the handicap requirements.

City Manager Jarboe stated his greatest concern was sewer nitrogen and the amounts of grease entering the city sewer system. This is also a concern with all restaurants.

Moved by Lee, seconded by Weldon.

Motion: **TO APPROVE PDRB09-17 ALONG WITH THE SPECIAL EXCEPTION RULES FOR OUTDOOR DINING INCLUDING GREASE TRAP AND RAILINGS.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Tucker, Weldon, Pruette

Noes: 0

MOTION CARRIED

Surplus Items

APPROVAL TO SURPLUS ITEMS: Approval for the Police Department to surplus a 2004 Suzuki DRZ 400 and a 1997 Chevrolet Tahoe.

Moved by Pardee, seconded by Tucker.

Motion: **TO APPROVE THE SURPLUS ITEMS.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Tucker, Weldon, Pruette

Noes: 0

MOTION CARRIED

Adjournment

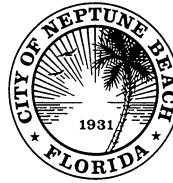
There being no further business, the meeting adjourned at 6:15 p.m.

Harriet Pruette, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
REGULAR CITY COUNCIL MEETING
NOVEMBER 2, 2009 AT 6:00 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 November 2, 2009 at 6:00 p.m. in the City Hall Council Chambers, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

STAFF:

Mayor Harriet Pruette
Vice Mayor John Weldon
Councilor Fred Lee (arrived 6:10 p.m.)
Councilor Eric Pardee
Councilor Kara Tucker
City Attorney Christopher White
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

Community Development Director Amanda Askew
Senior Activity Center Director Leslie Lyne
Director of Finance Steve Ramsey
Director of Public Safety David Sembach
Director of Public Service Leon Smith

Order Call/Pledge

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

AWARDS / PRESENTATIONS / RECOGNITION OF GUESTS

APPROVAL OF MINUTES

Moved by Tucker, seconded by Pardee.

Minutes

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

OCTOBER 5, 2009, REGULAR CITY COUNCIL MEETING
OCTOBER 19, 2009, WORKSHOP CITY COUNCIL MEETING

Roll Call Vote:

Ayes: 4 – Pardee, Tucker, Weldon, Pruette
Noes: 0
Absent: 1 – Lee

MOTION CARRIED

COMMUNICATIONS AND CORRESPONDENCE

Mayor Pruette stated Vice Mayor Weldon tendered his resignation as Vice Mayor. She would like Council to discuss the issue under new business.

Mayor Pruette stated she was working with staff to have a barrier placed along the hazardous curve on Florida Boulevard.

CITY MANAGER REPORT

City Manager Jarboe reported the following:

- He was working with the County to have a barrier placed on Florida Boulevard.
- Currently an accident involving one fatality is being investigated on Atlantic Boulevard in front of the K-mart Shopping Center.
- There were eleven arrests made throughout the Georgia / Florida football game weekend.
- There will be a ground breaking for Seminole Shoppes Wednesday, November 4, 2009 at 2:00 p.m. The old building has been demolished and all previous code enforcement action has been terminated.

COMMENTS FROM THE PUBLIC

Scott Wiley, Davis Street, felt Ordinance No. 2009-13 outlining guidelines for abandoning public property did not need to be supported by a super majority vote of the Council.

Lynda Padrta, 1113 First Street, supported Ordinance No. 2009-13 because it defined guidelines for Council to follow when considering the abandonment of city property.

CONSENT AGENDA / NONE

VARIANCES / NONE

ORDINANCES

Ord. No. 2009-10

ORDINANCE NO. 2009-10, CHAPTER 4, ALCOHOLIC BEVERAGES, SECOND READ AND PUBLIC HEARING: AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 4 ALCOHOLIC BEVERAGES, SECTION 4-7 PERSONS NOT HOLDING AN ALCOHOLIC BEVERAGE LICENSE AND PROVIDING AN EFFECTIVE DATE.

Mayor Pruette read Ordinance No. 2009-10 by title only and opened the public hearing.

There being no comments from the public, the public hearing was closed.

Moved by Lee, seconded by Pardee.

Motion: **TO ADOPT ORDINANCE NO. 2009-10 ON SECOND READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Tucker, Weldon, Pruette

Noes: 0

MOTION CARRIED

Ord. No. 2009-11

ORDINANCE NO. 2009-11, AMENDING CHAPTER 27, STREETS, SIDEWALKS, AND RIGHTS-OF-WAY, SECOND READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 27 UNIFIED LAND DEVELOPMENT REGULATIONS, ARTICLE X, STREETS, SIDEWALKS, AND RIGHTS-OF-WAY, SECTION 27-479 SIDEWALKS AND BIKEWAYS AND PROVIDING AN EFFECTIVE DATE.

City Manager Jarboe explained this Ordinance allowed the outdoor dining to remain open until 2:00 a.m.

Mayor Pruetto read Ordinance No. 2009-11 by title only and opened the public hearing.

There being no comments from the public, the public hearing was closed.

Moved by Tucker, seconded by Lee.

Motion: **TO ADOPT ORDINANCE NO. 2009-11 ON SECOND READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Tucker, Weldon, Pruetto

Noes: 0

MOTION CARRIED

Ord. No. 2009-12

ORDINANCE NO. 2009-12, AMENDING THE OPERATING BUDGET, FIRST READ AND PUBLIC HEARING: AN ORDINANCE AMENDING THE OPERATING BUDGET FOR THE CITY OF NEPTUNE BEACH, FLORIDA FOR FISCAL YEAR 2009, BEGINNING OCTOBER 1, 2008 AND ENDING SEPTEMBER 30, 2009.

Director of Finance Steve Ramsey explained this Ordinance amended the operating budget FY 08/09 to include an increase in revenue of \$94,000 and a decrease in the State revenue of \$65,500.

Mayor Pruetto read Ordinance No. 2009-12 by title only and opened the public hearing.

There being no comments from the public, the public hearing was closed.

Moved by Pardee, seconded by Tucker.

Motion: **TO PASS ORDINANCE 2009-12 ON FIRST READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Tucker, Weldon, Pruetto

Noes: 0

MOTION CARRIED

Ord. No. 2009-13

ORDINANCE NO. 2009-13, CHAPTER 18, ABANDONING OR PRIVATE USE OF PUBLIC PROPERTY, FIRST READ: AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF NEPTUNE BEACH, FLORIDA ADDING CHAPTER 18 SECTION 18-5 ABANDONING OR PRIVATE USE OF PUBLIC PROPERTY.

City Manager Jarboe explained this Ordinance provided guidelines for the abandonment of public property.

Moved by Weldon, seconded by Lee.

Vice Mayor Weldon felt it was important that the abandonment of public property be by a super majority vote.

Councilor Lee was concerned about the ramifications of the super majority vote as far as setting precedence for requiring super majority votes on other ordinances..

Mayor Pruetto felt the super majority vote would protect the City.

Councilor Pardee agreed with Councilor Lee's concern regarding setting precedence for requiring super majority votes.

Councilor Lee was also concerned this Ordinance would not prevent future Councils from abandoning public properties because they would be able to change the Ordinance.

Motion: **TO PASS ORDINANCE NO. 2009-13 ON FIRST READ.**

Roll Call Vote:

Ayes: 2 – Weldon, Pruette

Noes: 3 – Lee, Pardee, Tucker

MOTION FAILED

Moved by Weldon, seconded by Lee.

Motion: **TO PASS ORDINANCE NO. 2009-13 ON FIRST READ STRIKING THE SECOND AND THIRD PARAGRAPH OF SECTION 18-5. TAKING OUT THE SUPER MAJORITY REQUIREMENT AND THE LAST PARAGRAPH WHICH APPLYS TO THE SUPER MAJORITY REQUIREMENT. LEAVING ONLY THE DESCRIPTION OF THE PERMANENT ABANDONMENT ISSUE AND FORWARD TO THE NOVEMBER WORKSHOP DISCUSSION.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Tucker, Weldon, Pruette

Noes: 0

MOTION CARRIED

City Manager Jarboe stated Council voted on the amendment and they now had to vote on the Ordinance as amended.

Moved by Weldon, seconded by Pardee.

Motion: **TO PASS ORDINANCE NO. 2009-13 AS AMENDED.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Tucker, Weldon, Pruette

Noes: 0

MOTION CARRIED

Ord. No. 2009-14

ORDINANCE NO. 2009-14, AMENDING CHAPTER 2, ADMINISTRATION, POLICE OFFICERS RETIREMENT SYSTEM, FIRST READ: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH AMENDING CHAPTER 2, ADMINISTRATION, ARTICLE V, EMPLOYEE BENEFITS, DIVISION 4, POLICE OFFICERS' RETIREMENT SYSTEM, SECTIONS 2-345 THROUGH 2-349.25, INCLUSIVE, OF THE CODE OF ORDINANCES OF THE CITY OF NEPTUNE BEACH; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING AN EFFECTIVE DATE.

City Manager Jarboe stated this Ordinance amended the Police Officers Pension Fund to meet IRS and State guidelines. Three amendments were removed because they were not required.

Moved by Weldon, seconded by Pardee.

Motion: **TO PASS ORDINANCE NO. 2009-14 ON FIRST READ WITH THE THREE EXCEPTIONS.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Tucker, Weldon, Pruette

Noes: 0

MOTION CARRIED

OLD BUSINESS / NONE

NEW BUSINESS

Caribbee
Associates &
Sundog Steak &
Seafood

SIDEWALK LEASE AGREEMENT, CARIBBEE ASSOCIATES, LLC AND SIDEWALK LEASE AGREEMENT FOR SUND OG STEAK AND SEAFOOD: City Manager Jarboe stated there was An error in Section 11 of the Sundog Steak & Seafood. It should read November 2, 2009 in lieu of August 1st.

Moved by Weldon, seconded by Tucker.

Motion: **TO APPROVE BOTH REVISED AND AMENDED SIDEWALK LEASE AGREEMENTS FOR CARIBBEE ASSOCIATES AND SUND OG STEAK & SEAFOOD.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Tucker, Weldon, Pruette

Noes: 0

MOTION CARRIED

Res. No. 2009-16

RESOLUTION NO. 2009-16: A RESOLUTION REAPPOINTING MEMBERS TO THE PLANNING AND DEVELOPMENT REVIEW BOARD.

Moved by Lee, seconded by Tucker

Motion: **TO APPROVE RESOLUTION NO. 2009-16.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Tucker, Weldon, Pruette

Noes: 0

MOTION CARRIED

PDRB09-15
1585-1589 Atlantic
Blvd.

PDRB09-15, SPECIAL EXCEPTION FOR OUTDOOR DINING AT 1585-1589 ATLANTIC BOULEVARD, TRADEWINDS PLAZA: City Manager Jarboe explained at the request of the Council he has provided rules for outdoor seating on private property similar to the guidelines for outdoor seating on public property. He asked Council to add the new policy in the motion when approving the outdoor seating for the following properties.

Councilor Pardee requested the requirement that the outdoor lighting be white in color be stricken from the policy.

City Manager Jarboe stated the policy was consistent with the guidelines for outdoor seating on public property.

Moved by Lee, seconded by Tucker.

Motion: **TO APPROVE THE OUTDOOR SEATING WITH THE POLICY AS AMENDED.**

Vice Mayor Weldon asked the owner to consider the rights of non-smokers to be able to dine outside. Mr. Darryl Grubbs, property owner, replied that he would speak with the restaurant

owner regarding the smoking conditions.

Mr. Grubbs requested a copy of the new policy for outdoor dining. City Clerk Volpe stated she provide him with a copy.

Councilor Pardee asked if a barricade would be provided to prevent vehicles from accidentally entering the area. Mr. Grubbs stated there would be a railing surrounding the area to prevent vehicle entry. He added parking was arranged parallel to the side of the area.

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Tucker, Weldon, Pruette

Noes: 0

MOTION CARRIED

PDRB09-16
211 Third St.

PDRB09-16, SPECIAL EXCEPTION FOR OUTDOOR DINING AT 211 THIRD STREET, THE LOOP:

Moved by Weldon, seconded by Pardee.

Motion: **TO APPROVE THE RECOMMENDATION OF THE PLANNING AND DEVELOPMENT REVIEW BOARD WITH THE SPECIAL EXCEPTION RULES.**

Councilor Pardee asked if extra protected would be provided to prevent vehicles from accidentally entering the area. Mr. Maurilio Gonzalez, owner of The Loop, replied there would be barriers installed to prevent such accidents.

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Tucker, Weldon, Pruette

Noes: 0

MOTION CARRIED

PDRB09-17
309 Atlantic Blvd.

PDRB09-17, SPECIAL EXCEPTION FOR OUTDOOR DINING AT 309 ATLANTIC BOULEVARD, ATOMIC FLYING FISH:

Moved by Lee, seconded by Pardee.

Motion: **TO APPROVE PDRB09-17 WITH THE SPECIAL EXCEPTION RULES.**

Vice Mayor Weldon voiced concern regarding there being more seating outside than there would be inside. He added outdoor dining was usually approved on the basis of the interior space being able to support the business. Mr. Gerard Vermay, architect for the restaurant, explained the restaurant was mostly take-out.

Councilor Lee was concerned about the sale of alcohol on the premises.

City Manager Jarboe suggested deferring approval until the owner was able to address the concerns of the Council.

City Attorney White asked Councilor Lee to withdraw his motion. Councilor Lee withdrew his motion.

City Clerk Volpe stated the item could be placed on the special meeting before the November 16, 2009 workshop meeting.

Consensus: **TO DEFER UNTIL NOVEMBER 16, 2009.**

Vice Mayor

Mayor Pruette stated Vice Mayor Weldon resigned as Vice Mayor and Council needed to elect a new Vice Mayor.

City Attorney White stated Council had to vote for someone to fill the position.

Mayor Pruette asked Vice Mayor Weldon if he had any comments. Vice Mayor Weldon stated he has enjoyed being Vice Mayor and appreciated the honor. Mayor Pruette opened the floor for nominations.

Vice Mayor Weldon nominated Councilor Fred Lee.

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Tucker, Weldon, Pruette

Noes: 0

MOTION CARRIED

OPEN DISCUSSION

Adjournment

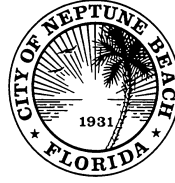
There being no further business, the meeting adjourned at 7:00 p.m.

Harriet Pruette, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved:



**MINUTES
WORKSHOP CITY COUNCIL MEETING
OCTOBER 19, 2009, 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 October 19, 2009 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 John Weldon
Councilor Fred Lee
Councilor Eric Pardee
Councilor Kara Tucker
City Attorney Christopher White
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

Community Development Director Amanda Askew
Senior Activity Center Director Leslie Lyne
Director of Finance Steve Ramsey
Director of Public Safety David Sembach
Director of Public Services Leon Smith

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:

- There was a water break on the site of the new Publix and the city was working on the repair.
- A ground breaking ceremony for the new Publix will be held in November.
- The paving of Third Street has slowed down and will pick up after the first of the year.
- The contractor for the Florida Department of Transportation will be leveling the manholes on Third Street.
- The development order for Beaches Chapel will go before the Board of Appeals due to a request for a variance in a residential area. Following the Board of Appeals decision the development order will go before the Planning & Development Review Board for recommendation. It should be before Council in

January.

Councilor Lee questioned if the Florida Department of Transportation started the preparations for paving Third Street. City Manager Jarboe replied preparations have begun for the installation of street and traffic lights.

Councilor Lee questioned if FDOT would be correcting any ADA issues along Third Street. City Manager Jarboe replied yes.

Mayor Pruette questioned if the fence along Florida Boulevard was going to be replaced after having been damaged three times by out of control vehicles. City Manager Jarboe stated he was working with the City of Jacksonville to have a reflective barricade installed.

PUBLIC COMMENTS

Daryl Grubbs, 1919 Nightfall Drive, felt rights-of-way usage should be considered on a case-by-case basis. He added Florida Statutes allows rights-of-way to be abandoned to adjoining property owners if the city did not have a need for them.

PROPOSED ORDINANCES

PORF Ord.

ORDINANCE NO. 2009-XX, CHAPTER 2, ADMINISTRATION, ARTICLE V, EMPLOYEE BENEFITS, DIVISION 4, SECTIONS 2-345 THROUGH 2-349.25; AN ORDINANCE OF THE CITY OF NEPTUNE BEACH AMENDING CHAPTER 2, ADMINISTRATION, ARTICLE V, EMPLOYEE BENEFITS, DIVISION 4, POLICE OFFICERS' RETIREMENT SYSTEM, SECTIONS 2-345 THROUGH 2-349, INCLUSIVE, OF THE CODE OF ORDINANCES OF THE CITY OF NEPTUNE BEACH; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING AN EFFECTIVE DATE.

City Manager Jarboe explained after reviewing the ordinance he would like to remove the non-mandatory items. He asked to have the pension board investment advisor address the non-mandatory items at a future Council meeting. He advised Council to move forward with the Ordinance regarding only the state mandated items.

Consensus: **REMOVE THE NON-MANDATORY ITEMS AND FORWARD TO THE NOVEMBER REGULAR MEETING FOR FIRST READ.**

Budget Ord.

ORDINANCE NO. 2009-XX, AMENDING THE OPERATING BUDGET FY 2009; AN ORDINANCE AMENDING THE OPERATING BUDGET FOR THE CITY OF NEPTUNE BEACH, FLORIDA FOR FISCAL YEAR 2009, BEGINNING OCTOBER 1, 2008, AND ENDING SEPTEMBER 30, 2009.

Director of Finance Ramsey explained this Ordinance amended the operating budget for year 2009/2010 to reflect additional revenue received from FEMA, funding received for the Kings Road Bridge, and a loss of state revenue.

City Manager Jarboe added the Ordinance was necessary for the city to be prepared for the annual audit.

Consensus: **FORWARD TO THE NOVEMBER REGULAR MEETING FOR FIRST READ.**

CONTRACTS / AGREEMENTS / NONE**ISSUE DEVELOPMENT**

Rights-of-Way

USE OF PUBLIC RIGHTS-OF-WAY: City Manager Jarboe stated the agenda packet included a complete list of properties the city has abandoned throughout the years. He has submitted a proposed policy outlining guidelines to abandon rights-of-ways, which included having a unanimous vote of the Council.

Vice Mayor Weldon felt public rights-of-way belonged to the community and before the City abandoned any rights-of-way it should be the result of an overriding public interest. The policy included guidelines for the Planning & Development Review Board and the Board of Appeals. The policy also included a statement advised by the City Attorney that public property shall only be abandoned to promote public welfare, not for benefit of a private person or corporation. He felt Council should consider amending the language to a "super majority of votes", meaning 4 out of 5, in lieu of "a unanimous vote of the Council".

Mayor Pruette agreed the Council should consider amending the language to "super majority of votes".

Vice Mayor Weldon added people that are genuinely interested in asking the city to abandon property should be willing to pay the value for the property.

Councilor Lee stated he would like Council to maintain the ability to lease rights-of-way. He added the current sidewalk leases for outdoor seating have benefited restaurant owners and produced a small revenue stream for the City.

Councilor Pardee was concerned about the language and wanted to ensure that the City would not be forced to sell a right-of-way just because someone offered the assessed value. He felt having guidelines for the Boards to follow was a good idea.

Vice Mayor Weldon stated the policy could be amended to read "The Council can either require that the abandoning of a right-of-way be of public interest and that the city is compensated in a material way equal to the current value."

Councilor Pardee also felt leasing rights-of-way were a benefit to property owners and the City. He also agreed with amending the language to a super majority vote.

City Attorney White asked Vice Mayor Weldon if he would be willing to amend the last paragraph to replace the word "requirement" with "exception." Vice Mayor Weldon agreed.

City Attorney White stated he would meet with City Manager Jarboe to amend the language in Section 27-478 dealing with rights-of-way.

Vice Mayor Weldon felt Council should be aware that allowing someone to build a structure on public property was effectively abandoning that property whether it is intended or not.

Consensus: **FORWARD TO THE NOVEMBER MEETING FOR FIRST READ.**

City Manager Jarboe stated he and City Attorney White would amend the policy and have it prepared for first read at the November regular meeting.

OPEN DISCUSSION

Vice Mayor Weldon stated he would like Council to correct paperwork errors regarding the Ish Brant Park behind the K-mart Shopping Center. He asked staff to prepare a Resolution and have the property surveyed to determine if the deed matched the plat.

Councilor Pardee requested the Ish Brant Park Resolution be placed on the November workshop meeting agenda.

Adjournment

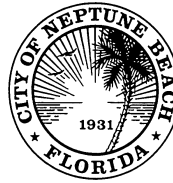
There being no further business, the meeting adjourned at 6:30 pm.

Attest:

Harriet Pruetten, Mayor

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
REGULAR CITY COUNCIL MEETING
OCTOBER 5, 2009 AT 6:00 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 October 5, 2009 at 6:00 p.m., in the City Hall Council Chambers, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

STAFF:

Mayor Harriet Pruette
Vice Mayor John Weldon
Councilor Fred Lee
Councilor Eric Pardee
Councilor Kara Tucker
City Attorney Christopher White
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

Community Development Director Amanda Askew
Senior Activity Center Director Leslie Lyne
Director of Finance Steve Ramsey
Director of Public Service Leon Smith

Order Call/Pledge

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

AWARDS / PRESENTATIONS / RECOGNITION OF GUESTS

Mayor Pruette recognized newly elected City of Jacksonville Councilman John Meserve. Councilman Meserve promised to represent the Beaches on the Jacksonville City Council and protect our local ordinances.

APPROVAL OF MINUTES

Moved by Weldon, seconded by Tucker.

Minutes

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

SEPTEMBER 9, 2009, REGULAR CITY COUNCIL MEETING
SEPTEMBER 21, 2009, SPECIAL CITY COUNCIL MEETING
SEPTEMBER 21, 2009, WORKSHOP CITY COUNCIL MEETING

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Tucker, Weldon, Pruette

Noes: 0

MOTION CARRIED

COMMUNICATIONS AND CORRESPONDENCE

City Clerk Lisa Volpe stated she was nominated to be arrested and raise \$3,200 by November 5th for the Muscular Dystrophy Association. She asked for donations.

City Manager Jarboe received an agreement from the City of Jacksonville for the 2009 Sea and Sky Spectacular. They were not requesting funding from the city this year. He asked Council to allow him permission to sign the agreement after it was reviewed by the City Attorney.

Consensus: **TO ALLOW THE CITY MANAGER TO SIGN THE CONTRACT FOR THE SEA AND SKY SPECTACULAR ONCE CITY ATTORNEY WHITE HAS REVIEWED IT.**

CITY MANAGER REPORT

City Manager Jarboe reported the following:

- The old Food Lion building would be demolished by the end of the month. The ground breaking ceremony was scheduled for November 5th.
- Construction of P.J.s Sports Bar was underway.
- The Beaches Chapel development order for expansion would be before the Planning and Development Review Board in November and would come before Council in December.

COMMENTS FROM THE PUBLIC

Chris Chin, 227 Margaret Street, was concerned about how police calls were reported. She stated on Saturday night seven different phone calls were made to the Police Department regarding three separate incidents on Margaret Street, however only one phone call was documented.

CONSENT AGENDA / NONE**VARIANCES / NONE****ORDINANCES**

Ord. No. 2009-10

ORDINANCE NO. 2009-10, CHAPTER 4, ALCOHOLIC BEVERAGES, FIRST READ: AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 4 ALCOHOLIC BEVERAGES, SECTION 4-7 PERSONS NOT HOLDING AN ALCOHOLIC BEVERAGE LICENSE AND PROVIDING AN EFFECTIVE DATE.

Moved by Lee, seconded by Weldon.

Motion: **TO PASS ORDINANCE NO. 2009-10 ON FIRST READ.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Tucker, Weldon, Pruette

Noes: 0

MOTION CARRIED

Ord. No. 2009-11

ORDINANCE NO. 2009-11, AMENDING CHAPTER 27, STREETS, SIDEWALKS, AND RIGHTS-OF-WAY, FIRST READ: AN ORDINANCE OF THE CITY OF NEPTUEN BEACH, FLORIDA AMENDING CHAPTER 27 UNIFIED LAND DEVELOPMENT REGULATIONS, ARTICLE X, STREETS, SIDEWALKS, AND RIGHTS-OF-WAY, SECTION 27-479 SIDEWALKS AND BIKEWAYS AND PROVIDING AN EFFECTIVE DATE.

Moved by Weldon, seconded by Tucker.

Motion: **TO PASS ORDINANCE NO. 2009-11 ON FIRST READ.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Tucker, Weldon, Pruette

Noes: 0

MOTION CARRIED

OLD BUSINESS / NONE

NEW BUSINESS

V09-11
241 Atlantic Blvd.
Southcoast
Beaches

V09-11, VARIANCE REQUEST FOR 241 ATLANTIC BOULEVARD, SOUTHCOAST BEACHES, LLC: Variance request for the west side yard of a corner lot, Sections 27-548(b)(1) parking space size, Section 27-540(b) required parking, Section 27-457(2)(a)(1) landscape perimeter, Section 27-563 dumpster, and Section 27-547-1 loading space.

Community Development Director Askew explained this development order was previously approved. Due to the current economy, the owner has not been able to develop the property. The Planning and Development Review Board recommended approval with the conditions as previously approved.

Moved by Weldon, seconded by Lee.

Motion: **TO APPROVE VARIANCE V09-11 FOR SOUTHCOAST BEACHES, LLC.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Tucker, Weldon, Pruette

Noes: 0

MOTION CARRIED

PDRB-09-13
241 Atlantic Blvd.
Southcoast
Beaches

PDRB-09-13, DEVELOPMENT ORDER, 241 ATLANTIC BOULEVARD, SOUTHCOAST BEACHES, LLC: Vice Mayor Weldon stated this development order would extend the original development order previously approved by the Council with the same conditions as before. He asked the developer to move forward with the development as quickly as possible.

Moved by Weldon, seconded by Lee.

Motion: **TO APPROVE PDRB09-13.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Tucker, Weldon, Pruette

Noes: 0

MOTION CARRIED

PDRB-09-14
1209, 1223, 1301
Atlantic Blvd.

PDRB-09-14, DEVELOPMENT ORDER, 1209, 1223, 1301 ATLANTIC BOULEVARD REPLAT, PENMAN PLAZA: The purpose for this Replat development order is to subdivide one lot into four lots.

Moved by Lee, seconded by Pardee.

Motion: **TO APPROVE THE RECOMMENDATION OF THE PLANNING & DEVELOPMENT TO APPROVE PDRB 09-14.**

Councilor Pardee and Councilor Tucker disclosed they spoke with the owners of the property prior to the meeting.

Carlos Asensio, representative for Flagler Group, stated the Replat would allow each building to be located on its own lot.

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Tucker, Weldon, Pruette

Noes: 0

MOTION CARRIED

Res. No. 2009-13 RESOLUTION NO. 2009-13: A RESOLUTION IN SUPPORT OF BEACHES VETERAN SERVICE ORGANIZATION'S "ARMED FORCES COMMUNITY COVENANT" PROGRAM.

Moved by Weldon, seconded by Lee.

Motion: **TO APPROVE RESOLUTION NO. 2009-13.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Tucker, Weldon, Pruette

Noes: 0

MOTION CARRIED

Res. No. 2009-14 RESOLUTION NO. 2009-14: A RESOLUTION OF THE CITY OF NEPTUNE BEACH, DUVAL COUNTY, FLORIDA APPROVING AND AUTHORIZING THE EXECUTION OF A MEMORANDUM OF AGREEMENT BETWEEN THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION AND CITY OF NEPTUNE BEACH PERTAINING TO THE INSTALLATION OF DECORATIVE CROSSWALKS AS PART OF THE DEPARTMENTS SR A1A RESURFACING PROJECT (FM 403350-4-52-01) IN DUVAL COUNTY, FLORIDA; AND PROVIDING AN EFFECTIVE DATE.

City Manager Jarboe stated once the decorative crosswalks were installed the city would be responsible for their maintenance.

City Attorney White stated there were some errors in the Memorandum of Agreement that he and the City Manager would address.

Moved by Weldon, seconded by Lee.

Motion: **TO APPROVE RESOLUTION 2009-14.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Tucker, Weldon, Pruette

Noes: 0

MOTION CARRIED

Res. No. 2009-15 RESOLUTION NO. 2009-15: A RESOLUTION APPOINTING MEMBERS TO THE CODE ENFORCEMENT BOARD.

Moved by Lee, seconded by Pruette.

Vice Mayor Weldon asked if Mr. Bullock was a new member or an existing member. City Clerk Volpe stated Mr. Bullock was currently an alternate member.

Councilor Pardee was concerned about the number of absences the board members have had in the past. City Clerk Volpe stated alternate members did not have to sit on the boards if a quorum was present.

Motion: **TO APPROVE RESOLUTION 2009-15.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Tucker, Weldon, Pruette

Noes: 0

MOTION CARRIED

City Surplus

SURPLUS OF CITY VEHICLE: City Manager Jarboe stated he would like to surplus a 1997 pickup truck.

Councilor Lee asked City Manager Jarboe how records were kept on city vehicles. City Manager Jarboe stated the chief mechanic kept records on every vehicle regarding service and cost of repairs. The chief mechanic determines if the cost of repairs are costing the city more than the vehicle was worth.

Councilor Lee questioned how new vehicles were purchased and if they would be more sufficient. City Manager Jarboe responded new vehicles were purchased through the State or Sheriff's office contracts according to their standards.

Moved by Weldon, seconded by Lee.

Motion: **TO SURPLUS THE 1997 PICKUP TRUCK.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Tucker, Weldon, Pruette

Noes: 0

MOTION CARRIED

Union Contracts

APPROVAL OF THE LOCAL 630 AND THE NEPTUNE BEACH PUBLIC SAFETY DEPARTMENT LABOR COUNCIL CONTRACTS: Mayor Pruette stated there were no changes in the union contracts from last year except that there were no salary increases. City Manager Jarboe stated both unions worked with him and voted to approve the contracts. The only change was there were no salary increases.

Moved by Weldon, seconded by Lee.

Motion: **TO APPROVE THE LOCAL 630 AND NEPTUNE BEACH PUBLIC SAFETY DEPARTMENT LABOR COUNCIL CONTRACTS WITH OUR THANKS TO THE UNIONS FOR COOPERATING WITH THE CITY IN THIS PERIOD OF ECONOMIC DISTRESS.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Tucker, Weldon, Pruette

Noes: 0

MOTION CARRIED

Holiday Decorations

TOWN CENTER HOLIDAY DECORATIONS: Mayor Pruette stated this would authorize the City Manager to accept a grant from the Town Center Association for Town Center holiday decorations.

City Manager Jarboe stated the Town Center Association would like to upgrade the holiday decorations in Town Center. The city would own the decorations and be responsible for their placement.

Moved by Lee, seconded by Tucker.

Motion: **TO ALLOW THE CITY MANAGER TO ACCEPT THE GRANT FROM THE TOWN CENTER ASSOCIATION.**

Lindey Tolbert, member of the Town Center Association, explained the money would come from Town Center fund raising events and private donations.

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Tucker, Weldon, Pruette

Noes: 0

MOTION CARRIED

OPEN DISCUSSION

Adjournment

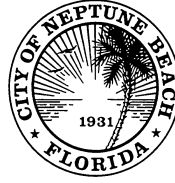
There being no further business, the meeting adjourned at 6:45 p.m.

Harriet Pruette, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved:



MINUTES
WORKSHOP CITY COUNCIL MEETING
SEPTEMBER 21, 2009, AT 6:12 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 September 21, 2009 at 6:12 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

STAFF:

Mayor Harriet Pruette
Vice Mayor John Weldon
Councilor Fred Lee
Councilor Eric Pardee
Councilor Kara Tucker
City Attorney Christopher White
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

Community Development Director Amanda Askew
Senior Activity Center Director Leslie Lyne
Director of Finance Steve Ramsey
Director of Public Safety David Sembach
Director of Public Services Leon Smith
Deputy City Clerk Karla Strait, CMC

Call to Order/Roll
Call

Mayor Pruette called the meeting to order at 6:12 p.m.

PRESENTATIONS / NONE

CITY MANAGER'S ACTION LIST

City Manager Jarboe reported on the following:

- The City would be receiving a \$950,000 grant from the St. Johns River Water Management District.
- Police grant of about \$370,000 is in the works.

Councilor Lee stated for the benefit of the audience that the \$950,000 grant would be used to solve the nitrogen issue and water reuse.

PUBLIC COMMENTS

Lynda Padrta, 1113 First Street, felt the sanitation fees were not fair to those who did not generate much trash. She suggested the City consider the possibility of having citizens pay for trash by the bag. She opposed smoking in outdoor dining areas. She also opposed the City abandoning or allowing use of public rights-of-ways.

Tim Slater, 573 Magnolia Street, felt public property should be preserved.

PROPOSED ORDINANCES

Alcoholic Beverages

ORDINANCE NO. 2009-XX, CHAPTER 4, ALCOHOLIC BEVERAGES: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA DELETING CHAPTER 4 ALCOHOLIC BEVERAGES, SECTION 4-7 PERSONS NOT HOLDING AN ALCOHOLIC BEVERAGES LICENSE AND PROVIDING AN EFFECTIVE DATE.

City Manager Jarboe explained the Ordinance needed to be amended as follows for clarification purposes. Section 4-7. Persons no holding an alcoholic beverage license. It shall be unlawful for any person(s) or business operating for profit, but not licensed to sell alcoholic beverages within the city, to sell, serve, give away or dispense alcoholic beverages or allow the same to be consumed upon any business. ~~Premises between the hours of 2:00 a.m. and 7:00 am. all days of the week.~~

Vice Mayor Weldon stated he would sponsor the ordinance.

Consensus: **FORWARD TO THE OCTOBER REGULAR MEETING FOR FIRST READ.**

CONTRACTS / AGREEMENTS / NONE

ISSUE DEVELOPMENT

Use of Public Rights of Way

USE OF PUBLIC RIGHTS-OF-WAY: Councilor Pardee stated he would like to hear the opinion of the City Attorney on use of the city rights-of-way.

Mayor Pruette stated she requested a legal opinion from City Attorney White.

City Attorney White advised rights-of-ways were held in trust for the use of the public. There was a difference between the use of a right-of-way and abandonment of a right-of-way. Abandonment is the conveyance of the right-of-way to a third party for whatever reason. The city has the authority to adopt an Ordinance preventing the use of rights-of-way or Council could allow uses on a case by case basis. The city has the authority to allow reasonable use of rights-of-way but not to the extent that the rights-of-way are closed off from all public access or use.

Councilor Pardee questioned if it was legal for the City to lease rights-of-way. He felt leasing rights-if-way that were adjacent to private property could be a benefit to the city.

Vice Mayor Weldon felt rights-of-way belong to the citizens. He agreed Council should review requests for uses on a case by case basis. He also felt there should be justification that the use is in the best interest of the community before the city allows the use of or abandoned any city property. He added that just because a citizen owned property adjacent to the right-of-way did not give that give person any better claim to the property.

Councilor Tucker agreed the Council needed legal advice from the City Attorney before allowing further uses of City rights-of-ways.

City Attorney White stated he would prepare an overview to present to Council showing what Florida law has allowed and disallowed relating to use of public property.

Consensus: **HAVE THE CITY ATTORNEY PREPARE AN OVERVIEW.**

Councilor Lee asked City Attorney White to review how the City handled public rights-of-way in the past.

Councilor Pardee stated the Planning and Development Review Board has asked Council for direction on the issue.

Outdoor Seating

OUTDOOR SEATING: City Manager Jarboe explained the owners of Sun Dog Diner and Caribbee Key have requested that the outdoor dining areas remain open until 2:00 a.m. They were currently closed at 12:00 a.m. Director of Public Safety Sembach advised Council he was okay with allowing the outdoor dining to remain open until 2:00 as long as there was an off duty police officer present on weekends and during large events.

Vice Mayor Weldon stated he was not opposed to allowing the outdoor dining areas to remain open until 2:00 a.m. as long as they agreed to have security as requested by Chief Sembach. He also asked the owners to treat the area as they would the inside and have a last call at 1:30 a.m.

Mayor Pruette asked the owners about the non-smoking issue and cleaning up the cigarette butts from the fronts of the restaurants. Mr. Brocato, owner of Caribbee Key replied his employees clean the sidewalk when they open the restaurant at 9:00 a.m. He stated he would also add the Ordinance No. to the no smoking signs on the tables.

Mr. Winter, owner of Sun Dog Diner, stated due to security reasons, he also cleaned the sidewalks in the morning.

Councilor Pardee stated he would agree to support extending the hours until last call at 1:30 a.m. He felt the smokers outside on the sidewalk were not necessarily the responsibility of the restaurant owners.

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

Community Development Director Askew stated this would change Chapter 27.

Councilor Pardee was concerned about the effect of the changes to Chapter 27 on other outdoor dining areas.

City Manager Jarboe stated the hours of operation would be changed in the lease agreements.

Councilor Weldon stated the Council could not control outdoor dining on private property. City Manager Jarboe stated the Council could control outdoor dining hours because it is only permitted by exception.

Res. No. 2009-13

RESOLUTION NO. 2009-13: A RESOLUTION IN SUPPORT OF BEACHES VETERAN SERVICE ORGANIZATION'S "ARMED FORCES COMMUNITY COVENANT" PROGRAM.

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

Agenda Packets

Vice Mayor Weldon asked the Council to give City Clerk Volpe direction on preparing the Council agenda packets.

Consensus: **TO GO BACK TO THE OLD WAY OF PREPARING AGENDA PACKETS USING ONE SIDED COPIES WITH DIVIDING TABS**

BETWEEN AGENDA ITEMS, AND BIND USING THE BLUE COVER.

Adjournment

There being no further business, the meeting adjourned at 6:54 pm.

Attest:

Harriet Pruette, Mayor

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
SPECIAL CITY COUNCIL MEETING
SEPTEMBER 21, 2009 AT 6:00 P.M
CITY HALL, 116 FIRST STREET
NEPTUNE BEACH, FLORIDA

Pursuant to proper notice a Special Meeting of the City Council of the City of Neptune Beach was held September 21, 2009 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 John Weldon
Councilor Fred Lee
Councilor Eric Pardee
Councilor Kara Tucker
City Attorney Chris White
City Manager James Jarboe
City Clerk Lisa Volpe, CMC

Community Development Director Amanda Askew
Senior Center Director Leslie Lyne
Director of Finance Steve Ramsey
Director of Public Safety David Sembach
Director of Public Services Leon Smith
Deputy City Clerk Karla Strait, CMC

Order Call

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

Ord. No. 2009-08

ORDINANCE NO. 2009-08, ADOPTING FINAL MILLAGE RATES AND LEVYING AD VALOREM TAXES, SECOND READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA ADOPTING FINAL MILLAGE RATES AND LEVYING AD VALOREM TAXES FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2009, AND ENDING SEPTEMBER 30, 2010; SETTING FORTH CERTAIN INFORMATION REGARDING "ROLLED-BACK RATES"; DIRECTING THE CITY MANAGER TO ADJUST THE ADOPTED MILLAGE RATES IN THE EVENT OF CHANGES IN THE ASSESSMENT ROLL AND TAXABLE VALUE; PROVIDING AN EFFECTIVE DATE.

Mayor Pruette read the following for the record: "The taxing authority is the City of Neptune Beach USD4, the roll back rate is 2.8612, the percentage increase over the roll back rate is 6.63% and the millage rate to be levied is 3.0510."

Mayor Pruette read Ordinance No. 2009-08 by title only and opened the public hearing.

Vita Hope, 324 Driftwood Road, supported the millage rate increase. She thanked the Council for doing the right thing for the City.

There being no further comments from the public, the public hearing was closed.

Mayor Pruette stated for the record, she appreciates and commends the hard work that staff has put into the budget and their efforts to reduce expenses and minimize the effect of revenue shortfalls. It is not easy for any of us to sit up here tonight and raise taxes and fees. But in order to provide the services our residents expect and protect the financial wellbeing of our City we have no other effective or responsible choice. Our City Manager and Finance

Director have strongly recommended this action be taken. I agree with their assessment and hope that you are all in agreement to adopt the proposed budget and the proposed millage.

Moved by Weldon, seconded by Lee

Motion: **TO ADOPT ORDINANCE NO. 2009-08 ON SECOND AND FINAL READ.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Tucker, Weldon, Pruette

Noes: 0

MOTION CARRIED

Ord. No. 2009-09 **ORDINANCE NO. 2009-09, ADOPTING A FINAL BUDGET AND APPROPRIATING FUNDS FOR THE FISCAL YEAR 2009/2010. SECOND READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, ADOPTING A FINAL BUDGET AND APPROPRIATING FUNDS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2009, AND ENDING SEPTEMBER 30, 2010; PROVIDING AN EFFECTIVE DATE.**

Mayor Pruette read Ordinance No. 2009-09 by title only and opened the public hearing.

There being no comments from the public, the public hearing was closed.

Moved by Lee seconded by Pardee

Motion: **TO ADOPT ORDINANCE NO. 2009-09 ON SECOND AND FINAL READ.**

Councilor Lee reiterated that in order for him to vote favorably for this budget he wants to hold a workshop meeting to review the city vehicle policy. He would also like to review the sanitation contract, work with the Senior Activity Center to help it become self sufficient, and start the 2010/2011 budget process earlier in the year.

Mayor Pruette stated it was her understanding that if taxes were raised the City would not cut any services. She liked the idea of placing the Cast-a-Line on the internet. However, she asked the City Manager to mail the newsletter to citizens at their request.

Consensus: **TO HAVE THE CITY MAIL THE CAST-A-LINE AT THE REQUEST OF CITIZENS.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Tucker, Weldon, Pruette

Noes: 0

MOTION CARRIED

Res. No. 2009-11 **RESOLUTION NO. 2009-11: A RESOLUTION OF THE CITY OF NEPTUNE BEACH, FLORIDA ESTABLISHING CERTAIN CHARGES OR FEES FOR SOLID WASTE COLLECTION SERVICES.**

Moved by Weldon, seconded by Lee

Motion: **TO ADOPT RESOLUTION NO. 2009-11.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Tucker, Weldon, Pruette

Noes: 0

MOTION CARRIED

Res. No. 2009-12 RESOLUTION NO. 2009-12: A RESOLUTION ESTABLISHING STORMWATER UTILITY RATE AND PROVIDING AN EFFECTIVE DATE.

Moved by Pardee, seconded by Lee

Motion; **TO ADOPT RESOLUTION NO. 2009-12.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Tucker, Weldon, Pruette

Noes: 0

MOTION CARRIED

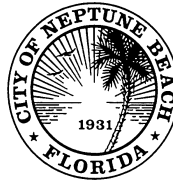
Adjournment There being no further business, the meeting adjourned at 6:12 p.m.

Harriet Pruette, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
REGULAR CITY COUNCIL MEETING
SEPTEMBER 9, 2009 AT 6:00 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 September 9, 2009 at 6:00 p.m., in the City Hall Council Chambers, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

STAFF:

Mayor Harriet Pruette
Vice Mayor John Weldon
Councilor Fred Lee
Councilor Eric Pardee
Councilor Kara Tucker
City Attorney Christopher White
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

Community Development Director Amanda Askew
Director of Finance Steve Ramsey
Director of Public Safety David Sembach
Director of Public Service Leon Smith

Order Call/Pledge

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

Ord. No. 2009-08

ORDINANCE NO. 2009-08, ADOPTING FINAL MILLAGE RATES, FIRST READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, ADOPTING FINAL MILLAGE RATES AND LEVYING AD VALOREM TAXES FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2009, AND ENDING SEPTEMBER 30, 2010; SETTING FORTH CERTAIN INFORMATION REGARDING "ROLLED-BACK RATES"; DIRECTING THE CITY MANAGER TO ADJUST THE ADOPTED MILLAGE RATES IN THE EVENT OF CHANGES IN THE ASSESSMENT ROLL AND TAXABLE VALUE; PROVIDING AN EFFECTIVE DATE.

Mayor Pruette stated she respected and appreciated the Council's diligent and thoughtful deliberation regarding how best to address the city's revenue shortfall. She also appreciated and commended the hard work city staff put into the budget and their efforts to reduce the effect of the revenue shortfall.

City Manager Jarboe explained staff faced a challenge this year of reducing the budget to cover the \$338,000 shortfall of state revenue and property tax and an additional \$83,000.

Mayor Pruette read Ordinance No. 2009-08 by title only and opened the public hearing.

Lee Hope, 324 Driftwood Road, supported an increase in the millage rate and felt Council should vote on the budget as proposed.

William Jones, 506 Rosebud Lane, a retired Neptune Beach Police Officer, supported an increase in the millage rate.

Scott Wiley, 723 Davis Street, supported an increase in the millage rate. He encouraged Council to support the budget unanimously.

There being no further comments from the public, the public hearing was closed.

Councilor Pardee asked Finance Director Ramsey what the proposed millage rate would be if the sanitation and stormwater fees were not included in property taxes. Mr. Ramsey replied if the stormwater and sanitation fees were not included in property taxes the proposed millage rate of 3.22 could be lowered to 3.0510. The Council would need to adopt a Resolution to increase the stormwater and sanitation fees \$2.00 each at the next Budget meeting.

City Manager Jarboe was concerned that next year the State would cap the millage rate on all Florida cities. This could hurt Neptune Beach if the millage rate was not increased to 3.22.

Mayor Pruette was concerned taxes would have to be raised again in the near future if the Council voted for the lower 3.0510 millage rate. She felt stormwater and sanitation fees should be addressed during this budget process.

City Manager Jarboe stated the issue of raising the stormwater and sanitation fees or including them in property taxes was a policy issue to be determined by the Council not the staff.

Vice Mayor Weldon suggested Council agree to increase the millage rate to 3.0510 and adopt a Resolution implementing a \$2.00 increase in both the sanitation fee and stormwater fee.

Councilor Tucker stated she was against raising taxes but at this point she would support the lower millage rate of 3.0510.

Councilor Lee explained his strategy was to make sure the city had reduced expenses as much as possible before raising the millage rate. He would support the 3.0510 millage rate if Council agreed to the following conditions: 1) the sanitation and stormwater fee would not be included in the property tax rate, 2) Council will commit to reviewing the sanitation contract within the next two months, 3) a study to be conducted on city vehicle usage and the efficiency of those vehicles prior to next budget season, 4) Council begin the next year budget process three months earlier, and 5) the Senior Center to become financially self sufficient and phased out of the city budget within two years.

Mayor Pruette stated she would like to hold a budget meeting in January 2010 to brainstorm ideas that would increase city revenue. She agreed with reviewing the sanitation contract.

Councilor Pardee agreed with Councilor Lee's suggestions. He felt the stormwater and sanitation fees should not be included in property taxes. By not including these fees in property taxes each citizen would pay the same flat rate. These fees could also be changed by Resolution if necessary.

Moved by Pardee, seconded by Weldon.

Motion: **TO SET THE MILLAGE RATE FOR 2009/10 FY AT 3.0510 AND ALSO IMMEDIATELY ADDRESS A RESOLUTION TO ADJUST THE STORMWATER AND SANITATION FEES TO COMPENSATE FOR THE SHORTFALLS AND TO PASS ORDINANCE NO. 2009-08 ON FIRST READ.**

Mayor Pruette suggested including the increased amount of stormwater and sanitation fees in the motion. City Attorney White stated these fees must be raised by Resolution.

City Manager Jarboe stated Council needed to schedule a meeting for the second read of the ordinance. City Clerk Volpe stated the meeting for second read is scheduled for September 21, 2009.

For the Record Vice Mayor Weldon stated for the record the Resolution increasing stormwater and sanitation fees will be presented at the next meeting.

Roll Call Vote:

Ayes: 3 - Lee, Pardee, Weldon

Noes: 2 - Tucker, Pruette

MOTION FAILED

City Manager Jarboe stated the motion failed because at least 4 positive votes were necessary to increase the millage rate. The rate would automatically defer to the roll-back rate of 2.8 unless an opposing member presented a new motion.

Vice Mayor Weldon stated the Council had a responsibility to the entire community to act in a fiscally prudent manner. He felt for council members to oppose the motion without an explanation or suggestion was not prudent. He asked Mayor Pruette for her recommendation.

Mayor Pruette stated the Council had no other choice but to raise taxes and explained her reason. If you increase the millage rate to 3.2260 on a property assessed for \$350,000 the monthly increase would amount to \$9.12. But if you increase the millage to 3.0510 on the same home the increase would amount to \$4.75. Then when you add the \$4.00 increase in stormwater and sanitation fees the increase becomes \$8.75 which is only a .37 cent difference. She felt increasing the fee was simply another way of increasing taxes. She felt increasing the millage to 3.22 would be reasonable in case the State decides to cap city millage rates.

Vice Mayor Weldon asked Mayor Pruette if she would support raising the millage rate to 3.2260 if it included the stormwater and sanitation fees. Mayor Pruette replied she would support the 3.2260 if it included stormwater and sanitation fees.

Vice Mayor Weldon asked Councilor Tucker what she would propose. Councilor Tucker responded she heard from citizens who did not want a tax increase. She agreed the sanitation contract needed to be reviewed. She would support the lower millage rate increase of 3.0510.

Mayor Pruette added if the stormwater and sanitation fees were included in the property taxes they could be deducted from the Federal Income Tax.

Vice Mayor Weldon stated there was now 4 in favor of the 3.0510 millage rate. He encouraged the Council to support the original motion.

Councilor Lee stated he wanted a commitment from Council that the sanitation contract and the stormwater fees will be reviewed. He felt it was important for the citizens to understand the city has been supplementing the sanitation and stormwater. He believed once these fees were removed from the budget the Council would have the ability to see what department heads have actually cut from their budgets. He added one department within the General Fund budget was showing a 2% reduction in their budget. This was only because they did not receive a grant for this budget year. He felt that was not a cost savings to the city and the department could be more efficient.

Mayor Pruette stated she would support the 3.0510 millage rate increase.

City Attorney White advised someone on the opposing side needed to make a motion to reconsider the vote of the original motion.

Moved by Mayor Pruette, seconded by Weldon.

Motion: **TO RECONSIDER THE VOTE OF THE ORIGINAL MOTION.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Tucker, Weldon, Pruette
Noes: 0

MOTION CARRIED

Moved by Pardee, seconded by Weldon

Motion: **SUBMIT THE MOTION AGAIN AS PREVIOUSLY STATED WITH THE INTENT THAT THE COUNCIL DO ITS BEST TO TRY TO REDUCE THE STORMWATER AND SANITATION FEES.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Tucker, Weldon, Pruette
Noes: 0

MOTION CARRIED

Ord. No. 2009-09

ORDINANCE NO. 2009-09, ADOPTING A FINAL BUDGET, FIRST READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA ADOPTING A FINAL BUDGET AND APPROPRIATING FUNDS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2009, AND ENDING SEPTEMBER 30, 2010; PROVIDING AN EFFECTIVE DATE.

Mayor Pruette read Ordinance No. 2009-09 by title only and opened the public hearing.

Scott Wiley, 723 Davis Street, felt it was necessary for the city to increase the millage rate. He agreed the city could find areas to reduce fees in the sanitation contract.

There being no comments from the public, the public hearing was closed.

Mayor Pruette voiced concern that the reserve fund was way too low and needed to be increase to 25% of operating expenses in case there is a major disaster. She felt the city needed to work harder to increase that fund. If there is a disaster, she felt all non-essential funding should be placed into the reserve fund.

Moved by Weldon, seconded by Pardee.

Motion: **TO PASS ORDINANCE NO. 2009-09 ON FIRST READ APPROVING THE CITY BUDGET AS SUBMITTED BY STAFF BASED ON A 3.0510 MILLAGE RATE.**

Councilor Lee agreed the Reserve Fund needed to be increased from 21% of operating cost to 25%. He stated the stormwater and sanitation fees will be removed from the General Fund which could help the reserve fund. He added the budget also reflected that all employees would not be receiving a pay increase this fiscal year.

Councilor Pardee felt budget cuts should be given back to the tax payers instead of being placed in the reserve fund.

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Tucker, Weldon, Pruette
Noes: 0

MOTION CARRIED

Mayor Pruette stated the next budget meeting would be held on September 21st at 6:00 p.m.

Mayor Pruette recessed the meeting at 6:50 p.m. The meeting reconvened at 6:55 p.m.

AWARDS / PRESENTATIONS / RECOGNITION OF GUESTS / NONE

APPROVAL OF MINUTES

Moved by Councilor Lee seconded by Councilor Tucker.

Minutes

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

AUGUST 3, 2009, BUDGET CITY COUNCIL MINUTES
AUGUST 3, 2009, REGULAR CITY COUNCIL MEETING
AUGUST 17, 2009, SPECIAL CITY COUNCIL MEETING
AUGUST 17, 2009, BUDGET CITY COUNCIL MEETING
AUGUST 17, 2009, WORKSHOP CITY COUNCIL MEETING

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Tucker, Weldon, Pruette
Noes: 0

MOTION CARRIED

COMMUNICATIONS AND CORRESPONDENCE

Mayor Pruette disclosed she spoke with Daryl Grubbs and Curtis Winter regarding the Pine Street right-of-way.

Mayor Pruette stated as Mayor she would like her agenda to be one sided and have tabs. However, she liked receiving the e-mails and other correspondence double sided and felt the double sided copies saved the city money.

Councilor Pardee stated he also spoke with Mr. Grubbs regarding the Pine Street right-of-way. He preferred having his e-mail forwarded to him. He did not have a preference to how his agenda was put together.

Vice Mayor Weldon also disclosed he spoke with Mr. Grubbs and Mr. Wiley regarding the Pine Street right-of-way.

Councilor Tucker stated she also spoke with Mr. Grubbs regarding the Pine Street right-of-way.

Councilor Lee also disclosed he spoke with Mr. Grubbs.

CITY MANAGER REPORT

City Manager Jarboe reported the following:

- He would be working with the City of Jacksonville regarding Green Grants.
- The In-Pipe Technology has lowered the nitrogen and reduced a lot of the fat in certain lift stations. It also has reduced the amount of bugs in the system.

COMMENTS FROM THE PUBLIC

John Holmes, 914 Forest Street, opposed allowing parking on the Pine Street right-of-way.

Michael Harrigan, 910 Forest Street, opposed any additional parking on Pine Street. He felt it

would have a serious impact on the abutting residential property.

Robert Harding, 839 Forest Street, opposed the request to use the Pine Street right-of-way for parking. He presented a petition signed by neighbors opposing the request.

Theresa Zirkle, 843 Fourth Street, opposed the request to use the Pine Street right-of-way for commercial parking.

CONSENT AGENDA

CARRIBBEE ASSOCIATES, LLC, SIDEWALK LEASE AGREEMENT

RELAY FOR LIFE

Moved by Weldon, seconded by Lee.

Motion: **TO APPROVE THE CONSENT AGENDA.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Tucker, Weldon, Pruette

Noes: 0

MOTION CARRIED

Councilor Pardee reminded the restaurants to keep the sidewalks clean.

VARIANCES / NONE

ORDINANCES

Ord. No. 2009-07

ORDINANCE NO. 2009-07, ALCOHOLIC BEVERAGES, SECOND READ AND PUBLIC HEARING: AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF NEPTUNE BEACH, FLORIDA DELETING CHAPTER 4 ALCOHOLIC BEVERAGES, SECTION 4-7 EMPLOYEES AND PROVIDING AN EFFECTIVE DATE.

Vice Mayor Weldon stated he introduced this Ordinance to eliminate the requirement that the City assist the State in enforcing background checks and fingerprinting of restaurant employees.

Mayor Pruette read Ordinance No. 2009-07 by title only and opened the public hearing.

There being no comments from the public, the public hearing was closed.

Moved by Weldon, seconded by Pardee.

Motion: **TO ADOPT ORDINANCE 2009-07 ON SECOND READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Tucker, Weldon, Pruette

Noes: 0

MOTION CARRIED

OLD BUSINESS / NONE

NEW BUSINESS

PDRB-09-10

PDRB-09-10, PINE STREET RIGHT-OF-WAY:

Pine Street R-O-W

Councilor Lee explained due to a conflict of interest he would like to abstain from the vote. City Attorney White advised Councilor Lee to also abstain from the discussion.

Mr. Daryl Grubbs explained the primary objection of the Planning and Development Review Board was no public access to the parking area. He distributed a modified plan that added a driveway to provide direct public access to the parking area from Third Street. He felt the additional parking would not create more business for the office park but would make it easier and safer for the occupants of the building to park. The parking area would not create a drainage issue because it would be constructed of gravel. It would not be a noise problem because cars would primarily park there from 9:00 a.m. to 5:00 p.m. The trees and shrubs would be relocated to the north side of the property. The new parking area could also be used for a Trolley station and would count toward additional funding for the Beach Renourishment Project with no cost to the City.

Mayor Pruette asked Mr. Grubbs if he had received approval from the Florida Department of Transportation. Mr. Grubbs replied he would have to seek approval from the FDOT if it approved by the Council.

Moved by Weldon, seconded by Tucker.

Motion: **TO ACCEPT THE RECOMMENDATION OF THE PLANNING AND DEVELOPMENT REVIEW BOARD TO DENY THE REQUEST.**

Vice Mayor Weldon stated he has consistently disagreed with abandonment of right-of-ways. He opposed the proposal because he did not see a genuine hardship or good enough reason to sacrifice the public right-of-way.

Councilor Pardee stated he could see both sides of proposal. He felt the parking lot would serve the city well but he was also considering the opposition from the neighbors.

Roll Call Vote:

Ayes: 4 – Pardee, Tucker, Weldon, Pruette
Noes: 0
Abstain: 1 – Lee

MOTION CARRIED

PDRB-09-11
Sun Dog
207 Atlantic Blvd.

PDRB-09-11, EXPANSION OF SPECIAL EXCEPTION FOR SUN DOG OUTDOOR DINING, 207 ATLANTIC BOULEVARD: Community Development Director Amanda Askew explained the application for the Special Exception was for sixteen additional outdoor seats to be placed on the west side of the restaurant between the building and the parking lot.

Mayor Pruette stated the Planning and Development Review Board recommended approval of the additional outdoor seating as long as it was a non-smoking area.

Mr. Curtis Winter, owner of the Sun Dog Restaurant added the new outdoor seating will be consistent with the existing outdoor seating in the front of the building.

Mayor Pruette requested that Mr. Winter install cigarette butt containers.

Moved by Weldon, seconded by Lee.

Motion: **TO APPROVE PDRB 09-11, EXPANSION OF SPECIAL EXCEPTION FOR SUN DOG OUTDOOR DINING, 207 ATLANTIC BOULEVARD.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Tucker, Weldon, Pruette
Noes: 0

MOTION CARRIED

Waste Pro

WASTE PRO MINORITY SALE: City Manager Jarboe stated the Waste Pro contract provided that any sell of interest over 20% be approved by the City Council.

Vice Mayor Weldon asked if the City would be giving up negotiating leverage. Finance Director Steve Ramsey stated the City would not lose negotiating leverage.

Moved by Weldon, seconded by Lee

Motion: **MOVE TO STRIKE FROM THE WASTE PRO CONTRACT THE MINORITY SELL PROVISION.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Tucker, Weldon, Pruette
Noes: 0

MOTION CARRIED

TMDL Grant

LANDSCAPE IRRIGATION ORDINANCE AND COST SHARING AGREEMENT FOR REUSE AND TMDL GRANT: City Manager Jarboe explained the Cost Sharing Agreement was for a \$950,000 Grant through the St. Johns River Water Management District. They agreed to match the city with a \$700,000 grant for the rehabilitation of the sewer plant for TMDL and \$250,000 for reuse. A requirement for the grant was the city would have to implement their rules and regulations regarding water conservation.

Moved by Lee, seconded by Pardee.

Motion: **TO APPROVE THE COST SHARING AGREEMENT FOR REUSE AND TMDL GRANT.**

For the Record

Vice Mayor Weldon stated for the record he would like to remind the public this would mean the city would have to comply with the St. Johns River Water Management District watering limitations. This would radically limit the amount of water that could be applied to your lawn.

City Manager Jarboe stated currently everyone in the lower St. Johns River area was required to abide with the regulations. The St. Johns River Water Management District would continue to enforce these regulations. However, the city would also be required to take code enforcement action if a complaint was received.

Councilor Pardee felt the consequence of the watering requirement was worth the cost sharing agreement.

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Tucker, Weldon, Pruette
Noes: 0

MOTION CARRIED

Res. No. 2009-10

RESOLUTION NO. 2009-10: A RESOLUTION APPOINTING MEMBERS TO THE PLANNING AND DEVELOPMENT REVIEW BOARD.

Richard Keene introduced himself to the Council. He stated that he previously served on the Code Enforcement Board. He was now retired from practicing law and would like to serve on

the Planning & Development Review Board.

Moved by Weldon, seconded by Tucker.

Motion: **TO APPROVE RESOLUTION 2009-10.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Tucker, Weldon, Pruette

Noes: 0

MOTION CARRIED

OPEN DISCUSSION

Councilor Pardee asked to place the discussion of leasing public property on an upcoming workshop agenda.

Vice Mayor Weldon agreed the City needed a policy regarding abandonment of right-of-ways.

For the Record Mayor Pruette stated for the record she has always been against abandonment of public property. She would place the issue on the September workshop agenda.

Adjournment There being no further business, the meeting adjourned at 7:45 p.m.

Harriet Pruette, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved:



MINUTES
WORKSHOP CITY COUNCIL MEETING
AUGUST 17, 2009, AT 7:32 P.M
CITY HALL, 116 FIRST STREET
NEPTUNE BEACH, FLORIDA

Pursuant to proper notice a Workshop Meeting of the City Council of the City of Neptune Beach was held August 17, 2009 at 7:32 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

STAFF:

Mayor Harriet Pruette
Vice Mayor John Weldon
Councilor Fred Lee
Councilor Eric Pardee
Councilor Kara Tucker
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

Community Development Director Amanda Askew
Senior Activity Center Director Leslie Lyne
Director of Finance Steve Ramsey
Director of Public Safety David Sembach
Director of Public Services Leon Smith

ABSENT:

City Attorney Christopher White

Call to
Order/Roll Call

Mayor Pruette called the meeting to order at 7:32p.m.

PRESENTATIONS / NONE

CITY MANAGER'S ACTION LIST

City Manager Jarboe reported on the following:

- The State has agreed to install the crosswalks if the City agrees to provide future maintenance.

Consensus:

TO HAVE THE CITY MANAGER DRAFT A RESOLUTION STATING THE CITY WILL AGREE TO PROVIDE THE MAINTENANCE OF THE STATE INSTALLED CROSSWALKS.

- The city has discovered in the process of the In-Pipe Technology there is a type of bug being put in the system that will eat the bad bugs. The system will be much more efficient.

Councilor Lee stated the residents of Secluded Woods have requested the City Manager to look into placing a type of road barrier on the curb of Florida Boulevard.

PUBLIC COMMENTS / NONE**PROPOSED ORDINANCES**

Civil Service
Board

ORDINANCE NO. 2009-XX, AMENDING CHAPTER 2, ADMINISTRATION, SECTION 2-481 CAREER CIVIL SERVICE: AN ORDINANCE AMENDING THE CODE OF THE ORDINANCES OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 2 ADMINISTRATION, SECTION 2-481 CAREER CIVIL SERVICE: EMPLOYEES COVERED BY CIVIL SERVICE; APPOINTMENTS.

City Manager Jarboe stated this Ordinance will clarify that union employees have to abide by the union contract for grievance issues.

Mayor Pruette agreed to sponsor the Ordinance.

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

CONTRACTS / AGREEMENTS

Caribbee
Associates

CARIBBEE ASSOCIATES, LLC – SIDEWALK LEASE AGREEMENT: Mr. John Brocato stated he agreed with the amendments to the agreements. He asked the Council if they would agree to eliminate the midnight curfew. City Manager Jarboe stated the agreement included the following amendments: 1) the City Manager may continue the contract on a month to month basis, 2) a 10% late fee, and 3) maintenance of the outdoor area in front of the restaurant to continue into the street.

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

ISSUE DEVELOPMENT

Relay for Life

RELAY FOR LIFE: Deborah Carpenter, Event Chair for Relay for Life, explained the event was to raise funds and awareness for cancer research, education, advocacy, and patient services.

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

Adjournment

There being no further business, the meeting adjourned at 7:45 pm.

Attest:

Harriet Pruette, Mayor

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
SPECIAL CITY COUNCIL MEETING
AUGUST 17, 2009 AT 6:00 P.M
CITY HALL, 116 FIRST STREET
NEPTUNE BEACH, FLORIDA

Pursuant to proper notice a Special Meeting of the City Council of the City of Neptune Beach was held August 17, 2009 at 6:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

Mayor Harriet Pruette
Vice Mayor John Weldon
Councilor Fred Lee
Councilor Eric Pardee
Councilor Kara Tucker
City Manager James Jarboe

STAFF:

Community Development Director Amanda Askew
Senior Center Director Leslie Lyne
Director of Finance Steve Ramsey
Director of Public Safety David Sembach
Director of Public Services Leon Smith

ABSENT:

City Attorney Chris White

Order Call

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

Janice Jefferys

Mayor Pruette presented a Proclamation to Janice Jefferys recognizing her retirement from Neptune Beach Elementary School after 27 years.

**In Pipe
Technology**

APPROVAL OF CONTRACT WITH IN PIPE TECHNOLOGY: City Manager Jarboe explained he needed Council approval to sign the contract.

Moved by Lee, seconded by Weldon.

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Tucker, Weldon, Pruette
Noes: 0

MOTION CARRIED

Adjournment

There being no further business, the meeting adjourned at 6:05 p.m.

Harriet Pruette, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



BUDGET WORKSHOP MEETING
August 17, 2009, AT 6:05 P.M.
CITY HALL, 116 FIRST STREET,
NEPTUNE BEACH, FLORIDA

Pursuant to proper notice a Preliminary Budget Workshop Meeting of the City Council of the City of Neptune Beach was held August 17, 2009 at 6:05 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

Mayor Harriet M. Pruette
Vice Mayor John Weldon
Councilor Fred Lee
Councilor Eric Pardee
Councilor Kara Tucker
City Manager James Jarboe
City Clerk Lisa Volpe, CMC

STAFF:

Community Development Director Amanda Askew
Senior Center Director Leslie Lyne
Director of Finance Steve Ramsey
Director of Public Safety David Sembach
Director of Public Services Leon Smith

ABSENT:

City Attorney Chris White

Call to Order/Roll Call

The Mayor called the meeting to order at 6:05 p.m.

SPECIAL REVENUE FUNDS & ENTERPRISE FUNDS: City Manager Jarboe explained Special Revenue Funds were special sources of revenue that could only be used for an intended purpose.

City Manager Jarboe recommended Council direct questions to Finance Director Steve Ramsey.

Councilor Pardee stated he did not have any questions.

Councilor Lee stated he asked Finance Director Ramsey to provide Council with information regarding the percentages of decreases and expenses in the budget over the past five years. He felt this information would aid in explaining to citizens why the millage rate needed to be increased.

Councilor Lee had also had asked Mr. Ramsey to provide Council information regarding profit and losses from the Stormwater and Sanitation Fund. He felt the majority of the problem was that the stormwater and sanitation fees billed to residents were not high enough to meet the actual cost of services. Therefore, the cost of stormwater and sanitation has been supplemented through the General Fund. He felt these service fees needed to be increased in the future.

Councilor Lee also asked Mr. Ramsey to provide information regarding the City's contractual obligation to annually supplement the losses in the Police Pension Plan.

Councilor Lee felt it was interesting that according to State law if Council did not vote to raise the millage rate, the city tax revenue automatically reverted to the Roll Back Rate.

Director of Finance Ramsey explained the State Statute referred to the Roll Back Rate in order to guarantee the City would have the same revenue it received in the prior year. However, because property values have declined the Roll Back Rate has actually increased to guarantee last year's revenue.

Mayor Pruette questioned how many positive votes were needed to adopt the Roll Back Rate. Mr. Ramsey replied a simple majority of 3 to 2 was required to adopt the Roll Back Rate. To increase the millage rate a 4 to 1 vote would be necessary. However, to increase the millage rate above 3.2, a 5 to 0 vote would be necessary.

Councilor Lee stated he also asked Mr. Ramsey to provide Council a list of grants the city has received over the last couple of years. Mr. Ramsey responded that material has already been distributed.

City Manager Jarboe stated Council asked him to provide information comparing the millage rates of surrounding Counties. He explained that in comparison, even with an increase in our millage rate, ours would still be lower than surrounding cities.

Councilor Tucker was concerned about the employees keeping their jobs and making sure the City had enough money for future needs.

Vice Mayor Weldon felt the shortfall in Sanitation and Sewer Funds was the fault of previous Councils not increasing the rates when necessary. He agreed these fees should be "pay as you go" and not paid by hiding the losses and increasing the city debt in the General Fund.

Councilor Weldon suggested the City create a matrix showing the maximum amount of debt it could incur and the lowest amount of reserves that could be tolerated without considering millage rate increases or increases in service fees. He stated the City currently pays a little over a million dollars per year in debt service which is a significant amount of overall expenses. He was aware that raising the millage rate was an unpopular political decision but he did not know what else to do and still remain prudent and focused on the long term financial health of the community.

Mayor Pruette was concerned about the shortfalls in the Reserves Fund. She stated this Budget would only increase the Reserves Fund by \$2,000.00. She felt Council should go through the Budget once more to see if there was anything else that could be cut. Mr. Ramsey replied the Reserves Fund should normally contain enough money to operate the city for three months, without outside assistance, should a major disaster occur. This would amount to 25% of overall operating expenses. The Reserves Fund currently held 21%. An additional \$300,000 would be needed to increase the Reserves Fund to 25%.

Councilor Lee suggested the City save money by putting the monthly newsletter on the website and implementing a membership fee for the Senior Activity Center.

Councilor Pardee asked if the stormwater and sanitation fees were based on consumption. Mr. Ramsey replied the stormwater and sanitation fees were a flat rate for all residents.

Councilor Pardee asked how much of the proposed increased millage rate was based on sanitation and sewer shortfalls. Mr. Ramsey replied that portion of the proposed millage rate increase was .175.

Councilor Pardee stated he would like Council to consider having residents pay the same flat rate fee for these services in lieu of including the cost in property taxes. He felt this was unfair to tax payers because owners with higher property values ended up paying more for these services than average. If these fees were not included in property taxes the millage rate would only need to be increased by .125 instead of .3.

Councilor Weldon explained a benefit to the sanitation and stormwater fees being included in property taxes was that the property owner could deduct them from their Federal Income Taxes.

Mr. Ramsey stated if Council wanted they could adopt a Resolution increasing both the sanitation fee and stormwater fee \$2.00. This would decrease the proposed millage rate from .3 to .175.

For the Record Councilor Weldon stated for the record Council approved a new rate structure for water and sewer that went into effect early 2008. Council recognized at that time those rates were not adequately structured to pay both the debt in the Enterprise Funds and maintain the necessary service levels. This fall another rate study will be conducted to determine if the projections were accurate and they can be adjusted accordingly. He reviewed the various capital outlay, staffing projections, and work level projections for the Enterprise Funds and found them reasonable. If anything more was cut from the budget there would be outages and maybe worse problems in our water and sewer service. He believed Council should accept the Enterprise Fund budget as presented.

Mayor Pruette questioned how long it would be before an improvement would be seen in the Reserves Fund. Mr. Ramsey replied it would take two to three years before improvements would be seen in the Fund.

Mayor Pruette questioned how the City could increase the Reserves Fund. Mr. Ramsey replied the only way to increase the fund would be to raise the millage rate.

Mayor Pruette asked if funds from the City Attorney and the Senior Activity Center budgets could be placed in the Reserves Fund and later adjusted if needed.

Councilor Lee questioned if the City would be able to borrow the money, if we needed it, and did not have it in the Reserves Fund. Mr. Ramsey stated if that was the case, the City would have to borrow money against the General Fund.

Mayor Pruette suggested the Council hold a Budget Workshop meeting in January to begin discussion of the 2010-2011 FY Budget.

Vice Mayor Weldon stated he would be amenable to transferring the \$15,000 from the City Attorney budget into a Contingency Fund. He did not agree the \$20,000 from the Senior Activity Center should be transferred. Mr. Ramsey explained the money for the Senior Activity Center would remain in the General Fund, and would not be transferred to the Senior Center, unless it was needed.

Mayor Pruette explained money from the Operating Budget was never intended to be used for the Senior Activity Center. However, \$75,000 was transferred in 2007, \$45,000 was transferred in 2008, and \$25,000 was transferred in 2009. This Budget included \$20,000 of operating funds being transferred into the Senior Activity Center.

Mayor Pruette suggested Council decrease their monthly salary by \$100.00 to save the City \$6,000.

Councilor Tucker felt because we were a small City the only source of revenue had to come from property taxes. Mayor Pruette responded some citizens could not afford a property tax increase.

Mayor Pruette asked how many additional budget meetings were planned before the Council had to vote on the Budget. City Manager Jarboe stated no further workshop meetings were planned. There would be two more meetings to vote on the millage and the budget. He advised Council to inform staff if they wanted to adjust the budget.

Vice Mayor Weldon stated he supported the budget as submitted and was prepared to vote to increase the millage rate. He felt the citizens needed to recognize that a 3.17 millage rate was a reasonable rate under the circumstances. If a majority of the Council agreed another meeting would not be necessary.

Mayor Pruette felt more money should be placed into the Reserves Fund. Vice Mayor Weldon suggested if additional monies were available at the end of the year that money could be placed in the Reserves Fund.

Councilor Pardee was not comfortable moving forward with the budget with the sanitation and stormwater fees being included in the property tax. He felt these fees should be "pay as you go".

Councilor Pardee suggested selling the property on First Street that housed City Hall and putting the money from the sale in the Reserves Fund. He was not prepared to vote on the budget as presented.

Councilor Lee stated he would be comfortable voting on the budget with the following amendments: 1) save \$3,000 by placing the newsletter on the website, 2) it would be a personal choice of each Councilmember to donate part of their salary to the City, 3) it would need to be decided if the sanitation and stormwater fees should be increased in the future and not supplemented from the General Fund, and 4) have citizens decide by referendum if they would like to sell the First Street property / City Hall building.

City Manager Jarboe stated he needed a consensus of the Council on whether they wanted to increase the sanitation and stormwater fees or supplement them from the General Fund.

Vice Mayor Weldon did not want to delay voting on the budget based on the sanitation / stormwater issue. He objected to selling the First Street property / City Hall building.

Councilor Tucker stated she supported having additional workshop meetings to discuss the sanitation and stormwater fee issue. She agreed each Councilmember had the personal choice to donate part or all of their salary back to the community. She did not support selling the First Street property / City Hall building.

Councilor Pardee felt a flat rate fee should be charged for sanitary and stormwater fees. They should not be included in the property taxes.

Vice Mayor Weldon suggested Council review the sanitary and stormwater fees next budget year.

Finance Director Ramsey stated Council could either increase the sanitation and stormwater fees beginning October 1, 2009 or increase the millage rate.

Councilor Tucker stated she would like to see a comparison between a sanitation and stormwater fee increase and/or a millage rate increase.

Vice Mayor Weldon advised the State was considering placing a cap on municipal government millage rates. Therefore, he felt the millage rate should be set at a reasonable level. He added 3.17 mills was almost level with Atlantic Beach millage rate and was 3 mills lower than Jacksonville Beach.

Councilor Lee wanted to ensure that the City would look at stormwater and sanitation fees being "paid as you go" and not continue to cover the cost by reducing the General Fund.

Councilor Pardee asked for a comparison of sanitation and stormwater fees of Atlantic Beach and Jacksonville Beach.

Consensus: **TO VOTE ON THE BUDGET AS IT STANDS**

Finance Director Ramsey stated the next budget meeting would be for the first read on the millage rates and the budget.

PUBLIC COMMENTS

Scott Wiley, 723 Davis Street, felt the low millage rate was limiting the city. He voiced concern regarding the City's ability to obtain money for future projects and suggested hiring a grant writer.

Mayor Pruette asked Mr. Wiley to speak with City Manager Jarboe after the meeting regarding grants.

City Manager Jarboe added he was recently informed the State Revenue has decreased an additional \$18,000. The City may have two more reductions in State revenues this budget year.

Michael Aston, 1523 Summer Sands Drive, stated he would prefer the sanitation and storm water fees being included in the property tax so they could be deducted from his Federal Income Tax. He suggested the City erect a communication tower as a source of revenue. He also felt the First Street property / City Hall building should not be sold.

Lynda Padrta, 1113 First Street, opposed selling the First Street property / City Hall building and opposed a tax increase.

Adjournment

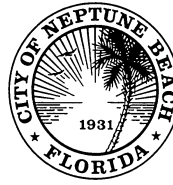
There being no further business, the meeting adjourned at 7:32 p.m.

Harriet Pruette, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
REGULAR CITY COUNCIL MEETING
AUGUST 3, 2009 AT 7:10 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 August 3, 2009 at 7:10 p.m., in the City Hall Council Chambers, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

STAFF:

Mayor Harriet Pruette
Councilor Fred Lee
Councilor Eric Pardee
Councilor Kara Tucker
Vice Mayor John Weldon
City Attorney Christopher White
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

Community Development Director Amanda Askew
Director of Finance Steve Ramsey
Director of Public Service Leon Smith
Lt. Adam Militello

Order Call/Pledge

Mayor Pruette called the meeting to order at 7:10 p.m. and asked Councilor Pardee to lead the Pledge of Allegiance.

AWARDS / PRESENTATIONS / RECOGNITION OF GUESTS / NONE

APPROVAL OF MINUTES

Moved by Councilor Lee seconded by Councilor Tucker.

Minutes

Motion: **TO APPROVE THE FOLLOWING MINUTES:**
JULY 6, 2009, WORKSHOP CITY COUNCIL MEETING
JULY 6, 2009, REGULAR CITY COUNCIL MEETING
JULY 20, 2009, WORKSHOP CITY COUNCIL MEETING

Councilor Pardee asked that on the July 20th Workshop consensus for the resolution for addressing beach related concerns to the City of Jacksonville, his disagreement to this consensus be added.

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Tucker, Weldon, Pruette
Noes: 0

MOTION CARRIED

COMMUNICATIONS AND CORRESPONDENCE

The Town Center group wants to place restrooms at the end of Atlantic Blvd. and they may have some money to pay for it. The Mayor indicated it would be closed when the life guards left for the day. The yearly maintenance cost would be \$3,500. Town Center has fund raisers to be able to contribute to this. The businesses do not want beach goers using their restrooms. When Town Center receives more information it will go on a workshop. Councilor Pardee commented they make really nice port-o-let. The City Manager was concerned about the maintenance.

CITY MANAGER REPORT

- He had citizen concern over repairing potholes instead of repaving roads. He had to explain the budget shortfalls.
- Take home cars actually reduces cost so the city does not have to pay stand by pay.

COMMENTS FROM THE PUBLIC/NONE

CONSENT AGENDA / NONE

VARIANCES / NONE

ORDINANCES

Ord. No 2009-06

ORDINANCE NO. 2009-06, AMENDING CHAPTER 13, NOISE PROHIBITED, SECOND READ AND PUBLIC HEARING: AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 13, SECTION 13-5 NOISE PROHIBITED; UNNECESSARY NOISE STANDARD; STATEMENT OF INTENT; SWORN COMPLAINT REQUIRED; PROPERTY OWNER RESPONSIBILITY AND SECTION 13-6 VIOLATION; PENALTIES AND PROVIDING AN EFFECTIVE DATE.

Mayor Pruette opened the public hearing.

Steve Coyote, co-owner of a duplex 213/215 Margaret Street, wanted to know if he would be financially responsible for the tickets given to his tenants. City Manager Jarboe said he would not but if the same tenant was given two tickets he would be called before the Code Enforcement Board.

Mayor Pruette closed the public hearing.

Councilor Pardee asked to hold this ordinance to include the problems in apartment complexes. Mr. Jarboe stated chief Sembach explained the apartments were very accommodating when there were problems. Council members felt Councilor Pardee's concerns could be addressed in a separate ordinance.

Mayor Pruette agreed to sponsor this ordinance.

Moved by Vice Mayor Weldon, seconded by Councilor Lee.

Motion: **TO ADOPT ORDINANCE 2009-06 ON SECOND READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 4 – Lee, Tucker, Weldon, Pruette

Noes: 1 – Pardee

MOTION CARRIED

Ord. No. 2009-07

ORDINANCE NO. 2009-07, ALCOHOLIC BEVERAGES, FIRST READ: AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF NEPTUNE BEACH, FLORIDA DELETING CHAPTER 4 ALCOHOLIC BEVERAGES, SECTION 4-7 EMPLOYEES AND PROVIDING AN EFFECTIVE DATE.

Councilor Pardee asked that staff send a reminder of state law out with their business tax license.

Moved by Vice Mayor Weldon, seconded by Councilor Lee.

Motion: **TO PASS ORDINANCE 2009-07 ON FIRST READ.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Tucker, Weldon, Pruette

Noes: 0

MOTION CARRIED

OLD BUSINESS / NONE

NEW BUSINESS

V09-07
696 Atlantic Blvd.
Aqua East

V09-07 / VARIANCE REQUEST FOR AQUA EAST SURF SHOP, 696 ATLANTIC BOULEVARD: Community Development Director Amanda Askew stated it was a variance to reduce the rear yard set back in the C3 zoning district. The applicant is proposing a 2016 square foot building that is not attached to the main structure.

Terry Simmons, Fishers and Simmons Architect, in 2004 the store asked for a much larger variance but due to economic times it is on a much smaller scale today.

Vice Mayor Weldon was supportive but wanted to know why there were no windows. Mr. Simmons stated since objects would be stacked up windows would not be necessary for display. Both agreed it would be retail and not storage. Mr. Jarboe asked if there would be bathrooms. Mr. Simmons said the ones in the old store would be used. Mr. Jarboe said he should meet with the Building Official to be sure this is allowed.

Councilor Pardee brought up Ordinance 2009-05 where the city defined a hardship. He asked if the retail space could be built without the variance and where was the hardship. The architect stated it was due to financial times and if you stick to that exact definition there would be no hardships. City Attorney White stated it was up to City Council to determine if there is a hardship. Mayor Pruette pointed out the board recommended approval.

Moved by Vice Mayor Weldon

Motion: **TO APPROVE V09-07 696 ATLANTIC BLVD.**

Mayor Pruette asked for a second. Motion died due to lack of a second.

Moved by Councilor Pardee

Motion: **TO DENY V09-07 696 ATLANTIC BLVD.**

City Attorney White said this motion was not necessary the variance had already had been denied due no second for the motion to approve.

Councilor Pardee withdrew his motion.

Vice Mayor Weldon told Councilor Pardee that he could hold the Council to every little thing in the code but the next time he was pro business he would remind him of this.

PDRB09-09
696 Atlantic Blvd.

PDRB09-09 / DEVELOPMENT ORDER FOR AQUA EAST SURF SHOP, 696 ATLANTIC BOULEVARD

Discussion ensued over whether this could be voted on if the variance had not been passed. City Attorney White and Community Development Director Askew agreed that they could approve with conditions.

Moved by Vice Mayor Weldon, seconded by Councilor Lee.

Motion: **TO APPROVE THE DEVELOPMENT ORDER SUBJECT TO FOLLOWING THE REAR YARD SET BACK.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Tucker, Weldon, Pruette

Noes: 0

Resolution
2009-08

No. RESOLUTION NO. 2009-08: A RESOLUTION OF THE CITY OF NEPTUNE BEACH CITY COUNCIL, ACCEPTING THE DUVAL COUNTY LOCAL HAZARD MITIGATION STRATEGY DOCUMENT

Moved by Councilor Pardee, seconded by Councilor Tucker.

Motion: **TO PASS RESOLUTION 2009-08.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Tucker, Weldon, Pruette

Noes: 0

Resolution
2009-09

No. RESOLUTION NO. 2009-09: A RESOLUTION APPOINTING MEMBERS TO THE PLANNING AND DEVELOPMENT REVIEW BOARD AND THE CODE ENFORCEMENT BOARD.

Moved by Vice Mayor Weldon, seconded by Councilor Lee.

Motion: **TO PASS RESOLUTION 2009-09 AS IT APPLIES TO TODD RUSSELL AND MARY ANN PADRTA.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Tucker, Weldon, Pruette

Noes: 0

Adjournment

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

Harriet Pruette, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved:



BUDGET WORKSHOP MEETING

August 3, 2009, AT 5:45 P.M.

**CITY HALL, 116 FIRST STREET,
NEPTUNE BEACH, FLORIDA**

Pursuant to proper notice a Preliminary Budget Workshop Meeting of the City Council of the City of Neptune Beach was held August 3, 2009 at 5:45 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

Mayor Harriet M. Pruette
Vice Mayor John Weldon
Councilor Fred Lee
Councilor Eric Pardee
Councilor Kara Tucker
City Manager James Jarboe
City Clerk Lisa Volpe, CMC

STAFF:
Community Development Director Amanda Askew
Director of Finance Steve Ramsey
Director of Public Services Leon Smith
Lt. Adam Militello

Call to Order/Roll Call The Mayor called the meeting to order at 5:45 p.m.

Mayor Pruette announced the meeting was to look at the City Manager's General Fund Budget. There would be two or three more budget workshops after this one.

Mayor Pruette made the statement that the City has lost a large amount of revenue to the amount of \$315,000 and the budget deficient is \$83,363 which indicates that the staff is cutting fat. Due to the loss of revenue and the cuts already made the City Manager has said that any more cuts would result in loss of services and a small millage raise is the only way not to cut services. The audit stated the City's financials have deteriorated due to loss of revenue particularly in the proprietary funds. Mayor Pruette stated the City Council and staff must work to find ways to cut more and save more to bring revenues and other funds up. She thanked Mr. Jarboe and the staff for their multitasking and good work in saving the City money. She turned the meeting over to the City Manager and Finance Director.

City Manager Jarboe explained the General Fund is the operating budget for the City minus the Utilities and the Special Revenue funds. It includes the City Manager's Office, City Clerk's Office, the Building Department and the Police Department. The other funds will be reviewed at the August City Council Workshop. The proposed millage rate that will be sent to taxpayers from the Tax Assessor's office will be higher than staff is actually proposing. Staff is proposing a 3.1612 millage rate. This rate is smaller than our neighbor cities who have revenue from utilities outside the City. Fernandina Beach is 4.484, Orange Park is 6.0156, and St. Augustine is 7.5.

The City lost \$315,000 in the revenue which included an unfunded mandate from the State, in reference to the fecal leak in the creek. If the leak is found to be coming from Neptune Beach, we will be required to fix it. We are working on grants to replace septic tanks in the City. The City should get a \$700,000 grant for nitrogen removal. The Stormwater and

Sanitation funds also have a short fall. The Electric Franchise fee is down and the Police Pension fund has a 12% shortfall. All State taxes and property taxes are down.

Mr. Jarboe continued to explain that staff has been able to cut out \$70,000 from the budget. Over the last four years the City has reduced staff by 15%. The City has received grants for the police and hired a part time engineer to save money. There is a list in the agenda packet of at least thirty ways the City has saved money.

Director of Finance Steve Ramsey said he would answer any questions the council had concerning the budget. He mentioned the extra \$25,000 homestead cost the City \$135,000.

Councilor Pardee thanked staff for their hard work and for their sacrifices. Councilor Pardee suggested cutting the Legal Professional Services budget by \$15,000. Director of Finance Ramsey stated this line item was mainly used for insurance deductibles. Although this year the fund had not been used too much, he did not believe it was over funded. Mr. Jarboe reminded Council that the City Attorney was on retainer and only if he had to go to court for litigation did the City pay him out of this fund. Mr. Jarboe explained if the budget item was decreased and there was a short fall, then it would have to come from reserves. Vice Mayor Weldon stated the legal budget has already been reduced by 15% in the last two years. Vice Mayor Weldon and the Mayor suggested putting the money into contingency instead of taking it out completely.

Councilor Pardee also suggested cutting the overtime for the City Clerk's office by not making the Deputy City Clerk attend workshop meetings. City Clerk Volpe stated this could cut some of the overtime but the Deputy City Clerk still attends Board of Appeals meetings.

Councilor Lee felt the City Council needed to understand that some citizens were in financial difficulty and a small raise in taxes could hurt them. The Council should be fiscally responsible and show the public where cuts were made and why taxes need to be raised. He felt the public should be invited to make input on the budget before the final passing in September. He also felt it was Council's responsibility to get people to come to the meetings and understand the budget process. He went over the information Mr. Ramsey had given about the millage rate and budget for the last five years. Councilor Lee wanted citizen input as to what to cut out of the budget.

Mayor Pruette asked what were essential services. City Manager Jarboe stated they were police and water and sewer services. If essential services were cut, an example would be not being able to fix pot holes.

Vice Mayor Weldon stated he was satisfied with the budget as it was. He wanted to thank staff for cutting all the fat out of the budget. He stated the biggest cost is personnel. He did not want to direct layoffs, if not absolutely necessary. The unions indicated they are willing to accept no increases which shows they understand the City's financial problems. He felt the Council owed the employees another year of support. Next year, layoffs may be necessary. The City has reduced the amount of positions by 15% by retirement and voluntary leaving. The City could cut small things such as Cast a Line. These will not dig us out of the hole that we are facing. He felt that raising taxes to cover stormwater and sanitation fees is better because they could be deducted from taxes instead of raising enterprise fund fees. Staff has made every effort to tighten the budget, the Council owes it to staff to maintain employment for one more year. We can accomplish this by raising the millage to 3.1612. This would raise taxes for a \$200,000 house about fifty dollars per year. This is a small impact on individual homeowners and is lower than most area cities. Financial prudence says the City needs to maintain reserves and nurture a cooperative workforce. The State Legislature has threatened to put a property tax cap on cities next year. This will hurt us unless we have a stable rate to support us.

Councilor Tucker commented it was a difficult time to start her term on Council. Staff has done a great job. There are a couple places that she thought could be cut. Mayor Pruette asked where. Councilor Tucker commented on using technology instead of making as many paper copies. She also wanted the City to work on getting more grants. She agreed with Councilor Lee that the Council should look for public input.

Mayor Pruette said we will have to raise taxes due to the loss of revenues. There are citizens who are hurting financially. The transfer of funds to the Senior Center can be put in the contingency fund. Ms. Lyne has done a great job finding funds and she said she is confident she can find the necessary funds, however, it would be in the contingency fund if she needed it. Animal Control could be cut to twenty hours a week, since reports show only seven tickets a month are written. Jacksonville could be used for Fire Marshall services as Atlantic Beach does and our employee could be used in animal control. Council could make a small cut. Everyone needs to help with the small cuts.

Mayor Pruette suggested using the police call out system to invite people to the budget meetings for input. Vice Mayor Weldon disagreed with using the call out system. He stated that no one wants their taxes raised and all the Council will hear is negative feedback. He cautioned using negative feedback to base decisions on. Elected officials need to use their prudent judgment for the financial stability of the community. Discussion ensued over education of the public about the financial situation the City was in.

Mayor Pruette reiterated what the audit said that the City should be more active in collecting money owed us. City Manager Jarboe said with the help of Jacksonville Beach, the city is already doing this without hiring our own consultant.

Councilor Pardee elaborated on the three items he felt were important to citizens during his term on Council. The first being Animal Control, the second being Code Enforcement and third being the Senior Center. These items should not be cut. He felt citizens need to do things in their own lives to cut costs. He also felt the City could sell City Hall and transfer the employees out to the Public Services Facility in order to help with the budget. Mayor Pruette did not agree with selling City Hall and felt Animal Control did not generate enough tickets for an almost \$70,000 budget. She commended Leslie Lyne on the Senior Center and had confidence that she would raise the money she needed or it would be in the contingency fund for her use.

Mayor Pruette asked any members of the public for their input.

Scott Wiley, 723 Davis Street, felt the City Council had the financial responsibility to raise the millage rate to keep the reserves up and encouraged them to do so. Next year will not be much better therefore the City needed to do what it could do now.

Lynda Padrta, 1113 First Street, felt the City should realize that a tax increase would hurt citizens. She felt the City could stop cutting grass on First Street and to look for more money out of the interlocal agreement. She also attended the meeting where it was said that no money out of the General Fund would be used for the Senior Center.

Michael Aston, 1532 Summer Sands Drive, stated he is always impressed by the job the Neptune Beach City Council does.

Alan Martin, 1113 First Street, felt the City has to be proactive. He commented on stopping take home vehicles.

Adjournment

There being no further business, the meeting adjourned at 7:10 p.m.

Harriet Pruette, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



**MINUTES
WORKSHOP CITY COUNCIL MEETING
JULY 20, 2009, AT 6:15 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 July 20, 2009 at 6:15 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

STAFF:

Mayor Harriet Pruette
Vice Mayor John Weldon
Councilor Fred Lee
Councilor Eric Pardee
Councilor Kara Tucker
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

Community Development Director Amanda Askew
Assistant Chief Anthony Carrillo
Senior Activity Center Director Leslie Lyne
Director of Finance Steve Ramsey
Director of Public Safety David Sembach
Director of Public Services Leon Smith
Deputy City Clerk Karla Strait, CMC

ABSENT:

City Attorney Christopher White

Call to
Order/Roll Call

Mayor Pruette called the meeting to order at 6:15 p.m.

PRESENTATIONS

Fletcher High

Mayor Pruette and Councilor Kara Tucker presented a Proclamation of Congratulations to the Fletcher High School Athletic Department for having an outstanding season.

Mayor Pruette recognized City of Jacksonville Councilman Art Graham, who was present for the meeting.

CITY MANAGER'S ACTION LIST

City Manager Jarboe reported on the following:

- Labor union negotiations were in progress.
- There was a water main break at Fifth Street and Florida Boulevard.
- He was working with St. Johns Water Management District regarding grants.
- He would provide information regarding the nitrogen removal at the next meeting.
- He was waiting to hear from FDOT regarding the stamped crosswalks.

Councilor Pardee stated the community garden in Jarboe Park was in disarray. City Manager Jarboe replied he has asked the organizers of the garden to have the weeds cleaned up. Councilor Pardee asked City Manager Jarboe to stay on top of the situation.

Vice Mayor Weldon questioned the progress of the crosswalk enhancements. City Manager Jarboe stated he has not received a reply to a letter he sent FDOT over a month ago. He would send a new letter.

City Manager Jarboe announced the Beaches Challenge 5K Run would take place on August 15th at 8:30 a.m. on the beach. The proceeds would benefit programs offered at the Neptune Beach Senior Activities Center.

PUBLIC COMMENTS

Lynda Padrta, 1113 First Street, felt the City could save money by eliminating the maintenance of the First Street right-of-way. She also voiced support for the noise ordinance.

PROPOSED ORDINANCES

Margaret St.
Noise

ORDINANCE NO. 2009-06, AMENDING CHAPTER 13, SECTION 13-5 NOISE PROHIBITED: AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 13 NOISE, SECTION 13-5 NOISE PROHIBITED; UNNECESSARY NOISE STANDARD; STATEMENT OF INTENT; SWORN COMPLAINT REQUIRED; PROPERTY OWNER RESPONSIBILITY AND SECTION 13-6 VIOLATION PENALTIES; AND PROVIDING AN EFFECTIVE DATE.

Councilor Pardee was concerned that most of the noise complaints were from residents of Margaret Street. He asked if there were other areas of the city with noise concerns. City Manager Jarboe replied there were also complaints from other streets but the main problem area was Ocean Oaks Apartments on Seagate Avenue. Councilor Pardee stated the city should also focus on ways to reduce noise from Ocean Oaks Apartments. City Manager Jarboe suggested Council direct him to draft a separate ordinance concentrating on ways to reduce the noise from Ocean Oaks Apartments.

Consensus: **TO HAVE THE CITY MANAGER START THE PROCESS WITH THE CITY ATTORNEY TO DRAFT AN ORDINANCE CONCENTRATING ON REDUCING THE NOISE FROM OCEAN OAKS APARTMENTS.**

Consensus: **FORWARD THE NOISE ORDINANCE TO THE AUGUST REGULAR MEETING FOR SECOND READ.**

Vending
Machines

ORDINANCE NO. 2009-XX, AMENDING CHAPTER 26, VENDING MACHINES: AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 26 VENDING MACHINES, SECTION 26-1 DEFINITION AND ADDING SECTION 26-7 OUTDOOR MACHINES AND PROVIDING AN EFFECTIVE DATE.

City Manager Jarboe stated the reason vending machines were not allowed was because they created blight and were subject to vandalism. He added if vending machines were allowed by special exception only, the Council would have the opportunity to deny or approve each specific request.

Councilor Pardee stated the ordinance amendment was initiated when citizens complained that the city asked Winn Dixie and Walgreens to remove the Red Box / DVD Rental Vending Machines from the front of their stores.

Mayor Pruette felt vandalism would not be an issue with Red Box / DVD Rental Machines because they did not accept cash.

Councilor Lee stated he would support the ordinance if Council had control by special exception.

Vice Mayor Weldon felt Red Box / DVD Rental Vending Machines should not be allowed by special exception because this would open the door for other types of vending machines.

Mayor Pruette felt vending machines should be allowed by special exception because they provided profit to local businesses.

Vice Mayor Weldon stated he also supported small businesses but he did not want to endanger the long range vision, or quality of life standards, in Neptune Beach.

Councilor Tucker supported the ordinance by special exception only.

Councilor Pardee asked if the existing vending machines throughout the city would be grandfathered. He also questioned why they existed if they were not allowed by Code.

City Manager Jarboe responded the city has not received any complaints regarding any of the existing vending machines. He added the city has been reactive, in lieu of proactive, regarding code enforcement action. He would have the existing vending machines removed if instructed by Council.

Councilor Lee suggested forwarding the ordinance to a future workshop.

Consensus: **FORWARD TO A FUTURE WORKSHOP.**

Uses / Zoning

ORDINANCE NO. 2009-XX, AMENDING CHAPTER 27 UNIFIED LAND DEVELOPMENT REGULATIONS, SECTION 27-227 SPECIAL RESTRICTIONS AND CONDITIONS ON ALLOWABLE USES WITHIN ZONING DISTRICTS: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 27 UNIFIED LAND DEVELOPMENT REGULATIONS, ARTICLE IV, LAND USE, SECTION 27-227 SPECIAL RESTRICTIONS AND CONDITIONS ON ALLOWABLE USES WITHIN ZONING DISTRICTS AND PROVIDING AN EFFECTIVE DATE.

Consensus: **FORWARD TO A FUTURE WORKSHOP.**

Alcoholic
Beverages

ORDINANCE 2009-XX, ALCOHOLIC BEVERAGES: AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF NEPTUNE BEACH, FLORIDA DELETING CHAPTER 4 ALCOHOLIC BEVERAGES, SECTION 4-7 EMPLOYEES AND PROVIDING AN EFFECTIVE DATE.

City Manager Jarboe explained the current Ordinance was adopted to help enforce State law requiring restaurant/bar owners to conduct background checks on all employees.

Vice Mayor Weldon added he introduced this ordinance amendment because several restaurant owners received code enforcement violations for noncompliance. He felt since this was a State requirement it was not necessary for the city to enforce it.

Councilor Tucker agreed this requirement should be enforced by the State.

Councilor Lee questioned if the city received revenue for the code violations. Finance Director Steve Ramsey replied the city might receive \$5.00 per background check.

City Manager Jarboe added the restaurant/bar owners could be fined or possibly lose their license if they did not comply with this State law.

Councilor Pardee asked that staff remind restaurant/bar owners of this State requirement annually when they renewed their business license.

Consensus: **FORWARD TO THE AUGUST REGULAR MEETING FOR FIRST READ.**

CONTRACTS / AGREEMENTS / NONE

ISSUE DEVELOPMENT

Res. No. 2009-xx

RESOLUTION NO. 2009-XX: A RESOLUTION OF THE CITY OF NEPTUNE BEACH CITY COUNCIL ACCEPTING THE DUVAL COUNTY LOCAL HAZARD MITIGATION STRATEGY DOCUMENT.

City Manager Jarboe stated this Resolution required the city to participate with the Emergency Operations Center. It also would allow the city to receive funding for hazardous events.

Consensus: **FORWARD TO THE AUGUST REGULAR MEETING FOR APPROVAL.**

Jarboe Park 501(c)3

JARBOE PARK DEVELOPMENT OF 501(C)3: Councilor Lee stated he originally suggested developing a 501(c)3 for Jarboe Park donations. He was asking to amend that suggestion and instead of developing a 501(c)3, have the City Manager and Finance Director set up an account to receive donations for Jarboe Park improvements.

Consensus: **TO HAVE THE CITY SET UP AN ACCOUNT TO RECEIVE DONATIONS FOR JARBOE PARK.**

DISCUSSION

Vice Mayor Weldon asked Council for a consensus to have the City Manager draft a Resolution supporting funding for the Sulzbacher Center.

Councilor Lee voiced concern that more groups would be requesting our support.

Mayor Pruette suggested the City Manager draft a Resolution in support of all beach related concerns affected by the City of Jacksonville budget cuts.

Vice Mayor Weldon felt the Sulzbacher Center deserved a separate Resolution of support because it assisted the city's most vulnerable people.

Councilor Tucker felt the Resolution should also include support funding for the Neptune Beach Library.

Consensus: **TO HAVE THE CITY MANAGER DRAFT A RESOLUTION ADDRESSING BEACH RELATED CONCERNS TO THE CITY OF JACKSONVILLE.**

Councilor Pardee did not agree with the consensus.

City of Jacksonville Councilman Art Graham stated he would address our concerns, regarding the stamped crosswalks, with the Florida Department of Transportation.

Adjournment There being no further business, the meeting adjourned at 7:00 pm.

Attest:

Harriet Pruetten, Mayor

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
WORKSHOP CITY COUNCIL MEETING
JULY 6, 2009, AT 5:45 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 July 6, 2009 at 5:45 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

STAFF:

Mayor Harriet Pruette
Vice Mayor John Weldon
Councilor Fred Lee
Councilor Eric Pardee
Councilor Kara Tucker
City Attorney Christopher White
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

Community Development Director Amanda Askew
Senior Activities Center Director Leslie Lyne
Director of Finance Steve Ramsey
Director of Public Safety David Sembach
Director of Public Services Leon Smith

Call to Order/Roll Call Mayor Pruette called the meeting to order at 5:45 p.m.

ISSUE DEVELOPMENT

San Pablo Island

SAN PABLO ISLAND: Mayor Pruette explained Atlantic Beach Mayor John Meserve intended to introduce a Resolution to the Atlantic Beach Commission supporting the use of the term "San Pablo Island" when referring to Atlantic Beach, Neptune Beach, and Jacksonville Beach. She asked other Council members how they felt about the suggestion.

Councilor Tucker felt it was a good concept to name the island. She was unsure about the name "San Pablo" and felt the name should be considered by the citizens.

Vice Mayor Weldon stated San Pablo was the original name of the island. He felt it was a great idea and former Jacksonville Mayor Delaney deserved credit for the suggestion.

Councilor Pardee disagreed with the use of the term "San Pablo Island" unless the beaches' cities were considering becoming a separate County from Jacksonville. He felt people were familiar with the location of Jacksonville and would not recognize where San Pablo Island was located. He also felt part of Neptune Beaches' identity was associated with the Jacksonville Beaches, Duval County and the Jacksonville Jaguars.

Councilor Lee felt it was a viable idea that should be taken into account carefully. He agreed there should be public input.

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

Nitrogen

NITROGEN REDUCTION OVERVIEW AND RECOMMENDATIONS: City Manager Jarboe explained a joint study with Atlantic Beach was conducted to determine if they could jointly handle the nitrogen reduction requirements mandated by DEP at a shared cost. The study concluded this was not feasible due to the daily limitation of 1,000,000 gallons of sewer acceptance for Atlantic Beach.

The consulting engineers have recommended the use of a "fixed film media" process to reduce nitrogen levels. This would be the least expensive method to meet the Department of Environmental Protection's required level of nitrogen reduction.

Councilor Lee asked City Manager Jarboe to reconfirm that the request for proposals would include a guarantee that the project would work. City Manager Jarboe stated "yes" and it would probably be bonded.

Councilor Lee was concerned about the cost of the project and questioned if grants would be pursued. City Manager Jarboe responded he has already been in contact with the local government affairs concerning grants. The cost was now 1.5 with a 20% contingency fund for unexpected costs.

Councilor Pardee agreed the "fixed film media" method was the best option. He was concerned there would be more unfunded State mandates in the future.

Councilor Tucker also supported the "fixed film media" method.

Mayor Pruette thanked City Manager Jarboe and the engineers for taking time to speak individually with Council members.

For the Record

Vice Mayor Weldon asked Mr. Hershey, the contract engineer for the project, to confirm that he was confident that the system was the most cost effective method. Mr. Hershey replied that was correct. He added Neptune Beach was fortunate to have excess tank capacity to work with.

Vice Mayor Weldon questioned if the upgrade to the sewer and wastewater system would be covered by the increased utility rate structure currently in effect or if it would require an additional rate increase. City Manager Jarboe replied the upgrade should be covered by the current rate. However, a new utility rate study would be conducted for the upcoming budget.

Vice Mayor Weldon asked Mr. Hershey if he was confident the existing infrastructure was adequate to sustain the new upgrade for at least twenty years. Mr. Hershey responded "yes", however, some piping and equipment improvements would be necessary.

Consensus: **FORWARD TO THE FOLLOWING REGULAR CITY COUNCIL MEETING.**

Adjournment

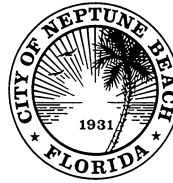
There being no further business, the meeting adjourned at 6:05 pm.

Harriet Pruette, Mayor

Attest:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
REGULAR CITY COUNCIL MEETING
JULY 6, 2009 AT 6:05 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 July 6, 2009 at 6:05 p.m., in the City Hall Council Chambers, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

STAFF:

Mayor Harriet Pruette
Councilor Fred Lee
Councilor Eric Pardee
Councilor Kara Tucker
Vice Mayor John Weldon
City Attorney Christopher White
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

Community Development Director Amanda Askew
Senior Activities Center Director Leslie Lyne
Director of Finance Steve Ramsey
Director of Public Safety David Sembach
Director of Public Service Leon Smith

Order Call/Pledge

Mayor Pruette called the meeting to order at 6:05 p.m. and led the Pledge of Allegiance.

AWARDS / PRESENTATIONS / RECOGNITION OF GUESTS

Mayor Pruette presented a Proclamation of Esteem to Father William Kelly for his 50th Anniversary of ministry to the community.

APPROVAL OF MINUTES

Moved by Lee, seconded by Pardee.

Minutes

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

JUNE 1, 2009, SPECIAL CITY COUNCIL MEETING
JUNE 1, 2009, REGULAR CITY COUNCIL MEETING
JUNE 15, 2009, WORKSHOP CITY COUNCIL MEETING

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Tucker, Weldon, Pruette

Noes: 0

MOTION CARRIED

COMMUNICATIONS AND CORRESPONDENCE

Mayor Pruette thanked the Public Service Department and Public Safety Department for doing a good job during the July 4th Holiday.

Mayor Pruette asked Council to direct City Manager Jarboe on how they wanted to review the budget process for the fiscal year 2009-2010.

Councilor Pardee stated the City of Jacksonville regulated vending machines in the Historic Springfield District but did not regulate them in other areas of the city.

Councilor Pardee stated the city website now allowed citizens to search Council meeting minutes for specific subjects.

CITY MANAGER REPORT

- There were no major incidents reported during the Fourth of July Holiday.
- There would be a short delay preparing the water bills this month because the Meter Reader has been out sick.
- Senior Activity Center Director Leslie Lyne was organizing a Beaches Challenge 5K Run.

Senior Activities Center Director Leslie Lyne explained the Beaches Challenge 5K Run would take place on August 15th at 8:30 a.m. on the beach. The proceeds would benefit programs offered at the Neptune Beach Senior Activities Center.

COMMENTS FROM THE PUBLIC

CONSENT AGENDA

Crafternoon

CRAFTERNOON: Approval to hold the Crafternoon Event in Jarboe Park.

Moved by Lee, seconded by Tucker.

Motion: **TO APPROVE THE ABOVE CONSENT AGENDA.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Tucker, Weldon, Pruette

Noes: 0

MOTION CARRIED

VARIANCES / NONE

ORDINANCES

Ord. No. 2009-06

ORDINANCE NO. 2009-06, AMENDING CHAPTER 13, NOISE, FIRST READ: AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 13, SECTION 13-5 NOISE PROHIBITED; UNNECESSARY NOISE STANDARD; STATEMENT OF INTENT; SWORN COMPLAINT REQUIRED; PROPERTY OWNER RESPONSIBILITY AND SECTION 13-6 VIOLATION; PENALTIES AND PROVIDING AN EFFECTIVE DATE.

City Manager Jarboe explained the Ordinance was designed to quiet certain sections of the city. This would allow police officers the discretion to ticket the defendant on the first offense instead of giving a warning. It also allowed code enforcement action to be taken after two violations instead of three.

Moved by Weldon, seconded by Lee.

Motion: **TO APPROVE ORDINANCE 2009-06 ON FIRST READ.**

Councilor Pardee disagreed with allowing code enforcement action to be taken against the property owner after only two violations. He felt this would not be fair to absentee property owners.

Councilor Lee stated he has received numerous complaints from citizens regarding noise and he supported the ordinance.

Vice Mayor Weldon supported the ordinance. He felt if the property owners did not take responsibility for their tenants the noise problem would never be solved.

Councilor Tucker also voiced support for the ordinance.

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Tucker, Weldon, Pruette

Noes: 0

MOTION CARRIED

OLD BUSINESS

Nuijens

APPROVAL OF RESOLUTION FOR NUIJENS: Declaration of Restrictive Covenant for Nuijens, 218 Bay Street, for the City of Neptune Beach to treat the property as one lot for all purposes.

City Attorney White explained this was a result of the shade meeting and was not a part of the public record at this point. He further explained the Declaration of Restrictive Covenant reflected the terms of the agreement accepted by the Counsel for Mr. Nuijens.

Moved by Weldon, seconded by Pardee.

Motion: **TO APPROVE THE DECLARATION OF RESTRICTIVE CONVENANT.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Tucker, Weldon, Pruette

Noes: 0

MOTION CARRIED

Nitrogen

NITROGEN REDUCTION OVERVIEW AND RECOMMENDATION: City Manager Jarboe explained at the previous workshop meeting that the consulting engineers recommended the use of a “fixed film media” process to reduce nitrogen levels. This would be the least expensive method to meet the Department of Environmental Protection’s required level of nitrogen reduction.

Moved by Weldon, seconded by Tucker

Motion: **TO APPROVE THE RECOMENDATION OF THE CITY MANAGER FOR THE NITROGEN REDUCTION.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Tucker, Weldon, Pruette

Noes: 0

MOTION CARRIED

NEW BUSINESS

Res. No. 2009-07 RESOLUTION NO. 2009-07: A RESOLUTION ALLOWING THE CITY MANAGER TO EXECUTE AND DELIVER THE ATLANTIC BOULEVARD MAINTENANCE AGREEMENT TO THE FLORIDA DEPARTMENT OF TRANSPORTATION.

Moved by Lee, seconded by Tucker.

Motion: **TO APPROVE RESOLUTION NO. 2009-07.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Tucker, Weldon, Pruette

Noes: 0

MOTION CARRIED

Adjournment There being no further business, the meeting adjourned at 6:30 p.m.

Harriet Pruette, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved:



MINUTES
WORKSHOP CITY COUNCIL MEETING
JUNE 15, 2009, 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 15, 2009 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 John Weldon
Councilor Fred Lee
Councilor Eric Pardee
Councilor Kara Tucker
City Attorney Christopher White
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

Director of Finance Steve Ramsey
Director of Public Safety David Sembach
Deputy City Clerk Karla Strait, CMC

Call to Order/Roll Call Mayor Pruette called the meeting to order at 6:00 p.m.

PRESENTATIONS

Green Market

GREEN MARKET – ONE YEAR UPDATE: Gretchen Ferrell gave a presentation regarding the success of the Green Market and Community Garden.

Ms. Ferrell explained the Green Market began one year ago and attracts an estimated 800 to 1,000 customers per week. There are 25 vendor spots on a weekly basis. Items for sale include produce, eggs, chicken, beef, honey, fresh cut flowers, hand crafted natural soaps, body products, cleaning products, pest control, salsa, hot sauces, tea, sandwiches, organic shaved ice, granola, coffee, all natural dog treats, breads, pastries, etc. Another feature of the market are booths for non-profit such as the Breast Cancer Marathon, No More Homeless Pets, Sea Turtle Awareness, and the Beaches Library Card Membership Drive. There is also a Local Business Spotlight where a local business can advertise if they are doing something positive for the environment or the community. Collection jars were also present at booths for donations to help improve Jarboe Park.

Throughout the first year problems occurred regarding parking, vendors parking on the basketball court, and vendors using the neighbor's dumpsters. All of these issues have been resolved.

Ms. Ferrell explained the Community Garden began one year ago with a meeting at Fletcher High School. The garden has twenty-four plots and a waiting list for others wanting to garden a plot. There is also a children's garden, a toddler's garden and an educational plot. The Community Garden is open to the community from 12:30 p.m. to 5:00 p.m. every Saturday. They have guided tours with hands on tasting and smelling of foods and herbs. They also have Outreach Programs with classes in plant propagation,

organic fertilizations, pest control, seed saving, and composting. These classes average 20 students per class. This summer there will also be classes for canning, pickling, and pot making.

During the first year there was a problem with vandalism and a complaint regarding the appearance of the compost. Native Sun helped to raise over \$600.00 to help them with the damages from the vandalism and they have placed a screen around the compost pile so that it cannot be seen from the street. They also cleaned out the plants in the ditch to provide a better flow and were working on options to plant erosion control native plants in the ditch.

Mayor Pruette stated Ms. Ferrell was doing an excellent job and has made Neptune Beach very proud. She felt it was good that Ms. Ferrell worked in partnership to resolve issues regarding the Community Garden and the Green Market.

Vice Mayor Weldon also complimented Ms. Ferrell on a job well done.

Councilor Lee felt as long as the city and volunteers could continue to work together on any problems that may arise, the Community Garden and the Green Market would continue to be successful.

CITY MANAGER'S ACTION LIST

City Manager Jarboe reported on the following:

- The income level for Neptune Beach was too high for the city to qualify for stimulus money.
- Florida Highway Patrol was investigating an accident that occurred on Penman Road at Atlantic Boulevard over the weekend.
- Jacksonville Transportation Authority was working on a project on the south side of the Intracoastal on Atlantic Boulevard.
- The Public Service Department was working with the City of Atlantic Beach and engineers to complete the nitrogen study.

PUBLIC COMMENTS

- Marsha Coker, 206 Margaret Street, was concerned about disruptive noise on Margaret Street.

PROPOSED ORDINANCES

Vending Machines

ORDINANCE NO. 2009-XX. AMENDING CHAPTER 26. VENDING MACHINES: AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 26 VENDING MACHINES, SECTION 26-1 DEFINITION AND ADDING SECTION 26-7 OUTDOOR MACHINES AND PROVIDING AN EFFECTIVE DATE.

City Manager Jarboe explained this Ordinance defined vending machines as any unattended machine operated by coin, currency, credit card, slug, token, coupon or similar device, which dispenses food, beverages or other items of tangible personal property, except any such machine exempt from the payment of a local business tax receipt by state law.

Consensus: **HAVE THE CITY ATTORNEY AND THE CITY MANAGER GATHER MORE INFORMATION AND FORWARD TO THE JULY WORKSHOP MEETING.**

Uses / Zoning

ORDINANCE NO. 2009-XX, AMENDING CHAPTER 27-227 SPECIAL RESTRICTIONS AND CONDITIONS ON ALLOWABLE USES WITHIN ZONING DISTRICTS: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 27 UNIFIED LAND DEVELOPMENT REGULATIONS, ARTICLE IV, LAND USE, SECTION 27-227 SPECIAL RESTRICTIONS AND CONDITIONS ON ALLOWABLE USES WITHIN ZONING DISTRICTS AND PROVIDING AN EFFECTIVE DATE.

City Manager Jarboe explained this Ordinance would allow outdoor vending machines as outlined in Chapter 26, subsection 26-7. He suggested amending the ordinance to allow outdoor vending machines by special exception only.

Councilor Pardee felt there was no rush on the issue and more time should be allotted for public input. He would agree to discuss allowing vending machines by special exception.

Vice Mayor Weldon stated he would be reluctant to allow outdoor vending machines because he felt they would degrade the appearance of the community. He would agree to discuss allowing them by special exception.

Mayor Pruette felt Red Box Movie Rentals would be a convenience to the community. She felt vandalism would not be an issue because they did not accept cash. She would also agree to support allowing vending machines by special exception.

Councilor Lee felt allowing vending machines in general would be opening a Pandora's box. He would be open to discuss allowing them as a special exception.

City Attorney White advised, under the 1st Amendment, restrictions could not be imposed on vending machines containing any type of publications.

Consensus: **HAVE THE CITY ATTORNEY AND THE CITY MANAGER GATHER MORE INFORMATION AND FORWARD TO THE JULY WORKSHOP MEETING.**

CONTRACTS / AGREEMENTS / NONE**ISSUE DEVELOPMENT**

Margaret Street

MARGARET STREET NOISE: City Manager Jarboe stated the Public Safety Department has received eight noise complaints on Margaret Street since January 1st. He felt, due to the number of multifamily homes and tenants on the street, the issue would only worsen with the upcoming summer season. He suggested amending the Three Strike Ordinance to allow police officers the discretion to ticket the defendant on the first offense instead of giving a warning. He also suggested changing the Three Strike Ordinance to a Two Strike Ordinance in an effort to correct the problem sooner.

City Attorney White stated the City of Fernandina Beach was in the process of adopting a similar ordinance and once it was passed he would circulate a copy to the Council.

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

Crafternoon

CRAFTERNOON – USE OF JARBOE PARK FOR EVENT: City Manager Jarboe stated the Crafternoon event has taken place in Jarboe Park for the past three years without incident. Any money received from the event would be donated to charity.

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

DISCUSSION

Councilor Lee questioned the progress of the creation of a non-profit status for Jarboe Park improvements.

City Manager Jarboe replied Council has not approved the creation of a nonprofit status for Jarboe Park.

Mayor Pruette suggested reviewing the tape and minutes of the meeting to determine previous Council action and placing the issue on the July workshop meeting.

Consensus: **TO PLACE NON-PROFIT STATUS FOR JARBOE PARK ON THE JULY WORKSHOP AGENDA.**

Adjournment

There being no further business, the meeting adjourned at 6:56 pm.

Attest:

Harriet Pruette, Mayor

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
SPECIAL CITY COUNCIL MEETING
JUNE 1, 2009 AT 5:30 P.M
CITY HALL, 116 FIRST STREET
NEPTUNE BEACH, FLORIDA

Pursuant to proper notice a Special Meeting of the City Council of the City of Neptune Beach was held June 1, 2009 at 5:30 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

Mayor Harriet Pruette
Vice Mayor John Weldon
Councilor Fred Lee
Councilor Eric Pardee
City Attorney Chris White
City Manager James Jarboe
City Clerk Lisa Volpe, CMC

ABSENT:

Councilor Kara Tucker

Order Call

Mayor Pruette called the special meeting to order at 5:30 p.m. and explained the purpose of the Special Meeting was to announce a Shade Meeting.

Adjournment

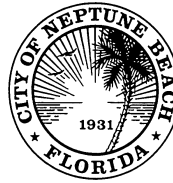
There being no further business, the meeting adjourned at 5:32 p.m. and the Shade Meeting was called to order.

Harriet Pruette, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved:



MINUTES
REGULAR CITY COUNCIL MEETING
JUNE 1, 2009 AT 6:20 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 June 1, 2009 at 6:20 p.m., in the City Hall Council Chambers, 116 First Street, Neptune Beach, Florida.

Attendance**IN ATTENDANCE:****STAFF:**

Mayor Harriet Pruette
Councilor Fred Lee
Councilor Eric Pardee
Councilor Kara Tucker
Vice Mayor John Weldon
City Attorney Christopher White
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

Community Development Director Amanda Askew
Senior Activities Center Director Leslie Lyne
Director of Finance Steve Ramsey
Director of Public Safety David Sembach
Director of Public Service Leon Smith

Order Call/Pledge

Mayor Pruette called the meeting to order at 6:20 p.m. and led the Pledge of Allegiance.

AWARDS / PRESENTATIONS / RECOGNITION OF GUESTS

Mayor Pruette presented a Proclamation to the Shriners proclaiming June 6, 2009, as "Shriners International Awareness Day."

APPROVAL OF MINUTES

Moved by Pardee, seconded by Tucker.

Minutes

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

MAY 4, 2009, REGULAR CITY COUNCIL MEETING
MAY 18, 2009, WORKSHOP CITY COUNCIL MEETING

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Tucker, Weldon, Pruette
Noes: 0

MOTION CARRIED

COMMUNICATIONS AND CORRESPONDENCE

Mayor Pruette stated she received a letter from the United States Post Office informing her they would be installing a drive-thru drop off mail box at the new Jacksonville Beach location.

Mayor Pruette felt Waste Pro was not using the proper equipment to help eliminate odors from the dumpsters located behind City Hall. She was also concerned Waste Pro was not taking precautions to prevent trash from falling out of the trucks.

City Manager Jarboe stated he spoke with a representative for Waste Pro and they admitted there were holes in some of their trucks. He explained the representative agreed to spray a deodorizer at the location behind city hall. He would also speak with the users of the dumpsters and ask them to keep the tops of the dumpsters closed.

CITY MANAGER REPORT

- The Duval County Beaches were recognized with an award for being one of the seven best beaches in the United States. Mayor Pruette was present at the event last Friday to speak on behalf of Neptune Beach.
- The Public Safety Department was looking into receiving a grant.

COMMENTS FROM THE PUBLIC

Barbara Jackson, Chairperson for the Ish Brant Beautification Committee, urged the Council to support the committee in applying for 501(c) 3 and non-profit status.

CONSENT AGENDA

SUN DOG DINER SIDEWALK LEASE AGREEMENT: City Manager Jarboe stated the Sun Dog Diner would like to install a retractable awning over the outdoor seating area. He felt this would enhance the appearance and provide more comfort for the outdoor diners. It would have to pass Florida Building Code requirements.

ISH BRANT BEAUTIFICATION COMMITTEE – 501(C)3 STATUS: The committee felt it would be beneficial, with Council approval, to pursue a non profit status and become a 501(c)3 in order to receive donations of money, plants, planting materials, etc.

Moved by Weldon, seconded by Tucker

Motion: **TO APPROVE THE ABOVE CONSENT AGENDA.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Tucker, Weldon, Pruette

Noes: 0

MOTION CARRIED

VARIANCES / NONE

ORDINANCES

Ord. No. 2009-04

ORDINANCE NO. 2009-04, AMENDING CHAPTER 27, ARTICLE XVIII, SECTION 27-706, NONCONFORMING DEVELOPMENT, SECOND READ AND PUBLIC HEARING: AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 27 UNIFIED LAND DEVELOPMENT REGULATIONS, ARTICLE XVIII NONCONFORMING LOTS, STRUCTURES, USES AND SIGNS, SECTION 27-706 NONCONFORMING DEVELOPMENT, AND PROVIDING AN EFFECTIVE DATE.

Mayor Pruette read Ordinance No. 2009-04 by title only and opened the public hearing.

There being no comments from the public, the public hearing was closed.

Moved by Lee, seconded by Tucker.

Motion: **TO ADOPT ORDINANCE NO. 2009-04 ON SECOND READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Tucker, Weldon, Pruette

Noes: 0

MOTION CARRIED

Ord. No. 2009-05

ORDINANCE NO. 2009-05, AMENDING CHAPTER 27, ARTICLE III, SECTION 27-147 REQUIRED FINDINGS, SECOND READ AND PUBLIC HEARING: AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 27 UNIFIED LAND DEVELOPMENT REGULATIONS, ARTICLE III ADMINISTRATIVE AND ENFORCEMENT PROCEDURES, SECTION 27-147 REQUIRED FINDINGS NEEDED TO ISSUE A VARIANCE AND PROVIDING AN EFFECTIVE DATE.

City Attorney Chris White suggested the word “any” that was previously stricken should remain in the ordinance.

Vice Mayor Weldon agreed the word “any” needed to be reinserted. He further suggested the language in paragraph read as follows: A hardship generally occurs when the physical characteristics of a property are such that it cannot be used for any purposes permitted by Codes. A hardship may be created by the surroundings, shape or topographical conditions particular to that specific property. However, the hardship cannot be created by, or be the result of, property owner’s own action, or be granted solely for the personal comfort, or convenience of the property owner or for relief from financial circumstances.

Mayor Pruette read Ordinance No. 2009-05 by title only and opened the public hearing.

Kerry Chin, Chairperson of the Planning & Development Board, questioned using the word “granting” verses “creating.”

City Attorney White stated the word “granted should be used.

There being no further comments from the public, the public hearing was closed.

Moved Weldon, by seconded by Lee.

Motion: **TO ADOPT ORDINANCE NO. 2009-05 ON SECOND READ AND PUBLIC HEARING WITH THE CHANGES SPECIFIED.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Tucker, Weldon, Pruette

Noes: 0

MOTION CARRIED

OLD BUSINESS / NONE

NEW BUSINESS

PDRB 09-07
912 Oceanfront
Haycook

PDRB 09-07 – REPLAT – 912 OCEANFRONT – HAYCOOK: The applicant is requesting a Replat of one beach front lot into two beach front lots. This would create one lot facing Azalea Place and a vacant lot facing Bay Street.

Vice Mayor Weldon stated he spoke with Mrs. Askew prior to the meeting and she assured

him the Replat would not cause the Bay Street access to be smaller than any other street end access.

Moved by Lee, seconded by Weldon.

Motion: **TO APPROVE PDRB 09-07 AS RECOMMENDED BY THE PLANNING AND DEVELOPMENT REVIEW BOARD**

Councilor Pardee questioned if the application addressed the responsibility of establishing utilities. City Manager Jarboe suggested stating the issue as part of the motion.

Moved by Lee, seconded by Weldon.

Amended Motion: **TO APPROVE PDRB 09-07 AS RECOMMENDED BY THE PLANNING AND DEVELOPMENT REVIEW BOARD AND CLARIFY THE EXTENSION OF THE UTILITIES WILL BE THE RESPONSIBILITY OF THE DEVELOPER / LAND OWNER.**

Mrs. Loretta Haycook, 912 Oceanfront, stated she has been informed that they, as the property owners, would be responsible for any cost related to extending the Bay Street to meet the ingress and egress.

Mayor Pruette asked Mrs. Haycook to work together to protect the street end.

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Tucker, Weldon, Pruette

Noes: 0

MOTION CARRIED

OPEN DISCUSSION

Mayor Pruette asked if anyone had any further comments.

Councilor Pardee suggested reviewing the section of the Code regarding sales in parking lots and vending machines.

Mayor Pruette recommended placing the issue of outdoor sales and vending machines on the June workshop agenda.

Adjournment

There being no further business, the meeting adjourned at 6:50 p.m.

Harriet Pruette, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved:



MINUTES
WORKSHOP CITY COUNCIL MEETING
MAY 18, 2009, 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 May 18, 2009 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 John Weldon
Councilor Fred Lee
Councilor Eric Pardee
Councilor Kara Tucker
City Attorney Christopher White
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

Director of Finance Steve Ramsey
Director of Public Safety David Sembach

Call to Order/Roll Call Mayor Pruette called the meeting to order at 6:00 p.m.

PRESENTATIONS

IBBC

ISH BRANT BEAUTIFICATION COMMITTEE / NON PROFIT STATUS: Barbara Jackson, Chairperson for the Ish Brant Beautification Committee, explained the purpose of the committee was to beautify Neptune Beach which they have done through many projects. They previously received small contributions from the city. However, they have not received any funding from the city in over a year. The committee felt it would be beneficial, with Council approval, to pursue a non profit status and become a 501(c)3 in order to receive donations of money, plants, planting materials, etc.

City Manager Jarboe explained there are a number of organizations that will not donate to government agencies but they will donate to a private 501(c)3.

Vice Mayor Weldon asked if Council would still be responsible for appointing members to the committee. Mrs. Jackson stated that would not change.

CONSENSUS: TO PLACE ON THE JUNE CONSENT AGENDA.

CITY MANAGER'S ACTION LIST

City Manager Jarboe reported on the following:

- He was communicating with Florida Department of Transportation regarding the cross walks.
- He was meeting with Atlantic Beach regarding the wastewater.
- Gateway Center has applied for a permit for a medical center.
- Penman Plaza has passed inspection for piling in their new expansion area.

- The former Taco Bell has a group proposing to operate a sports bar and grill.
- Building plans have not been submitted for the location of the old Neptune Mall.
- Regency Center has six weeks to approve the plans for the Publix.
- The Island Girl Cigar Bar will open for business Friday.
- Dancin' in the Streets had an extremely large crowd. There were no incidents reported.

PUBLIC COMMENTS

PROPOSED ORDINANCES/ NONE

CONTRACTS / AGREEMENTS / NONE

ISSUE DEVELOPMENT

Brant Blvd. MAINTENANCE OF BRANT BOULEVARD / SUMMER SANDS: Mayor Pruette stated this item has been settled between the City Manager and the Summer Sands Homeowners' Association.

Sun Dog Diner SUN DOG DINER / SIDEWALK LEASE AGREEMENT: City Manager Jarboe stated the Sun Dog Diner would like to install a retractable awning over the outdoor seating area. He felt this would enhance the appearance and provide more comfort for the outdoor diners. It would have to pass Florida Building Code requirements. He suggested placing this on the June consent agenda for approval.

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

Animal Ordinance Committee ANIMAL ORDINANCE COMMITTEE REPORT / PROPOSED AMENDMENTS TO THE CODE: Mayor Pruette stated she would like Council to ask the committee questions regarding their recommendations and have an open discussion with the committee members.

Vice Mayor Weldon supported the recommended changes as a concept. However, he asked Mrs. Shedden, Chairperson and Executive Director of the Jacksonville Humane Society, to respond to the following questions: 1) Why they recommended licensing of animals, 2) why they recommended Council appoint a board to oversee the animal ordinance, and 3) why they recommended extending the hours allowing dogs on the beach.

Mrs. Shedden stated the committee appreciated the opportunity to review the animal ordinance. She felt all the recommendations should be discussed and considered. She stated that each member of the committee had different expertise and ideas and spent a lot of time considering and implementing those ideas into the existing ordinance. She added the recommended changes were modeled after the Humane Society of the United States.

She felt licensing all pets would help to establish a database of dogs and cats living in the City and would help monitor incidents occurring within the City limits.

Vice Mayor Weldon questioned if there was another means in place for monitoring incidents. Mrs. Shedden felt the old monitoring system used by the Public Safety Department was inaccurate. She felt those that did not license their animals should be subject to a serious fine.

Vice Mayor Weldon questioned how the database would be monitored.

Mrs. Shedden explained if the city implemented a database it would record and document

occurring incidents. This would also allow the City to be aware of what animals are in the City, how they are being supported by their owner, and what problems, if any, they are creating.

Sandy Golding, member of the Animal Ordinance Committee, added animals that are spayed or neutered would pay a lesser fee for licensing. This would encourage owners to spay or neuter their pets. Also male dogs that are spayed or neutered have a tendency to be less aggressive. It would also help prevent procreation of aggressive dogs.

Mary Cleary, Veterinarian, asked City Attorney White if the city was liable for not being proactive by requiring animals within its boundaries to be vaccinated against rabies.

City Manager Jarboe responded it was a State requirement to have animals licensed for rabies. It was the owner's responsibility, not the city or county. The cities and county also enforce State law licensing for rabies therefore a city license is not necessary. Animal Control enforces this law if they approach an animal that does not have a tag. The owner is then given a ticket for not having the dog licensed.

Councilor Lee asked what would classify a dog as "dangerous" or "potentially dangerous" and how would the city deal with a dog that did not live within city limits.

Mrs. Shedden replied when an incident occurs with an animal inside city limits it is tried in Neptune Beach. Then the animal would be identified and the city could be proactive and give the owner an opportunity to correct the behavior and eliminate the danger to the community. She added the Humane Society did not identify specific breeds of animals as dangerous. The committee would also like the entire county to adopt the same ordinance in order to be consistent.

Bob Hammesfahr, Veteran Dog Trainer, felt there were no dangerous dogs, only irresponsible owners.

Mrs. Golding added Neptune Beach police officers are able to ticket speeders in the city that do not live in Neptune Beach, and they should also be able to handle a situation with an animal that does not live in the city limits.

City Manager Jarboe replied Animal Control has always and continues to issue tickets to people for dogs that do not live in the city.

Mrs. Shedden stated the ultimate goal is to prevent an animal from being classified as potentially dangerous before the fact. This would prevent the owner from the need to purchase liability insurance and also save animals from having to be euthanized.

Mary Cleary, member of the committee and veterinarian, stated education was the key factor. If an animal is euthanized the owner does not learn anything.

City Manager Jarboe stated the Public Safety Department now has the software available to set up a database system to track animal incidents.

Mrs. Shedden explained the City of Jacksonville is now allowing veterinarians to license animals. She felt it would be in the best interest of the beach cities to also allow Veterinarian's to license animals so there is no confusion.

City Manager Jarboe felt allowing veterinarians to license animals would solve the need for the city to hire additional staff. However, someone would need to create the program and enter the data. He added that animal control was technically the responsibility of the county.

Councilor Pardee supported veterinarian's handling the licensing. He did not think the City

should be involved in licensing. He asked City Attorney White to review the recommendations of the committee.

Mayor Pruette questioned the difference between a "dangerous dog" and "dangerous breed."

Mr. Hammesfahr replied there were no dangerous breeds of dogs. The difference was the education of the owner.

Mayor Pruette stated the Code requires owners to be in control of dogs at all times. She questioned how someone could be in control of an animal if the person was on a skateboard or bicycle. City Attorney White stated it would be difficult to determine whether or not someone was in control of an animal. For example, there could be a strong young man on a bicycle or skateboard and an elderly person holding onto a large dog on a leash which would make it difficult to determine which one had more control.

Mrs. Golding stated the committee recommended adding the following language: "such leash must be attached to a fixed object or specifically held by a person capable of controlling the animal."

Mayor Pruette suggested the Council review the proposal.

Councilor Tucker felt a lot of the issues could be resolved by working together with the county and sister beaches cities.

City Manager Jarboe stated a county wide approach would make it easier to enforce and asked if the Humane Society could help lobby the point.

Vice Mayor Weldon questioned why the committee recommended a board to oversee the ordinance.

Mrs. Golding replied the committee's thought was having a veterinarian, an animal trainer, and a lawyer on a board, the city would have a better legal opportunity to make decisions regarding whether a specific animal was potentially dangerous.

Mr. Hammesfahr felt the different backgrounds provided the experience to make a proper decision medially, legally, and behaviorally.

Mrs. Shedden added a Board would lend credibility to the animal control officer.

Vice Mayor Weldon suggested appointing a panel of advisors to the Animal Control Department.

Mayor Pruette questioned if the panel would have to adhere to the sunshine laws.

City Manager Jarboe stated if the panel made recommendations and was not a fact finding committee or board it would not be held to Sunshine Law.

Vice Mayor Weldon felt the prospective dangerous dog component was most valuable. He recommended Council and staff review the proposed amendments and forward it as an agenda item to incorporate into the Code.

Councilor Weldon questioned why the committee recommended extending the hours of allowing dogs on the beach.

Mrs. Shedden replied the hours should be consistent throughout the beaches to avoid confusion. The committee felt dogs should be allowed on the beach during all hours from October to May.

Mayor Pruette stated one problem was Neptune Beach did not the staff time to do anything other than what we were already doing.

Mrs. Golding stated it would not mean less staff time. If dogs were allowed on the beach during non peak times an officer would have to police the beach.

Mrs. Shedden suggested the consideration of a 90 day trial period.

Councilor Lee supported the licensing and registration of animals on the county level at the veterinarian's office.

Mr. Hammesfahr felt lack of enforcement should not be a reason to prohibit dogs on the beach.

Councilor Pardee felt the Council needed more input from the public regarding dogs being allowed on the beach. He felt licensing was unnecessary because it could not be enforced by the city.

Consensus: **HAVE STAFF TAKE A LOOK AT THE ORDINANCE AND COME UP WITH RECOMMENDATIONS TO INCORPORATE.**

City Manager Jarboe stated he would work with Leona Shedden on the proposed recommendations.

Mayor Pruette opened the floor for public comments.

David Baker, First Street, felt the fine for first offenses should be \$100.00, second offenses should be \$200.00, and third offenses \$500.00. He also felt a 12 foot leash should be required in lieu of a 16 foot leash. He felt there should be a law against pulling a dog on a skateboard or bicycle and dogs over a certain weight should be required to have training.

Lynda Padrta, 1113 First Street, agreed the County and the veterinarians should control licensing of pets. She would also like for people filling out applications for utilities to sign an affidavit stating they are aware of the animal ordinance. She felt the three cities should work together to avoid confusion. She did not support extending the hours to allow dogs on the beach.

JoAnne Waddill, 1816 Strand Street, felt the hours of allowing dogs on the beach should not be extended.

Alan Martin, 1113 First Street, hoped the city was abiding the state statutes regarding dangerous dogs and felt dog owners should be more responsible.

Pete Duffy, 123 Bowles Street, service dog owner, felt the countywide veterinarian licensing made sense. He suggested allowing dogs on the beach Monday through Friday when the beaches were not that crowded.

DISCUSSION

Councilor Lee asked if there was any way the city could allocate money to place doggie poop bag stations along First Street. City Manager Jarboe stated the bags only worked if people used them. Mayor Pruette asked staff to review the request.

Adjournment

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

Attest:

Harriet Pruetten, Mayor

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
REGULAR CITY COUNCIL MEETING
MAY 4, 2009 AT 6:00 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 May 4, 2009 at 6:00 p.m., in the City Hall Council Chambers, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

STAFF:

Mayor Harriet Pruette
Councilor Fred Lee
Councilor Eric Pardee
Councilor Kara Tucker
Vice Mayor John Weldon
City Attorney Christopher White
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

Community Development Director Amanda Askew
Director of Finance Steve Ramsey
Director of Public Safety David Sembach
Director of Public Service Leon Smith

Order Call/Pledge

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

AWARDS / PRESENTATIONS / RECOGNITION OF GUESTS

Mayor Pruette announced former Mayor Richard Brown's art work was being displayed on the art wall in the Council Chambers.

PRESENTATION OF CITY AUDIT / MASTERS, SMITH & WISBY: Gary Hugget, Representative for Masters, Smith & Wisby, presented the financial report for the year ending September 30, 2008. Mr. Hugget explained the assets of the Enterprise Fund decreased by \$488,000, the General Fund increased by \$133,099, and the Special Revenue Fund decreased \$25,886. There was also a small deficit in net assets. He felt the city needed to increase net assets in order to strengthen the financial health of the city.

Mayor Pruette stated unfortunately rates needed to be raised. She felt the city needed to implement a plan to collect payment for unpaid utility bills.

Councilor Lee asked Finance Director Ramsey how many years it would take to build up the funds. Mr. Ramsey replied he hoped to build the funds up by 2011.

Councilor Pardee felt new development of vacant commercial properties would help increase revenue.

Vice Mayor Weldon asked Mr. Hugget to give his general opinion of the overall condition of the city's finances. Mr. Hugget responded there was room for improvement. The city should strive to build up three months of operating expenses in the Reserve Fund.

Councilor Weldon asked Mr. Hugget for his opinion of the overall accounting procedures of the City. Mr. Hugget replied there were some small scratches and bruises that needed fixing, but an overall good job.

APPROVAL OF MINUTES

Moved by Lee, seconded by Tucker

Minutes

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

APRIL 6, 2009, REGULAR CITY COUNCIL MEETING
APRIL 20, 2009, SPECIAL CITY COUNCIL MEETING
APRIL 20, 2009, WORKSHOP CITY COUNCIL MEETING

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Tucker, Weldon, Pruette

Noes: 0

MOTION CARRIED

COMMUNICATIONS AND CORRESPONDENCE

CITY MANAGER REPORT

- Due to summer crowds the Public Services Department was using a lot of overtime to keep the beach clean during weekends.
- The Public Services Department received the street sweeper last week.
- A study of the nitrogen issue was being conducted to determine if it would be feasible to unite the waste water with the City of Atlantic Beach.
- FEMA money for reimbursement of clean up after Tropical Storm Fay still has not been received.
- The City of Jacksonville Beach presented a check for \$50,000 and the State of Florida contributed \$100,000 towards the King Road Bridge repairs.
- Many new commercial developments were in progress.

Mayor Pruette questioned the progress of the development order that was approved for the Mexican Restaurant at the old Taco Bell site. City Manager Jarboe replied they decided not to proceed with those plans. However, another party was interested in opening a sports bar on the site.

COMMENTS FROM THE PUBLIC

T. R. Seman, 242 Windswept Circle, Treasurer of the Summer Sands Homeowners Association, asked Council to place the irrigation of Brant Avenue on a workshop agenda. Mayor Pruette stated she would place the issue on the May workshop agenda.

Mr. John King, 111 Florida Boulevard, suggested filling in the drainage ditch between the shopping centers on Atlantic Boulevard to provide easier access to shopping.

CONSENT AGENDA

FORFEITURE FUND EXPENDITURES:

Moved by Weldon, seconded by Tucker

Motion: **TO APPROVE THE ABOVE CONSENT AGENDA.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Tucker, Weldon, Pruette

Noes: 0

MOTION CARRIED

VARIANCES / NONE

ORDINANCES

Ord. No. 2009-03 ORDINANCE NO. 2009-03, AMENDING SECTION 2-35 RULES OF DEBATE, SECOND READ AND PUBLIC HEARING: AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 1 ADMINISTRATION, ARTICLE II CITY COUNCIL, AMENDING SECTION 2-35 RULES OF DEBATE AND PROVIDING AN EFFECTIVE DATE.

Mayor Pruette read Ordinance No. 2009-03 by title only and opened the public hearing.

There being no comments from the public, the public hearing was closed.

Moved by Weldon, seconded by Tucker

Motion: **TO ADOPT ORDINANCE NO. 2009-03 ON SECOND READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Tucker, Weldon, Pruette

Noes: 0

MOTION CARRIED

Ord. No. 2009-04 ORDINANCE NO. 2009-04, AMENDING CHAPTER 27, ARTICLE XVIII, SECTION 27-706, NONCONFORMING DEVELOPMENT, FIRST READ AND PUBLIC HEARING: AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 27 UNIFIED LAND DEVELOPMENT REGULATIONS, ARTICLE XVIII NONCONFORMING LOTS, STRUCTURES, USES AND SIGNS, SECTION 27-706 NONCONFORMING DEVELOPMENT, AND PROVIDING AN EFFECTIVE DATE.

Mayor Pruette read Ordinance No. 2009-04 by title only and opened the public hearing.

There being no comments from the public, the public hearing was closed.

Moved by Weldon, seconded by Lee

Motion: **TO PASS ORDINANCE NO. 2009-04 ON FIRST READ AND PUBLIC HEARING**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Tucker, Weldon, Pruette

Noes: 0

MOTION CARRIED

Ord. No. 2009-05 ORDINANCE NO. 2009-05, AMENDING CHAPTER 27, ARTICLE III, SECTION 27-147 REQUIRED FINDINGS, FIRST READ AND PUBLIC HEARING: AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 27 UNIFIED LAND DEVELOPMENT REGULATIONS, ARTICLE III ADMINISTRATIVE AND ENFORCEMENT PROCEDURES, SECTION 27-147

REQUIRED FINDINGS NEEDED TO ISSUE A VARIANCE AND PROVIDING AN EFFECTIVE DATE.

Vice Mayor Weldon suggested amending the Ordinance to read as follows: However, the hardship cannot be ~~created or be~~ the result of a property owner's own action or granted solely for the personal comfort or convenience of the property owner or for relief from financial circumstances.

Mayor Pruette read Ordinance No. 2009-05 by title only and opened the public hearing.

There being no comments from the public, the public hearing was closed.

Moved by Weldon, seconded by Tucker

Motion: **TO PASS ORDINANCE NO. 2009-05 ON FIRST READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Tucker, Weldon, Pruette

Noes: 0

MOTION CARRIED

OLD BUSINESS / NONE

NEW BUSINESS

PDRB 09-03
400 Penman Rd.

PDRB 09-03 – SPECIAL EXCEPTION – CHRIST UNITED METHODIST CHURCH – 400 PENMAN ROAD: City Manager Jarboe explained the special exception was for a nonprofit private school. The Unified Land Development Regulations require a special exception for schools in residential zoning districts.

Vice Mayor Weldon was concerned about the condition of the old building. He asked if the building would be upgraded to meet current code standards for children. Ms. Miller replied the building would be upgraded.

Councilor Lee clarified the Church currently operated a pre-school and kindergarten the special exception would expand the school to operate through grade 12.

Councilor Pardee questioned if the surrounding neighbors were notified and if there was opposition during the public hearings. Community Development Director Askew replied all property owners within 300 feet were noticed and a sign was posted on the property.

Moved by Lee, seconded by Tucker

Motion: **TO APPROVE THE SPECIAL EXCEPTION FOR CHRIST UNITED METHODIST CHURCH – 400 PENMAN ROAD.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Tucker, Weldon, Pruette

Noes: 0

MOTION CARRIED

V09-05,
PDRB 09-04 &
PDRB 09-06

V09-05 NINE VARIANCES, PDRB 09-04 REPLAT, AND PDRB 09-06 DEVELOPMENT ORDER FOR REGENCY CENTER SEMINOLE SHOPPE – 630 ATLANTIC BOULEVARD:

Moved by Weldon, seconded by Lee

Motion: **TO APPROVE THE RECOMMENDATIONS OF THE PLANNING & DEVELOPMENT REVIEW BOARD FOR ALL NINE VARIANCES V09-05, THE REPLAT PDRB 09-04 AND THE DEVELOPMENT ORDER PDRB 09-06.**

Tom Fleming, Representative for Regency Centers, explained Regency Center, a company based in Jacksonville, is the managing partner for redevelopment of the site. He explained the first phase of the development would be Publix, the anchor tenant, and the connected retail. The second phase will be an anticipated bank at the current Blockbuster location. The remaining development would be driven by the market.

Once the project is approved by the Council they will immediately begin drawing the construction plans to obtain the building permit. This would take approximately four months. Once the building permit is obtained they will begin demolishing the existing building. By late summer or early fall the first phase of the project should begin. They expect to begin construction on the second phase of the development in the third or fourth quarter of 2010.

Vice Mayor Weldon was concerned about the traffic flow and asked Mr. Fleming if he would agree to support the construction of a drive through to the K-mart Shopping Center. Mr. Fleming responded that they could not make a commitment however; he felt it would make sense to pursue it in the future.

Vice Mayor Weldon also voiced concern regarding the intersection modifications. Mr. Fleming advised they were currently working with Florida Department of Transportation regarding the improvements of the intersections.

Councilor Lee was also concerned about traffic flow and asked Mr. Fleming to help in any way possible. Mr. Fleming stated he was aware of the traffic situation and they would do whatever they could to improve the situation.

Councilor Lee asked if the Neptune Mall signs would be removed. Mr. Fleming replied "yes" those signs would be removed.

Councilor Pardee asked if Publix had executed the lease agreement. Mr. Fleming replied the lease was contingent upon approval of the development order by the Council.

Councilor Pardee was concerned what would happen if the plans for the development did not go through. He felt if Council approved the site for a Publix it would also make the site available to any other anchor store.

Councilor Pardee asked if there would be two Publix stores for any time period. Mr. Fleming stated from his experience there is normally a transition using the existing staff and management and that may take a week or two.

Councilor Pardee asked if it was correct that the one parcel would be subdivided into three parcels. Mr. Fleming stated that was correct. Councilor Pardee asked how many total property owners there would be. Mr. Fleming stated there would be two different owners, maybe three.

Councilor Pardee asked who would be responsible for the drainage area behind the shopping center. Mr. Fleming stated the drainage area would be the responsibility of the master development under a separate agreement of the property owners.

Councilor Pardee asked Community Development Director Askew if the developer would be required to erect a fence or barrier behind the shopping center between the commercial and residential properties. Ms. Askew replied the Code required a solid wall or a ten foot landscape buffer. The southside of the retention pond currently has a buffer that is already

landscaped. The plans included adding more live oak trees and this would meet the intent of the Code.

Councilor Pardee asked if a barrier was necessary to decrease noise at the loading zone. Ms. Askew replied "no" a wall was not required. The Code required that the loading docks not be visible from the public right-of-way. If a noise issue arose it would be dealt with through Code Enforcement procedures.

Councilor Pardee stated the previous Winn Dixie development was required to bring the entire parking lot to Code in order to for a small addition. He asked if Regency Center was receiving credits for existing parking spaces or landscaping requirements. Community Development Director Askew explained because the development was starting from ground zero they were not receiving credits for parking spaces or landscaping. The development met the requirement of a landscape island for every 10 parking spaces.

Councilor Pardee asked if the neighbors had been notified. Community Developer Askew replied all property owners within three hundred feet were sent a letter regarding the variances. A sign was posted on the property. The notice was also on the website, in the Beaches Leader community newspaper, and posted in the City Hall building.

Councilor Pardee noted only one property owner was present at the PDRB.

For the Record Mayor Pruetto stated for the record she received an opinion letter from City Attorney and quoted the following portion of the letter: "As you are no longer employed by Publix Supermarkets there is no real conflict or an appearance of conflict of interest to you that would exempt you from voting on the proposed Regency Center Seminole Shoppe."

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Tucker, Weldon, Pruetto

Noes: 0

MOTION CARRIED

Mayor Pruetto encouraged Regency Center to begin construction as soon as possible.

OPEN DISCUSSION

Mayor Pruetto asked if anyone had anything to add.

Adjournment There being no further business, the meeting adjourned at 7:15 p.m.

Harriet Pruetto, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
WORKSHOP CITY COUNCIL MEETING
MAY 18, 2009, 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 May 18, 2009 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 John Weldon
Councilor Fred Lee
Councilor Eric Pardee
Councilor Kara Tucker
City Attorney Christopher White
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

Director of Finance Steve Ramsey
Director of Public Safety David Sembach

Call to Order/Roll Call Mayor Pruette called the meeting to order at 6:00 p.m.

PRESENTATIONS

IBBC

ISH BRANT BEAUTIFICATION COMMITTEE / NON PROFIT STATUS: Barbara Jackson, Chairperson for the Ish Brant Beautification Committee, explained the purpose of the committee was to beautify Neptune Beach which they have done through many projects. They previously received small contributions from the city. However, they have not received any funding from the city in over a year. The committee felt it would be beneficial, with Council approval, to pursue a non profit status and become a 501(c)3 in order to receive donations of money, plants, planting materials, etc.

City Manager Jarboe explained there are a number of organizations that will not donate to government agencies but they will donate to a private 501(c)3.

Vice Mayor Weldon asked if Council would still be responsible for appointing members to the committee. Mrs. Jackson stated that would not change.

CONSENSUS: TO PLACE ON THE JUNE CONSENT AGENDA.

CITY MANAGER'S ACTION LIST

City Manager Jarboe reported on the following:

- He was communicating with Florida Department of Transportation regarding the cross walks.
- He was meeting with Atlantic Beach regarding the wastewater.
- Gateway Center has applied for a permit for a medical center.
- Penman Plaza has passed inspection for piling in their new expansion area.

- The former Taco Bell has a group proposing to operate a sports bar and grill.
- Building plans have not been submitted for the location of the old Neptune Mall.
- Regency Center has six weeks to approve the plans for the Publix.
- The Island Girl Cigar Bar will open for business Friday.
- Dancin' in the Streets had an extremely large crowd. There were no incidents reported.

PUBLIC COMMENTS

PROPOSED ORDINANCES/ NONE

CONTRACTS / AGREEMENTS / NONE

ISSUE DEVELOPMENT

Brant Blvd. MAINTENANCE OF BRANT BOULEVARD / SUMMER SANDS: Mayor Pruette stated this item has been settled between the City Manager and the Summer Sands Homeowners' Association.

Sun Dog Diner SUN DOG DINER / SIDEWALK LEASE AGREEMENT: City Manager Jarboe stated the Sun Dog Diner would like to install a retractable awning over the outdoor seating area. He felt this would enhance the appearance and provide more comfort for the outdoor diners. It would have to pass Florida Building Code requirements. He suggested placing this on the June consent agenda for approval.

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

Animal Ordinance Committee ANIMAL ORDINANCE COMMITTEE REPORT / PROPOSED AMENDMENTS TO THE CODE: Mayor Pruette stated she would like Council to ask the committee questions regarding their recommendations and have an open discussion with the committee members.

Vice Mayor Weldon supported the recommended changes as a concept. However, he asked Mrs. Shedden, Chairperson and Executive Director of the Jacksonville Humane Society, to respond to the following questions: 1) Why they recommended licensing of animals, 2) why they recommended Council appoint a board to oversee the animal ordinance, and 3) why they recommended extending the hours allowing dogs on the beach.

Mrs. Shedden stated the committee appreciated the opportunity to review the animal ordinance. She felt all the recommendations should be discussed and considered. She stated that each member of the committee had different expertise and ideas and spent a lot of time considering and implementing those ideas into the existing ordinance. She added the recommended changes were modeled after the Humane Society of the United States.

She felt licensing all pets would help to establish a database of dogs and cats living in the City and would help monitor incidents occurring within the City limits.

Vice Mayor Weldon questioned if there was another means in place for monitoring incidents. Mrs. Shedden felt the old monitoring system used by the Public Safety Department was inaccurate. She felt those that did not license their animals should be subject to a serious fine.

Vice Mayor Weldon questioned how the database would be monitored.

Mrs. Shedden explained if the city implemented a database it would record and document

occurring incidents. This would also allow the City to be aware of what animals are in the City, how they are being supported by their owner, and what problems, if any, they are creating.

Sandy Golding, member of the Animal Ordinance Committee, added animals that are spayed or neutered would pay a lesser fee for licensing. This would encourage owners to spay or neuter their pets. Also male dogs that are spayed or neutered have a tendency to be less aggressive. It would also help prevent procreation of aggressive dogs.

Mary Cleary, Veterinarian, asked City Attorney White if the city was liable for not being proactive by requiring animals within its boundaries to be vaccinated against rabies.

City Manager Jarboe responded it was a State requirement to have animals licensed for rabies. It was the owner's responsibility, not the city or county. The cities and county also enforce State law licensing for rabies therefore a city license is not necessary. Animal Control enforces this law if they approach an animal that does not have a tag. The owner is then given a ticket for not having the dog licensed.

Councilor Lee asked what would classify a dog as "dangerous" or "potentially dangerous" and how would the city deal with a dog that did not live within city limits.

Mrs. Shedden replied when an incident occurs with an animal inside city limits it is tried in Neptune Beach. Then the animal would be identified and the city could be proactive and give the owner an opportunity to correct the behavior and eliminate the danger to the community. She added the Humane Society did not identify specific breeds of animals as dangerous. The committee would also like the entire county to adopt the same ordinance in order to be consistent.

Bob Hammesfahr, Veteran Dog Trainer, felt there were no dangerous dogs, only irresponsible owners.

Mrs. Golding added Neptune Beach police officers are able to ticket speeders in the city that do not live in Neptune Beach, and they should also be able to handle a situation with an animal that does not live in the city limits.

City Manager Jarboe replied Animal Control has always and continues to issue tickets to people for dogs that do not live in the city.

Mrs. Shedden stated the ultimate goal is to prevent an animal from being classified as potentially dangerous before the fact. This would prevent the owner from the need to purchase liability insurance and also save animals from having to be euthanized.

Mary Cleary, member of the committee and veterinarian, stated education was the key factor. If an animal is euthanized the owner does not learn anything.

City Manager Jarboe stated the Public Safety Department now has the software available to set up a database system to track animal incidents.

Mrs. Shedden explained the City of Jacksonville is now allowing veterinarians to license animals. She felt it would be in the best interest of the beach cities to also allow Veterinarian's to license animals so there is no confusion.

City Manager Jarboe felt allowing veterinarians to license animals would solve the need for the city to hire additional staff. However, someone would need to create the program and enter the data. He added that animal control was technically the responsibility of the county.

Councilor Pardee supported veterinarian's handling the licensing. He did not think the City

should be involved in licensing. He asked City Attorney White to review the recommendations of the committee.

Mayor Pruette questioned the difference between a "dangerous dog" and "dangerous breed."

Mr. Hammesfahr replied there were no dangerous breeds of dogs. The difference was the education of the owner.

Mayor Pruette stated the Code requires owners to be in control of dogs at all times. She questioned how someone could be in control of an animal if the person was on a skateboard or bicycle. City Attorney White stated it would be difficult to determine whether or not someone was in control of an animal. For example, there could be a strong young man on a bicycle or skateboard and an elderly person holding onto a large dog on a leash which would make it difficult to determine which one had more control.

Mrs. Golding stated the committee recommended adding the following language: "such leash must be attached to a fixed object or specifically held by a person capable of controlling the animal."

Mayor Pruette suggested the Council review the proposal.

Councilor Tucker felt a lot of the issues could be resolved by working together with the county and sister beaches cities.

City Manager Jarboe stated a county wide approach would make it easier to enforce and asked if the Humane Society could help lobby the point.

Vice Mayor Weldon questioned why the committee recommended a board to oversee the ordinance.

Mrs. Golding replied the committee's thought was having a veterinarian, an animal trainer, and a lawyer on a board, the city would have a better legal opportunity to make decisions regarding whether a specific animal was potentially dangerous.

Mr. Hammesfahr felt the different backgrounds provided the experience to make a proper decision medially, legally, and behaviorally.

Mrs. Shedden added a Board would lend credibility to the animal control officer.

Vice Mayor Weldon suggested appointing a panel of advisors to the Animal Control Department.

Mayor Pruette questioned if the panel would have to adhere to the sunshine laws.

City Manager Jarboe stated if the panel made recommendations and was not a fact finding committee or board it would not be held to Sunshine Law.

Vice Mayor Weldon felt the prospective dangerous dog component was most valuable. He recommended Council and staff review the proposed amendments and forward it as an agenda item to incorporate into the Code.

Councilor Weldon questioned why the committee recommended extending the hours of allowing dogs on the beach.

Mrs. Shedden replied the hours should be consistent throughout the beaches to avoid confusion. The committee felt dogs should be allowed on the beach during all hours from October to May.

Mayor Pruette stated one problem was Neptune Beach did not the staff time to do anything other than what we were already doing.

Mrs. Golding stated it would not mean less staff time. If dogs were allowed on the beach during non peak times an officer would have to police the beach.

Mrs. Shedden suggested the consideration of a 90 day trial period.

Councilor Lee supported the licensing and registration of animals on the county level at the veterinarian's office.

Mr. Hammesfahr felt lack of enforcement should not be a reason to prohibit dogs on the beach.

Councilor Pardee felt the Council needed more input from the public regarding dogs being allowed on the beach. He felt licensing was unnecessary because it could not be enforced by the city.

Consensus: **HAVE STAFF TAKE A LOOK AT THE ORDINANCE AND COME UP WITH RECOMMENDATIONS TO INCORPORATE.**

City Manager Jarboe stated he would work with Leona Shedden on the proposed recommendations.

Mayor Pruette opened the floor for public comments.

David Baker, First Street, felt the fine for first offenses should be \$100.00, second offenses should be \$200.00, and third offenses \$500.00. He also felt a 12 foot leash should be required in lieu of a 16 foot leash. He felt there should be a law against pulling a dog on a skateboard or bicycle and dogs over a certain weight should be required to have training.

Lynda Padrta, 1113 First Street, agreed the County and the veterinarians should control licensing of pets. She would also like for people filling out applications for utilities to sign an affidavit stating they are aware of the animal ordinance. She felt the three cities should work together to avoid confusion. She did not support extending the hours to allow dogs on the beach.

JoAnne Waddill, 1816 Strand Street, felt the hours of allowing dogs on the beach should not be extended.

Alan Martin, 1113 First Street, hoped the city was abiding the state statutes regarding dangerous dogs and felt dog owners should be more responsible.

Pete Duffy, 123 Bowles Street, service dog owner, felt the countywide veterinarian licensing made sense. He suggested allowing dogs on the beach Monday through Friday when the beaches were not that crowded.

DISCUSSION

Councilor Lee asked if there was any way the city could allocate money to place doggie poop bag stations along First Street. City Manager Jarboe stated the bags only worked if people used them. Mayor Pruette asked staff to review the request.

Adjournment

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

Attest:

Harriet Pruette, Mayor

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
REGULAR CITY COUNCIL MEETING
APRIL 6, 2009 AT 6:00 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 April 6, 2009 at 6:00 p.m., in the City Hall Council Chambers, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

STAFF:

Mayor Harriet Pruette
Councilor Fred Lee
Councilor Eric Pardee
Councilor Kara Tucker
City Attorney Christopher White
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

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

ABSENT:

Vice Mayor John Weldon

Order Call/Pledge

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

AWARDS / PRESENTATIONS / RECOGNITION OF GUESTS / NONE

APPROVAL OF MINUTES

Moved by Pardee, seconded by Tucker.

Minutes

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

FEBRUARY 23, 2009, WORKSHOP CITY COUNCIL MEETING
MARCH 2, 2009, REGULAR CITY COUNCIL MEETING
MARCH 16, 2009, WORKSHOP CITY COUNCIL MEETING

Roll Call Vote:

Ayes: 4 – Lee, Pardee, Tucker, Pruette
Noes: 0

MOTION CARRIED

COMMUNICATIONS AND CORRESPONDENCE

Mayor Pruette reminded everyone of the Easter Egg Hunt on Friday, April 10th, in Jarboe Park. She passed out a resolution for the April Workshop agenda asking the Tax

Collector's Office to remain at the Beaches.

Councilor Tucker thanked the Mayor for getting the resolution together so fast.

Councilor Pardee stated JTA will be funding the deficit of the trolley. Councilor Lee stated he will forward the internet link containing a trolley update. The trolley fee will be fifty cents per person. Councilor Tucker asked if there would be season passes. Councilor Lee stated he would look into that.

Councilor Lee informed everyone the school board had begun stenciling in the school zone in front of Neptune Beach Elementary.

CITY MANAGER REPORT

- DOT will start the road work on Third Street later this year. The streetlights will be moved to the side of the road and Jacksonville Beach will be maintaining them.
- The Kings Road Bridge will be sprayed with the epoxy sealant on Wednesday or Thursday and the city will have a ribbon cutting ceremony to open the bridge.
- The city received the \$100,000 from DOT and is waiting for the \$50,000 from Jacksonville Beach for the Kings Road Bridge.
- The Island Girl Cigar Bar is going in next to Mezza Luna. It will be following the State Code.
- Lakeshore/Regency Centers is on the next Planning and Development Review Board. They will be tearing down the old building and rebuilding.
- Gateway has construction on the third floor of the building. Doctors will be leasing the building.
- The FEMA money has not been received yet.
- Still working on the DOT crosswalks.

COMMENTS FROM THE PUBLIC / NONE

CONSENT AGENDA

IDENTITY THEFT DETECTION AND PREVENTION PROGRAM

Moved by Lee seconded by Tucker.

Motion: **TO APPROVE THE ABOVE CONSENT AGENDA.**

Roll Call Vote:

Ayes: 4 – Lee, Pardee, Tucker, Pruette

Noes: 0

City Manager Jarboe clarified this was a program to train city staff, not the public, in stopping identity theft.

MOTION CARRIED

VARIANCES / NONE

ORDINANCES

Ord. No. 2009-01

ORDINANCE NO. 2009-01, AMENDING CHAPTER 27, ARTICLE 1 ADMINISTRATIVE AND ENFORCEMENT BODIES, SECOND READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 27 UNIFIED LAND DEVELOPMENT REGULATIONS, ARTICLE II ADMINISTRATIVE AND ENFORCEMENT BODIES, DIVISION 2 PLANNING AND DEVELOPMENT REVIEW BOARD, SECTION 27-41 VOTING AND QUORUM AND DIVISION 3 BOARD OF APPEALS, SECTION 27-50 VOTING AND QUORUM AND PROVIDING AN EFFECTIVE

DATE.

Mayor Pruette opened the public hearing. There being no comments from the public, the public hearing was closed.

Moved by Tucker seconded by Pardee.

Motion: **TO ADOPT ORDINANCE NO. 2009-01 ON SECOND READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 4 – Lee, Pardee, Tucker, Pruette

Noes: 0

MOTION CARRIED

Ord. No. 2009-03 **ORDINANCE NO. 2009-03, AMENDING SECTION 2-35 RULES OF DEBATE, FIRST READ: AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 1 ADMINISTRATION, ARTICLE II CITY COUNCIL, AMENDING SECTION 2-35 RULES OF DEBATE AND PROVIDING AN EFFECTIVE DATE.**

Mayor Pruette stated she did not want Roberts rules of Order to stymie discussion at that council meeting, but only to be used as a tool for clarification.

Moved by Tucker, seconded by Lee.

Motion: **TO PASS ORDINANCE NO. 2009-03 ON FIRST READ.**

Roll Call Vote:

Ayes: 4 – Lee, Pardee, Tucker, Pruette

Noes: 0

MOTION CARRIED

OLD BUSINESS / NONE

NEW BUSINESS

Res. No. 2009-05 **RESOLUTION NO. 2009-05: A RESOLUTION APPOINTING MEMBERS TO THE BOARD OF APPEALS, CODE ENFORCEMENT BOARD, AND POLICE OFFICERS RETIREMENT BOARD.**

Moved by Lee, seconded by Tucker.

Motion: **TO APPROVE RESOLUTION NO. 2009-05.**

Roll Call Vote:

Ayes: 4 – Lee, Pardee, Tucker, Pruette

Noes: 0

MOTION CARRIED

OPEN DISCUSSION

Mayor Pruette asked if anyone had anything to add.

Councilor Pardee stated he has been working with Leslie Lyne Director of the Senior Center to find ways to raise money.

Councilor Tucker questioned when the ribbon cutting of the Kings Road Bridge would be. Mr. Jarboe stated probably Friday or Monday.

Mary Ann Padrta, 1030 second Street, did not understand the need for Ordinance 2009-03.

Adjournment

There being no further business, the meeting adjourned at 6:25 p.m.

ATTEST:

Harriet Pruetten, Mayor

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
SPECIAL CITY COUNCIL MEETING
APRIL 20, 2009 AT 6:00 P.M.
CITY HALL, 116 FIRST STREET
NEPTUNE BEACH, FLORIDA

Pursuant to proper notice a Special Meeting of the City Council of the City of Neptune Beach was held April 20, 2009 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 John Weldon
Councilor Fred Lee
Councilor Eric Pardee
Councilor Kara Tucker
City Attorney Chris White
City Manager James Jarboe
Deputy City Clerk Karla Strait, CMC

Community Development Director Amanda Askew
Senior Center Director Leslie Lyne
Director of Finance Steve Ramsey
Director of Public Safety David Sembach
Director of Public Services Leon Smith

Order Call

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

Res. No. 2009-06

RESOLUTION NO. 2009-06: A RESOLUTION OF THE CITY OF NEPTUNE BEACH, FLORIDA REQUESTING THE CITY OF JACKSONVILLE TO CONTINUE TO PROVIDE A TAX COLLECTOR OFFICE AT THE BEACHES.

Moved by Weldon, seconded by Lee.

Motion: **TO ADOPT RESOLUTION NO. 2009-06.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Tucker, Weldon, Pruette
Noes: 0

MOTION CARRIED

Town Center Art Sculpture

TOWN CENTER ART SCULPTURE: Mayor Pruette stated the Council had a workshop meeting and a joint meeting was also held with the Atlantic Beach Commission to discuss the art sculpture "Pathfinder". The Council also received many e-mails from citizens regarding their opinion on the placement of the art sculpture in the Town Center roundabout.

Councilor Weldon asked Michael Dunlap to approach the podium and give an update on the agreements with Atlantic Beach regarding the maintenance of the sculpture and the escrow fund to cover the costs.

Michael Dunlap explained Atlantic Beach approved placement of the "Pathfinder" in the roundabout with the condition that an escrow account be set up to cover the cost of maintenance for 20 years past the date of completion. However, an amount was not specified. Mr. Dunlap felt the amount needed to be determined by the Town Center Agency Board and both cities.

Vice Mayor Weldon clarified that tax payer money would not be used to cover the cost of the sculpture or the maintenance of the sculpture for the first 20 years. Michael Dunlap replied the project would be privately funded with no cost to the city.

Mr. Dunlap summarized the Town Center Agencies response to the Council's previous concerns. The base was lowered to 12 inches, the coating would be good for 10 to 15 years and the expense for recoating would be included in the escrow account. The bearings were upgraded to steel for minimal maintenance. He felt there was no opposition from the art community. It was recommended for approval by the Planning & Development Review Board. It was also approved by the City of Atlantic Beach. He encouraged the Council to support the "Pathfinder".

Vice Mayor Weldon stated the main concern from the citizens was that the sculpture would block the view of the ocean from Atlantic Boulevard. Mr. Dunlap responded that one of the conditions of the competition for the art project was that the selected art object would not block the view of the ocean. He believed that it was difficult to imagine that the "Pathfinder" would block the view of the ocean from the intersection.

Vice Mayor Weldon stated other complaints were that the sculpture was inappropriate for a beach community. He asked the artist, Jay Shoots, to give his opinion on the subject.

Jay Shoots, Artist and Designer of Pathfinder, explained he designed the Pathfinder to work in harmony with the beaches weather conditions. It did not represent anything specific. He felt it was up to the individual viewing the art to determine its meaning.

Mayor Pruette and each Council Member disclosed they spoke with one or all of the following prior to the meeting: Michael Dunlap, Kelly Elmore, and Jay Shoots.

Councilor Lee questioned, because the art sculpture would be placed on public property, if it would automatically become city property and if so who would be responsible for the liability insurance. City Attorney White stated if the art sculpture was on public property the city would be responsible for the liability insurance. City Manager Jarboe replied the liability would be covered under the umbrella of the city insurance policy or the Council could ask the Town Center Agency to escrow for the insurance if the project was approved.

Moved by Weldon, seconded Lee.

Motion: **TO APPROVE THE PATHFINDER SCULPTURE FOR THE TOWN CENTER ROUNDABOUT.**

Vice Mayor Weldon felt the roundabout was originally designed and intended for public art. He did not want to dismiss the idea of art being placed there in the future. He felt this was a great opportunity for the city to become part of a larger movement of public art throughout the world. He encouraged Council to support his motion.

Councilor Pardee referred to an accident report that happened when a vehicle ran through the roundabout and crashed. He also stated Section 27-576 of the Code was recently created for proposed art projects in commercial districts. He felt the city should follow the Code for this art project request. He added that the city has not received an application, plans or engineering for the project.

Mayor Pruetto opened the floor for comments from public.

Kelly Elmore, 1650 Beach Avenue, Atlantic Beach, past Chairman for Town Center Agency, supported the Pathfinder and asked Council for their approval. He felt that over time the "Pathfinder" would become an iconic element.

Laura Patronik, 1520 Leeward Lane, opposed the Pathfinder. She felt it would be better placed in a different location.

Mary Ann Padrta, 1030 Second Street, also opposed the Pathfinder being placed in the roundabout. She also felt it would be a liability to the city.

Joe Quest, 960 Hagler Drive, opposed the Pathfinder. He also felt the roundabout was not the best location for the sculpture.

Steve Kuti, 1132 Linkside Drive, Atlantic Beach, opposed the Pathfinder. He felt it would be a huge maintenance responsibility.

There being no further comments from the public, the public hearing was closed.

Roll Call Vote:

Ayes: 1 – Weldon

Noes: 4 – Lee, Pardee, Tucker, Pruetto

MOTION FAILED

Adjournment

There being no further business, the meeting adjourned at 6:34 p.m.

Harriet Pruetto, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
WORKSHOP CITY COUNCIL MEETING
APRIL 20, 2009, AT 6:35 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 20, 2009 at 6:35 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

STAFF:

Mayor Harriet Pruette
Vice Mayor John Weldon
Councilor Fred Lee
Councilor Eric Pardee
Councilor Kara Tucker
City Attorney Christopher White
City Manager Jim Jarboe
Deputy City Clerk Karla Strait, CMC

Community Development Director Amanda Askew
Senior Center Director Leslie Lyne
Director of Finance Steve Ramsey
Director of Public Safety David Sembach
Director of Public Services Leon Smith

Call to Order/Roll Call Mayor Pruette called the meeting to order at 6:35 p.m.

PRESENTATIONS

Donald Padgett, Trustee, Police Officers Pension Fund Board, gave a presentation relating to investments, management and funding of the Police Officers Pension Fund. He explained the funds were down 12.3 % as of September 30, 2008. It appeared through March 31, 2009 that the fund will decrease another 10.3 % in investments. The actuarial assumption in projection for next year is to increase the funding for the city to 20.4 %, last year the funding for the city was 17.4%, which is roughly \$30,000. It looks like it will cost the city approximately \$30,000 to \$35,000 for the next budget year. He invited Council to attend the next Board meeting on May 21, 2009 where the investment manager and monitoring agent will be present to answer any questions.

Councilor Lee questioned what percentage the amount would be of the general fund. Director of Finance Ramsey replied it would amount to a little less than 1% of the general fund.

Vice Mayor Weldon stated for the benefit of the Council for the next fiscal year the city would have to contribute \$35,000 toward the pension fund. But the next year after that, if the markets did not improve, it could be a substantial amount.

City Manager Jarboe stated the city was required by state law to make the pension fund whole. The only caveat was it did not have to be all in one year. He felt the board had good financial advisors.

CITY MANAGER'S ACTION LIST

City Manager Jarboe reported on the following:

- The new street sweeper should arrive tomorrow after 3:00 p.m. Staff will be training this week with factory representatives.
- The opening and ribbon cutting ceremony for the Kings Road Bridge occurred last Friday.
- An accident occurred over the weekend in the Town Center roundabout.
- Last week when the storm came through several trees were knocked down throughout the city.
- The FEMA fund check should be in the mail. He and Mayor Pruette met with Congressman Ander Crenshaw last week and spoke with him regarding why it was taking so long to receive the check.

Councilor Pardee suggested future art projects follow the Code.

PUBLIC COMMENTS

Michael Dunlap, 225 Oak Street, supported the non-conforming development ordinance, however, he felt the word "hardship" should be stricken from the findings.

Lynda Padrta, 1113 First Street, supported both proposed ordinances.

PROPOSED ORDINANCES

Non-conforming
Development

ORDINANCE NO. 2009-XX: AN ORDINANCE AMENDING SECTION 27-706, NON-CONFORMING DEVELOPMENT.

Community Development Director Askew explained this ordinance would allow the Building Department to issue building permits on non-conforming properties, as long as what they are proposing to do meet all the setbacks.

Vice Mayor Weldon asked Ms. Askew to consider other ideas to upgrade and improve existing homes without encouraging rebuilding on the small parcels east of Third Street.

Consensus: **FORWARD TO FIRST READ AND PUBLIC HEARING IN MAY.**

Required Findings

ORDINANCE NO. 2009-XX: AN ORDINANCE AMENDING SECTION 27-147, REQUIRED FINDINGS NEEDED TO ISSUE A VARIANCE.

Community Development Director Askew stated there was a correction in the proposed ordinance and should be corrected as follows: "#1) A hardship generally occurs when the physical characteristics of a property are such that it cannot be used for any purpose permitted by codes. A hardship may be created by the surroundings, shape or topographical conditions particular to that specific property. However, the hardship cannot be created by or be the result of any property owners own action."

Vice Mayor Weldon asked Community Development Askew if a small piece of property would be considered a "hardship." Mrs. Askew replied the Code allows, for non-conforming lots, to build a structure however, that structure still had to meet all setbacks. Vice Mayor Weldon was concerned about the wording. He asked Mrs. Askew to think about the concept that if someone has a parcel that is too small to build a little house without exceeding the setbacks, would that be considered a hardship.

Mayor Pruette asked Mrs. Askew to obtain a copy of the finding of facts from Atlantic Beach. Mrs. Askew stated she would obtain copies of the finding of facts from both Atlantic Beach and Jacksonville Beach for the Council to review.

Christine Chin, Chairperson, Board of Appeals, stated the entire Board of Appeals supported both proposed ordinances. She did not agree with Mr. Dunlap's suggestion to remove the word "hardship" from the finding of facts.

Consensus: **FORWARD TO FIRST READ AND PUBLIC HEARING IN MAY.**

Mayor Pruette stated she removed the "Water Conservation Ordinance" from the agenda. She wanted to carefully review the proposed ordinance and consider it at a later date.

CONTRACTS / AGREEMENTS / NONE

ISSUE DEVELOPMENT

Forfeiture Fund

FORFEITURE FUND EXPEDITURES: Chief Sembach explained the forfeiture fund could only be used for non-budgeted items. There was currently approximately \$60,000 in the fund. It will be mandated next budget year by the State to reprogram every portable and car radio. The request was to use the fund to purchase the following:

• Asset Forfeiture Training Conference	\$1,123.00
• Motorcycle Helmet & Wireless Microphones	1,002.97
• Carry-All bags for SWAT Team Members	319.92
• Magazines for the AR-15 Rifle	<u>359.00</u>
	\$ 2804.89

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

DISCUSSION

Councilor Tucker stated Fletcher High School's Girl's Softball team and the Fletcher High Football team were undefeated this season. Mayor Pruette asked Councilor Tucker to provide information for a proclamation to the City Clerk's Office.

Adjournment

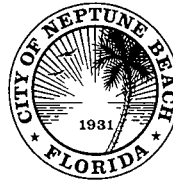
There being no further business, the meeting adjourned at 7:19 pm.

Harriett Pruette, Mayor

Attest:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
REGULAR CITY COUNCIL MEETING
MARCH 2, 2009 AT 6:00 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 March 2, 2009 at 6:00 p.m., in the City Hall Council Chambers, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

STAFF:

Mayor Harriet Pruette
Vice Mayor John Weldon
Councilor Fred Lee
Councilor Eric Pardee
City Attorney Christopher White
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

Community Development Director Amanda Askew
Senior Activities Center Director Leslie Lyne
Director of Finance Steve Ramsey
Director of Public Safety David Sembach
Director of Public Service Leon Smith
Deputy City Clerk, Karla Strait, CMC

ABSENT:

Councilor Kara Tucker

Order Call/Pledge

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

AWARDS / PRESENTATIONS / RECOGNITION OF GUESTS

Mayor Pruette presented "Employee of the Year" Runner Up Awards to Crew Chief Otis Green, and Deputy City Clerk Karla Strait.

Mayor Pruette then presented the "Employee of the Year" Award to Accounts Payable Clerk Cheryl Rhoden.

APPROVAL OF MINUTES

Moved by Weldon, seconded by Pardee.

Minutes

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

JANUARY 26, 2009, WORKSHOP CITY COUNCIL MEETING
FEBRUARY 3, 2009, REGULAR CITY COUNCIL MEETING

Roll Call Vote:

Ayes: 4 – Lee, Pardee, Weldon, Pruette
Noes: 0

MOTION CARRIED

COMMUNICATIONS AND CORRESPONDENCE

Councilor Lee advised he met with the School Advisory Committee for Neptune Beach Elementary School regarding the school zone. They indicated they were committed to relocating the poles for the school zone signs once the road was resurfaced. The committee also agreed to paint school zone markings on Florida Boulevard.

CITY MANAGER REPORT

- He was working with the City of Jacksonville regarding the stimulus package. He met with his department heads regarding what the City might be eligible for.
- The Kings Road Bridge was close to completion.
- There was a lot of development activity going on in the city and he would inform the Council in the near future.
- Foreclosure and pre-foreclosure sales were creating Code Enforcement issues.
- The City of Jacksonville agreed to install a crosswalk on Penman Road.

COMMENTS FROM THE PUBLIC / NONE**CONSENT AGENDA****SUNDOG DINER – SIDEWALK LEASE AGREEMENT****STREET SWEEPER – LEASE / PURCHASE**

Moved by Lee, seconded by Weldon.

Motion: **TO APPROVE THE ABOVE CONSENT AGENDA.**

Roll Call Vote:

Ayes: 4 – Lee, Pardee, Weldon, Pruette

Noes: 0

MOTION CARRIED

VARIANCES / NONE**ORDINANCES**

Ord. No. 2009-01

ORDINANCE NO. 2009-01, AMENDING CHAPTER 27, ARTICLE 1 ADMINISTRATIVE AND ENFORCEMENT BODIES, FIRST READ AND PUBLIC HEARING; AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 27 UNIFIED LAND DEVELOPMENT REGULATIONS, ARTICLE II ADMINISTRATIVE AND ENFORCEMENT BODIES, DIVISION 2 PLANNING AND DEVELOPMENT REVIEW BOARD, SECTION 27-41 VOTING AND QUORUM AND DIVISION 3 BOARD OF APPEALS, SECTION 27-50 VOTING AND QUORUM AND PROVIDING AN EFFECTIVE DATE.

Mayor Pruette agreed to sponsor this Ordinance.

Mayor Pruette opened the public hearing. There being no comments from the public, the public hearing was closed.

Moved by Pardee, seconded by Lee

Motion: **TO PASS ORDINANCE NO. 2009-01 ON FIRST READ.**

Roll Call Vote:

Ayes: 4 – Lee, Pardee, Weldon, Pruette

Noes: 0

MOTION CARRIED

Ord. No. 2009-02 ORDINANCE NO. 2009-02, AMENDING THE OPERATING BUDGET FOR 2009 FIRST READ: AN ORDINANCE AMENDING THE OPERATING BUDGET FOR THE CITY OF NEPTUNE BEACH, FLORIDA FOR FISCAL YEAR 2009, BEGINNING OCTOBER 1, 2008 AND ENDING SEPTEMBER 30, 2009.

City Manager Jarboe stated the Ordinance would create a contingency fund, using reimbursement money from FEMA, allocating \$2,500 to the Beaches Trolley, \$1,500 to Dial-A-Ride, and \$2,500 to the Beaches Resource Center.

Mayor Pruette agreed to sponsor this Ordinance.

Moved by Lee, seconded by Weldon

Councilor Pardee stated he would vote “no” because he was uncomfortable allocating the money before it was received. He was concerned that something more important may arise that the city may need to use the money for.

Councilor Weldon questioned if the entire \$7,800 amount of the reimbursement from FEMA would be dedicated to the contingency fund. City Manager Jarboe replied the money allocated for the fund was \$6,500. Councilor Weldon responded it was his impression the \$6,500 would be allocated but that the entire amount would be placed in the fund. Councilor Lee stated that was his recollection as well and suggested listening to the tape recording of the workshop meeting.

For the Record Councilor Weldon stated for the record he felt the allocations in the contingency fund were valid and important activities, particularly the Beaches Resource Center and Dial a Ride. He also felt the Beaches Trolley was a very valuable contribution to the community. He felt they were worthy allocations of tax payer resources. He would support the Ordinance because he felt those three allocations were critical in the community. But for future reference when speaking about a certain number he would appreciate it if the numbers were not shifted. All he was talking about at the workshop meeting was the amount that would be allocated at one particular time, not that the amount of the overall contingency fund would be reduced. He felt there was confusion about the overall amount.

Motion: **TO PASS ORDINANCE NO. 2009-02 ON FIRST READ.**

Roll Call Vote:

Ayes: 3 – Lee, Weldon, Pruette

Noes: 1 – Pardee

MOTION CARRIED

OLD BUSINESS / NONE

NEW BUSINESS

V09-01 & VARIANCE REQUEST, 110 PENMAN ROAD PDRB 09-01, PRELIMINARY
PDRB 09-01 DEVELOPMENT ORDER AND V09-01: Mr. Ryan Verney, representative for Verney architects.

Councilor Weldon stated the plan presented would double the space of the existing building. He questioned what the space would be used for. Mr. Verney stated it was his client’s intention to have a Jiu-Jitsu Studio Upstairs.

Councilor Weldon questioned if the existing parking would accommodate the use. Mr. Verney replied "Yes".

Councilor Weldon was concerned the property owner would request another variance for parking in the future in order to utilize the space for something more intensive.

Councilor Lee questioned if the owner was willing to comply with the replacement of the current sign. Mr. Verney replied "yes".

Councilor Lee questioned if the monument sign would reduce the amount of parking spaces required for the usage. City Manager Jarboe replied if there was not enough room for the monument sign without the removal of a parking space the sign would have to be placed on the building.

Mayor Pruette asked where the sign would be placed on the property. Mr. Verney replied the sign would be placed within property boundaries and it would be a monument sign as required by the Code.

Mayor Pruette was concerned the monument sign would create a problem with traffic visibility. Community Development Director Amanda Askew stated the sign would have to sit back far enough on the property as to not create a hazard or the sign would need to be placed on the building itself. The maximum combined total of building signage would be 30 square feet.

Kelly Beech, property and business owner, 110 Penman Road, stated she would like to have as much signage as the Code allowed and they were willing to conform to the Code.

Moved by Weldon, seconded by Lee

Motion: **TO AFFIRM THE DECISION OF THE PLANNING AND DEVELOPMENT REVIEW BOARD SUPPORTING VARIANCE V09-01 FOR MS. KELLY BEACH AT 110 PENMAN ROAD WITH THE PROVISION THAT SIGNAGE WILL CONFORM TO EXISTING CODE AND THAT NO ADDITIONAL PARKING SPACES WILL BE GRANTED FOR USES NOT ANTICIPATED IN THIS APPLICATION.**

Councilor Pardee suggested in the future that all problems and issues relating to development orders be resolved before the Council meetings so the applicants could provide any additional information prior to the meeting.

Roll Call Vote:

Ayes: 4 – Lee, Pardee, Weldon, Pruette

Noes: 0

MOTION CARRIED

Moved by Weldon, seconded by Lee

Motion: **TO APPROVE THE FINAL DEVELOPMENT ORDER FOR MS. KELLY BEACH AT 110 PENMAN ROAD.**

Roll Call Vote:

Ayes: 4 – Lee, Pardee, Weldon, Pruette

Noes: 0

MOTION CARRIED

PDRB 09-02

PDRB 09-02, 1935 ATLANTIC BOULEVARD, SPECIAL EXCEPTION: The applicants, Mr. Mike Hesford, Vice President of Florida Cabinet Distributors, and Stephen Suss, President of Florida Cabinet Distributors introduced themselves to the Council.

Councilor Lee asked the applicants if they would be willing to remove the septic tank system and hook up to city water and sewer. Mr. Hesford stated they would like to have city water and sewer but they did not own the property.

Mayor Pruette asked City Manager Jarboe to clarify if city water and sewer was available in that area. City Manager Jarboe stated he was under the impression that city water and sewer was available and would follow up with the Public Services Department.

Councilor Pardee questioned if the applicants would be relocating their current spray booth from Atlantic Beach to the new location. Mr. Hesford replied "yes" the automotive spray booth would be inspected and meet all Code requirements.

Councilor Pardee stated he was a mechanical inspector for the City of Jacksonville and advised the applicant to have the booth inspected before relocating it to ensure that it would meet the code requirement and fit into the new space.

City Manager Jarboe advised the applicants that it would not be an easy task to relocate the spray booth. He suggested the applicants meet with the Building Official because he would be responsible for the inspection.

Mayor Pruette asked the applicant why they decided to relocate the spray booth now from the Atlantic Beach location to the Neptune Beach location. The applicants stated the business would be more efficient without having to move the cabinets from one location to the other.

Vice Mayor Weldon stated it was clear when the special exception was granted for the applicant to build prefabricated cabinets that there would not be a spray booth because he was concerned about it backing up to residential property. He asked the applicant why he felt he should now change his mind. The applicant responded they originally planned to sell prefabricated cabinets however prefabricated cabinet sales have gone down and they are now doing more custom work.

Vice Mayor Weldon asked the applicants to address his concerns regarding the residential neighborhood. The applicant explained the spray booth would be enclosed and the fumes would exit the building through a roof exhaust fan. All of the chemicals would be inside the building.

Vice Mayor Weldon felt allowing the spray booth would create a light industrial area next to a residential areas and he would vote "no" for that reason.

Mayor Pruette asked if the Fire Marshall would be inspecting the property on a regular basis. City Manager Jarboe replied the applicant would have to obtain a building permit. The spray booth would be governed by Florida Statutes not city code.

Mayor Pruette stated the Planning and Development Review Board recommended approval and asked Council if there was a motion.

Moved by Pardee, seconded by Lee

Vice Mayor Weldon asked the Council to clarify if a tie would mean an approval or a denial of the motion. The Council clarified that a tie vote would be considered a denial of the motion unless another motion was made after the original motion.

Motion: **TO ACCEPT PDRB 09-02.**

Roll Call Vote:

Ayes: 3 – Lee, Pardee, Pruette.

Noes: 1 – Weldon

MOTION CARRIED

OPEN DISCUSSION / NONE

Adjournment

There being no further business, the meeting adjourned at 6:58 p.m.

ATTEST:

Harriet Pruette, Mayor

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
WORKSHOP CITY COUNCIL MEETING
MARCH 16, 2009, 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 March 16, 2009 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 John Weldon
Councilor Fred Lee
Councilor Eric Pardee
Councilor Kara Tucker
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

Community Development Director Amanda Askew
Senior Center Director Leslie Lyne
Director of Finance Steve Ramsey
Director of Public Safety David Sembach
Director of Public Services Leon Smith
Deputy City Clerk Karla Strait, CMC

ABSENT:

City Attorney Christopher White

Call to Order/Roll Call Mayor Pruette called the meeting to order at 6:00 p.m.

PRESENTATIONS

Mayor Pruette presented a plaque to Mr. Fred Cattar for his service on the Board of Appeals and the Planning & Development Review Board.

Mayor Pruette presented a Proclamation, to Mr. Ellis P. and Mary Elizabeth Pope Day, proclaiming April 1st as "Mr. Ellis Pope and Mary Elizabeth Pope Day" in honor of their 65th Wedding Anniversary.

CITY MANAGER'S ACTION LIST

City Manager Jarboe reported on the following:

- The city did not have any ready projects to qualify for stimulus money. We have requested \$12,000,000 for road, water and sewer improvements.
- The Kings Road Bridge project is nearing completion.

PUBLIC COMMENTS

Bryan MacDonald, 107 North Street, voiced concern regarding people not picking up after their dogs and offered to provide a poop station. Mayor Pruette suggested Mr. MacDonald meet with City Manager Jarboe regarding the placement.

PROPOSED ORDINANCES

Rules of Debate

ORDINANCE NO. 2009-XX, RULES OF DEBATE: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 1 ADMINISTRATION, ARTICLE II CITY COUNCIL, AMENDING SECTION 2-35 RULES OF DEBATE AND PROVIDING AN EFFECTIVE DATE

Councilor Pardee stated the Council required the City boards to adopt Robert's Rules of Order. Because it would require a referendum for the Council to adopt "Robert's Rules of Order" he approved the addition of the following language to Chapter 2, Section 2-35 Rules of Debate: (8) In all cases involving points of parliamentary law, "Robert's Rules of Order" shall be the book of reference, and its rules, so far as they are applicable and not in conflict with the provisions of the city's Charter, this Code or other city ordinances, shall be the rules of the City Council.

Mayor Pruetto agreed to sponsor the Ordinance.

Consensus: **FORWARD TO THE APRIL MEETING FOR FIRST READ.**

CONTRACTS / AGREEMENTS / NONE

ISSUE DEVELOPMENT

Identity Theft
Prevention Program

IDENTITY THEFT DETECTION AND PREVENTION PROGRAM: City Manager Jarboe advised the adoption of the Identity Theft Detection and Prevention Program Policy was required by the Federal Government to protect our citizens.

Councilor Lee asked if the employees would be trained on the policy. Finance Director Ramsey advised employees that handle confidential information of citizens would be trained and informed. Councilor Lee questioned what the ramifications would be to an employee who violated the policy. Finance Director Steve Ramsey replied any employee who violated the policy would be terminated.

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

Board of Appeals /
Variances

BOARD OF APPEALS / VARIANCES: Mayor Pruetto thanked all members of the Board of Appeals for their attendance and asked them to come forward and be seated at the table in front of the Council.

Community Development Director Amanda Askew stated she compiled statistics on decisions made by the Board of Appeals from 2005 to 2008 which showed an approval rate of 91%. She felt the board members had difficulties deciding on finding of facts, particularly "what is a hardship." The purpose of the Board is to grant relief from the Code on variance applications provided the findings of fact are met by the applicant. In some cases the Board will modify the original request to lessen the amount of the encroachment.

Councilor Lee stated he brought forward the discussion in an effort to assist and support the Board of Appeals. He wanted to hear, from board members, how the Council could help the board and minimize variance appeals being overturned by the Council.

Councilor Pardee felt it would be fair for the Board to vote on the applicant's original presentation before modifying and recommending amendments to the application. Then if the motion for the original presentation was denied a new motion could be brought forward.

Councilor Tucker also asked the Board how Council could assist and support the Board

Councilor Weldon stated it was his perception, based on the information provided by the Community Development Director, that the Board was approving too many variances. He was concerned about the long range impact this would have on the R-3 and R-4 zoning districts. He stated Council revised the Land Development Regulations in 2004 in an effort to reduce the amount of variance requests. He agreed the Code should be flexible but was concerned about inconsistencies in the way variances are approved.

Mayor Pruette stated the Land Development Regulations were revised in an effort to prevent "McMansions." The setbacks were also revised to reduce the number of variances.

Chris Chin, Chair of the Board of Appeals, stated the statistics did not include that most of the variances approved had been modified by the Board. She felt Council could aid the Board by providing a clear definition of "hardship." She also suggested the city provide each member of the board four mock variance requests to be compared and discussed at a future meeting; one of which should be a clear approval, one being a clear denial and two of them being in gray areas. She felt Community Development Director Askew should meet with each new board member to explain what legally constitutes a "hardship."

Board Member Reeve felt the Council was giving the Board mixed signals by overturning requests denied by Board. He felt new evidence should not be allowed to be introduced such as written correspondence on an appeal. Mayor Pruette stated a letter, which was new evidence, was placed in front of the Council one night before an appeal.

Mayor Pruette explained on variance appeals the Council was to determine if competent substantial evidence to support the Board's decision. She stated City Attorney White had advised more than once the Council to look at the appeal not the variance request.

Councilor Lee felt it was a good suggestion for the city to provide mock variance requests with different scenarios and work through each response with City Attorney White at a workshop meeting.

Board Member Baker questioned whose responsibility it was to challenge new evidence or incorrect information that was inappropriately presented to the Council.

Councilor Lee agreed the only speakers on an appeal should be those that were present and spoke "on the record" during the Board of Appeals meeting.

Mayor Pruette stated she would meet with City White regarding the consequences of those presenting or introducing new evidence.

Councilor Pardee stated City Attorney White should take a proactive role and speak up when something the Council allows is not legal. Mayor Pruette stated City Attorney White has warned Council many times not to allow speakers on appeals.

City Clerk Volpe stated the person appealing the Board's decision had to complete an application explaining the reason for the appeal.

Board Member Reeve stated if the applicant for the appeal was able to explain their side of the argument, a representative of the Board should also be allowed to explain their argument on behalf of the Board's decision. City Clerk Volpe stated the Council does receive a full verbatim of the Board of Appeals meeting.

City Manager Jarboe stated Section 27-153(c)(3) of the Code allowed new evidence to be introduced if the new evidence is due to substantial changes in the circumstances.

Board Member Franklin stated other cities allowed each side to give an oral argument and present a memorandum noting the reason for the appeal. He agreed new speakers and

new evidence should not be allowed.

Community Development Director Amanda Askew stated the statistics included approvals for existing non-conformities. She suggested amending the Code to allow staff to approve variance requests for existing non-conformities.

Mayor Pruette asked Mrs. Askew to draft an ordinance to have variance requests for existing non-conformities approved at the staff level.

Councilor Pardee felt public speakers should not be allowed to allot their five minutes to another speaker. He suggested amending the code to not allow public speakers on variance appeals.

Vice Mayor Weldon stated other cities sent variance appeals directly to the circuit court. He felt the determination of a "hardship" was not difficult. A "hardship" is a characteristic of the property that was not fair to the owner. He added the Land Use Code was revised in 2004 to reduce the number of variance requests. He felt approvals of variances requests undermined the revised Code and they should not be approved for the convenience of the property owner.

Board Member MacDonald felt Community Development Director Askew should educate applicants on the definition of a "hardship."

City Manager Jarboe suggested amending the Code to allow speakers on variance appeals to speak after the appeal vote has been taken.

Board Member Baker felt the Board of Appeals was not taken seriously when the Council overturns their decisions.

Board Member Baines stated the Board would suggest amendments to variance request when it was obvious the original request would not be approved. This prevented the applicant from having to apply and pay another fee for another variance. She added most applicants agree to the Board's recommendations.

Chair Chin stated the Board would discuss whether or not to suggest amendments to applicants before voting on the original requests.

Mayor Pruette asked City Manager Jarboe and Community Development Director Askew to bring back information to the Council for review.

Consensus: **TO HAVE COMMUNITY DEVELOPMENT DIRECTOR ASKEW BRING BACK INFORMATION FOR COUNCIL REVIEW AND DETERMINE IF THE CODE NEEDED TO BE REVISED.**

DISCUSSION

Mayor Pruette encouraged Mr. John Reeve to remain on the Board of Appeals for a second regular three year term and he stated he would like to do so.

Councilor Tucker advised the Council and the assembly she was recently appointed to the Human Relation Board by Governor Christ.

Mayor Pruette asked if there were any other comments from Council or staff before she adjourned the meeting.

Adjournment

There being no further business, the meeting adjourned at 7:30 pm.

Harriett Pruetto, Mayor

Attest:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
REGULAR CITY COUNCIL MEETING
FEBRUARY 2, 2009 AT 6:00 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 February 2, 2009 at 6:00 p.m., in the City Hall Council Chambers, 116 First Street, Neptune Beach, Florida.

Attendance	IN ATTENDANCE:	STAFF:
	Mayor Harriet Pruette Vice Mayor John Weldon Councilor Fred Lee Councilor Eric Pardee Councilor Kara Tucker City Attorney Christopher White City Manager Jim Jarboe City Clerk Lisa Volpe, CMC	Community Development Director Amanda Askew Senior Activities Center Director Leslie Lyne Director of Finance Steve Ramsey Director of Public Safety David Sembach Director of Public Service Leon Smith
Order Call/Pledge	Mayor Pruette called the meeting to order at 6:00 p.m. and asked Councilor Lee to lead the pledge of allegiance.	

AWARDS / PRESENTATIONS / RECOGNITION OF GUESTS

Police Officer of the Year	Mayor Pruette and Chief Sembach presented the "Police Officer of the Year Award" to Michael Key. Chief Sembach explained Officer Key was selected by a panel of seven of his peers. In 2008, he made 17 DUI arrests, 17 felony arrests, 117 total arrests, and wrote 325 traffic tickets.
Life Saving Awards	Mayor Pruette and Assistant Chief Carrillo presented "Police Officer Life Saving Awards" to Officers Brad Ivey and Officer David Focht for saving three people from drowning in the ocean during Tropical Storm Fay.

APPROVAL OF MINUTES

Moved by Lee, seconded by Tucker

Minutes	Motion: <u>TO APPROVE THE FOLLOWING MINUTES:</u>
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JANUARY 5, 2009, REGULAR CITY COUNCIL MEETING

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Tucker, Weldon, Pruette
Noes: 0

MOTION CARRIED

COMMUNICATIONS AND CORRESPONDENCE

Mayor Pruette disclosed she spoke with Angela Oesterreicher, P.K. Breeding and Christine Chin regarding the variance appeal.

City Clerk Volpe reminded the Council the February workshop meeting would be held on February 23, 2009.

City Manager Jarboe stated at the request of Curtis Winter, owner of Sun Dog Diner, the sidewalk lease agreement was postponed and forwarded to the February workshop meeting.

CITY MANAGER REPORT

City Manager Jarboe reported the following:

- Public Services made a temporary repair to a sewer manhole break in the 900 block of Penman Road. Further repairs were necessary and by piggybacking off an Atlantic Beach contract it would cost the city approximately \$8,000.
- The Kings Road bridge repairs should be completed in the next couple of weeks.
- He was concerned about pipe breakage during the upcoming cold weather.

COMMENTS FROM THE PUBLIC / NONE**CONSENT AGENDA**

Res. No. 2009-02 RESOLUTION NO. 2009-02: A RESOLUTION ESTABLISHING FEES TO BE CHARGED FOR COPY OF PUBLIC RECORDS, CERTIFIED COPY OF PUBLIC RECORD; VARIOUS APPLICATIONS, BAR CARDS, CITY CODE BOOK, LIEN LETTERS, BUSINESS TAX RECEIPT LIST, ZONING MAP, AND SERVICE CHARGE FOR EXTENSIVE USE OF CITY PERSONNEL TO COMPLY WITH PUBLIC RECORD REQUESTS.

Res. No. 2009-03 RESOLUTION NO. 2009-03: A RESOLUTION OF THE CITY OF NEPTUNE BEACH, FLORIDA RECOGNIZING THE "BUILDING CITIZENSHIP IN THE COMMUNITY; BACK TO BASICS" INITIATIVE OF THE FLORIDA LEAGUE OF CITIES, INC., AND PLEDGING SUPPORT FOR THIS STATEWIDE EFFORT.

Moved by Lee, seconded by Tucker

Motion: **TO APPROVE THE ABOVE CONSENT AGENDA.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Tucker, Weldon, Pruette

Noes: 0

MOTION CARRIED

VARIANCES

V09-02 VARIANCE APPEAL FOR V09-02 – 401 LORA STREET – ANGELA OESTERREICHER:
401 Lora Street The applicant is seeking a variance of 10 feet to the minimum rear yard setback leaving 15
Oesterreicher feet in lieu of the required 25 foot setback. The applicant is proposing to add a covered
 porch to the north side of the house (along Lora Street). The proposed porch encroaches
 into the rear yard setback.

City Attorney White explained the Board of Appeals vote to approve the variance ended in a tie. Council could consider the tie vote to be a denial and hear the appeal of the applicant or send it back to the Board of Appeals. He recommended the Council go ahead

and hear the appeal in order to save the applicant time. He added the Code should be amended to add language in Section 27-150 that would specifically state that a tie vote be considered a denial.

Moved by Lee, seconded by Weldon

Motion: **TO HEAR THE VARIANCE APPEAL.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Tucker, Weldon, Pruette

Noes: 0

MOTION CARRIED

City Attorney White stated the appeal was based on the record of the Board of Appeals meeting which was included in the agenda packet. He recommended Council not solicit additional comments from the public, the board, or the applicant.

Councilor Pardee questioned why the Board of Appeals did not make an alternate motion to break the tie vote. City Attorney White stated the Council has already voted to hear the appeal and it would be inappropriate to send it back to the Board for further motions.

Councilor Pardee stated he would not have a problem reversing the decision of the Board of Appeals because the french doors on the front of the house were not protected by an awning or roof.

Councilor Weldon questioned why the variance referred to the rear yard when the house fronted Lora Street. Community Development Director Askew explained the front yard was actually on Third Street, the corner side yard faced Lora Street and the rear yard was considered the western side of the lot.

Councilor Weldon stated the applicants were not asking for anything other than the same rear yard setback that was previously approved by the Board of Appeals. Granting this would only extend the previously approved variance.

Councilor Weldon asked if Christine Chin, Chair of the Board of Appeals, could address the Council. Mayor Pruette replied if the Council allowed Mrs. Chin to speak they would also have to allow the applicant to speak and they were supposed to rely on the record and not hear any new evidence.

Council Weldon stated he did not see this as a big expansion of the original variance that was approved by the Board. He wanted to ask Mrs. Chin if the Board would have approved this portion had it been included in the original request.

Councilor Lee asked the Council to consider placing variance requests on the March workshop meeting to discuss the duties of the Board of Appeals and the Code. He felt Council should review the Code because of the percentage of approvals on variance requests.

Councilor Pardee asked the Council to keep in mind this appeal was requested by the original applicant and was not appealed by a neighbor.

Mayor Pruette stated the Council could confirm, modify or reverse the decision of the Board of Appeals and asked for a motion.

Moved by Pardee, seconded by Tucker

Motion: **TO REVERSE THE DECISION OF THE BOARD OF APPEALS FOR V09-02, 401 LORA STREET.**

Roll Call Vote:

Ayes: 3 – Pardee, Tucker, Weldon

Noes: 2 – Lee, Pruette

MOTION CARRIED

ORDINANCES / NONE

OLD BUSINESS

EAR

EAR – 2008 EVALUATION AND APPRAISAL REPORT OF THE 2010 COMPREHENSIVE PLAN: City Manager Jarboe explained the city was required by the State to review the Comprehensive Plan. The State would review the EAR and notify the city if any modifications were needed. This will also aid in preparing the 2030 Comprehensive Plan.

Moved by Lee, seconded by Tucker

Motion: **TO APPROVE THE EAR 2008 EVALUATION AND APPRAISAL REPORT OF THE 2010 COMPREHENSIVE PLAN AND FORWARD IT TO THE DCA.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Tucker, Weldon, Pruette

Noes: 0

MOTION CARRIED

NEW BUSINESS

Res. No. 2009-04

RESOLUTION NO. 2009-04 APPOINTING BOARD MEMBERS: A RESOLUTION APPOINTING MEMBERS TO THE BOARD OF APPEALS.

Mr. Edward Treffinger introduced himself to the Council. He explained he has lived in Neptune Beach for 10 years and he was willing to serve on the Board of Appeals. Mayor Pruette stated he would be appointed as an alternate for a one year term.

Moved by Weldon, seconded by Lee

Motion: **TO APPROVE RESOLUTION NO. 2009-04.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Tucker, Weldon, Pruette

Noes: 0

MOTION CARRIED

DISCUSSION

Mayor Pruette asked if anyone had any brief comments before the meeting was adjourned.

Councilor Lee requested placing the issue of variances on the March workshop meeting. He felt the Code was not doing its job if 95% of variance requests were being approved by the Board of Appeals.

Councilor Weldon agreed to place the issue on the March workshop meeting. However, he felt nothing was wrong with the Code or the required setbacks. He felt the Council should be more interactive with the Board of Appeals so the members understood their task,

which was to provide variances only when true hardship is demonstrated.

Mayor Pruette stated the issue would be placed on the March workshop meeting.

Adjournment

There being no further business, the meeting adjourned at 6:40 p.m.

ATTEST:

Harriet Pruette, Mayor

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
WORKSHOP CITY COUNCIL MEETING
FEBRUARY 23, 2009, 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 February 23, 2009 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 John Weldon
Councilor Fred Lee
Councilor Eric Pardee
Councilor Kara Tucker
City Attorney Christopher White
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

Community Development Director Amanda Askew
Senior Center Director Leslie Lyne
Director of Public Safety David Sembach
Director of Public Services Leon Smith
Deputy City Clerk Karla Strait, CMC

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:

- The State was forwarding a FEMA check to reimburse the city for expenses incurred during and after tropical storm Fay.
- State inspectors have approved the repairs for the Kings Road Bridge.
- The Penman Road crosswalk was near completion.
- The nitrogen study should be completed by April. The permitting process was underway for the sewer plant.

PUBLIC COMMENTS

Art Graham, City of Jacksonville Councilman, stated he established a Task Force Committee for the Beaches Trolley. The committee was requesting contributions in order for the Trolley to operate this year. He felt if the Trolley did not operate this year that it would never again be considered.

Michael Aston, 1523 Summer Sands, encouraged Council to financially support the Beaches Trolley.

Hayes Bishop, 1443 Spindrift Circle East, Summer Sands, encouraged Council to support the Trolley and requested the route be extended down Atlantic Boulevard.

Lynda Padrta, 1113 First Street, opposed smoking in public outdoor dining areas, felt the proposed artwork for the roundabout would be difficult for the city to maintain, and supported a contribution for the Beaches Trolley.

PROPOSED ORDINANCES

Ord. No. 2009-XX

ORDINANCE NO. 2009-XX, AMENDING VOTING & QUORUM FOR THE PLANNING & DEVELOPMENT REVIEW BOARD AND THE BOARD OF APPEALS; AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 27 UNIFIED LAND DEVELOPMENT REGULATIONS, ARTICLE II ADMINISTRATIVE AND ENFORCEMENT BODIES, DIVISION 2 PLANNING AND DEVELOPMENT REVIEW BOARD, SECTION 27-41 VOTING AND QUORUM AND DIVISION 3 BOARD OF APPEALS, SECTION 27-50 VOTING AND QUORUM AND PROVIDING AN EFFECTIVE DATE.

City Manager Jarboe explained the Ordinance clarified that a tie vote on a motion made by the Board of Appeals and the Planning & Development Review Board would be considered a denial of the motion.

Councilor Pardee suggested adding the language that the Boards consider the applicants request without making changes to their proposal.

Councilor Weldon suggested removing "final action" from the language.

City Manager Jarboe recommended leaving the language "final action" and adding "unless another motion is made".

Consensus: **FORWARD TO THE MARCH REGULAR MEETING FOR FIRST READ.**

CONTRACTS / AGREEMENTS

Sundog Diner

SUN DOG DINER – SIDEWALK LEASE AGREEMENT: City Manager Jarboe explained the only change to the lease agreement was to allow the City Manager to extend the agreement on an annual basis.

Consensus: **FORWARD TO THE MARCH REGULAR MEETING CONSENT AGENDA.**

ISSUE DEVELOPMENT

Speaker Request

SPEAKER REQUEST: Councilor Pardee felt the five minutes given to the public to address the Council should be enforced and one person should not be allowed to allot their given time to another speaker.

City Attorney White stated this would not require any changes to the Code. However the rule needed to be enforced on those who were abusing the system.

Contingency Fund

CONTINGENCY FUND: City Manager Jarboe asked the Council if they would like Finance Director Steve Ramsey to establish a Contingency Fund using the anticipated reimbursement check from FEMA. He explained once the funds were received the Council could allocate the money to various organizations.

Councilor Weldon stated he would support contributions to Beaches Resource Center, Dial-A-Ride, and the Beaches Trolley.

Councilor Lee agreed he would like to support the organizations.

Councilor Weldon suggested Council allocate \$2,500 to the Beaches Trolley, \$1,500 to Dial-A-Ride, and \$2,500 to the Beaches Resource Center.

Councilor Pardee felt the money should not be allocated until it was received by the City.

Mayor Pruette suggested making the commitment contingent on receiving the funds.

For the Record

Councilor Lee stated for the record if the money was not received it would not be allocated.

Councilor Pardee stated he was not comfortable making the commitment to the organizations without first receiving the money.

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

Street Sweeper

LEASE / PURCHASE STREET SWEEPER: City Manager Jarboe stated the city was in the position to purchase a street sweeper for \$28,000 to be paid for over a three year period. This would save the city money because the maintenance would occur in house by public services and it would allow the city credit toward reduction in nitrogen.

Consensus: **FORWARD TO THE MARCH REGULAR MEETING CONSENT AGENDA.**

DISCUSSION

Mayor Pruette asked if there were any other comments from Council or staff before she adjourned the meeting.

Councilor Lee stated the Beaches Trolley Task Force Committee would be meeting on Wednesday. Their goal was to extend the trolley service down Atlantic Boulevard to Seminole Road.

Councilor Weldon reminded Council of the February 24, 2009 joint meeting with Atlantic Beach Commissioners to discuss the proposed art work for the Town Center Roundabout.

Councilor Pardee commended the Board of Appeals and the Planning & Development Review Board for adopting Roberts Rules of Order. He suggested Council do the same and asked to place the issue on the March workshop agenda.

City Manager Jarboe stated no public comments would be allowed at the joint meeting with Atlantic Beach.

Hayes Bishop, 1443 Spindrift Circle East, Summer Sands, stated she did not want the view of the ocean at the end of Atlantic Boulevard blocked by the proposed art work.

Adjournment

There being no further business, the meeting adjourned at 6:50 pm.

Harriett Pruette, Mayor

Attest:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
REGULAR CITY COUNCIL MEETING
JANUARY 5, 2009 AT 6:00 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, 2009 at 6:00 p.m., in the City Hall Council Chambers, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

STAFF:

Mayor Harriet Pruette
Vice Mayor John Weldon
Councilor Fred Lee
Councilor Eric Pardee
Councilor Kara Tucker
City Attorney Christopher White
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

Community Development Director Amanda Askew
Senior Activities Center Director Leslie Lyne
Director of Finance Steve Ramsey
Director of Public Safety David Sembach
Director of Public Service Leon Smith

Order Call/Pledge

Mayor Pruette called the meeting to order at 6:00 p.m. and asked City Clerk Lisa Volpe to lead the pledge of allegiance.

AWARDS / PRESENTATIONS / RECOGNITION OF GUESTS

Mayor Pruette presented a plaque to Publix for their contributions and participation in the Annual Town Center Christmas Tree Lighting.

Mayor Pruette presented a plaque to Winn Dixie for their contributions and participation in the Annual Christmas Tree Lighting at Jarboe Park.

APPROVAL OF MINUTES

City Clerk Lisa Volpe stated there was a typo in the November 10, 2008 minutes that she would correct before they were signed.

Moved by Lee, seconded by Weldon.

Minutes

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

NOVEMBER 10, 2008, REGULAR CITY COUNCIL MEETING
DECEMBER 2, 2008, SPECIAL CITY COUNCIL MEETING

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Tucker, Weldon, Pruette

Noes: 0

MOTION CARRIED**COMMUNICATIONS AND CORRESPONDENCE**

Mayor Pruette commented that she appreciated City Manager Jarboe and Director of Finance Steve Ramsey for providing information to the citizens regarding the property tax distribution.

City Clerk Lisa Volpe stated the dates for both the January and February workshop meeting fell on holidays and asked the Council if they would like to move those to the fourth Monday of the month.

Consensus: **TO HOLD THE JANUARY WORKSHOP ON JANUARY 26, 2009 AND THE FEBRUARY WORKSHOP ON FEBRUARY 23, 2009.**

Councilor Lee stated the special session started today in Tallahassee and encouraged everyone to pay attention to how their decisions would affect Neptune Beach.

CITY MANAGER REPORT

City Manager Jarboe reported the following:

- The decision made by the state legislation may affect our budget.
- The Kings Road Bridge project was underway. Most of the sheet piling was finished. There was another water break today and it has been repaired. A boil water notice will be effect for the next few days.
- He was looking at options regarding the possibility of saving money by going into the street sweeping business. He would hopefully bring that to Council at the next workshop meeting.
- City Hall was slow during the Christmas break.
- There were questions regarding the low water level in Jarboe Park.
- There were also questions from the public regarding the Golden Ox Liquor Store. He explained that it did meet all requirements of Chapter 27.

COMMENTS FROM THE PUBLIC / NONE**CONSENT AGENDA / NONE****VARIANCES / NONE****ORDINANCES**

Ord. No. 2008-16

ORDINANCE NO. 2008-16, AMENDING THE PUBLIX SCHOOL FACILITY PLANNING AGREEMENT, SECOND READ AND PUBLIC HEARING: AN ORDINANCE AMENDING THE INTERLOCAL AGREEMENT FOR PUBLIC SCHOOL FACILITY PLANNING BETWEEN THE CITY OF JACKSONVILLE, THE CITY OF ATLANTIC BEACH, THE TOWN OF BALDWIN, THE CITY OF JACKSONVILLE BEACH, THE CITY OF NEPTUNE BEACH AND THE DUVAL COUNTY SCHOOL BOARD TO CONFORM SECTION 5.4.1.4(B) TO STATE LAW AS REQUESTED BY THE STATE OF FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS (DCA); AUTHORIZING THE MAYOR AND CITY MANAGER TO EXECUTE THE INTERLOCAL AGREEMENT FOR PUBLIC SCHOOL FACILITY PLANNING AS AMENDED HEREIN; AUTHORIZING SETTLEMENT AGREEMENTS AS NECESSARY BETWEEN THE STATE OF FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS AND THE CITY OF JACKSONVILLE TO RESOLVE DOAH CASE NO. 08-3216GM AND ANY PENDING STATE OF FLORIDA ADMINISTRATIVE MATTER RELATED TO SECTION 5.4.1.4 (B); PROVIDING AN EFFECTIVE DATE.

City Manager Jarboe stated this amendment would prevent the City of Jacksonville from being sued by the Department of Community Affairs and would not in any way affect the City of Neptune Beach.

Mayor Pruette read Ordinance No. 2008-16 by title only and opened the public hearing.

There being no comments from the public, the public hearing was closed.

Moved by Lee, seconded by Tucker.

Motion: **TO ADOPT ORDINANCE NO. 2008-16 ON SECOND READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Tucker, Weldon, Pruette

Noes: 0

MOTION CARRIED

OLD BUSINESS / NONE

NEW BUSINESS

911 Agreement

911 INTERLOCAL AGREEMENT – AMENDMENT NUMBER THREE: City Manager Jarboe explained this was an ongoing contract with the City of Jacksonville that allowed Neptune Beach to receive 911 User Fee funding which helps to pay the salary of the dispatchers.

Moved by Pardee, seconded by Tucker.

Motion: **TO APPROVE THE 911 INTERLOCAL AGREEMENT – AMENDMENT NUMBER THREE.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Tucker, Weldon, Pruette

Noes: 0

MOTION CARRIED

Res. No. 2009-01

RESOLUTION NO. 2009-01, APPOINTING BOARD MEMBERS: Mayor Pruette stated the Resolution reappointed Amy Cole and Paulette Adler as regular members and Todd Russell and Mr. McLeroy to serve as alternate members on the Planning and Development Review Board.

Mr. Russell introduced himself to the Council and stated he worked in the design and construction field for The Haskell Company and he felt he could give back to the community by serving on the Board.

Mr. McLeroy introduced himself to the Council and stated he has been a general contractor for the last 25 years and he looked forward to serving on the Board.

Councilor Pardee stated he felt both applicants' construction background would give them more insight while serving on the boards.

Due to the absence of Mr. Treffinger, City Clerk Volpe suggested forwarding his appointment to the February meeting.

Moved by Weldon, seconded by Lee.

Motion: **TO ADOPT RESOLUTION NO. 2009-01 AS AMENDED.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Tucker, Weldon, Pruette

Noes: 0

MOTION CARRIED

Mayor Pruette stated the art work in the Council Chambers was provided by Mr. Ron Phillips.

Councilor Lee explained City of Jacksonville Councilman Art Graham had asked him to serve on the Beaches Trolley Committee and he would like to bring everyone up to date on the committee actions at the January workshop meeting.

Adjournment

There being no further business, the meeting adjourned at 6:20 p.m.

Harriet Pruette, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
WORKSHOP CITY COUNCIL MEETING
JANUARY 5, 2009 AT 6:00 P.M
CITY HALL, 116 FIRST STREET
NEPTUNE BEACH, FLORIDA

Pursuant to proper notice a Special Meeting of the City Council of the City of Neptune Beach was held January 5, 2009 at 6:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

STAFF:

Mayor Harriet Pruette
Councilor Fred E. Lee
Councilor Eric Pardee
Councilor Kara Tucker
Councilor John Weldon
City Attorney Chris White
City Manager James Jarboe
City Clerk Lisa Volpe, CMC

Community Development Director Amanda Askew
Senior Activities Center Director, Leslie Lyne
Director of Finance, Steve Ramsey
Director of Public Safety, Chief Sembach
Director of Public Services, Leon Smith

Order Call

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

WASTE WATER NITROGEN PROGRAM:

Adjournment

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

Harriett Pruette, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



**MINUTES
WORKSHOP CITY COUNCIL MEETING
JANUARY 26, 2009, 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 26, 2009 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 John Weldon
Councilor Fred Lee
Councilor Eric Pardee
Councilor Kara Tucker
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

Community Development Director Amanda Askew
Senior Center Director Leslie Lyne
Director of Finance Steve Ramsey
Director of Public Safety David Sembach
Director of Public Services Leon Smith
Deputy City Clerk Karla Strait, CMC

Absent:

City Attorney Christopher White

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:

- The Kings Road Bridge repairs were 75% complete as of today. After the bridge is completed the Public Services Department will install two speed humps. The bridge will also be asphalted. He would be applying for the \$100,000 through Jacksonville from the Federal Department of Transportation for the bridge. The City of Jacksonville Beach has agreed to pay \$50,000 towards the bridge once the work is completed.
- Community Development Director Amanda Askew was working on the Inland Navigational District Grant Cycle. The grant has to be turned in by April.
- He has been working with Jacksonville Beach to get the electric metal plates over the street fixed up on the Strand.
- There is a little graffiti on First Street and he was trying to get a hold of the telephone company so they could paint over it.
- There are two major developments being worked on and hopefully there will be good news coming soon.

PUBLIC COMMENTS

Jim Moore, 401 McCollum Circle, supported the request for a police officer to direct traffic at Neptune Beach Elementary.

Michelle Kogan, 714 Second Street, also supported the request for a police officer to direct traffic Neptune Beach Elementary.

Susie Moore, 401 McCollum Circle, supported having a police officer direct traffic at Neptune Beach Elementary.

PROPOSED ORDINANCES / NONE

CONTRACTS / AGREEMENTS NONE

ISSUE DEVELOPMENT

N. B. Elementary

SCHOOL TRAFFIC – NEPTUNE BEACH ELEMENTARY: Neptune Beach Elementary School has requested the city assign a police officer to direct traffic at the entrance to the school during morning drop off and afternoon pick up hours. The request states there is significant traffic congestion on Florida Boulevard during those time periods which impedes ingress and egress from the school, and that the traffic situation poses risks to pedestrians and vehicular traffic.

Chief David Sembach stated he could not commit to assigning a patrol officer to direct the traffic on a daily basis due to priority situations. He felt the problem was the school zone itself was not long enough. He did contact the Department of Transportation and they would not commit to extending the school zone at the present time. He further explained he had recently been monitoring the traffic and he did not see more than nine cars backed up in the morning and no more than twelve cars backed up in the afternoon and it took less than two minutes for cars to turn in and out of the school. He added that this particular school zone was no different than any other school zone within Duval County.

Councilor Lee stated the school would be implementing improvements to the traffic pattern during the spring break. He asked Chief Sembach if he would make an effort to assign a patrol officer for the majority of the time until the improvements were made.

Chief Sembach stated he would do his best to have a patrol officer at the school during the morning and afternoon hours. He would also monitor the area during the first few days after new traffic pattern was implemented.

Beaches Trolley

REQUEST FOR ASSISTANCE FOR THE BEACH TROLLEY: Councilor Lee, Member of the 2008-2009 Beaches Trolley Task Force, requested the City contribute \$5,000 toward the operation of the Beaches Trolley. He explained the estimated budget for the 2009 Beaches Trolley was \$145,360. The groups involved in raising the funding included the City of Jacksonville, Mayor Peyton's Office, Jacksonville Transportation Authority, the Tourist Development Council and the three beaches' cities. There would also be sponsorships and riderships.

John Brocato, Owner of Carribee Key, stated he felt the trolley was well used last year and also helped with public safety. He would be asking the Town Center Merchant group for their support.

Mr. Kelly Elmore, Town Center Agency and Chairman of the Trolley Task Force, stated the Town Center Agency has approved a \$1,000 contribution in support of the Trolley. The committee was working to have another stop added to the route in Town Center and extending the hours to 2:00 a.m. There was also a suggestion to expand the route to the intracoastal waterway on Beach Boulevard and Atlantic Boulevard, however in order to continue the 15 minute cycle, two more trolleys would be necessary and this would add approximately 40% to the cost. They have also requested JTA consider a \$1.00 charge per rider and changing the season to run from April 1st to the end of July.

Vice Mayor Weldon suggested extending the 15 minute intervals in order to expand the service to the intracoastal. Mr. Elmore felt people would not be willing to wait 20 to 30 minutes to ride the trolley but they would be willing to wait for 15 minutes. Councilor Lee added the 15 minute intervals were simply a matter of convenience.

Councilor Pardee was concerned the trolley did not service the entire city. He felt it was inconvenient to those citizens living west of Third Street.

Councilor Lee responded some people were willing to drive their vehicles or bicycles to the trolley stop and ride the trolley.

Mayor Pruette stated she rode the trolley every weekend last year and saw people parking near trolley stops at Jarboe Park and Bay Street.

Councilor Tucker agreed that in the future the committee should consider the trolley service for the entire city.

Vice Mayor Weldon stated he would not be able to support the trolley because the money was not in the budget. He explained the city was not able to contribute to Dial-a-Ride or the Beaches Resource Center which he felt were more worthy causes.

Mayor Pruette agreed the budget was tight and the city could not afford the \$5,000 contribution but at the same time we could not afford not to give something. She agreed with Councilor Lee that not giving anything sent out the wrong message. She stated as Mayor of Neptune Beach she would make a personal donation of \$500.00 to show that Neptune Beach appreciated the trolley service to support businesses.

Vice Mayor Weldon replied he respected the commitment of Mayor Pruette to contribute \$500.00 personally. He requested in the future that individual contributions be given quietly. He felt it placed other council members under pressure to support community projects individually.

Councilor Tucker agreed it would be more important for the city to support Dial-a-Ride and the Beaches Resource Center before contributing to the trolley service which is a fun service.

Councilor Lee explained City of Jacksonville Councilman Art Graham initially brought the trolley service to the beaches. He added that Councilman Graham has been very good to our city and without his help the city would have spent a lot of other money. He felt these "quality of life" issues should be looked into during the preparation of the 2009-2010 budget.

Vice Mayor Weldon added the intentions of the trolley were great and he was not comfortable being in opposition. He asked Director of Finance Ramsey if he would try to find a way to use the resources from the Tourism Development Fund for a contribution to the trolley.

City Manager Jarboe stated staff would continue to look for a resource to contribute to the trolley service.

Mayor Pruette stated it would be helpful for the City Manager to provide a list of previous causes to which the city has contributed.

Consensus: **THE CITY DOES NOT HAVE THE MONEY AT THE PRESENT TIME BUT WILL CONSIDER THE REQUEST AT A LATER DATE.**

RESOLUTION NO. 2009-XX: A RESOLUTION OF THE CITY OF NEPTUNE BEACH, FLORIDA RECOGNIZING THE "BUILDING CITIZENSHIP IN THE COMMUNITY; BACK

TO BASICS" INITIATIVE OF THE FLORIDA LEAGUE OF CITIES, INC., AND PLEDGING SUPPORT FOR THIS STATEWIDE EFFORT.

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

RESOLUTION NO. 2009-XX: A RESOLUTION ESTABLISHING FEES TO BE CHARGED FOR COPY OF PUBLIC RECORDS, CERTIFIED COPY OF PUBLIC RECORD, VARIOUS APPLICATIONS, BAR CARDS, CITY CODE BOOK, LIEN LETTERS, BUSINESS TAX LIST, ZONING MAP, AND SERVICE CHARGE FOR EXTENSIVE USE OF CITY PERSONNEL TO COMPLY WITH PUBLIC RECORD REQUESTS.

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

EAR

EAR – 2008 EVALUATION AND APPRAISAL REPORT OF THE 2010 COMPREHENSIVE PLAN: City Manager Jarboe stated the city was required by State law to evaluate the Comprehensive Plan. This report will aid in the revaluating the comprehensive plan

Community Development Director Amanda Askew explained the Planning and Development Review Board has been working on the EAR since April 2008. They reviewed each chapter of the comprehensive plan and did a status statement on goals, objectives and policies. The state will review the EAR and respond if additional modifications, goals, or policies are needed. This information will be used to update the comprehensive plan.

Councilor Pardee would like for the bicycle and pedestrian path to remain in the comprehensive plan.

Councilor Lee wanted the bicycle and pedestrian path to remain in the comprehensive plan. He also would like to discuss Planned Unit Developments (PUD's) in the comprehensive plan.

City Manager Jarboe advised using staff resources to prepare the EAR has saved the city over \$30,000.

Comments

Mayor Pruette asked if there were any other comments from the Council before adjourning.

Councilor Lee encouraged other Council members to attend a community information meeting on February 11, 2009 at Fletcher High School auditorium regarding the Duval County School Board. The Florida PTA was also conducting a legislative rally in Tallahassee on March 18, 2009.

Councilor Pardee asked for an interpretation regarding citizens letting other citizens use their 5 minutes when addressing the Council.

Adjournment

There being no further business, the meeting adjourned at 7:15 pm.

Harriet Pruette, Mayor

Attest:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
SPECIAL CITY COUNCIL MEETING
DECEMBER 2, 2008, AT 8:00 P.M.
CITY HALL, 116 FIRST STREET
NEPTUNE BEACH, FLORIDA

Pursuant to proper notice a Special Meeting of the City Council of the City of Neptune Beach was held December 2, 2008, at 8:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

The following Council members and staff were in attendance:

Mayor Harriet Pruette
Vice Mayor John Weldon
Councilor Fred Lee
Councilor Eric Pardee
Councilor Kara Tucker
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

STAFF:
Community Development Director Amanda Askew
Assistant to the City Manager Teresa Klein
Director of Finance Steve Ramsey
Director of Public Safety Chief Sembach
Director of Public Services Leon Smith
Deputy City Clerk Karla Strait, CMC

Order call

Mayor Pruette called the special meeting to order at 8:00 p.m.

Invocation and Pledge

Mayor Pruette asked Councilor Elect Kara Tucker to lead the Pledge of Alliance.

Oaths of Office

OATHS OF OFFICE:

City Clerk Lisa Volpe administered the Oath of Office to Mayor Harriet Pruette.

Supervisor of Elections Jerry Holland administered the Oath of Office to Councilor Eric Pardee

City of Jacksonville Councilwoman Glorious Johnson administered the Oath of Office to Councilor Kara Tucker.

**Presentation of
Certificate of Election**

PRESENTATION OF CERTIFICATE OF ELECTION: City Clerk Volpe presented a Certificate of Election to Mayor Pruette for Seat 1, Councilor Pardee for Seat 2 and Councilor Tucker for Seat 3.

Council Comments

Councilor Tucker thanked her supporters and fellow Councilor Members for their contributions to her campaign. She stated she looked forward to working with the citizens of Neptune Beach. She invited everyone to join her, at a reception at Shelby's Coffee Shop, following the meeting.

Councilor Pardee thanked his supporters and his family for their efforts and contributions to his campaign. He congratulated Councilor Tucker and Mayor Pruette for their success in being elected to their seats. He also stated he was looking forward to serving another four years on the City Council.

Councilor Lee congratulated Councilor Tucker and stated he looked forward to continuing to work with Councilor Pardee and the rest of the Council. He felt this coming year would be difficult and the Council had a lot of hard work to do for the citizens of Neptune Beach.

Mayor Pruette welcomed everyone and stated what an honor it was for her to serve as the Mayor of the City of Neptune Beach. She hoped the new Council would be able to reason and debate together and continue to be friends after meetings. She felt there were some difficult times ahead for the city due to lack of funds. She hoped the city would work as a team with neighboring communities on difficult issues.

Appointment of
Vice- Mayor

ELECTION OF VICE-MAYOR: Pursuant to Section 2.04(b), City Charter, Mayor Pruette opened the floor for nominations for Vice Mayor.

Mayor Pruette nominated Councilor Weldon to serve as Vice Mayor. She felt he deserved the honor because he was the most senior member of the Council.

Councilor Tucker nominated Councilor Pardee to serve as Vice Mayor. She felt he deserved the honor due to his previous efforts in keeping the Council in check over the last four years.

There being no further nominations, Mayor Pruette closed the floor and asked City Clerk Volpe to call the roll. She asked each Council Member, when their name was called, to state the name the nominee they wished to choose.

Roll Call Vote to elect Vice Mayor:

Councilor Weldon	3 – Lee, Weldon, Pruette
Councilor Pardee	2 – Pardee, Tucker

Results: **COUNCILOR WELDON TO SERVE AS VICE MAYOR.**

Announcements

Mayor Pruette made the following announcements:

- Christmas in the Park will be held Friday, December 5, 2008.
- Santa Claus will be in Town Center on Saturday, December 6, 2008.
- To be alert during the holiday shopping season.

Ord. No. 2008-14

ORDINANCE NO. 2008-14, ALLOWING DOGS IN OUTSIDE DINING AREAS, FINAL READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 27, UNIFIED LAND DEVELOPMENT REGULATIONS ADDING SECTION 27-339 ALLOWING DOGS IN OUTSIDE DINING AREAS UNDER CERTAIN CONDITIONS AND PROVIDING AN EFFECTIVE DATE.

City Manager Jarboe explained this ordinance would allow dogs to dine in outdoor seating areas at restaurants as long as the restaurant owner complied with the State guidelines.

Mayor Pruette read Ordinance No. 2008-14 by title only and opened the public hearing.

Lynda Padrta, 1113 First Street, supported Ordinance No. 2008-14.

There being no further comments from the public, the public hearing was closed.

Moved by Lee, seconded by Tucker.

Motion: **TO ADOPT ORDINANCE NO. 2008-14 ON SECOND READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Tucker, Weldon, Pruette

Noes: 0

MOTION CARRIED

Ord. No. 2008-15

ORDINANCE NO. 2008-15, ALCOHOLIC BEVERAGES, FINAL READ AND PUBLIC HEARING: AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 4 ALCOHOLIC BEVERAGES, ARTICLE I IN GENERAL, SECTION 4-4 LOCATION OF ESTABLISHMENTS AND PROVIDING AN EFFECTIVE DATE.

Mayor Pruette read Ordinance No. 2008-15 by title only and opened the public hearing.

There being no comments from the public, the public hearing was closed.

Moved by Weldon, seconded by Tucker.

Motion: **TO ADOPT ORDINANCE NO. 2008-15 ON SECOND READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Tucker, Weldon, Pruette

Noes: 0

MOTION CARRIED

Ord. no. 2008-16

ORDINANCE NO. 2008-16, SCHOOL INTERLOCAL AGREEMENT, FIRST READ: AN ORDINANCE AMENDING THE INTERLOCAL AGREEMENT FOR PUBLIC SCHOOL FACILITY PLANNING BETWEEN THE CITY OF JACKSONVILLE, THE CITY OF ATLANTIC BEACH, THE TOWN OF BALDWIN, THE CITY OF JACKSONVILLE BEACH, THE CITY OF NEPTUNE BEACH AND THE DUVAL COUNTY SCHOOL BOARD TO CONFORM SECTION 5.4.1.4(B) TO STATE LAW AS REQUESTED BY THE STATE OF FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS (DCA); AUTHORIZING THE MAYOR AND CITY MANAGER TO EXECUTE THE INTERLOCAL AGREEMENT FOR PUBLIC SCHOOL FACILITY PLANNING AS AMENDED HEREIN; AUTHORIZING SETTLEMENT AGREEMENTS AS NECESSARY BETWEEN THE STATE OF FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS AND THE CITY OF JACKSONVILLE TO RESOLVE DOAH CASE NO. 08-3216GM AND ANY PENDING STATE OF FLORIDA ADMINISTRATION COMMISSION MATTER RELATED TO SECTION 5.4.1.4(B); PROVIDING AN EFFECTIVE DATE.

Councilor Lee agreed to sponsor Ordinance No. 2008-16.

Moved by Pardee, seconded by Tucker.

Motion: **TO PASS ORDINANCE NO. 2008-16 ON FIRST READ.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Tucker, Weldon, Pruette

Noes: 0

MOTION CARRIED

City Clerk Volpe confirmed there would be no workshop meeting held during the month of December.

City Manager Jarboe stated City Hall would be closed on Thursday, December 25th and Friday, December 26th for the Christmas Holiday.

Adjournment

There being no further business, the meeting adjourned at 8:25 p.m.

Harriet Pruetten, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
REGULAR CITY COUNCIL MEETING
NOVEMBER 10, 2008 AT 6:00 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 October 6, 2008 at 6:00 p.m., in the City Hall Council Chambers, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

STAFF:

Mayor Richard A. Brown
 Vice Mayor Harriet Pruette
 Councilor Fred Lee
 Councilor Eric Pardee
 Councilor John Weldon
 City Attorney Christopher White
 City Manager Jim Jarboe
 City Clerk Lisa Volpe, CMC

Community Development Director Amanda Askew
 Senior Activities Center Director Leslie Lyne
 Director of Public Safety David Sembach
 Director of Public Service Leon Smith

Order Call/Pledge

Mayor Brown called the meeting to order at 6:00 p.m. and asked Vice Mayor Pruette to lead the pledge of allegiance.

Elections

CERTIFICATE OF BOARD OF CANVASSERS: City Clerk Lisa Volpe stated it was necessary for Council to certify the election. The following final numbers were received this afternoon.

MAYOR SEAT 1 whole number of votes cast was 4136 of which number

* Harriet Pruette received 2313 votes
 Scott Wiley received 1823 votes

COUNCILOR SEAT 2 whole number of votes cast was 3751 of which number

Terri Hunnewell received 1844 votes
 * Eric Pardee received 1907 votes

COUNCILOR SEAT 3 whole number of votes cast was 3784 of which number

Sybil Ansbacher received 1595 votes
 * Kara Wade Tucker received 2189 votes

Moved by Lee, seconded by Weldon.

Motion: **TO CERTIFY THE BOARD OF CANVASSERS.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

Mayor Brown congratulated the winners of the election and stated this would be his last Council meeting as Mayor. He really enjoyed being a part of the City Council for the past the eight years and it was a tremendous honor to work with the Council and staff.

AWARDS / PRESENTATIONS / RECOGNITION OF GUESTS

Vice Mayor Pruette presented Mayor Brown with an Oscar Award on the Political Stage for Best Mayor 2000 to 2008. She also presented Mayor Brown with a plaque in appreciation for his outstanding service and dedication to the City of Neptune Beach.

APPROVAL OF MINUTES

Moved by Lee, seconded by Pardee.

Minutes

Motion: **TO APPROVE THE FOLLOWING MINUTES:****OCTOBER 6, 2008, REGULAR CITY COUNCIL MEETING****OCTOBER 20, 2008, SPECIAL CITY COUNCIL MEETING****OCTOBER 20, 2008, WORKSHOP CITY COUNCIL MEETING**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED**COMMUNICATIONS AND CORRESPONDENCE**

Mayor Brown and each Councilor disclosed they had all either met or spoken with Sandy Brinson, Peggy Cornelius, Tom Nuijens, and Board of Appeals Chairperson Chris Chin regarding the variance appeals on the agenda.

CITY MANAGER REPORT

City Manager Jarboe asked Chief Sembach to give a presentation on a new feature that has been added to the City's website regarding Police Department information.

Chief Sembach stated the Police Department received an \$86,000 grant to upgrade the computer dispatch and records management system. He gave a presentation on how the new system provides information on the website relating all 911 calls and crimes in Neptune Beach.

Vice Mayor Pruette questioned the progress of the King Road Bridge repairs. City Manager Jarboe stated the materials for the sheet piling were on order and should be received within the next four to six weeks. The contractor has a six month period from the time the bid was awarded to have construction completed.

Mayor Brown welcomed Kara Wade Tucker to the meeting and congratulated her on winning the election for Seat 3.

COMMENTS FROM THE PUBLIC

Leona Sheddan, 2010 Shadow Lane, Chairman of the Animal Ordinance Committee, stated the committee reviewed the Outdoor Dining Ordinance for dogs and recommended Council adopt the ordinance with an amendment that excludes dogs classified as dangerous.

Sandy Golding, 1203 18th Avenue, Jacksonville Beach, and member of the Animal Ordinance Committee, stated she spoke with a representative from the City of Orlando regarding the Dog Dining Ordinance. The representative indicated their Ordinance has been in place for two years and they have not received any complaints. She favored adoption of the ordinance.

Shelby Hicks, 1449 Hopkins Street, owner of Shelby's Coffee Shop, stated she has never had a problem with dogs dining outdoors at her coffee shop. She encouraged Council to adopt the Dog Dining Ordinance.

Janet Emmick, 528 Pine Street, favored the variance appeal for 104 Davis Street, and offered to give her five minutes to Sandy Brinson.

Sandy Brinson, 1512 Strand Street, favored approval of her appeal for 104 Davis Street. She felt the Board of Appeals did not have enough evidence to support the seven findings of facts. She read aloud Section 27-706 of the Code of Ordinances.

Harold Mills, 106 Davis Street, favored the appeal for 104 Davis Street and offered the remainder of his allotted five minutes to Sandy Brinson.

Sandy Brinson, 1512 Strand Street, stated Mr. Mills felt the Board of Appeals denied her husband the right to speak by saying the variance request was not the same as the 2003 request and asking him to review the new request.

Allison Free, Palm Beach County, stated she would soon be moving to Neptune Beach and felt it was important to allow dogs to dine with their owners in outdoor restaurant seating areas.

Arlene Mills, 106 Davis Street, favored approval of the variance appeal for 104 Davis Street and offered the remainder of her five minutes to Sandy Brinson.

Sandy Brinson, 1512 Strand Street, felt the proceedings of the October Board of Appeals meeting was not held in the correct manner. The record indicated the Community Development Director advised the applicant that he would be able to demolish his house and rebuild it within the same footprint. Mrs. Brinson added the property at 104 Davis Street was currently under code enforcement action because the structure was unsafe. Also the applicant did not indicate any parking spaces on the site plan. The site plan showed all parking on the city right-of-way. She felt this was a huge oversight on the part of staff.

Kerry Chin, 227-A Margaret Street, stated the Planning and Development Review Board and the Council previously denied a commercial property the ability to build across the lot line. The owner had to redesign the building in order to meet the setback requirements and replat the property. He asked Council to consider the action on that commercial property before making a decision on the Bay Street appeal.

Emory Barnes, 104 Strand Street, favored the variance appeal for 104 Davis Street and asked if Sandy Brinson could have the remainder of his time.

Sandy Brinson, 1512 Strand Street, felt the city was aiding the applicant by delaying code enforcement action on his property and allowing him to apply for a variance. She added the Board of Appeals suggested the applicant work with the Community Development Director and redraw the plans. She stated she resented tax dollars

being spent in this manner by the request of the Board of Appeals. By doing so, she felt the Board was seeking and manipulating evidence from the applicant. She also felt there was an appearance of impropriety when the Board invited the applicant to do something the Board would like better because it had nothing to do with gathering factual evidence under the criteria of the Code. She felt it should not be part of the procedure for the Board to ask the applicant to create plans that would appeal to Board members. The minutes from the August 4, 2008 Council meeting indicated there was discussion about an ordinance that would allow variance appeals to bypass Council and go straight to court. She felt the Council should be ultimately responsible for the decision of the Boards by hearing the variance appeals.

Todd Brown, 1512 Strand Street, favored the variance appeal for 104 Davis Street, stating he presented competent evidence from the Code, Section 27-706(3) at the Board of Appeals meeting. He presented evidence to the Board that the hearing was a rehearing of a 2003 variance request that was denied. He also told the Board there was no evidence of a hardship demonstrated by the applicant.

Sandy Brinson, 1512 Strand Street, felt the Board of Appeals overlooked competent substantial evidence for the seven finding of facts by disregarding the evidence presented at the meeting.

Hal Padgett, 1100 Seagate Avenue, opposed the variance appeal for Bay Street. He offered the remainder of his allotted time to Jeb Branham.

Jeb Branham, 3564 Bay Island Circle, Jacksonville Beach, Attorney for Thomas Nuijens, 218 Bay Street, stated the property in question was located at the corner of Second Street and Bay Street. Mr. Nuijens acquired the property via one deed in 2004 for both lot A and lot B. The lot has a duplex and one 760 square foot single family residence. Three variances were presented, one to expand a small portion for safety reasons, which was granted. He explained the variance requests that were at issue was to build a garage along the back of the single family structure and attach it to the detached structure and to build a covered porch attached to the single family residence. The Board of Appeals denied permission to build the porch due a supposed prohibition of building across lot lines. The Board of Appeals technically granted the variance to build the garage subject to meeting all lot area and setback requirements which is not granting a variance at all, it is actually denying a variance. He presented to the Board that Section 27-705(c) of the Code defined the lot as one lot. He also felt there was lack of competent substantial evidence to support the decision. The applicant would be willing to do whatever was necessary to allow the project to move forward even if that required recording deed restrictions to effectively put in the land records what is in the Code, that the two parcels should be considered an undivided parcel. They would prefer not to reconfigure the lots as suggested by staff because that would destroy the magnolia tree on the property. He asked Council to treat the property as one lot when considering the variance appeal.

Tom Nuijens, 218 Bay Street, stated he was trying to enhance the property by making improvements. He explained the property was platted before the City was incorporated when there was a completely different set of rules.

Michelle Mora, 921 Valley Forge Road East, favored the variance appeal for Peggy Cornelius and Tom Nuijens. She felt the property should be considered as one lot.

Chris Chin, 227A Margaret Street, Chair the Board of Appeals, explained she allowed Mr. Todd Brown to speak at the meeting during the Davis Street variance hearing by reopening the public hearing for him after he showed up 30 minutes late. During his comments he kept repeating for the record that this was the same exact

variance request that was presented to the Board in 2003. She explained to him that the plans had been scaled back therefore they were not the same as 2003. Mr. Mills also reviewed the new plan and stated that he had no problem with the new plan. She explained the Board has on a number of occasions worked with property owners to revise plans when it was obvious the plan presented would not work. She further explained, as to the Bay Street property, the Board considered the advice of the City Attorney and Community Development Director that the building could not cross over the lot line.

Elaine Brown, 1302 Neptune Grove Lane East, stated it has been an honor for her family to be a part of Neptune Beach and for Richard Brown to serve as Mayor for eight years.

Recess/ Reconvene Mayor Brown called a recess at 7:00 and reconvene the meeting at 7:30.

CONSENT AGENDA

Public Safety Building RENAMING OF THE PUBLIC SAFETY BUILDING: Council approval to rename the Public Safety Building to James P. Kelly Memorial Police Headquarters.

Moved by Pruette, seconded by Weldon.

Motion: **TO APPROVE THE ABOVE CONSENT AGENDA.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

VARIANCES / NONE

ORDINANCES

Ord. No. 2008-14 ORDINANCE NO. 2008-14, ALLOWING DOGS IN OUTSIDE DINING AREAS, FIRST READ: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 27, UNIFIED LAND DEVELOPMENT REGULATIONS ADDING SECTION 27-339 ALLOWING DOGS IN OUTSIDE DINING AREAS UNDER CERTAIN CONDITIONS AND PROVIDING AN EFFECTIVE DATE.

Mayor Brown asked if Mrs. Sheddon's amendment to exclude dogs classified as dangerous had been added to the ordinance.

Vice Mayor Pruette questioned how a restaurant owner would know if a dog had been classified as dangerous.

Mrs. Sheddon replied it would not be up to the restaurant owner to determine if any dog was dangerous, it would be up to the owner of the dog.

Moved by Lee, seconded by Pardee.

Motion: **TO PASS ORDINANCE NO. 2008-14 WITH THE AMENDMENT TO EXCLUDE DOGS CLASSIFIED AS DANEROUS ON FIRST READ.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

Ord. No. 2008-15

ORDINANCE NO. 2008-15, ALCOHOLIC BEVERAGES, FIRST READ: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 4 ALCOHOLIC BEVERAGES, ARTICLE I IN GENERAL, SECTION 4-4 LOCATION OF ESTABLISHMENTS AND PROVIDING AN EFFECTIVE DATE.

Moved by Weldon, seconded by Pruette.

Motion: **TO PASS ORDINANCE NO. 2008-15 ON FIRST READ.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED**OLD BUSINESS / NONE****NEW BUSINESS**

V08-11
104 Davis St.
Neptune Nest

VARIANCE APPEAL FOR V08-11 – 104 DAVIS STREET – NEPTUNE NEST PROPERTIES, LLC: The variance request is to build a two-story addition on the west side of the house. The proposed addition is completely within all setbacks, meets the lot coverage requirements and lessens the request for the variance pertaining to floor area ratio (FAR). However there are several existing non-conformities.

Councilor Weldon stated the ability for staff to provide assistance to variance applicants and to help them find reasonable solutions was appropriate and positively impacted the community. He felt staff efforts to help applicants with zoning problems should be encouraged.

Sandy Brinson asked to speak before the Council. City Attorney White stated the Council may allow her to speak. But new evidence could not be presented and they could not take her comments into consideration as part of the vote. He added the decision of the Council should be based on the record of the Board of Appeals meeting and the information contained the agenda packet.

Councilor Pardee questioned the basis for the appeal. City Attorney White stated Ms. Brinson felt there was a denial of due process and there was no competent substantial evidence to support the seven findings of facts. He explained due process involved the notice of hearing, presentation of the hearing, and the opportunity for each individual to be heard at the hearing.

Councilor Pardee questioned the concern of Ms. Brinson regarding the 2003 variance request for the same property which was denied by the Board of Appeals, upheld by the Council, and upheld by the special magistrate. City Attorney White responded requests for variances did not have time limitations.

Moved by Lee, seconded by Pardee.

Motion: **TO REVERSE THE DECISION OF THE BOARD OF APPEALS FOR VARIANCE V08-11 – 104 DAVIS STREET.**

Community Development Director Amanda Askew stated the public notice for the hearing was published 15 days prior to the meeting. Ten days prior to the hearing notices were sent to all property owners within 300 feet. The property was also posted with an orange sign 10 days prior to the meeting indicating the meeting dates. She attested that everyone who attended the hearing had the opportunity to speak.

Mayor Brown stated City Attorney White advised there were no time limitations on variance requests and the same request can be repeated. He asked if the request had been modified since 2003. Mrs. Askew concurred the Code did not have any time limitations for resubmitting variance requests. She presented a site plan for the variance request submitted in 2003 in comparison to the new 2008 request. She explained the differences were the rear yard now met the current code setback; the western side yard was reduced further than in the 2003 application, and the 2008 request met the front yard setback. The lot coverage requirements were also in conformance in the new 2008 application.

Councilor Lee asked if the current building was conforming. Mrs. Askew replied the current building is nonconforming. The existing structure encroaches into the front yard, the side yard, and the rear yard. The current building is also over the lot coverage requirement and the floor area ratio.

Councilor Lee asked if the proposed addition would bring the lot into conformity. Mrs. Askew replied it would not. In order to bring everything into conformity the structure would need to be demolished and rebuilt.

Councilor Lee asked if the variance requests added to the existing nonconformities. Mrs. Askew replied the proposed addition was completely within the setbacks. The only new variance request was an increase in the floor area ratio.

Councilor Lee questioned whether or not the Code would allow the property owner to rebuild the structure on the current footprint. City Attorney White advised the Code would allow the building to be reconstructed within the footprint.

Councilor Lee questioned if the property owner did not maintain the structure and an engineer determined the building was not structurally sound and condemned the building would the Code allow the property owner to rebuild within the exact footprint. City Attorney White advised the structure would then have to be built in conformity. Mrs. Askew added if the property owner chose to demolish the structure they would no longer have grandfathered rights and could not rebuild within the footprint.

Councilor Lee questioned what the Board of Appeals considered the hardship to be when they approved the variance request. Chair of the Board of Appeals, Chris Chin indicated she could not speak for the entire Board, however she considered the hardship a financial loss because the property would be converted from a triplex to a single family home therefore the owner would be losing income from the rental properties on the lot.

Mayor Brown felt the variance request to convert the property from a triplex to a single family was positive news for the community and questioned the concern of the opposing neighbors.

Vice Mayor Pruette was concerned the plan did not contain parking spaces and they would be building a larger structure on an already nonconforming lot.

Councilor Weldon wondered why the neighbors had a problem with the remodeling and adding 450 square feet to an existing eyesore.

Councilor Pardee stated a letter from Code Enforcement dated April 28, 2008 discussed multiple problems on the exterior of the building. He felt the building also needed an interior inspection. He stated the Council would be going against the Code to allow an addition on to a structure that had no rental activity for a 24 month period. He asked if the property owner could address the Council. City Attorney White advised any statement from the property owner would have to coincide with the record and he could not introduce any new evidence.

Mr. Ron Romeo, representative for Mr. Kawasaki, explained Mr. Hamilton represented Mr. Kawasaki at the last Board of Appeals meeting. He explained the property has been rented in the past 24 months. He added the plan has been amended from the 2003 variance request in an effort to make everyone happy. The concrete has been removed and the porches have been relocated. Instead of an outdoor stairway they added an elevator inside which has been moved back within the setback. All the other nonconformities are preexisting.

Vice Mayor Pruette questioned if loss of rental income should be considered a hardship. City Attorney White stated there could be a financial hardship if there was a severe restriction on the use of the property or if you were being deprived of the majority of the reasonable use of the property. A financial impact alone was not necessarily a hardship under the law. Vice Mayor Pruette questioned if an elevator constituted a hardship. City Attorney White replied the legal test was the hardship had to be unique to the property owner. He added the Council was to determine whether there was evidence to base the determination of hardship on not to retry the case.

Councilor Lee stated there was currently a building on the property that was considered an eyesore and they proposed converting the triplex to a single family. He questioned if those positives outweighed the existing nonconformities.

Mayor Brown felt the Board was working toward a goal of replacing the triplex with a single family unit.

Vice Mayor Pruette asked Mr. Romeo how many tenants were currently leasing the property. Mr. Romeo replied there were two or three.

Councilor Pardee stated the structure could be converted to a single family home within the existing shell without the need for a variance.

Councilor Weldon stated he would base his decision on the large representation from the neighborhood that supported the appeal.

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon

Noes: 1 – Brown

MOTION CARRIED

V08-14
218, 226 & 228 Bay
St.
Nuijens / Cornelius

VARIANCE APPEAL FOR V-08-14 – 218, 226 & 228 BAY STREET – THOMAS NUIJENS AND PEGGY CORNELIUS: The variance is for Lot B to extend the existing front porch, add a covered porch on the west side of the house (that crosses over the lot line) and a garage addition onto the rear of the house.

Moved by Weldon, seconded by Lee.

Motion: **TO MODIFY THE DECISION OF THE BOARD OF APPEALS ON MR. NUIJENS PROPERTY TO GRANT THE VARIANCE WITH THE IMPOSITION OF CERTAIN CONDITIONS. THOSE CONDITIONS BEING THAT THE PROPERTY IS REPLATTED TO ACCOMADATE THE STANDARD SETBACKS BETWEEN ADJACENT PROPERTIES FOR THE WESTERN PORCH AND GARAGE ADDITION.**

Councilor Weldon stated there was no opposition from the neighborhood on this appeal. He was concerned about half of a house being located on the adjacent property. His suggestion was to replat both lots so that the structures located on each lot were separated on two separate lots. This way the properties could be sold separately in the future without having to remove part of a building or having an addition built too close to a setback. This would allow the homeowner to beautify the lot and preserve the physical

aspects of the lot and at the same time protect the long term interest of the community.

Mayor Brown supported Councilor Weldon's approach. He felt the cottage needed some upgrading.

Councilor Pardee asked if the Council could consider Section 27-705(c) of the Code. City Attorney White stated it was his opinion that Section 27-705(c) did not apply because it dealt with the division of properties and that was not the issue. The issue was whether the two separate lots should be considered as one lot because of the same property owner.

Councilor Weldon explained his motion would modify the decision of the Board of Appeals by proposing a change to the platting which would resolve the issue of building across property lines and preserve the appropriate setbacks.

Vice Mayor Pruette stated the opinion letter from City Attorney White regarding the Board of Appeals not having the authority to allow the construction of a structure across lot lines did not indicate whether it was determined by state law or case law. She questioned what law determined whether or not you could encroach on your own property.

City Attorney White responded the general intent of zoning laws was to avoid building over lot lines and building too close to lot lines. He added the adjoining lots could be replatted and combined into one.

Vice Mayor Pruette felt it was the Council's responsibility to find a way to allow people to use their property. She added there were other buildings in the city that were built across lot lines.

Mayor Brown asked City Attorney White if there was anything wrong with Councilor Weldon's motion to relocate the lot lines. City Attorney White replied that may not be acceptable to the property owner.

Councilor Weldon stated he did not want to negotiate it with the property owner. But it would be an option for them to chose or they pursue other action.

Councilor Lee questioned if the lot lines could be relocated by using a deed restriction. City Attorney White advised he would not recommend that because the Council had no control over deed restrictions.

City Manager Jarboe stated for an example there were other properties within the city that were separated illegally by the property owners bypassing the city and going straight to the Clerk of Courts to have deeds recorded without the city's knowledge.

Councilor Pardee questioned if the motion included all three variance requests or just the one to build across the lot line. Councilor Weldon felt the motion for the replat would solve all the issues so the setbacks on both lots would be adequate. It would reduce the size of Lot A and allow them to build what they wanted on Lot B.

Councilor Pardee asked to hear from the applicants.

Mr. Jeb Branham, Attorney for Ms. Cornelius, stated his opinion differed from that of City Attorney White. He felt the language in Section 27-705(c) was very clear and that it was not limited to splitting lots. It was his opinion that it referred to two or more combinations of lots with continuous frontage under single ownership being considered to be an undivided parcel. He added there were properties throughout Neptune Beach that straddled lot lines including the City Hall building. In 2006 a building permit was issued to build a structure which straddled the lot lines at the corner of Davis Street and Third Street. There was no Ordinance ever passed by the Council stating you could not build across lot lines.

Mayor Brown asked Mr. Branham to comment on the motion made by Councilor Weldon.

Ms. Cornelius stated if the lot lines were reconfigured one of the lots would not be useable without removing the huge magnolia tree. She added they would like to install a swimming pool in the future.

Vice Mayor Pruette asked City Attorney White if he had any suggestions for the Council to consider. City Attorney White replied he gave his opinion on deed restrictions. The Council could allow the property owner to build across the lot line if they so chose.

Vice Mayor Pruette did not like the suggestion to gerrymander the lot lines.

Councilor Weldon withdrew his previous motion.

Councilor Lee questioned if the lot would be nonconforming if the two lots were replatted as one lot. Community Development Director Amanda Askew replied if the two lots were combined into one lot there would be three units on one parcel which was not allowed in the R-4 district and was not supported by the Comprehensive Plan. She added the lots could be separated into three single family lots.

Mayor Brown stated he would like for Councilor Weldon to reconsider his motion.

Councilor Weldon reintroduced the motion, seconded by Lee.

Motion: **TO MODIFY THE DECISION OF THE BOARD OF APPEALS ON MR. NUIJENS PROPERTY TO GRANT THE VARIANCE WITH THE IMPOSITION OF CERTAIN CONDITIONS. THOSE CONDITIONS BEING THAT THE PROPERTY IS REPLATTED TO ACCOMADATE THE STANDARD SETBACKS BETWEEN ADJACENT PROPERTIES.**

Councilor Pardee asked if it would be a violation of the Code if the lots were replatted and the boundaries relocated so that one the lots were smaller than the other one. Mrs. Askew replied it was her opinion that it would be a violation of the Code because the lot with the duplex is currently non-conforming and no changes can be made. City Manager Jarboe stated it was his opinion that it would not be a violation of the Code.

Councilor Lee questioned the replatting of the boundaries of the lots. City Manager Jarboe stated it may violate the code since it adds another nonconforming feature to the lot.

Councilor Lee called the question. City Manager Jarboe stated it would be up to the applicant to Replat the properties.

Roll Call Vote:

Ayes: 4 – Lee, Pardee, Weldon, Brown

Noes: 1 – Pruette

MOTION CARRIED

Adjournment

There being no further business, the meeting adjourned at 9:00 p.m.

Harriet Pruette, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
REGULAR CITY COUNCIL MEETING
OCTOBER 6, 2008 AT 6:00 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 October 6, 2008 at 6:00 p.m., in the City Hall Council Chambers, 116 First Street, Neptune Beach, Florida.

Attendance**IN ATTENDANCE:**

Mayor Richard A. Brown
Vice Mayor Harriet Pruette
Councilor Fred Lee
Councilor Eric Pardee
Councilor John Weldon
City Attorney Christopher White
City Manager Jim Jarboe
Deputy City Clerk Karla Strait, CMC

STAFF:

Community Development Director Amanda Askew
Senior Activities Center Director Leslie Lyne
Director of Public Safety David Sembach
Director of Public Service Leon Smith

Order Call/Pledge

Mayor Brown called the meeting to order at 6:00 p.m. and asked Boy Scout Troop # 276 to lead the pledge of allegiance.

AWARDS / PRESENTATIONS / RECOGNITION OF GUESTS

Mayor Brown recognized the presence of Boy Scout Troop # 276 in the audience.

Mayor Brown announced the Fletcher High School Band presented the city with a plaque in appreciation for supporting their trip to Washington, D.C. which contributed to allowing them to participate in the July 4, 2008, National Independence Day Parade.

APPROVAL OF MINUTES

Moved by Pruette, seconded by Pardee.

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

SEPTEMBER 8, 2008, REGULAR CITY COUNCIL MEETING
SEPTEMBER 22, 2008, SPECIAL CITY COUNCIL MEETING
SEPTEMBER 22, 2008, WORKSHOP CITY COUNCIL MEETING
SEPTEMBER 25, 2008, SPECIAL CITY COUNCIL MEETING

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown
Noes: 0

MOTION CARRIED

COMMUNICATIONS AND CORRESPONDENCE

Deputy City Clerk Karla Strait announced that City Clerk Lisa Volpe was doing well and should be able to return to work in approximately two weeks.

CITY MANAGER REPORT

City Manager Jarboe reported on the following:

- FEMA is in the process of conducting an on site audit.
- The City audit is also in process.
- The Election is in process and all political signs were properly placed.

Mayor Brown questioned the article in the Shorelines regarding the contamination of Hopkins Creek. City Manager Jarboe replied it would difficult to locate the source of the contamination without conducting a study.

COMMENTS FROM THE PUBLIC / NONE**CONSENT AGENDA**

Crafternoon

CRAFTERNOON: Approval to use Jarboe Park Saturday, November 8, 2008.

Moved by Pruette, seconded by Lee.

Motion: **TO APPROVE THE ABOVE CONSENT AGENDA.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

VARIANCES

V08-15, PDRB 08-06 & PDRB 08-08
240 Third St.

V0-15, VARIANCE REQUEST FOR PARKING, PDRB 08-06, SPECIAL EXCEPTION FOR OUTDOOR DINING & PDRB 08-08, DEVELOPMENT ORDER FOR ROBERTA ROBSON, 240 THIRD STREET. (FORMER TACO BELL PROPERTY) City Manager Jarboe explained the Planning and Development Review Board recommended approval of Yucatan Mexican restaurant at the location of the former Taco Bell.

Roberta Robson, owner of the property located at 240 Third Street, stated she had tenants for the property who were interested in remodeling the old Taco Bell into a Mexican restaurant. She explained in order for to obtain a liquor license to serve margaritas they had to have seating for 150 patrons. The special exception was for outdoor dining and the variance request was to reduce the parking requirement by five spaces. She added that public parking was available in the right-of-way along Third Street.

Councilor Weldon voiced concern regarding the variance for parking. He stated there was already a 50% reduction allowance for required parking in the Central Business District. He questioned the practicality of the design and was concerned it would turn into a stand alone bar in the future. He also voiced concern about the size of the building and the alignment of the building with other buildings along Third Street. He felt the restaurant was too large for the site. He disclosed he is the owner of the office complex south of the property and is concerned his parking lot will be utilized by the restaurant patrons.

Mayor Brown felt the Mexican restaurant was a practical reuse of the property and the seasonal outdoor dining was popular. He did not have any concerns.

Councilor Pardee stated the Planning & Development Review Board recommended approval of the project and he supported the development order.

Councilor Lee was concerned about the outdoor dining deck being located only three feet from Third Street.

Councilor Weldon felt adding the large outdoor dining deck would change the appearance of Third Street. He was concerned that it would become a big party site that would have no parking. He was also concerned that it would become a long term eyesore if the restaurant was not successful.

Councilor Lee stated he would like the tenant to address the Council in order to get a better understanding of the design. He asked Community Development Director Askew if the deck would be built of pervious material. Mrs. Askew responded it would be a wood deck, thus it would not be counted as impervious surface.

Vice Mayor Pruette suggested asking the tenants to attend the October workshop meeting and explain the design in further detail. She also asked Mayor Brown to hold a special meeting after the October workshop meeting to vote on the project.

Mayor Brown asked Kerry Chin, Chairman of the Planning & Development Review Board, to address the Council.

Kerry Chin, Chairman of the Planning & Development Review Board, stated it was a consensus of the planning board this would be a nice project for a vacant lot. The board viewed the 150 seat requirement as "only a number on paper" in order for the tenant to obtain a liquor license. They also felt the restaurant would not be filled to capacity at any given time, therefore allowing the reduction in the required parking spaces. He added at one time there was a verbal agreement for parking between the Village Inn and the owner of the former Taco Bell. The Board also expressed Council's concern regarding outdoor amplified music to Ms. Robson.

Councilor Pardee asked Mr. Chin if the tenants were present at the Planning & Development Review Board meeting. Mr. Chin responded the owner was present but not the tenants.

For the Record

Vice Mayor Pruette stated for the record she supported the project. However, she was concerned about outdoor amplified music.

Councilor Pardee stated the City and Code Enforcement Officer have been pressuring the owner to clean up the property and he felt the development order should be approved.

Moved by Weldon

Motion: **TO TAKE IT BACK TO WORKSHOP AND GET MORE DETAIL FROM THE PEOPLE THAT ARE ACTUALLY GOING TO OPERATE THE RESTAURANT.**

MOTION FAILED FOR LACK OF SECOND.

Vice Mayor Pruette stated she would also like to discuss the details in a workshop meeting.

Councilor Lee stated he did not want to delay the project. However; he would like to hear more details from the tenants. He asked Community Development Director Askew if the building met the Code.

Community Development Director Askew replied the proposal met the front and side yard setbacks and met the Code requirements for impervious surface.

Councilor Lee asked if the Council could place restrictions on the outdoor dining. Mrs. Askew

replied because it was a special exception restrictions could be placed on the outdoor dining.

Councilor Lee asked if Council could limit the outdoor dining to certain hours. Mrs. Askew replied that was correct.

Councilor Lee questioned if the restrictions would be transferred if the property was sold or leased to another tenant. Mrs. Askew replied the restrictions would be conveyed with the property to the new owner.

Councilor Lee asked Mrs. Askew if a new owner or tenant would be allowed to turn the property into a stand alone bar. Mrs. Askew replied a stand alone bar would not be allowed on the property because it was within 800 feet of a church.

Councilor Weldon stated as a restaurant serving alcohol, 51% of the sales would need to be from food. Mrs. Askew replied the state audited that requirement.

Mayor Brown asked Council if they were ready to vote or if they wanted to forward the development order to the October workshop.

Councilor Lee stated he would not be comfortable moving forward without putting restrictions on noise and alcohol. He would like for the tenant to attend the October workshop.

Vice Mayor Pruette also wanted to hear from the tenant at a workshop.

Councilor Lee asked Ms. Robson if the tenants would be willing to attend a workshop meeting to address the Council. Ms. Robson replied she was concerned because her prospective tenants have been waiting for approval from the city for months and she is afraid they may find another opportunity.

Vice Mayor Pruette suggested holding a special meeting after the October workshop to approve the development order if a consensus could be reached.

Mayor Brown stated he could call a special meeting after the October workshop if Council was satisfied.

Moved by Weldon, seconded by Lee.

Motion: **FORWARD TO THE OCTOBER WORKSHOP FOR FURTHER STUDY.**

Roll Call Vote:

Ayes: 3 – Lee, Pruette, Weldon

Noes: 2 – Pardee, Brown

MOTION CARRIED

Councilor Lee asked if there would be a special meeting held after the October workshop meeting to vote on the development order. Mayor Brown replied he would call a special meeting if enough information was gathered for the majority of the Council to make a decision.

ORDINANCES

Ord. No. 2008-13

ORDINANCE NO. 2008-13, SEASONAL SALES, FIRST READ: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 17, SALES, ARTICLE III OPEN AIR SALES AND MARKETS, ADDING SECTION 17-47 SEASONAL SALES AND PROVIDING AN EFFECTIVE DATE.

Moved by Weldon, seconded by Pruette.

Motion: **TO PASS ORDINANCE NO. 2008-13 ON FIRST READ.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

Ord. No. 2008-14

ORDINANCE NO. 2008-14, ALLOWING DOGS IN OUTSIDE DINING AREAS, FIRST READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 27, UNIFIED LAND DEVELOPMENT REGULATIONS ADDING SECTION 27-339 ALLOWING DOGS IN OUTSIDE DINING AREAS UNDER CERTAIN CONDITIONS AND PROVIDING AN EFFECTIVE DATE.

City Manager Jarboe explained this ordinance would allow dogs to dine in outdoor seating areas at restaurants as long the restaurant owner complied with the State guidelines.

Councilor Weldon voiced concerns about dangerous dogs being allowed in the outdoor seating areas at Sun Dog Diner and Carribbee Key because they were located on public property. City Attorney White explained the outdoor seating contracts contained clauses releasing the city of liability.

Mayor Brown read Ordinance No. 2008-14 by title only and opened the public hearing.

Allen Martin, 1113 First Street, favored the Ordinance.

There being no further comments from the public, the public hearing was closed.

Mayor Brown stated it would be a business decision made the restaurant owner as to whether or not to allow dangerous dogs to dine on their property.

Vice Mayor Pruette felt pets were part of the community and should be allowed to dine with their owners in outdoor areas. She added it would be the restaurant owner's decision as to whether or not they wanted to allow dogs in outside dining areas.

Councilor Lee was concerned the city had not yet defined "Dangerous Dogs". He was expecting the Dangerous Dog Committee to report to the Council before this ordinance was discussed.

Councilor Pardee stated the city banned dogs from the beach during certain hours because beach goers were intimidated by them. He felt restaurant patrons might also be intimidated. He added it would be the responsibility of the city to enforce the state guidelines and report incidences to the state. He was concerned how the ordinance would be enforced by the city. He also would like read the minutes from the Animal Ordinance Committee regarding their discussion of dog dining.

Mayor Brown stated he would like more input from the public and the restaurant owners. He added since there was no urgency to adopt the ordinance he would support moving it to the October workshop.

John Brocato, owner of Carribbee Key, felt the ordinance should be consistent. He would rather not allow dogs to dine outdoors at all if he had to make the decision regarding which ones to allow and which ones not to allow.

Councilor Lee also wanted to hear more from the public, the restaurant owners, and the Animal Ordinance Committee at the October workshop meeting.

Councilor Weldon felt if the ordinance was adopted it would place too much pressure on restaurant owners to allow dogs to dine in outside areas.

Consensus: **FORWARD TO THE OCTOBER WORKSHOP TO GATHER MORE INFORMATION FROM THE PUBLIC, THE RESTAURANT OWNERS, AND THE ANIMAL ORDINANCE COMMITTEE.**

OLD BUSINESS / NONE

NEW BUSINESS

Res. No. 2008-17 **RESOLUTION NO. 2008-17, BOARD APPOINTMENTS:** A RESOLUTION APPOINTING MEMBERS TO THE POLICE OFFICERS RETIREMENT FUND BOARD.

City Manager Jarboe explained the Police Officer's Retirement Fund Board was made up of two residents appointed by city council, two members appointed by the police officers, and a fifth member appointed by the Board.

Donald Padgett, 2102 First Street, Secretary for the Board, stated he had been on the board for approximately ten years. He is a Certified Public Accountant, and also spends time providing advice on stocks and bonds as well as taxes.

Councilor Weldon stated Mr. Padgett's education and experience was exactly the type of member the Board needed. He would like to have more information as to where the fund stood in general. He was concerned because the city had a very large liability to the retirement fund in the event that the investments being made by the Board did not work out well. He also felt the Council should be more cognizant of the status of the Board's investments.

Mr. Padgett explained the board hired outside firms to manage and monitor the investments.

Councilor Weldon stated in addition to hearing from the retirement fund managers at the October workshop meeting, he would also like staff to give an insight into any existing investments for bonds that the city currently maintained. He would also encourage staff to try to anticipate how the economic crisis is going to affect the city.

Moved by Weldon, seconded by Pruette.

Motion: **TO APPROVE RESOLUTION NO. 2008-17**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

Adjournment There being no further business, the meeting adjourned at 7:20 p.m.

Richard A. Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
SPECIAL CITY COUNCIL MEETING
OCTOBER 20, 2008 AT 7:05 P.M
CITY HALL, 116 FIRST STREET
NEPTUNE BEACH, FLORIDA

Pursuant to proper notice a Special Meeting of the City Council of the City of Neptune Beach was held October 20, 2008 at 7:05 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

STAFF:

Mayor Richard A. Brown
Vice Mayor Harriet Pruette
Councilor Fred Lee
Councilor Eric Pardee
Councilor John Weldon
City Attorney Chris White
City Manager James Jarboe
Deputy City Clerk Karla Strait,
CMC

Community Development Director Amanda Askew
Senior Center Director Leslie Lyne
Director of Finance Steve Ramsey
Director of Public Safety David Sembach
Director of Public Services Leon Smith

Order Call

Mayor Brown called the special meeting to order at 7:05: p.m.

240 Third Street

V08-15, VARIANCE REQUEST FOR PARKING, PDRB 08-06, SPECIAL EXCEPTION FOR OUTDOOR DINING & PDRB 08-08 DEVELOPMENT ORDER FOR ROBERTA ROBSON, 240 THIRD STREET, (FORMER TACO BELL PROPERTY)

Moved by Pardee, seconded by Pruette.

Motion: **TO APPROVE THE VARIANCE FOR PARKING.**

For the Record

Councilor Weldon felt he would be impacted financially and abstained from voting.

Roll Call Vote:

Ayes: 3 – Pardee, Pruette, Brown
Noes: 1 – Lee
Abstain: 1 – Weldon

MOTION CARRIED

Moved by Pardee, seconded by Pruette.

Motion: **TO APPROVE THE SPECIAL EXCEPTION WITH THE LETTER FROM THE OWNER PROVIDING THE STIPULATIONS ATTACHED AND THAT THERE BE NO OUTDOOR AMPLIFIED MUSIC.**

Roll Call Vote:

Ayes: 3 – Pardee, Pruette, Brown

Noes: 1 – Lee

Abstain: 1 – Weldon

MOTION CARRIED

Moved by Pardee, seconded by Pruette.

For the Record

Councilor Weldon stated for the record there was not a sign application in the development order and he would like to make clear there was lot a more to do before the development order was fully approved.

City Manager Jarboe replied they would have to obtain approval for the sign. Community Development Director Amanda Askew stated the application was missing details regarding the curb cut between Third Street and the site. However, they had the basic necessities required by the Code for Development Orders. Ms. Askew advised the sign application would still need approval before a sign permit could be obtained.

Motion: **TO APPROVE THE RECCOMENDATION OF THE PLANNING & DEVELOPMENT REVIEW BOARD TO APPROVE THE DEVELOPMENT ORDER FOR 240 THIRD STREET.**

Roll Call Vote:

Ayes: 4 – Lee, Pardee, Pruette, Brown

Noes: 0

Abstain: 1 - Weldon

MOTION CARRIED

Ord. No. 2008-13

ORDINANCE NO. 2008-13, SEASONAL SALES, SECOND READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 17 SALES, ARTICLE III OPEN AIR SALES AND MARKETS, ADDING SECTION 17-47 SEASONAL SALES AND PROVIDING AN EFFECTIVE DATE.

Moved by Pruette, seconded by Lee.

Motion: **TO ADOPT ORDINANCE NO. 2008-13 ON SECOND READ AND PUBLIC HEARING.**

Mayor Brown read Ordinance No. 2008-13 by title only and opened the public hearing.

There being no comments from the public, the public hearing was closed.

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

A1A Utility Work

UTILITY WORK A1A / THIRD STREET: City Manager Jarboe stated he met with Florida Department of Transportation on the repaving project and as part of the existing agreement the city is required to repair any infrastructure problems. This would have cost the city \$150,000 to \$200,000. However, FDOT received a price from their contractor that would save the city two-thirds of the cost.

Moved by Pruette, seconded by Pardee.

Motion: **TO AUTHORIZE THE CITY MANAGER TO CONTRACT WITH FDOT FOR THE COST OF REPAIRING THE INFRASTRUCTURE. IF IT IS MORE THAN 30% OF \$69,000 THE CITY MANAGER WILL NOTIFY THE COUNCIL AT THE NEXT COUNCIL MEETING.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

Adjournment

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

Richard Brown, Mayor

ATTEST:

Karla Strait, CMC, Deputy City Clerk

Approved: _____



MINUTES
WORKSHOP CITY COUNCIL MEETING
OCTOBER 20, 2008, 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 October 20, 2008 at 6:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

STAFF:

Mayor Richard Brown
Vice Mayor Harriet Pruette
Councilor Fred Lee
Councilor Eric Pardee
Councilor John Weldon
City Attorney Chris White
City Manager Jim Jarboe
Deputy City Clerk Karla Strait,
CMC

Community Development Director Amanda Askew
Senior Center Director Leslie Lyne
Director of Finance Steve Ramsey
Director of Public Safety David Sembach
Director of Public Services Leon Smith

Call to Order/Roll Call Mayor Brown called the meeting to order at 6:00 p.m.

PRESENTATIONS / NONE

CITY MANAGER'S ACTION LIST

City Manager Jarboe reported on the following:

- The Florida Department of Transportation has offered to help with the repairs of the infrastructure by using their contractor which one third the cost the city would have paid.

PUBLIC COMMENTS

Dana Pardee, 1421 Penman Road, supported the development order for 240 Third Street and felt Councilor Weldon should abstain himself from the vote because he owned an office building next door. She also felt some council members should be more business friendly.

Sandy Golding, 1203 18th Avenue North, Jacksonville Beach, Secretary of the Animal Ordinance Committee, advised the Council the committee unanimously recommended the City of Neptune Beach pass the Ordinance to give restaurants the opportunity to allow dogs to dine with their owners in outdoor dining areas.

Valerie Pickett, 351 4th Street, Atlantic Beach, owner of Slider's Grill, supported giving the restaurant owners the opportunity to allow outdoor dog dining.

Carolyn Zisser, 302 Third Street, Suite 6, Ocean Office Plaza, strongly opposed the

variance for parking and the special exception for outdoor seating for 240 Third Street.

David Linger, 1817 Hopkins Creek Lane, owner of property in Ocean Office Plaza, opposed the development order for 240 Third Street due to parking issues.

David Sall, M.D., 246 Third Street, owner of five units in the Ocean Office Plaza, opposed the development order for 240 Third Street due to parking issues.

Patricia Stacey Sall, 2946 Bernice Court, Ocean Office Plaza, opposed the development order 240 Third Street due to parking issues.

Michael Aston, 1522 Summers Sands Drive, thanked the Council for taking the time to consider negative effects of commercial developments to the community and its citizens.

PROPOSED ORDINANCES

Dogs Dining Outside

ORDINANCE NO. 2008-14, DOGS DINING OUTSIDE: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA CHAPTER 27 UNIFIED LAND DEVELOPMENT REGULATIONS ADDING SECTION 27-339 ALLOWING DOGS IN OUTSIDE DINING AREAS UNDER CERTAIN CONDITIONS IN THE CODE OF ORDINANCES AND PROVIDING AN EFFECTIVE DATE.

Councilor Lee stated the Animal Control Committee unanimously recommended approval of the ordinance and the owners of restaurants have had indicated they would like the opportunity to allow dogs to dine outside with their owners. He supported the ordinance but suggested the Council review the ordinance in July 2009 when the State Statute expires.

Councilor Pardee suggested that a permitting process be in place before the adoption of the ordinance. He would also like to know what cost the city would incur as a result before it is adopted.

Mayor Brown stated he supported allowing restaurant owners the freedom to make the decision.

Vice Mayor Pruette supported the ordinance and stated it would be consistent with Atlantic Beach.

Consensus: **FORWARD TO THE NOVEMBER REGULAR MEETING FOR FIRST READ AND PUBLIC HEARING.**

Alcoholic Beverages

ORDINANCE NO. 2008-XX, ALCOHOLIC BEVERAGES: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 4 ALCOHOLIC BEVERAGES, ARTICLE I IN GENERAL, SECTION 4-4 LOCATION OF ESTABLISHMENTS AND PROVIDING AN EFFECTIVE DATE.

Councilor Weldon questioned if paragraph (d) of the ordinance would allow grocery stores and drug stores selling beer and wine to be exempt from the distance requirements related to selling alcohol of stronger content. City Attorney White replied that grocery stores and drug stores would not be exempt.

Consensus: **FORWARD TO THE NOVEMBER REGULAR MEETING FOR FIRST READ.**

Variance Appeals

ORDINANCE NO. 2008-XX, VARIANCE APPEALS: AN ORDINANCE OF THE CITY OF

NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 27 UNIFIED LAND DEVELOPMENT REGULATIONS ARTICLE III ADMINISTRATIVE AND ENFORCEMENT PROCEDURES DIVISION 8 VARIANCES SECTION 27-153 PROCEDURE FOR APPEAL AND DELETING SECTION 27-154 APPEAL OF CITY COUNCIL DECISIONS ON VARIANCES IN THE CODE OF ORDINANCES AND PROVIDING AN EFFECTIVE DATE.

Councilor Weldon, sponsor of this appeals procedure ordinance, requested it be removed from the agenda permanently.

Consensus: **TO WITHDRAW THE APPEALS PROCEDURE ORDINANCE PERMANENTLY.**

CONTRACTS / AGREEMENTS

Neptune Beach
Elementary Park

NEPTUNE BEACH ELEMENTARY SCHOOL PARK LEASE AGREEMENT: City Manager Jarboe stated he met with the principal of the Neptune Beach Elementary School and the Pop Warner Group and they came to some agreements. He was in the process of writing a lease agreement that would satisfy all three parties. He felt it could be removed from the agenda.

Consensus: **TO ALLOW THE CITY MANAGER TO WRITE THE LEASE AGREEMENT THAT WOULD SATISFY ALL THREE PARTIES.**

Agenda Amendment

Councilor Weldon suggested, for the benefit of the assembly, moving forward with item 8-E Development Order for 240 Third Street.

Former Taco Bell
250 Third Street

V08-15, VARIANCE REQUEST FOR PARKING, PDRB 08-06, SPECIAL EXCEPTION FOR OUTDOOR DINING & PDRB 08-08 DEVELOPMENT ORDER FOR ROBERTA ROBSON, 240 THIRD STREET, (FORMER TACO BELL PROPERTY)

Community Development Director Amanda Askew explained she met with the applicant after the last meeting. They reviewed the site and found one additional parking space. The revised variance request is for a reduction of four parking spaces. They also provided a letter indicating they would place voluntary restrictions on the outdoor dining area. She suggested making the voluntary restrictions part of the motion.

Vice Mayor Pruette felt the applicants made a fair compromise in the letter they provided and addressed the issues. She suggested if parking became an issue with Ocean Office Plaza that the owners should enforce no parking signs.

Mayor Brown also felt the compromise was fair. He did not feel the restaurant with the outdoor deck would create a drastic change in that of the commercial district.

For the Record

Councilor Pardee felt the applicants clarified the concerns of the Council in their letter. He added, for the record, he had a state plan reviewer's license and he did look at plans.

Councilor Lee stated the plans did not include signage and they would have to obtain a separate permit from the city. He asked the applicants to address the Council.

Harleston Parkes, Architect for the project, stated parking was the biggest issue. However, if the on street parking in front of the site and in front of Village Inn was included they would only be short one space. The restaurant would be an informal, family oriented restaurant and not a bar.

For the Record

Vice Mayor Pruette questioned for the record if they would have outdoor amplified music. Mr. Parkes replied they may decide to have amplified music inside but there would be no

amplified music outside.

Councilor Lee asked Ms. Robson if she felt the project would be developed. Ms. Robson replied she has been corresponding with the proposed tenants and they were very serious. He asked if they had tried to make an agreement with Village Inn for parking. Ms. Robson felt trying to work out a parking agreement with Village Inn would have taken too much time and she was eager to get approval for the restaurant.

Consensus: **FORWARD TO THE SPECIAL MEETING FOR A VOTE.**

Recess / Reconvene Mayor Brown recessed the workshop meeting at 7:05 p.m. and reconvened the workshop meeting at 7:25 p.m.

ISSUE DEVELOPMENT

City Bonds **CITY BONDS:** Director of Finance Steve Ramsey gave a brief summary regarding city debts.

PORF Investments **POLICE OFFICERS RETIREMENT FUND BOARD INVESTMENTS:** Don Padgett, Police Officers Retirement Board Member, gave a brief report on the PORF Board investments.

Safe Routes for Schools **SAFE ROUTES FOR SCHOOLS:** Councilor Lee stated the Pedestrian Safety Resolution included safe routes for schools. He asked Council to review the material provided in their agenda packets regarding the Safe Ways to School program because he would like to see this become a reality over the next year.

Public Safety Bldg. **RENAMING OF THE PUBLIC SAFETY BUILDING:** Sgt. Adam Militello explained in honor of Lt. James P. Kelly's untimely death due to cancer he would like to rename the Public Safety Building the "James P. Kelly Memorial Police Headquarters".

Consensus: **FORWARD TO THE NOVEMBER REGULAR MEETING CONSENT AGENDA.**

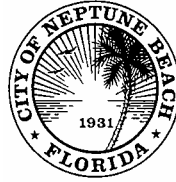
Adjournment There being no further business, the meeting adjourned at 7:58 pm.

Richard A. Brown, Mayor

Attest:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
REGULAR CITY COUNCIL MEETING
SEPTEMBER 8, 2008 AT 6:11 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 September 8, 2008 at 6:11 p.m., in the City Hall Council Chambers, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

STAFF:

Mayor Richard A. Brown
Vice Mayor Harriet Pruette
Councilor Fred Lee
Councilor Eric Pardee
Councilor John Weldon
City Attorney Christopher White
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

Community Development Director Amanda Askew
Director of Finance Steve Ramsey
Director of Public Safety David Sembach
Director of Public Service Leon Smith

Order Call/Pledge

Mayor Brown called the meeting to order at 6:11 p.m. and led the pledge of allegiance.

AWARDS / PRESENTATIONS / RECOGNITION OF GUESTS / NONE

APPROVAL OF MINUTES

Moved by Lee, seconded by Pardee.

Minutes

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

AUGUST 4, 2008, REGULAR CITY COUNCIL MEETING
AUGUST 18, 2008, SPECIAL CITY COUNCIL MEETING
AUGUST 18, 2008, WORKSHOP CITY COUNCIL MEETING

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

COMMUNICATIONS AND CORRESPONDENCE

Councilor Pardee was concerned about the placement and removal of political signs on public property. He suggested placing the political sign ordinance on the September workshop agenda.

Vice Mayor Pruette publicly announced she felt the city staff did an outstanding job removing the storm debris left behind by Tropical Storm Faye.

CITY MANAGER REPORT

City Manager Jarboe reported on the following:

- The Public Services Department did an excellent job removing the storm debris left behind by Tropical Storm Faye.
- Since the manholes have been repaired there has been six thousand gallons less infiltration.
- The Kings Road Bridge contract has been signed and finalized. According to the contract the work must be completed within six months.
- The Public Safety Department was commended for their assistance before, during and after Tropical Storm Faye.

Councilor Lee questioned the progress of the new playground equipment for the parks. Community Development Director Amada Askew replied the City of Jacksonville has received new bids for the playground equipment and it would take four to six weeks for the equipment to arrive.

COMMENTS FROM THE PUBLIC / NONE

CONSENT AGENDA / NONE

VARIANCES / NONE

ORDINANCES

Ord. No. 2008-10 ORDINANCE NO. 2008-10, UNIFIED LAND DEVELOPMENT REGULATIONS, SECOND READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES CHAPTER 27 UNIFIED LAND DEVELOPMENT REGULATIONS, ARTICLE I, IN GENERAL, SECTION 27-15 DEFINITIONS, ARTICLE IV, LAND USE, SECTION 27-225, USES EXPRESSLY PROHIBITED WITHIN ZONING DISTRICTS, TABLE 27-226-1 AND PROVIDING AN EFFECTIVE DATE.

Mayor Brown read Ordinance No. 2008-10 by title only and opened the public hearing.

There being no comments from the public, the public hearing was closed.

Moved by Pruette, seconded by Lee.

Motion: **TO ADOPT ORDINANCE NO. 2008-10 ON SECOND READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

Ord. No. 2008-11 ORDINANCE NO. 2008-11, MILLAGE RATE, FIRST READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, ADOPTING FINAL MILLAGE RATES AND LEVYING AD VALOREM TAXES FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2008, AND ENDING SEPTEMBER 30, 2009; SETTING FORTH CERTAIN INFORMATION REGARDING "ROLLED-BACK RATES"; DIRECTING THE CITY MANAGER TO ADJUST THE ADOPTED MILLAGE RATES IN THE EVENT OF CHANGES IN THE ASSESSMENT ROLL AND TAXABLE VALUE; PROVIDING AN EFFECTIVE DATE.

Mayor Brown read Ordinance No. 2008-11 by title only and opened the public hearing.

There being no comments from the public, the public hearing was closed.

Moved by Weldon, seconded by Lee.

Motion: **TO PASS ORDINANCE NO. 2008-11 ON FIRST READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

Ord. No. 2008-12

ORDINANCE NO. 2008-12, BUDGET, FIRST READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, ADOPTING A FINAL BUDGET AND APPROPRIATING FUNDS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2008, AND ENDING SEPTEMBER 30, 2009; PROVIDING AN EFFECTIVE DATE.

City Manager Jarboe explained the revenues and expenditures were down \$200,000. In order to balance the budget each department had to cut expenses. There was also a reduction in staff and the city's cost of insurance. The budget included a 3% cost of living increase for all employees. There would be no reduction in city services.

Council thanked the staff for their efforts to balance the budget.

Mayor Brown read Ordinance No. 2008-12 by title only and opened the public hearing.

There being no comments from the public, the public hearing was closed.

Moved by Lee, seconded by Pardee.

Motion: **TO PASS ORDINANCE NO. 2008- 12 ON FIRST READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

OLD BUSINESS

Girls on the Run

GIRLS ON THE RUN USE OF JARBOE PARK: Angela Barber, 230 North Street, Coach for Girls on the Run, explained Girls on the Run was a nonprofit nationwide organization. The program was established to help young girls build self esteem by teaching them morals, ethics, nutrition, and physical fitness.

Moved by Weldon, seconded by Lee.

Motion: **TO APPROVE THE USE OF JARBOE PARK FOR "GIRLS ON THE RUN."**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

Relay for Life

RELAY FOR LIFE USE OF JARBOE PARK: City Manager Jarboe explained Relay for Life was

a non-profit, overnight event to raise funds for cancer research.

Moved by Weldon, seconded by Lee.

Motion: **TO APPROVE THE USE OF JARBOE PARK FOR "RELAY FOR LIFE."**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

Local 630

APPROVAL OF LOCAL 630 UNION CONTRACT: City Manager Jarboe stated the one year contract provided a 3% cost of living salary increase for employees.

Moved by Weldon, seconded by Pruette.

Motion: **TO APPROVE THE LOCAL 630 UNION CONTRACT.**

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

Res. No. 2008-15

RESOLUTION NO. 2008-15: A RESOLUTION OF THE CITY OF NEPTUNE BEACH, FLORIDA REQUESTING THE CITY OF JACKSONVILLE TO PROVIDE AT LEAST TWO HAZARDOUS WASTE PICK-UPS A YEAR AT THE BEACHES.

Vice Mayor Pruette asked the Council to support this Resolution requesting that the City of Jacksonville pick up hazardous waste at the beach twice per year. She felt this would make it easier for beaches residents to dispose of hazardous materials properly.

Moved by Pruette, seconded by Weldon.

Motion: **TO APPROVE RESOLUTION NO. 2008-15.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

Councilor Pardee suggested staff contact someone at the City of Jacksonville to find out the date of the next scheduled hazardous waste pick up.

Res. No. 2008-16

RESOLUTION NO. 2008-16: A RESOLUTION APPOINTING MEMBERS TO THE BOARD OF APPEALS AND THE PLANNING & DEVELOPMENT REVIEW BOARD.

Paulette Addler, 520 Hopkins Street, introduced herself to the Council and explained she would like to serve on the Planning & Development Review Board.

Moved by Pruette, seconded by Pardee.

Motion: **TO APPROVE RESOLUTION NO. 2008-16.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

Councilor Weldon asked Chris Chin, Chairman of the Board of Appeals, to come forward and explain how the training meeting went between the City Attorney and Board Members. Chris Chin explained she felt the training meeting was effective. She felt City Attorney White gave a good overview of how the board members should determine the seven findings of facts and hardships.

NEW BUSINESS

PDRB 08-05
Village Inn
200 Third St.

PDRB 08-05, SPECIAL EXCEPTION FOR OUTDOOR SEATING FOR VILLAGE INN, 200 THIRD STREET: City Manager Jarboe explained Village Inn has met all the requirements for outdoor seating.

Moved by Weldon, seconded by Pruette.

Motion: **TO APPROVE THE SPECIAL EXCEPTION FOR OUTDOOR SEATING FOR VILLAGE INN, 200 THIRD STREET WITH THE STIPULATION THAT THERE BE NO AMPLIFIED OUTDOOR MUSIC.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

PDRB 08-07
Neptune Mall
100 First St. &
241 Atlantic Blvd.

PDRB 08-07, PDRB 08-08, & V08-12, RENEWAL OF REPLAT, VARIANCE AND DEVELOPMENT ORDER FOR NEPTUNE MALL, 100 FIRST STREET AND 241 ATLANTIC BOULEVARD: Councilor Weldon explained the proposal was previously reviewed and approved by the Council. However, due to the current economics the development order was delayed. Therefore, he suggested Council re-approve the development order without further discussion. City Manager Jarboe stated there have been no changes in the application since it was approved in October of 2007.

Moved by Lee, seconded by Pruette.

Motion: **TO APPROVE THE RENEWAL OF REPLAT, VARIANCE, AND DEVELOPMENT ORDER FOR NEPTUNE MALL, 100 FIRST STREET AND 241 ATLANTIC BOULEVARD.**

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

Adjournment

There being no further business, the meeting adjourned at 7:02 p.m.

Richard A. Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
SPECIAL CITY COUNCIL MEETING
SEPTEMBER 22, 2008 AT 6:00 P.M
CITY HALL, 116 FIRST STREET
NEPTUNE BEACH, FLORIDA

Pursuant to proper notice a Special Meeting of the City Council of the City of Neptune Beach was held September 22, 2008 at 6:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

STAFF:

Mayor Richard A. Brown
Vice Mayor Harriet Pruette
Councilor Fred E. Lee
Councilor Eric Pardee
Councilor John Weldon
City Attorney Chris White
City Manager James Jarboe
Deputy City Clerk Karla Strait, CMC

Director of Finance, Steve Ramsey
Director of Public Safety, Chief Sembach
Director of Public Services, Leon Smith

Order Call

Mayor Brown called the special meeting to order at 6:00 p.m. and explained the meeting was called in order to meet the requirements for adopting the millage rate and final budget.

Ord. No. 2008-11

ORDINANCE NO. 2008-11, ADOPTING FINAL MILLAGE RATES AND LEVYING AD VALOREM TAXES, SECOND READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA ADOPTING FINAL MILLAGE RATES AND LEVYING AD VALOREM TAXES FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2008, AND ENDING SEPTEMBER 30, 2009, SETTING FORTH CERTAIN INFORMATION REGARDING "ROLLED-BACK RATES" DIRECTING THE CITY MANAGER TO ADJUST THE ADOPTED MILLAGE RATES IN THE EVENT OF CHANGES IN THE ASSESSMENT ROLL AND TAXABLE VALUE PROVIDING AN EFFECTIVE DATE.

Mayor Brown read Ordinance No. 2008-11 by title only and opened the public hearing. There being no comments from the public, the public hearing was closed.

Moved by Weldon, seconded by Pruette.

Motion: **TO ADOPT ORDINANCE NO. 2008-11 ON SECOND AND FINAL READ.**

Councilor Lee stated for the record he wanted to make sure the citizens understood in 2005 and 2006 the millage rate was 2.9. In 2007 the Council reduced the millage rate to 2.6. This year the rate was set at 2.715. He explained the extra \$25,000 homestead exemption added another 8% reduction in property taxes. He also pointed out the city reduced the budget by \$140,000 in expenses from the general fund. He explained property tax bills may have increased due to an increase in property values.

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

Ord. No. 2008-12 ORDINANCE NO. 2008-12, ADOPTING A FINAL BUDGET, SECOND READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA ADOPTING A FINAL BUDGET AND APPROPRIATING FUNDS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2008, AND ENDING SEPTEMBER 30, 2009; PROVIDING AN EFFECTIVE DATE.

Mayor Brown read Ordinance No. 2008-12 by title only and opened the public hearing. There being no comments from the public, the public hearing was closed.

Moved by Pardee, seconded by Lee.

Councilor Lee explained the enterprise fund was separate from the general fund. The goal of the enterprise fund was to charge citizens for the cost of services. The increases in water rates were due to the Department of Environmental Protection mandating a reduction in nitrogen levels. This mandated requirement was unfunded by the federal government thereby the city had to raise rates.

Motion: **TO ADOPT ORDINANCE NO. 2008-12 ON SECOND AND FINAL READ.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

Due to a conflict, Mayor Brown excused himself from the meeting at 6:15 p.m. and turned the gavel over to Vice Mayor Pruette.

Automatic Bar
Screen

AUTOMATIC BAR SCREEN – REQUEST FOR PROPOSALS: City Manager Jarboe explained the automatic bar screen was a filter that prevented large items from getting into the water treatment plant and is required on all sewer plants. The current bar screen needed to be replaced. The first request for proposals drew no qualified bidders. One bid for \$91,000 was received on the second request.

Moved by Weldon, seconded by Lee.

Motion: **TO AUTHORIZE THE CITY MANAGER TO ACCEPT THE PROPOSAL PRESENTED TO THE CITY FOR THE AUTOMATIC BAR SCREEN SYSTEM FOR THE WATER PLANT.**

Councilor Pardee questioned if the amount was comparable to other similar cities. City Manager Jarboe replied the cost was comparable for a city of our size. The money has been budgeted for this year.

Roll Call Vote:

Ayes: 4 – Lee, Pardee, Weldon, Pruette

Noes: 0

MOTION CARRIED

Adjournment

There being no further business, the meeting adjourned at 6:20 p.m.

Richard Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
WORKSHOP CITY COUNCIL MEETING
SEPTEMBER 22, 2008, AT 6:20 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 September 22, 2008 at 6:20 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

STAFF:

Vice Mayor Harriet Pruette
Councilor Fred Lee
Councilor Eric Pardee
Councilor John Weldon
City Attorney Chris White
City Manager Jim Jarboe
Deputy City Clerk Karla Strait,
CMC

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

ABSENT:

Mayor Richard Brown

Call to Order/Roll Call Vice Mayor Pruette called the meeting to order at 6:20 p.m.

PRESENTATIONS / NONE

CITY MANAGER'S ACTION LIST

City Manager Jarboe reported on the following:

- The contractor has inspected the Kings Road Bridge and the construction should begin next week. Residents will be notified before construction begins that the bridge will be closed and the City of Jacksonville Beach will be opening the rear gate for access.

Councilor Lee stated it was September of 2008 and asked Director of Finance Steve Ramsey when the new computer system would be up and running. Mr. Ramsey replied the glitch in the billing has been corrected and he hoped the system would be up and running soon.

Councilor Pardee questioned when the Animal Ordinance Committee would be reporting to the Council. City Manager Jarboe replied the committee would provide a report at a workshop meeting once their meeting process was completed.

Councilor Weldon asked if the dog dining issue was deferred until the Animal Ordinance Committee gave their report. City Manager Jarboe replied that was correct and the Animal Ordinance Committee was considering the dog dining issue during their meeting sessions.

PUBLIC COMMENTS / NONE**PROPOSED ORDINANCES**

Seasonal Sales

ORDINANCE NO. 2008-XX, SEASONAL SALES: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 17 SALES, ARTICLE III OPEN AIR SALES AND MARKETS, ADDING SECTION 17-47 SEASONAL SALES AND PROVIDING AN EFFECTIVE DATE.

Vice Mayor Pruette asked Mr. Rick Sauls if he had any concerns with the Ordinance. Mr. Sauls asked if the time period for the sale of Christmas trees could be adjusted to the Wednesday before Thanksgiving.

City Manager Jarboe stated the Ordinance also allows non-profit organizations to conduct three seasonal sales per year.

Consensus: **TO AMEND THE SEASONAL SALES ORDINANCE AS FOLLOWS: THE SALE OF CHRISTMAS TREES MAY TAKE PLACE FROM THE TUESDAY BEFORE THANKSGIVING LAST WEEK IN NOVEMBER TO DECEMBER 24TH.**

Variance Appeals

ORDINANCE NO. 2008-XX, VARIANCE APPEALS: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 27 UNIFIED LAND DEVELOPMENT REGULATIONS ARTICLE III ADMINISTRATIVE AND ENFORCEMENT PROCEDURES DIVISION 8 VARIANCES SECTION 27-153 PROCEDURE FOR APPEAL AND DELETING SECTION 27-154 APPEAL OF CITY COUNCIL DECISIONS ON VARIANCES IN THE CODE OF ORDINANCES AND PROVIDING AN EFFECTIVE DATE.

Councilor Weldon, sponsor of the Ordinance, asked to defer this Ordinance to the October Workshop while more information is gathered.

Consensus: **TO DEFER TO THE OCTOBER WORKSHOP MEETING.**

Irrigation

ORDINANCE NO. 2008-XX, IRRIGATION: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 23, UTILITIES, ARTICLE II WATER; AMENDING SECTION 23-27 LAWN WATERING RESTRICTIONS AND PROVIDING AN EFFECTIVE DATE.

Councilor Lee, sponsor of the Ordinance, asked to defer this Ordinance until a later date.

Consensus: **TO DEFER THE IRRIGATION ORDINANCE UNTIL FURTHER NOTICE.**

Alcoholic Beverages

ALCOHOLIC BEVERAGES, CHAPTER 4, LOCATIONS: Councilor Weldon stated he would like to limit the number of package stores in the commercial district by imposing the 800 foot separation from liquor store to liquor store, churches and schools. He also felt there should be an exemption for grocery stores, convenient stores, and drug stores that sell beer and wine only.

Councilor Pardee suggested separating the definition of alcoholic beverages into two and creating one license for liquor, and one for beer and wine. He felt this would make it easier to enforce the 800 foot separation.

Consensus: **CITY ATTORNEY WHITE AND COMMUNITY DEVELOPMENT**

DIRECTOR TO DRAFT A PROPOSED ORDINANCE.

Campaign Signs

CAMPAIGN SIGNS: Councilor Pardee was concerned about political signs being placed in City right-of-ways. He suggested changing the Code from “only the Code Enforcement Officer can remove the signs from the city right-of-ways”, to allowing anyone to be able to remove them. He added that signs placed in the right-of-ways are considered abandoned property.

Councilor Weldon suggested the City Manager direct the Code Enforcement Officer to be more aggressive in removing political signs from the right-of-ways.

Councilor Pardee suggested the Code Enforcement Officer contact the candidate when one of their signs are removed and give them the option to keep the sign.

City Manager Jarboe stated the signs would be held at the city yard and the candidates would be notified to pick them up.

Consensus: **DIRECT STAFF TO AGGRESSIVELY ENFORCE THE SIGN ORDINANCE REGARDING POLITICAL SIGNS IN PUBLIC RIGHTS-OF-WAYS.**

CONTRACTS / AGREEMENTSNeptune Beach
Elementary Park

NEPTUNE BEACH ELEMENTARY SCHOOL PARK LEASE AGREEMENT: City Manager Jarboe explained the school had concerns regarding Pop Warner using their ball field. He met with the principal of the school and drafted this use agreement for Council consideration. The agreement sets requirements for Pop Warner to maintain the field during the season. He added the city currently provides maintenance of the field two days per week.

Councilor Lee agreed the field needed to be maintained properly. He hoped a compromise could be reached between the parties so the city could continue to lease the property for use as a city park. However, if an agreement could not be reached the city could no longer lease the property and the school board would be solely responsible for the maintenance of the field. He added the principal of the school was in control as to whether or not she wanted to accept the use agreement.

Sherri Nicholson, past Neptune Beach Elementary School PTA Member, stated the PTA raised \$17,000 to build the field and placed the 75,000 square feet of Bermuda grass. Their biggest concern at the time was maintenance. There was an agreement with Pop Warner from the beginning that if they saw the field starting to wear they would move elsewhere. She felt the agreement with Pop Warner needed to be reevaluated. She hoped the city would hold on to the lease / use agreement to use as a city park.

Dean Prince, Pop Warner representative, stated he has been involved with Jacksonville Beach Pop Warner for thirteen years. They have approximately 250 children in the program, 14% are Neptune Beach residents. They want to be good stewards for the city and continue to provide a service for the citizens. He would have to get approval from the Pop Warner Board to assist with the field maintenance.

Vice Mayor Pruette asked if both groups were in favor of the lease / use agreement. Mrs. Nicholson and Mr. Prince both agreed they were in favor of the agreement.

Councilor Weldon asked Mr. Prince if he would be willing to have one team play on the field at a time. Mr. Prince replied “yes” if that was in the agreement.

Councilor Weldon asked if the city would be able to mow the field and empty the trash cans twice a week. City Manager Jarboe responded this would take away from the maintenance of other parts of the city. He added that the School Board should be supplying maintenance toward the field.

Councilor Pardee asked City Manager Jarboe what it would cost the city to continue to mow the field and empty the trash cans twice per week.

Consensus: **CITY MANAGER TO MEET WITH THE PARTIES INVOLVED TO WORK OUT A USE AGREEMENT AND FORWARD TO THE OCTOBER REGULAR MEETING.**

ISSUE DEVELOPMENT

Crafternoon

USE OF JARBOE PARK – CRAFTERNOON: City Manager Jarboe explained the craft workshop for girls would take place on Saturday, November 8, 2008. They were requesting use of Jarboe Park at the location near the basketball court and in front of the Girl Scouts building.

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

Wind Energy

WIND ENERGY – RESIDENT PAUL NICHOLSON: Mr. Paul Nicholson gave a presentation regarding wind energy and permitting small wind turbines.

City Manager Jarboe asked Mr. Nicholson to provide copies of ordinances from similar cities that permitted the wind turbines for his review.

Adjournment

There being no further business, the meeting adjourned at 8:05 pm.

Richard A. Brown, Mayor

Attest:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
SPECIAL CITY COUNCIL MEETING
SEPTEMBER 25, 2008 AT 5:30 P.M
CITY HALL, 116 FIRST STREET
NEPTUNE BEACH, FLORIDA

Pursuant to proper notice a Special Meeting of the City Council of the City of Neptune Beach was held September 25, 2008 at 5:30 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

STAFF:

Mayor Richard A. Brown
Councilor Eric Pardee
Councilor John Weldon
City Attorney Chris White
City Manager James Jarboe
Deputy City Clerk Karla Strait, CMC

Director of Public Safety Chief Sembach
Building Official Don Ford

ABSENT:

Vice Mayor Harriet Pruette
Councilor Fred E. Lee

Order Call

Mayor Brown called the special meeting to order at 5:30 p.m. and explained the meeting was called in order to discuss political signs.

Res. No. 2008-16

RESOLUTION NO. 2008-16, POLITICAL SIGNS: A RESOLUTION OF THE CITY OF NEPTUNE BEACH, FLORIDA DIRECTING STAFF CONCERNING THE PLACEMENT OF POLITICAL SIGNS ON PUBLIC PROPERTY.

Whereas, Political signs are not allowed on public property by City Code.

Whereas, Staff has expressed its concern to the Council concerning residents and candidates not knowing where public property begins and ends in front of their residences.

Whereas, The Council wants to clear up any confusion that residents, candidates, and staff may have concerning the placement of political signs.

Whereas, the City Council of the City of Neptune Beach, Florida, has determined that it is necessary to set forth guidelines for residents, candidates, and staff concerning political signs.

Now, Therefore, be it ordained by the City Council of Neptune Beach, Florida, the following rules apply to the placement of political signs:

Rules for placement of political signs in the residential zoned areas of the City –

1. All political signs in residential zoned areas must be placed at least six feet from

- the roadway, but in no case on the roadway side of side walks.
2. No political signs may be placed on public property within fifty feet of the Five-way Intersection (Penman, Forrest Ave., and Florida Blvd.), Third Street/Florida Blvd., the Third Street/Myrtle Street and Third Street/Seagate Intersections.
 3. No Political signs may be placed on Third Street, Penman Road, and Florida Blvd. (from Penman Road to Mayport Road) on public property.
 4. The Code Enforcement Officer, with the assistance of other City staff, is charged with the removal of political signs that do not comply with rules 1, 2, and 3 above.

The Resolution shall become effective after passage by the City Council

City Manager Jarboe stated staff was directed at the September 22, 2008, Workshop meeting to aggressively remove political signs from the city right-of-ways. However, after hearing many complaints from candidates and residents, he suspended picking up signs until further direction from the Council.

Councilor Weldon stated the direction given staff by the Council to aggressively remove political signs from the right-of-ways was not intended for code enforcement officers to remove the political from perceived front yards. City Manager Jarboe explained staff only removed the signs from public rights-of-ways. He added it is sometimes hard to interpret where the rights-of-ways are located.

Councilor Weldon suggested Council redirect staff to continue the aggressive enforcement in commercial rights-of-ways, major intersection, and major thoroughfares only, not in residents perceived front yards.

City Manager suggested striking number 1 from the resolution as follows.

~~1. All political signs in residential zoned areas must be placed at least six feet from the roadway, but in no case on the roadway side of side walks.~~

Councilor Pardee still felt the signs should be placed some distance from the road side of the sidewalk. .

Councilor Weldon suggested that number one be amended as follows:

1. All political signs in residential zoned areas ~~must be placed at least six feet from the roadway, but in no case~~ may not be placed on the roadway side of side walks.

Moved by Weldon, seconded by Pardee.

Motion: **TO ADOPT RESOLUTION NO. 2008-16 AS AMENDED.**

Adjournment

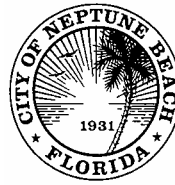
There being no further business, the meeting adjourned at 5:52 p.m.

Richard Brown, Mayor

ATTEST:

Karla Strait, CMC, Deputy City Clerk

Approved:



MINUTES
REGULAR CITY COUNCIL MEETING
AUGUST 4, 2008 AT 6:00 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 August 4, 2008 at 6:00 p.m., in the City Hall Council Chambers, 116 First Street, Neptune Beach, Florida.

Attendance**IN ATTENDANCE:****STAFF:**

Mayor Richard A. Brown
Vice Mayor Harriet Pruette
Councilor Fred Lee
Councilor Eric Pardee
Councilor John Weldon
City Attorney Christopher White
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

Community Development Director Amanda Askew
Director of Finance Steve Ramsey
Director of Public Safety David Sembach
Director of Public Service Leon Smith

Order Call/Pledge

Mayor Brown called the meeting to order at 6:00 p.m. and asked the boys scouts in the assembly to lead the pledge of allegiance.

AWARDS / PRESENTATIONS / RECOGNITION OF GUESTS

POLICE OFFICER AWARDS: Chief Sembach presented awards to Officers David Focht and Ricky Wood for saving a man from jumping off of the Intracoastal Bridge on Atlantic Boulevard. He also presented an award to Officer Mike Key for saving a man's life after he crashed his vehicle on Atlantic Boulevard. The vehicle was on fire and the driver was trapped and unconscious. Officer Key administered CPR until the fire department arrived, distinguished the fire, and cut the victim free.

APPROVAL OF MINUTES

Moved by Pruette, seconded by Weldon.

Minutes

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

JULY 7, 2008, WORKSHOP CITY COUNCIL MEETING
JULY 7, 2008, REGULAR CITY COUNCIL MEETING
JULY 21, 2008, SPECIAL CITY COUNCIL MEETING
JULY 21, 2008, WORKSHOP CITY COUNCIL MEETING

Councilor Pardee asked to amend the following paragraph on page two of the June 21, 2008 workshop meeting as follows:

Councilor Pardee explained the Shell Gas Station on Atlantic Boulevard recently ~~submitted an~~ called to inquire about an application to remodel and improve the building.

Councilor Lee asked to amend the following paragraph on page three of the June 21, 2008 Workshop meeting as follows:

RESOLUTION NO. 2008-XX: A RESOLUTION ~~ON THE~~ OF THE CITY OF NEPTUNE BEACH, FLORIDA SETTING THE RULES AND STANDARDS FOR THE USE OF JARBOE PARK BY GROUPS AND ACTIVITIES.

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

COMMUNICATIONS AND CORRESPONDENCE

City Manager Jarboe stated he received a letter from Paul West, President of the Florida Surfing Association, requesting to hold a surfing tournament in Neptune Beach Central Business District on September 20, 2008. If there were no objections from the Council he would approve the request.

City Clerk Lisa Volpe announced the qualifying period to run for City Council is August 25th through the 29th.

CITY MANAGER REPORT

- There was a major lightning strike at the water plant. The repairs should be covered by insurance.
- There was a major water break on Second Street. Public Services were able to do the repairs.
- The Town Center parking problem has lessened.

COMMENTS FROM THE PUBLIC / NONE

CONSENT AGENDA

Res. No. 2008-13

RESOLUTION NO. 2008-13: A RESOLUTION OF THE CITY OF NEPTUNE BEACH, FLORIDA SETTING THE RULES AND STANDARDS FOR THE USE OF JARBOE PARK BY GROUPS AND ACTIVITIES.

Vice Mayor Pruette suggested adding the following language to the Resolution: The City Manager may allow a special non-fund raising community event to take place when there is not time to send to Council for approval.

Councilor Lee suggested amending the long term use definition of more than two days a year. City Manager Jarboe stated he would meet with Councilor Lee regarding the amendment and bring it back to the Council.

Moved by Pruette, seconded by Lee.

Motion: TO APPROVE RESOLUTION NO. 2008-13 AS AMENDED.

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

VARIANCES

Appeal
V08-08
111 Palm Place
VT Properties

APPEAL TO THE CITY COUNCIL FOR FINAL DECISION OF THE BOARD OF APPEALS WITH RESPECT TO VARIANCE V08-08, 111 PALM PLACE, VT PROPERTIES, LLC: City Attorney White reminded the Council they were to review the record of the hearing conducted by the Board of Appeals. No new evidence may be presented or considered unless it pertained to events or circumstances which have substantially changed since the Board of Appeals decision. The reason for the appeal was the allegation that the decision of the Board of Appeals was not supported by competent substantial evidence and testimony produced at the public hearing. The Supreme Court defines competent substantial evidence as such relevant evidence that a reasonable mind would accept as adequate to support a conclusion.

Councilor Weldon stated there were forty five pages of testimony and other details that were hard to digest without guidance or background. He asked if Attorney Paul Eakin, Community Development Director Amanda Askew, and Chair of the Board of Appeals Chris Chin, could address the Council and explain what was said at the public hearing.

City Attorney White explained the law required Council to review the record of the hearing and decide if there was competent substantial evidence to uphold the decision of the Board of Appeals. He suggested the Council review the verbatim and the record provided in the agenda packet. The Code clearly states the appeal is based on the record presented at the Board of Appeals not additional testimony or arguments.

Councilor Lee explained the variance request was to exceed the front setback by five feet for construction of a deck. Councilor Weldon stated he understood the request was to construct a deck on the north side of the house with the hardship being that they had lost their ocean view and should be entitled to a variance to recover that view.

City Attorney White suggested the Council ask a representative from each side to state their summary of the issue.

Paul Eakin, 599 Atlantic Boulevard, Suite 4, Atlantic Beach, Florida, Attorney for the appellants, Mr. and Mrs. John Kokawbany, 110 Palm Place, and Mr. and Mrs. Vickers, 1008 Oceanfront, read the following opening statement as submitted on the application for appeal: "The Board of Appeals granted variance V08-08 without substantial competent evidence that the applicant suffered a unique hardship and peculiar circumstances. The alleged hardship was self created. The applicants purchased the property in its present configuration with the knowledge of present non-conformity and the granting of this variance confers a special privilege on the applicants that is denied by the ULDC to other lands buildings and structures in the same zoning district." Also in the record the applicants allege the loss of the oceanfront view as their hardship. He added that on page two of the verbatim Mr. Fred Cattar talks about how the board wrestled with the same issue in the past on the exact same street and why they voted against it.

He added that on page thirty of the verbatim Mrs. Chin states she did not believe the variance was consistent with the ULDC and she felt the hardship had been created by the owners. It was important to remember that the owners are Doctor and Mrs. Von Thron and they expanded their property to obscure view of the ocean to their rental property.

Mrs. Ann Von Thron, 1012 Oceanfront, 111 Palm Place, stated she never had an ocean view at that location. Attorney Paul Eakin objected to her statement for the record. Councilor Weldon asked Mrs. Von Thron to summarize her variance request without any additional information. Mrs. Von Thron stated they asked to build a deck on the front of the property that would allow an oceanfront view, and improve the quality of the neighborhood.

Councilor Weldon felt he now had enough information to make a decision. He stated he did not see how the Council could consider granting a variance to an existing non-conforming unit on the basis of a desire to have an ocean view.

Vice Mayor Pruette agreed the need for an ocean view should not be considered a hardship.

Councilor Lee asked if the previous granting of a similar variance one year ago on the same street had any precedent.

City Attorney White stated the Code and Florida Law was clear that a variance can not be based on the granting or non-granting of a previous variance.

Councilor Pardee stated he appreciated the different board members and their opinions. He felt the evidence the board heard at the hearing gave the board the ability to make their own decision.

Councilor Weldon clarified for the record he was not basing his decision on what he heard tonight. He was basing his decision on the record presented in the agenda packet and the information that was clarified tonight.

Vice Mayor Pruette also clarified she was not basing her decision on what was said tonight. She stated she supports the Board of Appeals. But she also felt not having an ocean view was not a hardship.

Moved by Weldon, seconded by Pruette.

Motion: **TO REVERSE THE ACTION OF THE BOARD OF APPEALS AS RELATED TO VARIANCE REQUEST V08-08, 111 PALM PLACE.**

Councilor Lee stated he was confused by Councilor Weldon's decision to reverse the action of the Board of Appeals. He added there was discussion regarding supporting the Boards.

Councilor Weldon agreed at every opportunity the Council should support the decisions of the volunteer boards. He felt in this instance, after having read the material and receiving clarification, the Board of Appeals did not make the right decision.

Mayor Brown explained without the appeal process the Board's decision would be final. He felt the appeal process was an appropriate phase.

Councilor Weldon asked Council to consider amending the Code to have appeals go directly to the Circuit Court in the future.

Roll Call Vote:

Ayes: 3 – Pruette, Weldon, Brown

Noes: 2 – Lee, Pardee

MOTION CARRIED

ORDINANCES

Ord. No. 2008-09

ORDINANCE NO. 2008-09, POLICE OFFICERS RETIREMENT SYSTEM, SECOND READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH AMENDING CHAPTER 2, ADMINISTRATION, ARTICLE V, EMPLOYEE BENEFITS, DIVISION 4, POLICE OFFICERS' RETIREMENT SYSTEM, OF THE CODE ORDINANCES OF THE CITY OF NEPTUNE BEACH; AMENDING SECTION 2-346, MEMBERSHIP; AMENDING SECTION 2-347, BOARD OF TRUSTEES; AMENDING SECTION 2-349.5, OPTIONAL FORMS OF BENEFITS; AMENDING SECTION 2-349.15, DOMESTIC RELATIONS ORDERS; RETIREE DIRECTED PAYMENTS; EXEMPTION FROM EXECUTION, NONASSIGNABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY OF PROVISION; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING AN EFFECTIVE DATE.

Moved by Pardee, seconded by Pruette.

Mayor Brown read Ordinance No. 2008-09 by title only and opened the public hearing. There being no comments from the public, the public hearing was closed.

Motion: **TO ADOPT ORDINANCE NO. 2008-09 ON SECOND READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

Ord. No. 2008-10

ORDINANCE NO. 2008-10, UNIFIED LAND DEVELOPMENT REGULATIONS, FIRST READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES CHAPTER 27 UNIFIED LAND DEVELOPMENT REGULATIONS, ARTICLE I, IN GENERAL, SECTION 27-15 DEFINITIONS, ARTICLE IV, LAND USE, SECTION 27-225, USES EXPRESSLY PROHIBITED WITHIN ZONING DISTRICTS, TABLE 27-226-1 AND PROVIDING AN EFFECTIVE DATE.

Mayor Brown read Ordinance No. 2008-10 by title only and opened the public hearing.

Michael Aston, 1523 Summer Sands Drive, was not opposed to remodeling the existing gas station but was concerned about allowing more gas stations.

There being no further comments from the public, the public hearing was closed.

Moved by Pardee, seconded by Pruette.

Councilor Pardee felt the citizens of Neptune Beach deserved to have gas stations within the city limits instead of having to wait in line in other cities.

Councilor Weldon stated for the record that his support for this ordinance was based strictly on providing a means for the Shell Station on the corner of Atlantic Boulevard and Penman Road to remodel and in no way to encourage future development of gas stations in Neptune Beach.

Motion: **TO PASS ORDINANCE NO. 2008-10 ON FIRST READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

OLD BUSINESS

TMDL

AUTHORIZE CITY MANAGER TO NEGOTIATE A CONTRACT WITH TOP TMDL FIRM: City Manager Jarboe stated three proposals were received for the TMDL. He asked the Council to allow him to negotiate a contract with ATM engineering firm. If a contract could not be reached with ATM, he would negotiate with the second and third place proposals.

Councilor Weldon felt an engineering firm would be helpful in figuring out a cost effective way to reduce the nitrogen content as imposed by the federal government without federal funding.

Moved by Pruette, seconded by Lee.

Motion: **TO AUTHORIZE THE CITY MANAGER TO NEGOTIATE A CONTRACT WITH ATM AND THEN IF NECESSARY THE SECOND AND THE THIRD FIRMS.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

NEW BUSINESS

Res. No. 2008-14

RESOLUTION NO. 2008-14: A RESOLUTION ALLOWING THE FLORIDA DEPARTMENT OF TRANSPORTATION UTILITY WORK BY HIGHWAY CONTRACTOR AGREEMENT TO BE SIGNED BY THE CITY OF NEPTUNE BEACH.

Moved by Weldon, seconded by Pruette.

Motion: **TO APPROVE RESOLUTION NO. 2008-14.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

Employee Health
Insurance

EMPLOYEE HEALTH INSURANCE: City Manager Jarboe explained he received quotes from other health insurance agencies because the present insurance policy with Humana was going to increase by 31% this year. He asked Council to allow him to negotiate a contract with AvMed. The Avmed plan would require a deductible for employees but the cost to the city would be very similar to the current Humana plan.

Moved by Pruette, seconded by Pardee.

Motion: **TO APPROVE THE AVMED HEALTH PROPOSAL.**

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

Vice Mayor Pruette acknowledged two boy scouts in the assembly and asked them to come forward and introduce themselves. Boy Scouts Jake Petzell and Bill Young introduced themselves and explained they were working toward earning their merit badges.

Vice Mayor Pruette asked Council to consider asking Duval County by resolution to have hazardous waste picked up at the beaches more frequently than once per year.

Councilor Lee asked Council to consider appointing a Jarboe Park Foundation to help fund park improvements.

Councilor Pardee publicly thanked the City of Jacksonville for adding a turn lane at Seagate Avenue and Penman Road.

Adjournment

There being no further business, the meeting adjourned at 7:35 p.m.

Richard A. Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
SPECIAL CITY COUNCIL MEETING
AUGUST 18, 2008 AT 6:00 P.M
CITY HALL, 116 FIRST STREET
NEPTUNE BEACH, FLORIDA

Pursuant to proper notice a Special Meeting of the City Council of the City of Neptune Beach was held August 18, 2008 at 6:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

Mayor Richard A. Brown
Vice Mayor Harriet Pruette
Councilor Fred E. Lee
Councilor Eric Pardee
City Attorney Chris White
City Manager James Jarboe
City Clerk Lisa Volpe, CMC

STAFF:

Community Development Director, Amanda Askew
Senior Activities Center Director, Leslie Lyne
Director of Finance, Steve Ramsey
Director of Public Safety, Chief Sembach
Director of Public Services, Leon Smith

ABSENT:

Councilor John Weldon

Order Call

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

Public Safety

Approval of union contract with the Neptune Beach Public Safety Department Labor Council

Moved by Pruette, seconded by Lee.

Motion: **TO APPROVE THE UNION CONTRACT WITH THE NEPTUNE BEACH PUBLIC SAFETY DEPARTMENT LABOR COUNCIL.**

Roll Call Vote:

Ayes: 4 – Lee, Pardee, Pruette, Brown
Noes: 0
Absent: 1 – Weldon

MOTION CARRIED

Adjournment

There being no further business, the meeting adjourned at 6:03 p.m.

Richard Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
WORKSHOP CITY COUNCIL MEETING
AUGUST 18, 2008, AT 6:03 P.M
CITY HALL, 116 FIRST STREET
NEPTUNE BEACH, FLORIDA

Pursuant to proper notice a Workshop Meeting of the City Council of the City of Neptune Beach was held August 18, 2008 at 6:03 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

STAFF:

Mayor Richard Brown
Vice Mayor Harriet Pruette
Councilor Fred Lee
Councilor Eric Pardee
City Attorney Chris White
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

Community Development Director Amanda Askew
Senior Activities Center Director Leslie Lyne
Director of Finance Steve Ramsey
Director of Public Safety David Sembach
Director of Public Services Leon Smith
Deputy City Clerk Karla Strait

ABSENT:

Councilor John Weldon

Call to Order/Roll Call Mayor Brown called the meeting to order at 6:03 p.m.

PRESENTATIONS / NONE

CITY MANAGER'S ACTION LIST

City Manager Jarboe reported on the following:

- The State and the City of Jacksonville have approved the bidding for the Kings Road Bridge repairs.
- Due to Tropical Storm Fay Public Services began cleaning gutters and storm drains. They would also be removing all political and real estate signs, newsstands and other items that may be movable until after the storm passes.
- The Penman Road repaving was in process.

Councilor Lee asked the City Manager to have the graffiti removed from Mayport Flyover.

Vice Mayor Pruette questioned the progress of the new playground equipment for Jarboe Park. Community Development Director Amanda Askew responded the city was not satisfied with the equipment chosen by the City of Jacksonville and asked them to rebid the project.

PUBLIC COMMENTS

Barbara Jackson, 2001 Cherokee Drive, favored the proposed fertilizer and irrigation ordinance although she felt it would be hard to enforce.

Rick Sauls, 126 Cedar Street, asked Council to review the outside sales ordinance to allow him to continue selling Christmas trees in Penman Plaza.

Consensus: **TO PLACE OUTDOOR SALES ON THE SEPTEMBER WORKSHOP MEETING AGENDA.**

PROPOSED ORDINANCES

Outdoor Dog Dining

ORDINANCE NO. 2008-XX, DOG DINING AREAS: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, AMENDING CHAPTER 27 UNIFIED LAND DEVELOPMENT REGULATIONS ADDING SECTION 27-339 ALLOWING DOGS IN OUTSIDE DINING AREAS UNDER CERTAIN CONDITIONS IN THE CODE OF ORDINANCES AND PROVIDING AN EFFECTIVE DATE.

City Manager Jarboe explained pet dining was not currently allowed in Neptune Beach. However, by State Statute the Duval County Health Department would allow pet dining if all conditions were met and a city permit was obtained.

Vice Mayor Pruette felt this would allow restaurant owners the opportunity to allow outdoor pet dining if they chose to abide by the strict state guidelines.

Councilor Lee suggested the Animal Ordinance Committee consider the outdoor pet dining proposal since they were already in the process of making recommendations to Council to change the animal ordinance.

Mayor Brown agreed that he would like to hear what the Animal Ordinance Committee recommended regarding outdoor pet dining.

Councilor Pardee also agreed the Animal Ordinance Committee should review the idea.

Vice Mayor Pruette asked to hear from the following restaurant owners:

Curtis Winter, 207 Atlantic Boulevard, Sun Dog, stated he was not aware that his patron's pets were not allowed to dine in the outdoor seating area of the restaurant until the Duval Health Department arrived. He has not had any other problems or complaints from customers.

John Bracotto, Carribee Key, stated he has not had any complaints from customers regarding outdoor pet dining and he felt it was convenient for the community.

Councilor Lee voiced concern regarding the city's liability if an animal was to bite someone while dining outdoors on city property.

City Attorney White responded the lease agreements for outdoor dining on city property would need to be revised to reflect that the restaurant would be liable for damages caused by animals dining outdoors at their facility.

Consensus: **ASK THE ANIMAL ORDINANCE COMMITTEE TO REVIEW OUTDOOR PET DINING AND MAKE SUGGESTIONS TO THE COUNCIL.**

Variance Appeals

ORDINANCE NO. 2008-XX, VARIANCE APPEALS: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 27 UNIFIED LAND DEVELOPMENT REGULATIONS ARTICLE III ADMINISTRATIVE AND ENFORCEMENT PROCEDURES DIVISION 8 VARIANCES SECTION 27-153 PROCEDURE FOR APPEAL AND DELETING SECTION 27-154 APPEAL OF CITY COUNCIL DECISIONS ON VARIANCES IN THE CODE OF ORDINANCES AND PROVIDING AN EFFECTIVE

DATE.

City Attorney White explained this ordinance would have variance appeals bypassing the Council and going directly to Circuit Court.

City Manager Jarboe suggested deferring this proposed ordinance due to the absence of Councilor Weldon.

Councilor Lee questioned if there would be a cost to the city. City Attorney White replied there would be no cost to the city.

Vice Mayor Pruette asked the Board of Appeals Chairperson and past Chairperson to address the Council.

Chris Chin, Board of Appeals Chairperson, stated there had only been five or six variance appeals to the Council within the past several years. She felt it would be difficult for citizens to file appeals at the Circuit Court level and that the City Council should make the final decision.

Sybil Ansbacher, Board of Appeals Past Chairperson, agreed there were very few variance appeals to the City Council. She also felt it would be a burden and extra expense on citizens to file appeals at the Circuit Court level.

Consensus: **DEFER TO THE SEPTEMBER COUNCIL WORKSHOP MEETING.**

CONTRACTS / AGREEMENTS / NONE

ISSUE DEVELOPMENT

Relay for Life

RELAY FOR LIFE USE OF JARBOE PARK: City Manager Jarboe explained Relay for Life was a non-profit, overnight event to raise funds for cancer research.

Vice Mayor Pruette stated the event has been held in Jarboe Park in the past and asked past Chair and Senior Activities Center Director Leslie Lyne to address the Council.

Leslie Lyne stated she chaired the event for the three or four years that it was held in Jarboe Park before it was moved to Fletcher High School. She stated it was a very well organized event and she felt because the location in Jarboe Park was more visible that it would help get more citizens involved.

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

Girls on the Run

GIRLS ON THE RUN USE OF JARBOE PARK: City Manager Jarboe explained the Girls on the Run program was to help young girls build self esteem.

Meagan McKissick, Executive Director, Girls on the Run, explained there were 650 young girls involved in the program at 44 different locations. They planned to meet under the pavilion and run around the perimeter of the park.

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

Hazardous Waste

RESOLUTION NO. 2008-XX, HAZARDOUS WASTE: A RESOLUTION OF THE CITY OF NEPTUNE BEACH, FLORIDA REQUESTING THE CITY OF JACKSONVILLE PROVIDE AT LEAST TWO HAZARDOUS WASTE PICK-UPS A YEAR AT THE BEACHES.

Vice Mayor Pruette felt once a year pick up for hazardous waste was not enough for the

beaches. She asked the Council to support this Resolution requesting that the City of Jacksonville pick up beaches hazardous waste twice per year.

Councilor Pardee suggested if the City of Jacksonville was unable to pick up hazardous waste at the beach twice a year then perhaps Neptune Beach could provide a truck and driver once a year to pick it up and deliver it to the City of Jacksonville waste site.

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

Jarboe Park

FRIENDS OF JARBOE PARK: Councilor Lee asked staff to develop a foundation to help raise money toward upgrades for Jarboe Park.

Councilor Pardee added the foundation should include rules established for determining how the money would be spent.

Consensus: **HAVE STAFF DEVELOP A FOUNDATION TO HELP RAISE MONEY TOWARD UPGRADES FOR JARBOE PARK.**

Irrigation & Fertilizer

IRRIGATION AND FERTILIZER ORDINANCE: City Manager Jarboe suggested that staff simplify the City of Jacksonville ordinance and bring it back for Council review.

Consensus: **TO SIMPLIFY THE CITY OF JACKSONVILLE IRRIGATION AND FERTILIZER ORDINANCE AND FORWARD TO THE SEPTEMBER WORKSHOP FOR COUNCIL REVIEW.**

Vice Mayor Pruette stated a doggie station was donated by the Bosco family and placed on the corner of First Street and Cherry Street. She suggested donating one herself. City Manager Jarboe advised the more doggie stations the city had the more city staff would be needed to empty the stations.

Councilor Lee reminded Council of the commitment that was made to install pedestrian friendly crosswalks and signals during the repaving of Penman Road and Atlantic Boulevard.

Adjournment

There being no further business, the meeting adjourned at 7:10 pm.

Attest:

Richard A. Brown, Mayor

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
REGULAR CITY COUNCIL MEETING
JULY 7, 2008 AT 6:45 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 July 7, 2008 at 6:45 p.m., in the City Hall Council Chambers, 116 First Street, Neptune Beach, Florida.

Attendance**IN ATTENDANCE:**

Mayor Richard A. Brown
Vice Mayor Harriet Pruette
Councilor Fred Lee
Councilor Eric Pardee
City Attorney Christopher White
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

STAFF:

Senior Activities Center Director Leslie Lyne
Director of Finance Steve Ramsey
Director of Public Safety David Sembach
Director of Public Service Leon Smith

ABSENT:

Councilor John Weldon

Order Call/Pledge

Mayor Brown called the meeting to order at 6:45 p.m. and led the pledge of allegiance.

AWARDS / PRESENTATIONS / RECOGNITION OF GUESTS / NONE

APPROVAL OF MINUTES

Moved by Pardee, seconded by Pruette.

Minutes

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

JUNE 2, 2008, REGULAR CITY COUNCIL MEETING
JUNE 16, 2008, SPECIAL CITY COUNCIL MEETING
JUNE 16, 2008, WROKSHOP CITY COUNCIL MEETING

Roll Call Vote:

Ayes: 4 – Lee, Pardee, Pruette, Brown
Noes: 0
Absent: 1 – Weldon

MOTION CARRIED

CONSENT AGENDA

Auditors

SELECTION OF AUDITORS: To select Masters, Smith & Wisby to serve as auditors for the city for a period of three years.

Moved by Pruette, seconded by Pardee.

Motion: **TO SELECT AS AUDITOR MASTERS, SMITH, & WISBY.**

Roll Call Vote:

Ayes: 4 – Lee, Pardee, Pruette, Brown

Noes 0

Absent: 1 – Weldon

MOTION CARRIED

OLD BUSINESS

Kings Rd. Bridge

KINGS ROAD BRIDGE: City Manager Jarboe stated the Kings Road Bridge Bids were opened on June 19, 2008. The bid was separated into two parts. One for the Beam and Pile repairs and one for the Bulkhead Wall Replacement. The results were reviewed by our engineers and City Attorney White. In both bids Cline Construction was the lowest bidder meeting all the requirements. The City of Jacksonville Beach was contributing \$50,000 towards the repairs and a DOT grant would cover another \$100,000. The total cost for the city would be \$205,000. He recommended awarding both bids to Cline Construction.

Moved by Pruette, seconded by Lee.

Motion: **TO AWARD THE LOW RESPONSIVE BID TO CLINE CONSTRUCTION ONE FOR THE BULKHEAD WALL REPLACEMENT BID OF \$247,752.09 AND THE OTHER FOR BEAM AND PILE REPAIRS FOR \$107,939.19**

Councilor Lee voiced concern regarding the safety of the bridge once it was repaired. He asked the engineer to confirm the experience of Cline Construction. Nina Sickler, engineer, explained Cline Construction has been in business since 1996. They were pre-qualified by the Florida Department of Transportation. They had successfully completed over 30 similar jobs and she was confident they had the qualifications and met the job requirements.

Councilor Pardee asked the engineer to describe the construction repairs. Ms. Sicker explained the three major repairs that would take place and the materials that would be used during the construction. Councilor Pardee was concerned the clearance under the bridge would be reduced. Ms. Sickler assured him that the clearance of the bridge would not be reduced.

Councilor Pardee questioned if a warranty for the repairs would be provided. Ms. Sickler explained a warranty was not explicitly stated in the bid. However, because they were being installed by certified installers, the materials used would be covered by the manufacturer.

Vice Mayor Pruette questioned the time length of construction. Ms. Sickler stated the repairs should take no longer than six months and the bridge would be closed less than two months. Vice Mayor Pruette added she was glad to see the repairs were underway and hopeful that no more problems would arise.

City Manager Jarboe stated Jacksonville Beach would open the rear entrance during the construction period.

Mayor Brown stated he would like to recognize the cooperation of Jacksonville Beach for their opening the rear entrance and contributing \$50,000 towards the cost of the repairs for the bridge.

Councilor Pardee questioned the weight limit of the bridge and asked if the garbage trucks and other heavy vehicles would be able to use the bridge. City Manager Jarboe replied that he would prefer that heavy trucks continue to use the rear entrance provided by Jacksonville

Beach.

Mayor Brown thanked the Public Services Department for maintaining and keeping the bridge safe during the process.

Roll Call Vote:

Ayes: 4 – Lee, Pardee, Pruette, Brown

Noes: 0

Absent: 1 – Weldon

MOTION CARRIED

COMMUNICATIONS AND CORRESPONDENCE

Mayor Brown stated he received many positive comments from citizens regarding crowd control on the Fourth of July and the good job put forth by the Public Safety Department.

Vice Mayor Pruette stated she received many positive comments from citizens regarding the crowd control by the Public Safety Department during the Fourth of July holiday. She also heard many comments regarding the quick clean up by the Public Services Department.

CITY MANAGER REPORT

- The Town Center grease inspection project was ongoing.
- City Manager Jarboe thanked Chief Sembach for keeping the streets safe during the Fourth of July.
- He encouraged Council to pass the outside sales ordinance.
- He thanked Mayor Brown for sending a letter to the editor regarding the inspection report received by Public Services Department.
- The Public Services Department did an excellent job cleaning up after the Fourth of July Holiday.

COMMENTS FROM THE PUBLIC

Lang Chaires, 533 Magnolia Street, thanked Council for returning his calls and helping to solve his problems with the community garden. He also expressed appreciation for the appearance of Jarboe Park.

VARIANCES / NONE

ORDINANCES

Ord. No. 2008-05

ORDINANCE NO. 2008-05, OUTDOOR SALES – SECOND READ AND PUBLIC HEARING:
AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 27 UNIFIED LAND DEVELOPMENT REGULATIONS SECTION 27-227 SPECIAL RESTRICTIONS AND CONDITIONS ON ALLOWABLE USES WITHIN ZONING DISTRICTS (B) (5) RETAIL, GENERAL AND PROVIDING AN EFFECTIVE DATE.

City Manager Jarboe explained this ordinance allowed businesses to hold eight outdoor sales per calendar year for up to sixteen days per year.

Vice Mayor Pruette felt this would help small businesses in the city.

Mayor Brown read Ordinance No. 2008-05 by title only and opened the public hearing.

There being no comments from the public, the public hearing was closed.

Moved by Pruette, seconded by Pardee.

Motion: **TO ADOPT ORDINANCE NO. 2008-05 ON SECOND READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 4 – Lee, Pardee, Pruette, Brown

Noes: 0

Absent: 1 – Weldon

MOTION CARRIED

Ord. No. 2008-07

ORDINANCE NO. 2008-07 – ANIMALS – SECOND READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING SECTION 6-17 ANIMALS CAUSING INJURY, ADDING SECTION (b) AND DELETING SECTION 6-29 PERSONS BITTEN MUST REPORT TO POLICE DEPARTMENT AND PROVIDING AN EFFECTIVE DATE.

Mayor Brown read Ordinance No. 2008-07 by title only and opened the public hearing.

There being no comments from the public, the public hearing was closed.

Move by Pruette, seconded by Lee.

Motion: **TO ADOPT ORDINANCE NO. 2008-07 ON SECOND READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 4 – Lee, Pardee, Pruette, Brown

Noes: 0

Absent: 1 – Weldon

MOTION CARRIED

Ord. No. 2008-08

ORDINANCE NO. 2008-08, AMENDING QUALIFYING DATES, FIRST READ: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 9 ELECTIONS SECTION 9-5 QUALIFYING OF CANDIDATES AND PROVIDING AN EFFECTIVE DATE.

Moved by Lee, seconded by Pruette.

Motion: **TO PASS ORDINANCE NO. 2008-08 ON FIRST READ.**

Roll Call Vote:

Ayes: 4 – Lee, Pardee, Pruette, Brown

Noes: 0

Absent: 1 – Weldon

MOTION CARRIED

Councilor Lee agreed to sponsor Ordinance No. 2008-08.

Ord. No. 2008-09

ORDINANCE NO. 2008-09, AMENDING POLICE OFFICERS' RETIREMENT SYSTEM, FIRST READ: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH 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 2-346, MEMBERSHIP; AMENDING SECTION 2-347, BOARD

OF TRUSTEES; AMENDING SECTION 2-349-5 OPTIONAL FORMS OF BENEFITS; AMENDING SECTION 2-349-15, DOMESTIC RELATIONS ORDERS; RETIREE DIRECTED PAYMENTS; EXEMPTION FROM EXECUTION, NONASSIGNABILITY; PROVIDING FOR CODIFICATIONS; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING AN EFFECTIVE DATE.

Director of Finance Steve Ramsey explained the following changes to the plan:

- Allows the police chief to opt out of the retirement plan
- Allows DROP participants to be elected to serve on the Board but they could not vote to elect a trustee to the Board
- Begins the PLOP program
- Allows direct deductions for insurance out of retirement payments.

Moved by Pruette, seconded by Pardee.

Motion: **TO ADOPT ORDINANCE 2008-09 ON SECOND READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 4 – Lee, Pardee, Pruette, Brown

Noes: 0

Absent: 1 – Weldon

MOTION CARRIED

OLD BUSINESS

EAR Report

COMMUNITY ISSUES FOR EVALUATION APPRAISAL REPORT: City Manager Jarboe stated the report needed to be approved by the Council and forwarded to the State. This is in preparation of the 20 year Comprehensive Plan.

Councilor Pardee thanked the Planning & Development Board for their hard work on the Evaluation Appraisal Report.

Moved by Pruette, seconded by Pardee.

Motion: **ISSUES IDENTIFIED BE APPROVED AND FORWARDED TO THE STATE.**

Roll Call Vote:

Ayes: 4 – Lee, Pardee, Pruette, Brown

Noes: 0

Absent: 1 – Weldon

MOTION CARRIED

Res. No. 2008-12

RESOLUTON NO. 2008-12: A RESOLUTION APPOINTING MEMBERS TO THE CODE ENFORCEMENT BOARD.

Mr. Patrick Krechowski introduced himself to the Council.

Council Members thanked each appointee for volunteering to serve on the Board.

Moved by Pruette, seconded by Lee.

Motion: **TO APPROVE RESOLUTION NO. 2008-12.**

Roll Call Vote:

Ayes: 4 – Lee, Pardee, Pruette, Brown

Noes: 0

Absent: 1 – Weldon

MOTION CARRIED

City Manager Jarboe reported the parking in Town Center has become less of a problem. Mayor Brown replied this could be due to the trolley service running on Friday, Saturday, and Sunday.

Councilor Pardee asked to place the issue of land use for gasoline stations on the August workshop agenda.

NEW BUSINESS / NONE

Adjournment

There being no further business, the meeting adjourned at 7:30 p.m.

ATTEST:

Richard A. Brown, Mayor

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
WORKSHOP CITY COUNCIL MEETING
JULY 7, 2008 AT 6:00 P.M
CITY HALL, 116 FIRST STREET
NEPTUNE BEACH, FLORIDA

Pursuant to proper notice a Special Meeting of the City Council of the City of Neptune Beach was held July 7, 2008 at 6:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

Mayor Richard A. Brown
Vice Mayor Harriet Pruette
Councilor Fred E. Lee
Councilor Eric Pardee
City Attorney Chris White
City Manager James Jarboe
City Clerk Lisa Volpe, CMC

STAFF:

Senior Activities Center Director, Leslie Lyne
Director of Finance, Steve Ramsey
Director of Public Safety, Chief Sembach
Director of Public Services, Leon Smith

ABSENT:

Councilor John Weldon

Order Call

Mayor Brown called the special meeting to order at 6:00 p.m. and explained the purpose of the meeting was to interview and select an auditing firm for a three year period.

Vice Mayor Pruette disclosed she met and spoke briefly with Patrick of Patrick & Robinson prior to the meeting. She felt all three firms had good qualifications.

DUFRESNE & ASSOCIATES: Linda Dufresne, Dufresne & Associates, Orange Park, Florida, explained her firm's qualifications and experience.

PATRICK & ROBINSON: Adam Robinson, Audit Partner, Patrick & Robinson, Jacksonville, Florida highlighted the firm's qualifications and experience.

MASTERS, SMITH, & WISBY: Gary Hugget, Masters, Smith & Wisby, Jacksonville Beach, explained his firm's qualifications and experience.

Councilor Lee was concerned about the low estimate given by Masters, Smith & Wisby and asked Mr. Hugget if his firms proposed price were estimated or firm. Mr. Nugget stated those numbers were firm and would be reflected in the engagement letter if his firm were selected.

Mayor Brown stated there was a difference of \$45,000 and \$50,000 in price between the three firms. However, the State required that the selection not be based on cost alone.

City Attorney White suggested each council member rank each firm one, two, and three with the lowest number being the highest rank.

RESULTS OF RANKINGS

	<u>Masters, Smith & Wisby</u>	<u>Dufresne & Associates</u>	<u>Patrick & Robinson</u>
Councilor Lee	1	2	3
Councilor Pardee	1	2	3
Vice Mayor Pruette	1	2	3
Mayor Brown	1	2	3
Totals	4	8	12

Consensus: **TO SELECT MASTERS, SMITH & WISBY AND FORWARD TO THE
REGULAR CONSENT AGENDA.**

Mayor Brown thanked each firm for submitting their proposals.

Adjournment

There being no further business, the meeting adjourned at 6:40 p.m.

Richard Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
SPECIAL CITY COUNCIL MEETING
JULY 21, 2008 AT 6:00 P.M
CITY HALL, 116 FIRST STREET
NEPTUNE BEACH, FLORIDA

Pursuant to proper notice a Special Meeting of the City Council of the City of Neptune Beach was held July 21, 2008 at 6:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

STAFF:

Mayor Richard A. Brown
Vice Mayor Harriet Pruette
Councilor Fred E. Lee
Councilor Eric Pardee
Councilor John Weldon
City Manager James Jarboe
City Clerk Lisa Volpe, CMC

Community Development Director, Amanda Askew
Senior Activities Center Director, Leslie Lyne
Director of Finance, Steve Ramsey
Director of Public Safety, Chief Sembach

ABSENT:

City Attorney Chris White

Order Call

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

Ord. No. 2008-08

ORDINANCE NO. 2008-08, AMENDING CHAPTER 9 ELECTONS, SECOND READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 9, ELECTONS SECTION 9-5 QUALIFYING OF CANDIDATES AND PROVIDING AN EFFECTIVE DATE.

Mayor Brown read Ordinance No. 2008-08 by title only and opened the public hearing.

There being no comments from the public, the public hearing was closed.

City Clerk Lisa Volpe explained this would change the qualifying period from September 15 through September 19, to August 25 through August 29, 2008.

Moved by Pardee, seconded by Lee.

Motion: **TO ADOPT ORDINANCE NO. 2008-08 ON SECOND READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

Nitrogen Study

APPROVAL FOR THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH ATLANTIC BEACH TO CONDUCT A JOINT NITROGEN REMOVAL FEASIBILITY STUDY.
City Manager Jarboe explained the feasibility study was to determine if it would be less costly to work with Atlantic Beach on reducing our nitrogen levels.

Councilor Pardee questioned the amount of time the study would take. Mr. Jarboe replied the study would take approximately four to five months. The deadline for construction was 2011.

Motion: **TO ALLOW THE CITY MANAGER TO ENTER INTO A JOINT NITROGEN REMOVAL FEASIBILITY STUDY WITH ATLANTIC BEACH.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

Adjournment

There being no further business, the meeting adjourned at 6:10 p.m.

Richard Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
WORKSHOP CITY COUNCIL MEETING
JULY 21, 2008, AT 6:10 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 July 21, 2008 at 6:10 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

STAFF:

Mayor Richard Brown
Vice Mayor Harriet Pruette
Councilor Fred Lee
Councilor Eric Pardee
Councilor John Weldon
City Attorney Chris White
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

Community Development Director Amanda Askew
Senior Activities Center Director Leslie Lyne
Director of Finance Steve Ramsey
Director of Public Safety David Sembach

Call to Order/Roll Call Mayor Brown called the meeting to order at 6:10 p.m.

PRESENTATIONS

Mayor Brown recognized Jacksonville City Councilor Art Graham and thanked him for his involvement in making the Beaches Trolley possible.

Councilor Graham responded that Jacksonville Transportation Authority, Beaches Leader, and several other sponsors contributed to the Beaches Trolley this year. He explained the trolley was currently running under a ten week trial period and next year he would like to add a "Park and Ride" perhaps at the K-Mart Shopping Center.

CITY MANAGER'S ACTION LIST

City Manager Jarboe reported on the following:

- The First Coast Tennis Foundation was pulled from the agenda because the information necessary to make a decision was not provided.
- Public Services was in the process of cleaning the drainage ditches using the menzi muck.
- The Kings Road Bridge repairs were scheduled to begin in three weeks.
- With approval of Council he would negotiate a contract with Atlantic Beach to conduct a joint study on nitrogen removal.
- A request for proposals went out for engineering services for recommendations and construction regarding nitrogen removal.
- St. Johns River Water Management District would not allow reuse water in Jarboe Park or behind K-Mart because they were afraid it would seep into drainage ditches.
- Budget workshop sessions would begin in August.

City Clerk Volpe suggested rescheduling the September regular council meeting to Tuesday, September 2, 2008, due to the Labor Day Holiday. The meeting would also include the first read of the budget. The second read of the budget would be scheduled for September 15, 2008.

Consensus: **TO HOLD THE SEPTEMBER REGULAR MEETING TUESDAY, SEPTEMBER 2, 2008.**

PUBLIC COMMENTS

Rona and Buford Brinlee, 299 Atlantic Boulevard, owner of Book Mark, Atlantic Beach, opposed paid parking in Town Center.

Vita Hope, 324 Driftwood Road, opposed allowing the First Coast Tennis Foundation to give tennis lessons in Jarboe Park.

Cindy Strouse Benedict, 576 Valley Forge Road North, objected to First Coast Tennis Foundation giving tennis lessons in Jarboe Park on the weekends.

Myles Donaldson, 1126 Hamlet Lane East, also opposed tennis lessons in Jarboe Park.

Alan Martin, 1113 First Street, suggested allowing gas stations in the C-3 district by special exception only.

Linda Stewart, owner of Archway Gallery and Framing, Coordinator for the North Beach Art Walk, opposed paid parking in Town Center.

PROPOSED ORDINANCES

Gas Stations

ORDINANCE NO. 2008-XX, GAS STATIONS: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES CHAPTER 27 UNIFIED LAND DEVELOPMENT REGULATIONS, AMENDING ARTICLE I, IN GENERAL, SECTION 27-15, DEFINITIONS, AMENDING ARTICLE IV, LAND USE, SECTION 27-225, USES EXPRESSLY PROHIBITED WITHIN ZONING DISTRICTS, AND AMENDING TABLE 27-226-1 AND PROVIDING AN EFFECTIVE DATE.

Councilor Pardee explained the Shell Gas Station on Atlantic Boulevard recently called to inquire about a ~~submitted an application to~~ remodel and to improve the building. The application was denied due to the current zoning use table not permitting gas stations in the C-3 district. He proposed this ordinance to permit gas stations in the C-3 district.

City Manager Jarboe stated gas stations were prohibited from the permissible use table back in 1991. Due to Environmental Protection Agency and the State of Florida guidelines the Shell Station recently updated their gas tanks.

Mayor Brown suggested allowing gas stations in the C-3 district by special exception. He felt this would allow the city to have more control over future uses and allow the Shell Station to remodel and improve.

Councilor Weldon stated he would be willing to compromise by allowing gas stations by special exception in an effort to help the existing Shell Station make improvements to their property.

Vice Mayor Pruette agreed to allow gas stations by special exception in the C-3 district would be appropriate and allow the Shell Station to remodel.

Councilor Lee also agreed the Shell Station needed improvements and felt permitting gas stations in C-3 by special exception would be a compromise.

Consensus: **AGREE TO PERMIT GAS STATIONS BY SPECIAL EXCEPTION ONLY IN THE C-3 DISTRICT AND FORWARD TO FIRST READ IN AUGUST.**

Councilor Weldon asked staff to research ideas on how to allow the Shell Station to improve their property without amending the zoning use table.

CONTRACTS / AGREEMENTS / NONE

ISSUE DEVELOPMENT

Jarboe Park

RESOLUTION NO. 2008-XX: A RESOLUTION OF THE CITY OF NEPTUNE BEACH, FLORIDA SETTING THE RULES AND STANDARDS FOR THE USE OF JARBOE PARK BY GROUPS AND ACTIVITIES.

City Manager Jarboe explained this Resolution would allow the City Manager to approve short term uses and events in Jarboe Park. The Council would have to authorize any long term uses or events.

City Manager Jarboe explained the First Coast Tennis Foundation had requested to reserve the tennis courts in Jarboe Park for tennis lessons. Since they had not contacted him regarding a formal agreement the request was pulled from tonight's agenda.

Councilor Lee clarified that the request of First Coast Tennis Foundation to reserve the tennis courts for private lessons included public input before any decision would have been finalized by the Council. He thanked those citizens who spoke during public comments.

Consensus: **FORWARD TO THE AUGUST REGULAR MEETING FOR APPROVAL AS AMENDED.**

Town Center Parking

TOWN CENTER PARKING: City Manager Jarboe stated he recently spoke with the Town Center Merchants regarding the parking situation. They agreed that parking did not seem to be a problem at this time. He felt the Beaches Trolley has helped improve the parking in Town Center. He suggested if the parking became an issue in the future then maybe the merchants would be willing to develop more parking.

Vice Mayor Pruette asked Mr. Lovett if he would like to make any comments. Mr. Lovett stated he opposed paid parking in Town Center.

Councilor Weldon asked the Town Center Merchants Association if they would meet and present to both city councils advice as to how the cities could help the Town Center businesses prosper. He asked Mr. Ed Jones if he would like to comment.

Mr. Ed Jones felt the parking in Town Center was working and should not be altered at this time.

Councilor Weldon asked Mr. Lovett and Mr. Jones if they would provide both city councils with advice as well so they could monitor the publicly owned parking.

Mr. Lovett stated he owned a major portion of the parking in Town Center and it would be nice if other Town Center merchants would like to contribute to the cost and maintenance of the parking lots.

Councilor Pardee commented that a memo written by Vice Mayor Pruetto to City Attorney White regarding the Wal-Mart settlement agreement was between her and the City Attorney and was not an act of the Council.

Adjournment

There being no further business, the meeting adjourned at 7:10 pm.

Attest:

Richard A. Brown, Mayor

Lisa Volpe, CMC, City Clerk

Approved: _____



**MINUTES
REGULAR CITY COUNCIL MEETING
JUNE 2, 2008 AT 6:00 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 June 2, 2008 at 6:00 p.m., in the City Hall Council Chambers, 116 First Street, Neptune Beach, Florida.

Attendance**IN ATTENDANCE:****STAFF:**

Mayor Richard A. Brown
Vice Mayor Harriet Pruette
Councilor Fred Lee
Councilor Eric Pardee
Councilor John Weldon
City Attorney Christopher White
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

Community Development Director Amanda Askew
Senior Activities Center Director Leslie Lyne
Director of Finance Steve Ramsey
Director of Public Safety David Sembach
Director of Public Service Leon Smith

Order Call/Pledge

Mayor Brown called the meeting to order at 6:00 p.m. and led the pledge of allegiance.

AWARDS / PRESENTATIONS / RECOGNITION OF GUESTS / NONE

APPROVAL OF MINUTES

Moved by Pruette, seconded by Lee.

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

MAY 5, 2008, REGULAR CITY COUNCIL MEETING
MAY 19, 2008, WORKSHOP CITY COUNCIL MEETING
MAY 19, 2008, SPECIAL CITY COUNCIL MEETING

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown
Noes: 0

MOTION CARRIED

COMMUNICATIONS AND CORRESPONDENCE

Councilor Weldon disclosed he had spoken with many citizens regarding the community garden issue.

CITY MANAGER REPORT

- The manholes that were recently repaired were working well.
- Ten to twelve contractors had picked up bid plans for the Kings Road Bridge Project.
- Terry Klein, Administrative Assistant to the City Manager, was recovering from her illness and should be back June 30, 2008.

Councilor Weldon asked the Council to meet with him after the meeting if they would like to participate in sending a bouquet of flowers to Mrs. Klein.

City Clerk Lisa Volpe advised the Supervisor of Elections Office would be sending a formal letter addressed to the Council requesting that the city revise the qualifying dates in order to meet the deadline for sending out overseas absentee ballots.

COMMENTS FROM THE PUBLIC

Mayor Brown asked City Manager Jarboe to explain the issues regarding the community garden before beginning the public comments.

City Manager Jarboe explained part of the requirement to move forward with the community garden was to have consent from the adjacent neighbors. In the beginning the neighbors consented to the community garden. After receiving additional information they asked to withdraw their consent. Mr. Jarboe suggested an alternate location, for the community garden, behind the outfield of the baseball diamond in Jarboe Park. He asked Council to make a decision to leave the garden in the current location, without the consent of the neighbors, or relocate the garden to the suggested alternate site.

Lynda Padrta, 1113 First Street, supported the community garden at either location.

Sheri Nicholson, 222 Oleander Street, supported the community garden.

Wayne Willey, 569 Bay Street, supported the community garden at the new location.

Susie Chaires, 533 Magnolia Street, opposed the community garden being located behind her property.

Lang Chaires, 533 Magnolia Street, opposed the community garden being located directly behind his property.

Paul Nicholson, 222 Oleander Street, supported the community garden.

Laurie Clarke, 420 South Street, supported the community garden.

Jonathan Felts, 1166 Third Avenue North, Jacksonville Beach, supported the community garden.

Kelly Johnson, 519 Lora Street, supported the community garden.

Philip Ramsey, 1408 Walnut Street, supported the community garden in the original location.

Teri Methvin, 208 Driftwood Road, supported the community garden in the original location.

Gretchen Ferrell, 1166 Third Avenue North, Jacksonville Beach, supported the community garden in the original location. She felt the agreements currently in place with the city were binding and she had spoken with an attorney. She also felt starting the project over in a different location would compromise the garden.

Linda Gibson, 57 North Roscoe Boulevard, Ponte Vedra Beach, supported the community garden. She suggested having a mediator address the issue of the location.

LaJuan Kazmierzak, 2102 Acacia Road, supported the community garden in the original location.

Aimie Tous-Parker, 1537 Landing Lane, supported the community garden in the original approved location.

Barbara Jackson, 2001 Cherokee Drive, favored the community garden in the current location.

Janet Larson, 887 Marshside Court, Jacksonville Beach, supported the community garden in the current location.

Tom Larson, 887 Marshside Court, Jacksonville Beach, supported the community garden in the current location.

C. Rosille Van Nostraud, 1641 Landing Lane, supported the community garden in the current location.

Brad Burbaugh, University of Florida Institute of Food and Agriculture Sciences in Duval County, introduced Mary Puckett, the Program Assistant who oversees the five projects their office manages and gave the following information for the record: The Superior Street garden had fourteen plots, has been there for twenty-five years and was fifteen feet from the housing structures. The Murray Hill Garden at the intersection of Lawnview and Hamilton was directly in middle of the neighborhood within twenty feet of homes. The Fort Caroline Garden has seventeen plots within fifty feet of apartments. The Outtenbacks Gardens on East Twentieth and Buckman Street was only twenty-five feet from the houses. He further stated that heat would deter rodents and insects from composts piles.

Tim Kazmierzak, 2102 Acacia Road, supported the community garden. He was also concerned that the manholes in his neighborhood were not at the street level.

Comm. Garden

COMMUNITY GARDEN: City Manager Jarboe stated during the public comments the public brought up concerns and issues regarding the agreements. He asked City Attorney White to address those issues.

City Attorney White stated some comments that were made implied that the Conditional Use Agreement was permanent and could not be withdrawn, the easement use could not be changed, and the sixty day notice of cancellation did not apply unless there was construction. He stated he and the City Manager would meet with the spokesperson of the group to resolve these issues before moving forward in this process.

Councilor Lee questioned how many agreements were involved. City Attorney White replied there were a Right of Way Use Agreement, Land Agreement, and Community Garden Agreement.

Councilor Lee explained the Right of Way Use Agreement allowed the group permission to use the right of way for the community garden. This was a temporary use agreement and not an ownership agreement. City Attorney White stated there appeared to be different interpretations and suggested that the temporary use be clarified.

Councilor Lee questioned what the Land Agreement identified. City Attorney White explained the focal point on the Land Agreement was the sixty day notice. The proponents for the community garden implied that sixty day notice was only implacable in the event of sale or construction and this also needed to be clarified.

Councilor Lee asked City Attorney White to define the Community Garden Agreement. City Attorney White explained the Community Garden Agreement explained the obligations and responsibilities of the applicants.

Councilor Lee questioned the legality of allowing the community garden to be located on city property in Jarboe Park. City Attorney White replied the conditional use of the public property was legal and also applies equally to other groups.

Councilor Pardee asked if the Right of Way Use Agreement also applied to other groups equally. City Attorney White replied "yes" it also applied equally to other groups.

Councilor Pardee felt the location of the community garden should satisfy the residents of Neptune Beach first. He suggested placing the issue on the ballot as a referendum for the residents to decide.

Councilor Weldon felt the Council should consider the concerns of the abutting neighbors and their right to object. He proposed relocating the garden to the alternate site and having the public services department provide assistance to the group by transferring all materials and helping prepare the site. He also proposed offering the group a two year guaranteed commitment for the alternate site if they comply with all other provisions of the agreements.

Moved by Weldon, seconded by Pruette.

Motion: **THE CITY COUNCIL DIRECT STAFF TO COOPERATE IN THE RELOCATION OF THE COMMUNITY GARDEN FROM THE CURRENTLY APPROVED SITE TO THE NEW SITE WHICH HAS BEEN DISCUSSED AND DEMONSTRATED ADJACENT TO THE BALL FIELD INSIDE JARBOE PARK. AS PART OF THIS AGREEMENT THE CITY WILL ATTEMPT IN ANY WAY TO ASSIST IN THIS RELOCATION AND TO FACILITATE THE PREPARATION OF THE NEW SITE THROUGH THE USE OF PUBLIC WORKS PERSONNEL AND EQUIPMENT. IN ADDITION WILL CONSIDER RUNNING WATER TO THE SITE WHICH WILL SUBSEQUENTLY BE METERED FOR PAYMENT AS IT IS UTILIZED. AND PROPOSE A TWO YEAR GUARANTEED COMMITMENT BY THE CITY COUNCIL OF NEPTUNE BEACH THAT WE WILL NOT CHANGE OUR MIND AGAIN THAT WE WILL NOT BRING THIS BACK BEFORE COUNCIL FOR RECOGNITION AS LONG AS ALL OTHER PROVISIONS OF THE LAND USE AGREEMENT ARE COMPLIED WITH BY THE COMMUNITY GARDEN ORGANIZATION. ALSO CONTINGENT UPON RESOLVING THE ISSUE OF THE USE WITHIN THE CONFINES OF THE PARK AND PREPARING THE APPROPRIATE DOCUMENTS ACCEPTABLE TO BOTH SIDES.**

Mayor Brown stated he would support the proposal and asked Mr. Jarboe and Mr. White to meet and discuss if any legal issues.

Councilor Pardee stated Section 103 of the Neptune Beach Charter states "the city should have all governmental corporate and power to conduct municipal government, perform municipal functions and render municipal services and may exercise any power for municipal purposes except as expressly prohibited from reducing the size of any parks or parklands without prior approval of the voters." He was concerned allowing the community garden in the park would indeed reduce the size of the parkland because it would not be accessible to everyone. He felt the issue should be placed on the ballot as a referendum.

City Attorney White responded preservation of the park and parklands did not stipulate that it could not be used for certain reasons and because the Council was interested in allowing the community garden in the park this would have to be reviewed.

Councilor Weldon voiced concerned about not having heard this opinion from the City Attorney prior to the meeting.

City Attorney White state this issue was not presented to him for an opinion.

Mayor Brown stated it would still be appropriate for the Council to make a decision regarding the alternate location contingent upon the other issues.

Vice Mayor Pruette asked Leslie Lyne to approach the podium and speak to the previous referendum to preserve parkland in which Councilor Pardee referred to earlier.

Leslie Lyne, 501 Hopkins Street, stated she was on the Council in 1995. At that time there was a proposal to relocate City Hall into Jarboe Park. The intent of the referendum was not to build any permanent structures in parklands.

City Attorney White questioned if the motion was contingent upon resolving the issue of the use of a community garden in the park and preparing the appropriate documents. He added that he would have an opinion on the use of the parklands for a community garden by the end of next week.

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

Recess/Reconvene Mayor Brown called a recess at 7:45 p.m. and reconvened the meeting at 7:50 p.m.

CONSENT AGENDA

APPROVAL OF TOWN CENTER ART WALK: To approve the Art Walk to be held in Town Center twelve times per year with the original rules and regulations.

Moved by Weldon, seconded by Pruette.

Motion: **TO APPROVE THE CONSENT AGENDA ITEM A.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

VARIANCES / NONE

ORDINANCES

Ord. No. 2008-05

ORDINANCE NO. 2008-05, OUTDOOR SALES – FIRST READ: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 27 UNIFIED LAND DEVELOPMENT REGULATIONS SECTION 27-227 SPECIAL RESTRICTIONS AND CONDITIONS ON ALLOWABLE USES WITHIN ZONING DISTRICTS (B) (5) RETAIL, GENERAL AND PROVIDING AN EFFECTIVE DATE.

Councilor Pardee was concerned about abutting store owners taking inventory to the street to sell. City Manager Jarboe stated he would make sure the Code was enforced.

Moved by Pardee, seconded by Pruette.

Motion: **TO PASS ORDINANCE NO. 2008-05 ON FIRST READ.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

Ord. No. 2008-07

ORDINANCE NO. 2008-07 – ANIMALS – FIRST READ: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING SECTION 6-17 ANIMALS CAUSING INJURY, ADDING SECTION (b) AND DELETING SECTION 6-29 PERSONS BITTEN MUST REPORT TO POLICE DEPARTMENT AND PROVIDING AN EFFECTIVE DATE.

Vice Mayor Pruette stated she was informed by Chief Sembach that this ordinance would update the existing ordinance. Chief Sembach agreed.

Move by Weldon, seconded by Lee.

Motion: **TO PASS ORDINANCE NO. 2008-07 ON FIRST READ.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED**OLD BUSINESS**

Res. No. 2008-06

RESOLUTION NO. 2008-06: A RESOLUTION OF THE CITY OF NEPTUNE BEACH, FLORIDA DESIGNATING PROPERTY LOCATED AT 720 ATLANTIC BOULEVARD AND A PORTION OF THE LEMON STREET RIGHT OF WAY AS A BROWNFIELD AREA FOR ENVIRONMENTAL REHABILITATION AND ECONOMIC DEVELOPMENT AND PROVIDING AN EFFECTIVE DATE.

Mayor Brown opened the public hearing.

There being no comments from the public, the public hearing was closed.

Moved by Pruette, seconded by Lee.

Motion: **TO APPROVE RESOLUTION NO. 2008-06**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

Res. No. 2008-09

RESOLUTION 2008-09: A RESOLUTION OF THE CITY OF NEPTUNE BEACH, FLORIDA ESTABLISHING CERTAIN CHARGES OR FEES FOR SOLID WASTE COLLECTION SERVICES.

Moved by Pruette, seconded by Weldon.

Motion: **TO APPROVE RESOLUTION NO. 2008-09**

Roll Call Vote:

Ayes: 5 – Pruette, Weldon, Brown

Noes: 2 – Lee, Pardee

MOTION CARRIED**NEW BUSINESS**

Agenda Amendment FORECLOSURE ON 1602 – 1604 FIRST STREET: City Attorney White asked the Council to consider a motion to approve settlement on this code enforcement lien in the amount of \$6,000.

Moved by Pruette, seconded by Weldon.

Motion: TO APPROVE SETTLEMENT ON CODE ENFORCEMENT LIEN FOR 1602-1604 FIRST STREET IN THE AMOUNT OF \$6,000.

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

FORECLOSURE ON 1403 OCEANFRONT: City Attorney asked the Council to consider a motion to approve settlement in this code enforcement case in the amount of \$27,000 to be paid to the city by the property owner within 30 days from today.

Moved by Weldon, seconded by Pardee.

Motion: TO APPROVE SETTLEMENT ON CODE ENFORCEMENT CASE IN THE AMOUNT OF \$27,000 FOR 1403 OCEANFRONT.

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

Res. No. 2008-10 RESOLUTION NO. 2008-10: A RESOLUTION APPOINTING MEMBERS TO THE BOARD OF APPEALS AND THE CODE ENFORCEMENT BOARD.

City Clerk Volpe stated Mr. Naughton would not be able to serve on the Code Enforcement Board and did not wish to be reappointed.

Moved by Weldon, seconded by Pardee.

Motion: TO APPROVE RESOLUTION NO. 2008-10 AS AMENDED DELETING MR. NAUGHTON FROM THE CODE ENFORCEMENT BOARD.

Mr. Franklin, alternate appointee to the Board of Appeals, introduced himself to the Council.

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

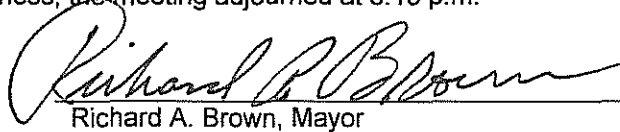
EAR APPROVAL OF PLANNING & DEVELOPMENT REVIEW BOARD'S EVALUATION APPRAISAL REPORT – COMMUNITY ISSUES:

City Manager Jarboe stated there were concerns among the Council and suggested forwarding the EAR to the June workshop meeting.

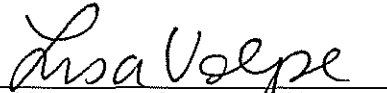
Consensus: FORWARD TO THE JUNE WORKSHOP MEETING.

Adjournment

There being no further business, the meeting adjourned at 8:15 p.m.


Richard A. Brown, Mayor

ATTEST:


Lisa Volpe, CMC, City Clerk

Approved: 7-7-08



MINUTES
SPECIAL CITY COUNCIL MEETING
JUNE 16, 2008 AT 6:00 P.M
CITY HALL, 116 FIRST STREET
NEPTUNE BEACH, FLORIDA

Pursuant to proper notice a Special Meeting of the City Council of the City of Neptune Beach was held June 16, 2008 at 6:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

STAFF:

Mayor Richard A. Brown
Vice Mayor Harriet Pruette
Councilor Fred E. Lee
Councilor Eric Pardee
Councilor John Weldon
City Attorney Chris White
City Manager James Jarboe
City Clerk Lisa Volpe, CMC

Community Development Director, Amanda Askew
Senior Activities Center Director, Leslie Lyne
Director of Finance, Steve Ramsey
Director of Public Safety, Chief Sembach
Director of Public Services, Leon Smith
Deputy City Clerk Karla Strait, CMC

Order Call

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

Ord. No. 2008-06

ORDINANCE NO. 2008-06, AMENDING OPEN AIR SALES AND MARKET, SECOND READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 17 SALES ARTICLE III OPEN AIR SEALES AND MARKET SECTIONS 17-35 LOCATIONS OF OPEN AIR SALES AND MARKETS, 17-36 OPEN AIR MARKET AREA, 17-38 PERMIT, AND 17-45 HOURS OF OPERATION AND PROVIDING AN EFFECTIVE DATE.

Mayor Brown read Ordinance No. 2008-06 by title only and opened the public hearing.

There being no comments from the public, the public hearing was closed.

Motion: **TO ADOPT ORDINANCE NO. 2008-06 ON SECOND READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown
Noes: 0

MOTION CARRIED

Res. No. 2008-11

RESOLUTION NO. 2008-11: A RESOLUTION ALLOWING THE CITY MANAGER TO EXECUTE AND DELIVER THE ATLANTIC BOULEVARD MAINTENANCE AGREEMENT TO THE FLORIDA DEPARTMENT OF TRANSPORTATION.

Motion: **TO ADOPT RESOLUTION NO. 2008-11.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

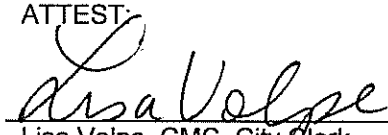
MOTION CARRIED

Adjournment

There being no further business, the meeting adjourned at 6:03 p.m.


Richard Brown, Mayor

ATTEST:


Lisa Volpe, CMC, City Clerk

Approved: 7.7.08

Beaches Chapel
Tennis

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

BEACHES CHAPEL – FIRST COAST TENNIS FOUNDATION: City Manager Jarboe explained the First Coast Tennis Foundation has requested to reserve the tennis courts in Jarboe Park on Tuesdays and Thursdays from 3:30 p.m. to 7:00 p.m. and Saturdays from 8:00 a.m. to 11:30 a.m. to provide private tennis lessons.

Councilor Pardee stated he would like for the "Jarboe Park Use Policy" to be adopted by the Council before considering the request. He was also concerned about the Saturday 8:00 a.m. to 12:00 p.m. reservation because he felt most tennis players would like to use the courts in the morning hours when the temperature is lower.

Councilor Lee agreed the "Jarboe Park Use Policy" should be adopted by the Council before considering the tennis program. He was also concerned about the Saturday reservations. He asked Mr. Tingsombutout, Executive Director First Coast Tennis Foundation, to approach the podium and address the Council.

Mr. Tingsombutout explained the First Coast Tennis Foundation was a non-profit organization. The money collected for lessons went towards paying the professional tennis instructors and the cost of tennis balls. If necessary he would be willing to adjust the days and hours requested.

Councilor Weldon questioned the association between the Beaches Chapel Church and the First Coast Tennis Foundation.

Mr. Tingsombutout explained Steve McCoy, Pastor of the Beaches Chapel Church, originally contacted the foundation to inquire about tennis lessons for the schools STAR Program, which involved several after school activities for their STAR students. Since Beaches Chapel Church did not have tennis courts on their premises, the First Coast Tennis Foundation approached the City to request the use of the Jarboe Park tennis courts. The tennis program would be assessable to any other groups or interested citizens as well.

Councilor Lee added Beaches Chapel would not receive any preferential treatment from the program.

Councilor Weldon suggested placing signs in Jarboe Park by the tennis courts to notify the public of the intent to reserve the tennis courts for private lessons. This would allow the regular users of the tennis courts to come to a meeting and comment to the Council on the matter.

Edi Wohlgemeth, Administrator of the Beaches Chapel STARS Program, stated the program provided after school activities that included karate, ballet, piano, guitar and art classes. She is the administrator the entire program and all the proceeds go to Beaches Chapel School. Pastor Steve McCoy is friends with Tennis Professional Brian Godfrey and that is how they learned about the First Coast Tennis Foundation. Beaches Chapel is interested in partnering with the foundation to hold a park extravaganza that would kick off the tennis program.

City Manager Jarboe stated if the program was approved by the Council the contract would be with the First Coast Tennis Foundation. He asked the foundation to formalize the agreement for consideration.

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

Town Center Parking

TOWN CENTER PARKING: City Manager Jarboe explained he conducted a study regarding Town Center parking options. The three options were: 1) pay and display parking, 2) parking sign enforcement, or 3) parking meters.

Councilor Lee felt Town Center Parking should be uniform both in Neptune Beach and Atlantic Beach.

City Manager Jarboe stated he would continue to work with Atlantic Beach City Manager Jim Hanson, research and gather more information to present the Council at the July workshop meeting.

Vice Mayor Pruette suggested the owners of One Ocean Resort tell their employees and contractors to park their vehicles on the One Ocean Resort property.

Councilor Weldon felt the City Manager should coordinate efforts with Atlantic Beach and conduct more research. He also felt the issue should be discussed and publicized at several meetings.

City Manager Jarboe stated he would also meet with the Town Center Association regarding the parking issue.

Councilor Lee agreed the Town Center parking has been an issue. He felt the city should coordinate with Atlantic Beach and take some type of action.

Councilor Pardee stated the Sea Turtle Inn should have taken construction parking into consideration when they decided to renovate and change their name to One Ocean. He also felt the Town Center Merchants should be involved with the Town Center parking issues.

Animal Committee

ANIMAL COMMITTEE: Mayor Brown stated he would like to appoint Leonna Sheddan, Executive Director of the Jacksonville Humane Society, Robert Hims, Certified Dog Trainer, and Sandy Golding to the Animal Task Force Committee.

Councilor Pardee stated the committee would also need regular citizens as well as the professionals to provide a good combination.

Mayor Brown also suggested that a law enforcement officer be appointed to the committee.

Vice Mayor Pruette stated a veterinarian and an attorney would also serve the committee well.

City Manager Jarboe explained the committee would be subject to the Sunshine Law and would need to be educated on the rules and regulations.

EAR

COMMUNITY ISSUES OF EVALUATION APPRAISAL REPORT: Community Development Director Amanda Askew explained the first process of the Evaluation Appraisal Report was to hold a public workshop meeting with the Planning & Development Review Board members to identify and discuss major issues for the community.

The meeting was held on May 20, 2008 and the following list of issues were identified:

- Parking in Town Center
- Flow of pedestrian traffic and motorized traffic east of Third Street and across Third Street / A1A
- Maintain existing densities and residential character of Neptune Beach
- Redevelopment of commercial along Atlantic Boulevard and Third Street / A1A
- Encouragement of mixed-use development along Atlantic Boulevard and Third Street / A1A

- Enhance and promote pedestrian safety along Atlantic Boulevard and Third Street / A1A
- Water conservation and water reuse

Councilor Weldon asked to add "protection of conservation lands" to the list.

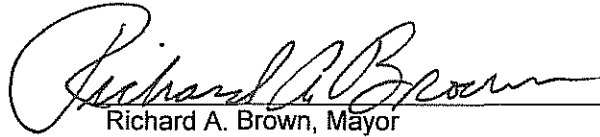
Councilor Pardee suggested broadening transportation to include pedestrians and bicycle traffic throughout the entire city.

City Manager Jarboe asked each Councilor to prepare a note for City Clerk Lisa Volpe or Community Development Director Askew concerning any amendments or additions to the list of issues.

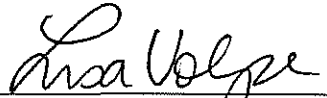
Consensus: **FORWARD TO THE JULY REGULAR MEETING FOR APPROVAL.**

Adjournment

There being no further business, the meeting adjourned at 7:53 pm.


Richard A. Brown, Mayor

Attest:



Lisa Volpe, CMC, City Clerk

Approved: 7.7.08



**MINUTES
REGULAR CITY COUNCIL MEETING
MAY 5, 2008 AT 6:00 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 May 5, 2008 at 6:00 p.m., in the City Hall Council Chambers, 116 First Street, Neptune Beach, Florida.

Attendance**IN ATTENDANCE:****STAFF:**

Mayor Richard A. Brown
Vice Mayor Harriet Pruette
Councilor Fred Lee
Councilor John Weldon
City Attorney Christopher White
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

Community Development Director Amanda Askew
Senior Activities Center Director Leslie Lyne
Director of Finance Steve Ramsey
Director of Public Safety David Sembach

ABSENT:

Councilor Eric Pardee

Order Call/Pledge

Mayor Brown called the meeting to order at 6:00 p.m. and led the pledge of allegiance.

AWARDS / PRESENTATIONS / RECOGNITION OF GUESTS / NONE

APPROVAL OF MINUTES

Moved by Pruette, seconded by Lee.

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

APRIL 7, 2008, REGULAR CITY COUNCIL MEETING
APRIL 21, 2008, WORKSHOP CITY COUNCIL MEETING

Roll Call Vote:

Ayes: 4— Lee, Pruette, Weldon, Brown
Noes: 0

MOTION CARRIED

COMMUNICATIONS AND CORRESPONDENCE

City Clerk Volpe announced for the month of May the Florida League of Cities monthly dinner was being held in Jacksonville Beach.

City Manager Jarboe stated if Council desired he could allow the Green Market to operate temporarily in Jarboe Park by issuing a special event permit.

Consensus: **TO ALLOW THE CITY MANAGER TO ISSUE A SPECIAL EVENT PERMIT TO ALLOW THE GREEN MARKET TO TEMPORARILY OPERATE IN JARBOE PARK WHILE THE ORDINANCE MOVES THROUGH THE ADOPTION PROCESS.**

CITY MANAGER REPORT

City Manager Jarboe reported on the following:

- The repairs on the manholes have been completed.
- The bids for the Kings Road Bridge were in process.

COMMENTS FROM THE PUBLIC

Vita Hope, 324 Driftwood Road, voiced concern regarding the proposed dangerous dog ordinance and the requirement that they be muzzled.

CONSENT AGENDA

RESOLUTION NO. 2008-05: A RESOLUTION OF THE CITY OF NEPTUNE BEACH, FLORIDA CONFIRMING THE MEMBERS OF THE NEPTUNE BEACH SENIOR CENTER FOUNDATION BOARD OF DIRECTORS.

Mayor Brown removed the Waste Pro CPI Increase from the consent agenda because the increase of 3.5% that was discussed at the workshop meeting was miscalculated.

Moved by Weldon, seconded by Lee.

Motion: **TO APPROVE THE CONSENT AGENDA ITEM A.**

Roll Call Vote:

Ayes: 4 – Lee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

WASTE PRO – CPI Increase of 3.5%: City Manager Jarboe stated the year to date CPI increase was refigured and amounted to 4.0% in lieu of 3.5%.

Moved by Weldon, seconded by Pruette.

Motion: **TO APPROVE THE CPI INCREASE OF 4% FOR WASTE PRO IN ACCORDANCE WITH THE EXISTING CONTRACT.**

Roll Call Vote:

Ayes: 3 – Pruette, Weldon, Brown

Noes: 1 – Lee

MOTION CARRIED

VARIANCES / NONE

ORDINANCES

Ord. No. 2008-06

ORDINANCE NO. 2008-06, AMENDING CHAPTER 27, SECTION 27-227, FIRST READ: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 17 SALES ARTICLE III OPEN AIR SALES AND MARKET SECTION 17-36 OPEN AIR MARKET

AREA AND 17-36 HOURS OF OPERATIONS AND PROVIDING AN EFFECTIVE DATE.

Moved by Weldon, seconded by Pruette.

Motion: **TO PASS ORDINANCE NO. 2008-06 ON FIRST READ.**

Roll Call Vote:

Ayes: 4 – Lee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

Councilor Lee questioned if the Ordinance would be sent to the Planning & Development Review Board for recommendation to Council before second read. City Clerk Lisa Volpe explained the Ordinance was not in Section 27 and therefore did not require a recommendation from the Planning & Development Review Board. However, the Green Market would need recommendation from the Planning & Development Review Board when they applied for a permit.

OLD BUSINESS

Res. No. 2008-06 **RESOLUTION NO. 2008-06:** A RESOLUTION OF THE CITY OF NEPTUNE BEACH, FLORIDA DESIGNATING PROPERTY LOCATED AT 720 ATLANTIC BOULEVARD AND A PORTION OF THE LEMON STREET RIGHT OF WAY AS A BROWNFIELD AREA FOR ENVIRONMENTAL REHABILITATION AND ECONOMIC DEVELOPMENT AND PROVIDING AN EFFECTIVE DATE.

Mayor Brown requested deferring this Resolution due to new and forthcoming information regarding the property.

Consensus: **TO DEFER RESOLUTION NO. 2008-06 UNTIL NEW INFORMATION IS RECEIVED.**

Res. No. 2008-07 **RESOLUTION NO. 2008-07:** A RESOLUTION OF THE CITY OF NEPTUNE BEACH, FLORIDA STATING STEPS AN ORDINANCE GOES THROUGH TO BE INTRODUCED TO COUNCIL.

Councilor Weldon explained the steps of the ordinance adoption process.

Vice Mayor Pruette stated Section 2-46 of the Code required that proposed ordinances be approved by the city attorney. Therefore, she felt the ordinance adoption process should include a step that required review by the city attorney before going to the Planning & Development Review Board for recommendation to Council.

PROCESS FOR ADOPTING ORDINANCES

1. Proposed ordinance introduced by staff or council member at a workshop meeting.
2. Proposed ordinance be reviewed by the city attorney.
3. Ordinance sent to regular council meeting for first read.
4. Ordinance sent to Planning & Development Review Board for recommendation to Council.
5. Ordinance sent to regular council meeting for second read and adoption.

Moved by Pruette, seconded by Lee.

Motion: **TO APPROVE RESOLUTION NO. 2008-07 AS AMENDED ADDING THE REVIEW BY THE CITY ATTORNEY.**

Roll Call Vote:

Ayes: 4 – Lee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIEDNEW BUSINESS

Res. No. 2008-08

RESOLUTION NO. 2008-08: A RESOLUTION APPOINTING MEMBERS TO THE CODE ENFORCEMENT BOARD.

Mike Bullock, 1012 Second Street, introduced himself to the Council and expressed his desire to serve the city.

Moved by Weldon, seconded by Pruette.

Motion: TO APPROVE RESOLUTION NO. 2008-08.

Roll Call Vote:

Ayes: 4 – Lee, Pruette, Weldon, Brown

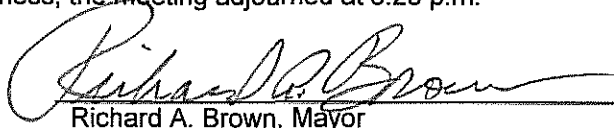
Noes: 0

MOTION CARRIED

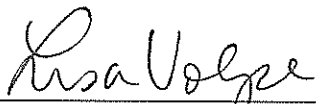
Councilor Weldon encouraged council members to visit the abandoned property on San Pablo Road where the old Wal-Mart was closed.

Adjournment

There being no further business, the meeting adjourned at 6:25 p.m.


Richard A. Brown, Mayor

ATTEST:


Lisa Volpe, CMC, City ClerkApproved: 6-2-08



MINUTES
SPECIAL CITY COUNCIL MEETING
MAY 19, 2008 AT 5:30 P.M
CITY HALL, 116 FIRST STREET
NEPTUNE BEACH, FLORIDA

Pursuant to proper notice a Special Meeting of the City Council of the City of Neptune Beach was held May 19, 2008 at 5:30 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

STAFF:

Mayor Richard A. Brown
Vice Mayor Harriet Pruette
Councilor Fred E. Lee
Councilor Eric Pardee
Councilor John Weldon
City Attorney Chris White
City Manager James Jarboe
City Clerk Lisa Volpe, CMC

Deputy City Clerk Karla Strait, CMC

Order Call

Mayor Brown called the special meeting to order at 5:30 p.m.

Shade Mtg.

CALL FOR SHADE MEETING: City Attorney White stated he needed permission from Council to hold a shade meeting.

Consensus:

TO HOLD A SHADE MEETING

Roll Call Vote:

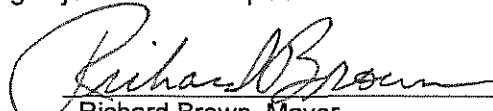
Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0


MOTION CARRIED

Adjournment

There being no further business, the meeting adjourned at 5:33 p.m.


Richard Brown, Mayor

ATTEST:


Lisa Volpe, CMC, City Clerk

Approved:

6-2-08



MINUTES
WORKSHOP CITY COUNCIL MEETING
MAY 19, 2008, AT 6:10 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 May 19, 2008 at 6:10 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

STAFF:

Mayor Richard Brown
Vice Mayor Harriet Pruette
Councilor Fred Lee
Councilor Eric Pardee
Councilor John Weldon
City Attorney Chris White
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

Community Development Director Amanda Askew
Senior Activities Center Director Leslie Lyne
Director of Finance Steve Ramsey
Director of Public Safety David Sembach
Director of Public Services Leon Smith
Deputy City Clerk Karla Strait, CMC

Call to Order/Roll Call Mayor Brown called the meeting to order at 6:10 p.m.

PRESENTATIONS / NONE

CITY MANAGER'S ACTION LIST

City Manager Jarboe stated the Town Center annual event "Dancin in the Street" was held Saturday May 17th and went well with no major problems.

Councilor Weldon stated he received complaints about the raucous nature and the excessive consumption of alcohol that occurred during the festival. He felt city staff needed to take that into consideration before the next "Dancin in the Streets."

Code Enforcement reported a number of street vendors set up in vacant lots without business licenses.

The parking situation in Town Center seemed to be more crowded this year especially at lunch time.

An Art Walk was held in Town Center on Thursday, May 15th.

Councilor Lee spotted and reported an alligator in Hopkins Creek. The Florida Fish and Wildlife have been contacted.

Two male suspects were recently caught painting graffiti in the area.

He would be meeting with the Florida Department of Transportation regarding utility issues on Third Street / A1A before the repaving begins.

The South Street manhole was completed and working well.

He was still waiting for permission from the Florida Department of Transportation to install a manhole on Third Street.

Councilor Lee asked City Manager Jarboe if he had heard from the Florida Department of Transportation regarding pedestrian safety. Mayor Brown stated he would follow up with the Florida Department of Transportation regarding the pedestrian safety.

Vice Mayor Pruette questioned the Kings Road Bridge project. City Manager Jarboe responded the plans were out for bids. A pre bid meeting would be held the end of May and the bid opening would be June 19th.

City Manager Jarboe informed everyone the first meeting for the Evaluation Appraisal Report process would begin on Tuesday, May 20th at 6:00 p.m. in the Council Chambers.

Councilor Lee asked City Manager Jarboe if he had heard from the Penman Plaza Associates regarding the development. City Manager Jarboe replied Code Enforcement action was being pursued.

Councilor Pardee stated he visited several different countries in Europe during the last three weeks. During his visit he observed many different lifestyles and cultures. He passed around photographs he had taken of some public art that he found interesting.

PUBLIC COMMENTS

Mary Ann Baker, 1102 First Street, stated her little dog was attacked by a pit bull and had to be put to sleep due to its injuries. She felt she should not feel threatened by other animals when walking in the neighborhood.

David Baker, 1102 First Street, was concerned about dangerous animals and felt they should be registered and muzzled while on the streets.

Leonna Sheddin, Jacksonville Humane Society Executive Director, suggested the city form a Task Force Committee to collect facts and information regarding dangerous dogs and suggest penalties. She added she would be happy to serve as a member on the Task Force Committee.

City Manager Jarboe stated after the attack the owner of the pit bull in question had the dog put to sleep.

Linda Stewart, 1309 Neptune Grove Drive West, organizer for the Art Walk, explained the issues that were brought to her attention regarding the previous Art Walk had been resolved.

PROPOSED ORDINANCES

Ord. No. 2008-XX

ORDINANCE NO. 2008-XX, AMENDING SECTION 6-17 ANIMALS CAUSING INJURY: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING SECTION 6-17 ANIMALS CAUSING INJURY, ADDING SECTION (B) AND DELETING SECTION 6-29 PERSONS BITTEN MUST REPORT TO POLICE DEPARTMENT AND PROVIDING AN EFFECTIVE DATE.

Vice Mayor Pruette explained this ordinance requires the owner or person in control of any animal that causes injury or harm to another person or animal to report the incident to the Public Safety Department within twenty four hours.

Councilor Weldon favored the suggestion to form a Task Force Committee.

Vice Mayor Pruette also favored the suggestion of appointing a Task Force Committee. She suggested the committee include a veterinarian, an attorney, the Director of the Humane Society, and regular citizens.

Mayor Brown stated he also favored appointing a Task Force Committee.

Councilor Pardee felt a Task Force Committee would be a proactive approach and would be important to make sure the information they provided to Council would be politically correct.

Councilor Pardee questioned why the ordinance gave the owner or person in control of the animal twenty four hours to report the incident. He felt that would give the person an opportunity to flee.

City Attorney White advised there had to be time cap otherwise the ordinance would be too vague.

Councilor Pardee questioned why the ordinance would no longer require the victim to report the incident.

City Attorney White stated the victim had the right to choose to report the incident or not and the victim should not be punished. This ordinance placed the burden on the owner or person in control of the animal causing injury.

Councilor Lee also supported appointing a Task Force Committee. He added there were also Florida State laws.

Consensus: **GATHER INFORMATION AND MOVE FORWARD WITH THE PROCESS OF APPOINTING A TASK FORCE COMMITTEE.**

CONTRACTS / AGREEMENTS / NONE

ISSUE DEVELOPMENT

720 Atlantic Blvd.

RESOLUTION NO. 2008-06: A RESOLUTION DESIGNATING PROPERTY LOCATED AT 720 ATLANTIC BOULEVARD AS A BROWNFIELD AREA FORENVIRONMENTAL REHABILITATION AND ECONOMIC DEVELOPMENT; PROVIDING AN EFFECTIVE DATE.

City Attorney White confirmed the new site plan and site description were correct.

Consensus: **TO FORWARD TO THE JUNE REGULAR MEETING FOR APPROVAL.**

Waste Collection

RESOLUTION NO. 2008-XX: A RESOLUTION ESTABLISHING CERTAIN CHARGES FOR FEES FOR SOLID WASTE COLLECTION SERVICES.

Councilor Pardee felt the 4% cost of living increase for Waste Pro should not be shifted to the residents.

Councilor Lee stated he did not object to the contract itself or the cost of living increase, what he objected to was the service they provided.

Councilor Weldon stated the total amount including the 4% increase was still far below what the citizens of neighboring cities were paying for garbage pickup.

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

1602/1604 First St.

FORECLOSURE OF 1602 / 1604 FIRST STREET: Mayor Brown stated this item was addressed at the previous shade meeting and should be removed from the agenda.

Art Walk

ART WALK: City Manager Jarboe stated it was beyond his authority to approve the Art Walk because he could only approve special events that were held once or twice per year. The organizer for the Art Walk was requesting to hold the event twelve times per year. Therefore, the Art Walk needed approval from the Council.

Councilor Weldon stated the Art Walk was a nice idea. He questioned whether or not the Art Walk was a benefit to the community or was it only a benefit for the business owners and Town Center. Ms. Stewart, organizer for the Art Walk, stated the Art Walk was a cultural event and gave the artists the opportunity to show their art to the community. It also gave the children the opportunity to participate in learning experiences.

Councilor Weldon asked if the event was profitable. Ms. Stewart stated this was only a way to give the artists exposure and was not profitable to her as the organizer.

Vice Mayor Pruette asked what day of the month the event would be held. Ms. Stewart replied the Art Walk would be held on the third Thursday of every month.

Councilor Pardee and Councilor Lee both supported the Art Walk.

Councilor Weldon asked to hear from the merchants that were present.

Jo Ann Adams, First Street Gallery, stated the Art Walk was good for businesses and enjoyed by the community.

Bootsy Haas, Tranquil Waters, felt the Art Walk promoted local businesses. She also asked Council to consider allowing signage.

Consensus: **FORWARD TO THE JUNE CONSENT AGENDA TO ALLOW ARTWALK TWELVE TIMES PER YEAR.**

Jarboe Park Use

USE OF JARBOE PARK BY PROFIT & NON-PROFIT ORGANIZATIONS: Councilor Lee stated he received a request from First Coast Tennis Foundation.

Toy Tingsombutout, Director, First Coast Tennis Foundation, explained the foundation was contacted by the Beaches Chapel Church to start a tennis program for the children and juniors in their school using the tennis courts in Jarboe Park. They would like to begin with a Tennis Play Day to introduce the program to the kids and parents. After the Tennis Play Day they would like to start teaching the school children for two hours a day on two separate days during the work week. They would also be interested in providing tennis lessons to the entire community as well.

City Manager Jarboe stated he would like to meet with Mr. Tingsombutout, regarding the time for the school program and provide the Council with more information.

Councilor Pardee asked City Manager Jarboe to consider the impact of parking, the Green Market and the Community Garden.

Consensus: **CITY MANAGER JARBOE TO CREATE A SET OF GUIDELINES FOR USE OF THE PARK AND BRING BACK TO COUNCIL.**

Town Center Parking

LIMITING TIME FOR PARKING IN TOWN CENTER: City Manager Jarboe stated he received a request from a Town Center merchants to limit parking in Town Center. There were concerns that contractors working on the new One Ocean Resort & Spa and their

200 newly hired employees were taking up all the parking in Town Center leaving no spaces for customers.

City Manager Jarboe suggested placing a two hour parking limitation on the public parking spaces in Town Center and having the Public Safety Department hire a part time person to write citations for violations. He felt the revenue from the citations would cover the cost of the extra part time personnel.

Councilor Pardee suggested that Town Center merchants could also contribute to the cost of the part time personnel.

Councilor Weldon asked staff to speak with the hotel owners and ensure their employees would be parking on their private property.

Councilor Pardee opposed parking meters. He felt because people were paying taxes on the roads they should not be charged to park on a public street.

Vice Mayor Pruette stated she had received complaints from Town Center merchants that their customers could not find parking due to beach visitors.

Mayor Brown felt parking meters would work better and asked City Manager Jarboe to look at the feasibility.

Councilor Lee felt the numbers may not be favorable for revenue.


Consensus: **GATHER MORE INFORMATION FOR COUNCIL.**

Adjournment

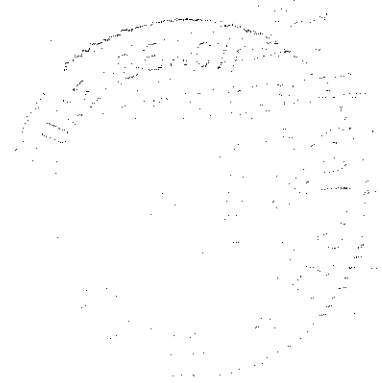
There being no further business, the meeting adjourned at 8:00 pm.


Richard A. Brown, Mayor

Attest:


Lisa Volpe, CMC, City Clerk

Approved: 6.2.08





**MINUTES
REGULAR CITY COUNCIL MEETING
APRIL 7, 2008 AT 6:00 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 April 7, 2008 at 6:00 p.m., in the City Hall Council Chambers, 116 First Street, Neptune Beach, Florida.

Attendance**IN ATTENDANCE:****STAFF:**

Mayor Richard A. Brown
Vice Mayor Harriet Pruette
Councilor Fred Lee
Councilor Eric Pardee
Councilor John Weldon
City Attorney Christopher White
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

Community Development Director Amanda Askew
Senior Activities Center Director Leslie Lyne
Director of Finance Steve Ramsey
Director of Public Safety David Sembach

Order Call/Pledge

Mayor Brown called the meeting to order at 6:00 p.m. and led the pledge of allegiance.

AWARDS / PRESENTATIONS / RECOGNITION OF GUESTS

Mayor Brown presented a Proclamation to Sybil Ansbacher in recognition of her service on the Board of Appeals.

APPROVAL OF MINUTES

Moved by Pruette, seconded by Weldon.

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

MARCH 3, 2008, REGULAR CITY COUNCIL MEETING
MARCH 17, 2008, SPECIAL CITY COUNCIL MEETING
MARCH 17, 2008, WORKSHOP CITY COUNCIL MEETING

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown
Noes: 0

MOTION CARRIED

COMMUNICATIONS AND CORRESPONDENCE

Mayor Brown welcomed Councilor Lee back from his trip to China.

Vice Mayor Pruette disclosed she had spoken with representatives for the Penman Plaza development order.

Vice Mayor Pruette stated she heard complaints from residents regarding the driveway on the Bay Street beach access.

Councilor Weldon explained the Bay Street development order had specific language which required the driveway appear to be a non-private driveway. City Manager Jarboe explained he had spoken with the developer regarding the situation and was waiting for his reply.

Councilor Lee and Councilor Pardee also disclosed they had spoken with representatives for the Penman Plaza development order.

CITY MANAGER REPORT

There was a discrepancy in Saturday's edition of the Florida Times Union Shorelines regarding the beaches population.

The repairs to the manholes on First Street were 95% complete.

The city was able to piggyback off of other contracts for repairs to a South Street manhole and a Third Street manhole.

Although revenues are down permit activity has improved this week in the Building Department.

Seventeen applicants have been interviewed for lifeguard positions. Chief Sembach is in the process of filling the positions.

COMMENTS FROM THE PUBLIC

Gretchen Ferrell, 1166 Third Avenue North, Jacksonville Beach, submitted a map for the proposed Community Garden.

CONSENT AGENDA

SURF CAMP

911 INTERLOCAL AGREEMENT

PEDESTRIAN SAFETY CORRIDOR PLAN

PURCHASE OF PLAYGROUND EQUIPMENT

POLICE DEPARTMENT RECORDS MANAGEMENT SYSTEM SOFTWARE GRANT

EXPENDITURE OF FORFEITURE FUNDS

Moved by Pruette, seconded by Lee.

Motion: **TO APPROVE THE CONSENT AGENDA**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

VARIANCES

V08-03
Penman Plaza

VARIANCE REQUEST V08-03 – PENMAN PLAZA ASSOCIATES, 1209, 1223, 1301 ATLANTIC BOULEVARD:

- | | |
|----------------------|---|
| Variance Request # 1 | Section 27-229-1, a variance request to increase the maximum lot coverage by 5.9%, creating 80.9% in lieu of the 75% maximum lot coverage. |
| Variance Request # 2 | Section 27-455(b), a variance request to reduce the gross landscape area by 3.6%, creating 16.4% in lieu of the required 20%. |
| Variance Request # 3 | Section 27-457(2)(a)(1), a variance request to reduce the perimeter landscape area by 3 feet leaving 6 feet in lieu of the required 9 feet. |
| Variance Request # 4 | Section 27-459(3)(a)(1), a variance request to omit the shade trees in 9 foot landscape buffer. |
| Variance Request # 5 | Section 27-457(2)(b)(2), a variance request to wave the requirement of one landscape island per 10 parking spaces for all existing parking areas. |
| Variance Request # 6 | Section 27-459(b)(3), a variance request to wave the required six foot masonry wall between commercial and single-family. |
| Variance Request # 7 | Section 27-540(C), a variance request to increase the maximum number of parking spaces to 52 spaces over minimum requirement in lieu of the thirty spaces over minimum requirement. |

Moved by Pruette, seconded by Lee.

Motion: **TO APPROVE VARIANCES NUMBER 1 THROUGH 4, 6 AND 7.**

Mayor Brown stated the development order involved removing the old Neptune Theater and constructing an attractive shopping center. He explained the reason the variance requests were required was because the building and landscaping were nonconforming.

Councilor Weldon asked the representative for the developer to come forward and address the Council.

Mr. Timothy McClain, representative for Penman Plaza, addressed the Council and explained since the previous council meeting they had met with city staff regarding plans and landscaping. They also hired a landscaping architect to address landscaping requirements. They also met with representatives for Christ United Church and Winn Dixie regarding the new development.

For the Record Councilor Weldon stated for the record since the previous council meeting he had not spoken with representatives for Penman Plaza. He disagreed with the variance requests for maximum lot coverage and landscaping. He was concerned about water runoff and nitrogen extraction. He was also concerned the variance requests would be utilized to construct out parcels. He asked if the owners would agree to bring the shopping center into compliance with impervious surface and landscaping requirements if they were to construct out parcels in the future. Mr. McClain agreed for the record they would bring the impervious surface and landscaping requirements into compliance if out parcels were built in the future.

Council Weldon stated he was also concerned about the signage not being addressed in the

development order. He explained within six years all existing pole signs within the city would be required to be removed. Mr. McClain stated he was aware of the sign ordinance and had already removed the Neptune Beach Theater pole sign. He added that he was under lease agreement with existing tenants regarding signage.

City Attorney White asked when the lease with Winn Dixie would expire. Mr. McClain replied the current lease agreement with Winn Dixie Stores expired in 2015. City Attorney White asked if there was a clause in the lease agreement relating to governmental regulations. Mr. McClain replied there was such a clause within the agreement.

Councilor Pardee felt signage was not an issue concerning the motion that was currently on the floor. He asked for discussion to move forward.

Councilor Weldon asked Mr. McClain if he acknowledged the variances would not be transferable and if he made any changes to the plans they would have to start the development process over. Mr. McClain acknowledged if they changed the plans they would have to return to Council for approval. He added they did not intend to have any major changes to the plans and they were trying their best to stay in compliance.

For the Record Councilor Weldon asked Mr. McClain for the record if they were to build a smaller center if they would attempt to improve the variance percentages. Mr. McClain responded for the record "yes"

Mr. William McClain, representative for Penman Plaza, stated if Councilor Weldon was suggesting they bring the center into total compliance if they had to make minor changes to the footprint to accommodate a tenant that did not include changing the façade or the square footage then the answer to the question would be "no". Councilor Weldon stated that was not the intention.

Councilor Weldon stated if they were to decide to build a smaller building if they would agree to bring the overall numbers into compliance. Mr. William McClain stated if they made any changes to the plans they understood they would have to return to the Council for approval therefore, he was not sure he wanted to make that commitment.

Mayor Brown stated that it was correct that the Council would have to approve any changes that were made to the development order.

Mr. William McClain stated they would like to have the ability to change the shapes of some of the buildings in order to accommodate new tenants. City Manager Jarboe explained if the size was substantially changed the building plans would not match the development order and the building official would not be able to move forward without approval from Council and therefore the applicant would need to go back through the development process. Mr. William McClain explained they understood they would need to go back through the development process if that were the case.

Councilor Weldon stated he wanted everyone to agree that the impervious surface and landscaping requirements would be revisited if major reductions in square footage were made.

Janet Whitmill, Landscape Architect for the developer, explained when the building was built in 1964 it met all requirements. Most of the non-compliance issues dealing with the development order were incompatible land use square footages that could not be met with the ability to move the trucks in the rear of the structure. The site plan shows the Winn Dixie, Aarons, and the Neptune Theater did not have sufficient green space. She explained the proposed site plan reduced parking spaces at the Tire Kingdom site and along Atlantic Boulevard. The new parking spaces that were being introduced would be pervious pavement.

Councilor Lee wanted to clarify if the size of the building substantially changed in square footage they would have to go back through the development order process. However, changes in the shape in order to attract proposed tenants did not substantially change or

reduce the size of the structure and would not require a new development order.

Vice Mayor Pruette questioned when they would be demolishing the old theater. Mr. McClain replied as soon as they received Council approval and met with the contractor.

City Manager Jarboe stated the only reason Code Enforcement action has not been taken was because there was a pending development order and it would be their best interest to demolish the building as soon as possible.

Councilor Pardee felt the Council was setting a precedent for future development by asking them to bring the non-compliances into compliance if they were to add out parcels. He asked the applicants if they were willing to comply with variance request number five. Mr. McClain stated they were confused about how variance request number five was omitted. Councilor Pardee asked to call the question.

Mayor Brown stated the question had been called if no one had any objections.

Councilor Weldon stated he objected to calling the question.

Mayor Brown stated "calling the question" was a parliamentary procedure and could not be debated. He asked City Clerk Lisa Volpe to record the vote for "calling the question".

Roll Call Vote:

Ayes: 3 – Pardee, Pruette, Brown

Noes: 2 – Lee, Weldon

MOTION CARRIED TO CALL THE QUESTION ON THE ABOVE MOTION

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

Moved by Pruette, seconded by Pardee.

Motion: **TO APPROVE VARIANCE REQUEST NUMBER 5.**

Community Development Director Amanda Askew explained the Planning & Development Review Board recommended denial of variance number five because a few of the board members indicated the existing parking spaces could easily be converted into required landscape islands.

Mayor Brown felt some of the existing shopping center grandfathered benefits were being lost because of the expansion.

Councilor Pardee asked Mrs. Askew what percentage of the expansion made the entire site have to be brought up to today Code. Mrs. Askew replied any time gross square footage was added to an existing non-conforming site the entire site had to be brought up to Code.

For the Record Councilor Lee stated for the record the only place that could be changed at this point was to add islands in two sections. That would require removing the existing parking lot and putting an island next to Bono's Bar-B-Que.

For the Record Councilor Pardee stated for the record he was adamantly opposed to the Code being applied in this manner.

Mayor Brown agreed the Code was very unfriendly to businesses and required unnecessary

expenditures.

Vice Mayor Pruette stated she would like to see the shopping center developed as soon as possible. She felt the improvements would compliment the community.

Councilor Lee also felt the development would compliment the community and asked Mr. McClain how soon they could begin construction. Mr. McClain replied they would like to begin as soon as possible.

Roll Call Vote:

Ayes: 4 – Lee, Pardee, Pruette, Brown

Noes: 1 – Weldon

MOTION CARRIED

Development Order
Penman Plaza

APPROVAL OF THE DEVELOPMENT ORDER FOR PENMAN PLAZA ASSOCIATES, 1209, 1223, AND 1301 ATLANTIC BOULEVARD

Moved by Pruette, seconded by Lee.

Motion: **TO APPROVE THE DEVELOPMENT ORDER FOR PENMAN PLAZA AS RECOMMENDED BY THE PLANNING & DEVELOPMENT REVIEW PLAN AND RETURN TO THE COUNCIL REGARDING THE SIGNAGE.**

Councilor Weldon asked Mr. McClain if they intended to comply with the sign ordinance within the next five to six years. Mr. McClain felt he could not legally answer that question due to tenant lease agreements.

Councilor Weldon was concerned about the pine trees on the landscape plan and asked if they would replace them with palm trees. Ms. Whitmill replied she had no objection to changing the pine trees to palm trees.

Councilor Weldon questioned how the Church felt about not having a concrete barrier wall. He added that it was not up to the church to decide whether or not the barrier wall was required because the property could be sold and redeveloped in the future. Mr. McClain stated the Church was satisfied with having a chain link fence with privacy slats in lieu of a concrete barrier wall as long as the privacy slats were maintained.

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

ORDINANCES

Ord. No. 2008-05

ORDINANCE NO. 2008-05, AMENDING CHAPTER 27, SECTION 27-227, FIRST READ: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 27 UNIFIED LAND DEVELOPMENT REGULATIONS SECTION 27-227 SPECIAL RESTRICTIONS AND CONDITIONS ON ALLOWABLE USES WITHIN ZONING DISTRICTS(B)(5) RETAIL, GENERAL AND PROVIDING AN EFFECTIVE DATE.

Mayor Brown explained this ordinance would allow business to conduct eight outdoor sales per year in lieu of the three.

Vice Mayor Pruette felt businesses should have more flexibility with outdoor sales.

Councilor Weldon questioned if the ordinance had been recommended for approval by the

Planning & Development Review Board. Mayor Brown stated the ordinance would go to the Planning & Development Review Board for recommendation in May.

Councilor Pardee questioned why the ordinance was placed on the agenda. City Manager Jarboe responded originally businesses were not allowed to have outdoor sales. The ordinance allowing three garage sales was amended to also allow business to have three outdoor sales per year. This ordinance would amend the Code to allow businesses to have eight outdoor sales but did not change the limited amount of garage sales per year.

Councilor Pardee felt the ordinance was not necessary.

Vice Mayor Pruette suggested striking out the number of times per year and adding "general retail stores may be held on the premises of a licensed store".

Councilor Weldon felt the ordinance should not be debated at a regular council meeting because it had not been discussed at a previous workshop meeting nor had it been before the Planning & Development Review Board for a recommendation to the Council.

City Clerk Volpe stated the ordinance adoption process was for an ordinance to first be heard and discussed at a workshop meeting and forwarded to the next regular council meeting for first read. After first read the proposed ordinance would go to the next Planning & Development Review for a recommendation to Council. After recommendation by the Planning & Development Review Board the proposed ordinance would return to the next regular council meeting for second read and final adoption. She suggested, if the order was a problem, she would place the issue on the April workshop agenda for discussion. City Manager Jarboe suggested drafting a resolution for procedures on adopting ordinances for the April workshop meeting.

Consensus: **TO DRAFT A RESOLUTION FOR PROCEDURES FOR ADOPTING ORDINANCES AND FORWARD TO THE APRIL WORKSHOP MEETING.**

OLD BUSINESS

Community Garden **COMMUNITY GARDEN:** City Manager Jarboe recommended the proposed community garden be located across from the water plant on Fifth Street. If Council agreed to the Fifth Street location he would work out the details which would include an "adopt an area agreement".

Councilor Pardee met with Mary Puckett, who supervises five to six community gardens in Duval County, acting as a liaison between the gardeners and the City of Jacksonville. Councilor Pardee suggested the city also contract with her to supervise our community garden. However, he was concerned about the Fifth Street location because of the limited parking spaces for park visitors.

Councilor Weldon asked Gretchen Ferrell to approach the podium and address the Council.

Gretchen Ferrell stated she had met with City Manager Jarboe and explained the details pertinent to the "adopt an area" program. She and other interested persons spoke with the adjacent residents regarding the Fifth Street location and they did not have any objections to the garden. Also the proposed garden area would allow 24 garden plots and would only take up 200 feet of the current 400 feet used for parking.

City Manager Jarboe stated the residents adjacent to the Fifth Street location would need to sign an agreement.

Moved by Pruette, seconded by Lee.

Motion: **TO APPROVE THE COMMUNITY GARDEN CONCEPT WITH THE CITY MANAGER WORKING OUT AN ADOPT AN AREA AGREEMENT AND DETAILS.**

Councilor Weldon questioned what would happen if one of the neighbors objected to the location. City Manager Jarboe stated if one neighbor objected he would bring the issue back to the Council for consideration.

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

Town Center
Art Project

RESOLUTION FOR TOWN CENTER ROUNDABOUT ART PROJECT: Mayor Brown asked Council if they were comfortable with the substitute resolution he drafted. He felt the resolution clearly stated the city's position and would allow the Town Center Agency to move forward with the artwork selection process.

Moved by Weldon, and Pruette.

Motion: **TO APPROVE THE SUBSTITUTE RESOLUTION DRAFTED BY MAYOR BROWN REGARDING ART IN THE ROUND ABOUT.**

Councilor Pardee stated he supported the idea of allowing Town Center to go through the process of request for proposals to obtain the artwork. But he did not necessarily support placing art in the Town Center round about.

Councilor Weldon asked Michael Dunlap to approach the podium and address the Council.

Michael Dunlap stated the request for proposals for the artwork had been rewritten to include the concerns and the items discussed at the previous council meeting. He added their request was approved by the City of Atlantic Beach.

Councilor Lee was concerned because the resolution did not address the maintenance of the art structure. He stated he would not approve a high maintenance art structure. Councilor Lee also voiced concern about a vehicle running into the art structure.

For the Record Vice Mayor Pruette stated for the record that she advised the Town Center Agency to purchase an insurance policy.

Roll Call Vote:

Ayes: 4 – Lee, Pruette, Weldon, Brown

Noes: 1 – Pardee

MOTION CARRIED

Green Market

Vice Mayor Pruette advised the Green Market in Jacksonville Beach was interested in moving to Jarboe Park.

New Development

Councilor Pardee asked staff to review the Code regarding landscaping and non-pervious surface non-conformities for new developments.

NEW BUSINESS / NONE

Adjournment

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

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



**MINUTES
WORKSHOP CITY COUNCIL MEETING
APRIL 21, 2008, 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 21, 2008 at 6:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

STAFF:

Mayor Richard Brown
Councilor Fred Lee
Vice Mayor Harriet Pruette
Councilor John Weldon
City Attorney Chris White
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

Community Development Director Amanda Askew
Senior Activities Center Director Leslie Lyne
Director of Finance Steve Ramsey
Director of Public Safety David Sembach
Director of Public Services Leon Smith
Deputy City Clerk Karla Strait, CMC

ABSENT:

Councilor Eric Pardee

Call to Order/Roll Call Mayor Brown called the meeting to order at 6:00 p.m.

PRESENTATIONS

MPO

METROPOLITAN PLANNING ORGANIZATION: Jeff Sheffield, First Coast Metropolitan Planning Organization, gave a presentation on transportation improvements for fiscal years 2008/09 through 2012/13.

Councilor Weldon asked Mr. Sheffield if the MPO could assist the city by working with FDOT to help make Third Street / A1A more pedestrian friendly. Mr. Sheffield replied the MPO could help facilitate with FDOT while the repaving and intersection work was in process.

CITY MANAGER'S ACTION LIST

The manhole repairs are complete at no cost to the city. The Public Services Department would be monitoring the manholes during heavy rains to make sure they are working properly.

Repair work will begin on the manholes on Third Street and South Street next Tuesday.

There was a grease clog in the sewer lines in Town Center. Code Enforcement and Public Services will be monitoring the sewer lines in the Town Center area on a monthly basis.

Councilor Lee questioned the progress of the Kings Road Bridge. City Manager Jarboe

replied the bids should go out this week.

Councilor Lee questioned the progress of the new playground equipment. Community Development Director Amanda Askew replied she would prepare a letter addressed to City of Jacksonville Councilman Art Graham requesting the funding.

PUBLIC COMMENTS / NONE

PROPOSED ORDINANCES

Ord. No. 2008-05

ORDINANCE NO. 2008-05, AMENDING CHAPTER 27, SECTION 27-227: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 27 UNIFIED LAND DEVELOPMENT REGULATIONS SECTION 27-227 SPECIAL RESTRICTIONS AND CONDITIONS ON ALLOWABLE USES WITHIN ZONING DISTRICTS(B)(5) RETAIL, GENERAL AND PROVIDING AN EFFECTIVE DATE.

Consensus: **FORWARD TO THE PLANNING AND DEVELOPMENT REVIEW BOARD.**

CONTRACTS / AGREEMENTS / NONE

ISSUE DEVELOPMENT

Ordinance
Procedures

RESOLUTION NO. 2008-XX: A RESOLUTION OF THE CITY OF NEPTUNE BEACH, FLORIDA STATING THE STEPS AN ORDINANCE GOES THROUGH TO BE INTRODUCED TO COUNCIL.

Councilor Weldon explained there was not a standard procedure for adopting ordinances. He suggested the following procedure for proposed ordinances: 1) the proposed ordinance is introduced for discussion at a Council workshop meeting to decide whether the Council wants to move forward with the ordinance, 2) go to the Planning and Development Review for recommendation before first read, 3) go to the Council for first read at the next regular Council meeting, and 4) return to the Council meeting the following month for second and final read. He felt this procedure would allow plenty of opportunity for the public to speak and have input. However, he was concerned about the delay in the process and suggested moving the Planning and Development Review Board meeting from the third Tuesday of the month to the first Tuesday of the month.

City Manager Jarboe recommended moving the Planning and Development Review Board meeting to the fourth Tuesday of the month.

Discussion ensued regarding public notices for ordinances and development orders.

Vice Mayor Pruette felt a review by the City Attorney should be included in the process.

Consensus: **FOR THE CITY MANAGER TO DISCUSS WITH STAFF AND BRING A PROPOSAL TO THE COUNCIL.**

720 Atlantic Blvd.

RESOLUTION NO. 2008-XX: A RESOLUTION OF THE CITY OF NEPTUNE BEACH, FLORIDA DESIGNATING PROPERTY LOCATED AT 720 ATLANTIC BOULEVARD AS A BROWNFIELD AREA FOR ENVIRONMENTAL REHABILITATION AND ECONOMIC DEVELOPMENT AND PROVIDING AN EFFECTIVE DATE.

City Attorney White explained the State allowed economic incentives for property owners and developers to develop properties with pollutants found on site. The city would have to designate the property as a Brownfield area and enter into an agreement with the

property owner as to what needed to be done to remove the contamination. This would be a long process and require an engineer.

William Finger, Attorney for the property owner, stated this would allow the city to have input as to how the contamination would be removed.

Councilor Lee asked if this included cleaning up the contamination within the city right-of-way. Mr. Finger responded "yes" that it did include cleaning the city right-of-way.

Councilor Weldon stated he was opposed to a short term solution. He questioned if the technique for removing the contamination would be scientific driven or financially driven.

Earl Faust, P.A., Access Environmental Association, 10250 Normandy Boulevard, Suite 604, Jacksonville, Florida, 32221, responded the technique would be both scientifically and financially driven. However, the Brownfield agreement would allow the city to become part of the process, the city would be actively involved and it would work to the advantage of the city.

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

Waste Pro

WASTE PRO – REQUEST FOR CPI INCREASE: Howard Burnett, Waste Pro of Florida, explained their contract included a paragraph which allowed adjustments for changes for the cost of doing business. They were requesting an increase of 3.5 % based on the net change in the Consumer Price Index published by the Bureau of Labor Statistics.

Councilor Lee stated he continued to see trash cans not being returned to side yards. Mr. Burnett replied that some customers preferred to carry their trash cans to the street and did not want his employees entering their property.

Councilor Lee also voiced concern regarding trash falling out of trucks onto streets and yards. Mr. Burnett replied his employees were instructed to pick up trash that was blown out of the trucks.

Vice Mayor Pruette suggested the employees take the empty trash cans at least back to the front corner of the house where they could not be blown onto streets and driveways. Mr. Burnett stated he had not received any complaints from residents regarding empty trash cans. Vice Mayor Pruette stated she had received compliments about the service in comparison to the last provider.

Councilor Weldon stated residents needed to be reminded via the Cast-a-Line Newsletter that they pay for side yard trash pickup and they should take advantage of it.

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

Green Market

BEACHES GREEN MARKET – REQUEST TO ADD LOCATION OF JARBOE PARK: City Manager Jarboe stated the Green Market started out located in the Sea Horse Motel parking lot. Then it moved over to the K-Mart parking lot where it did not succeed. If the Green Market was allowed to be located in Jarboe Park, the ordinance would have to be changed. He voiced concern regarding the request to prepare food on the premises, which would create the necessity for water and electricity.

Councilor Weldon asked Gretchen Ferrell to address the Council. He asked her why the Green Market had proposed the hours of Saturday from 2:00 p.m. to 5:00 p.m. Ms. Ferrell responded their main vendor commuted from MacClenny and preferred those hours due to traffic and travel time.

Councilor Weldon questioned why they wanted to sell prepared foods. Ms. Ferrell replied

the Green Market created a pleasant atmosphere where people could sit and eat while listening to music. She added that if necessary the food could be prepared off site.

Councilor Lee was concerned that food vendors on site would create a problem with local restaurants owners.

Consensus: **TO HAVE THE CITY MANAGER WORK WITH STAFF TO FINE TUNE THE DETAILS AND FORWARD TO THE MAY REGULAR COUNCIL MEETING.**

Senior Center

RESOLUTION NO. 2008-XX: A RESOLUTION OF THE CITY OF NEPTUNE BEACH, FLORIDA CONFIRMING THE MEMBERS OF THE NEPTUNE BEACH SENIOR CENTER FOUNDATION BOARD OF DIRECTORS.

Senior Activities Center Director Leslie Lyne explained the foundation was created to raise funds for the Senior Center to help offset the cost of vital activities and special events since CDBG funding was cut each year.

Councilor Weldon questioned how the funds would be used and if Council would be responsible for the disbursements. Ms. Lyne explained the foundation funds would be separate from the city budget and would be for the sole purpose to benefit the center and provide programs, events, and necessities such as heating, air conditioning, or maybe eventually a new building. She added the city would be informed as to what was done with the money.

City Manager Jarboe clarified the foundation could not expend funds without approval of the city because once the items were purchased for the center they would become city property.

Leslie Lyne introduced Dr. Joan Carver, Director of the Neptune Beach Senior Center Foundation Board, to the Council. Dr. Carver addressed the Council and stated the foundation board was for a wonderful cause.

Councilor Lee indicated there would be an end of the year audit report that the Council would have the opportunity to review if they so chose.

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

Audit Committee

AUDIT COMMITTEE – AUDITOR SELECTION LAW AND PROCEDURES: City Manager Jarboe explained Florida Statutes required Council to select and confirm the city auditor. The intent was for staff not to select an auditor to evaluate and rate their performance. Mr. Jarboe further explained the Council could hire a consultant at a cost of \$5,000 to \$10,000. However, he felt the Council was capable of reviewing the qualifications and making a selection once the requests for proposals were received.

Consensus: **FOR THE COUNCIL AS A WHOLE TO AGREE TO ACCEPT THE RESPONSIBILITY OF SELECTING AN AUDITOR.**

Vice Mayor Pruette advised the Florida League of Cities was in the process of collecting door prizes from Beaches' Council members for the May dinner meeting, which would be sponsored by the three Beach Cities and held at the Jacksonville Beach Community Center.

Adjournment

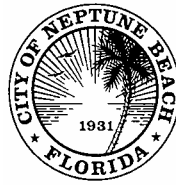
There being no further business, the meeting adjourned at 7:54 pm.

Richard A. Brown, Mayor

Attest:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
REGULAR CITY COUNCIL MEETING
MARCH 3, 2008 AT 6:00 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 March 3, 2008 at 6:00 p.m., in the City Hall Council Chambers, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

STAFF:

Mayor Richard A. Brown
Vice Mayor Harriet Pruette
Councilor Fred Lee
Councilor Eric Pardee
Councilor John Weldon
City Attorney Christopher White
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

Community Development Director Amanda Askew
Senior Activities Center Director Leslie Lyne
Director of Finance Steve Ramsey
Director of Public Safety David Sembach

Order Call/Pledge

Mayor Brown called the meeting to order at 6:00 p.m. and asked Councilor Lee to lead the pledge of allegiance.

AWARDS / PRESENTATIONS / RECOGNITION OF GUESTS / NONE

APPROVAL OF MINUTES

Moved by Lee, seconded by Pruette.

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

FEBRUARY 4, 2008, REGULAR CITY COUNCIL MEETING
FEBRAURY 25, 2008. WORKSHOP CITY COUNCIL MEETING

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

COMMUNICATIONS AND CORRESPONDENCE

Mayor Brown stated he attended the "Mayor's Conference on Illegal Guns and Community Safety" which was hosted today by Jacksonville Mayor John Peyton. It was attended by New York City Mayor Bloomberg and other Florida Mayors.

Vice Mayor Pruette asked Council to consider adopting a Resolution to protect public land.

Councilor Pardee asked staff for an update on the Flagler Property development. City Manager Jarboe stated the Flagler Property proposed development would be heard by the Planning & Development Review Board in March.

Councilor Pardee stated the City of Jacksonville had Penman Road on schedule to be repaved. He added that he had noticed a lot of illegal snipe signs in public rights of ways which he would continue to remove.

Councilor Weldon asked if pedestrian walkways would be part of the Penman Road repaving project.

City Clerk Volpe stated the code book supplements were available.

CITY MANAGER REPORT

The Public Services Department was able to piggyback off of an Atlantic Beach contract for sewer repair projects.

Councilor Lee asked to place playground equipment on the March workshop agenda.

COMMENTS FROM THE PUBLIC

Sybil Ansbacher, 2008 Strand Street, thanked the Council for supporting her during her service on the Board of Appeals.

Lynda Padrta, 1113 First Street, opposed extending the request by Lakeshore Village to extend the Wal-Mart development.

Mary Ann Padrta, 1030 Second Street, also opposed extending the request by Lakeshore Village to extend the Wal-Mart development.

CONSENT AGENDA / NONE

VARIANCES / NONE

ORDINANCES

Ord. No. 2008-02

ORDINANCE NO. 2008-02, AMENDING CHAPTER 2, ADMINISTRATIONS, ARTICLE VII BOARDS AND COMMISSIONS, SECOND READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 2, ADMINISTRATIONS, ARTICLE VII BOARDS AND COMMISSIONS, ADDING SECTION 2-412 PRESIDING OFFICER OF A BOARD OR COMMISSION AND PROVIDING AN EFFECTIVE DATE.

Mayor Brown read Ordinance No. 2008-02 by title only and opened the public hearing.

There being no comments from the public, the public hearing was closed.

Moved by Lee, seconded by Pruette.

Motion: **TO ADOPT ORDINANCE NO. 2008-02 ON SECOND READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

Ord. No. 2008-03 ORDINANCE NO. 2008-03, AMENDING CHAPTER 11, GARBAGE, TRASH AND INDUSTRIAL WASTE, SECOND READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 11, GARBAGE, TRASH AND INDUSTRIAL WASTE, ARTICLE II GARBAGE AND TRASH, DIVISION 4 COLLECTION AND DISPOSAL SECTION 11-84 SAME – BAGGING; CUTTING TREES AND TREE LIMBS REQUIRED AND PROVIDING AN EFFECTIVE DATE.

Mayor Brown read Ordinance No. 2008-03 by title only and opened the public hearing.

There being no comments from the public, the public hearing was closed.

Vice Mayor Pruette proposed amending the ordinance to add “development debris” as follows:

(a) All garden trash, including trees and tree limbs, sand and dirt and development debris, shall not be blown, swept, washed or placed onto public or private roadways or alleys or onto adjacent properties.

Moved by Pardee, seconded by Weldon.

Motion: **TO ADOPT ORDINANCE NO. 2008-03 ON SECOND READ AND PUBLIC HEARING AS AMENDED.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

OLD BUSINESS

Res. No. 2008-03 RESOLUTION NO. 2008-03: A RESOLUTION OF THE CITY NEPTUNE BEACH, FLORIDA SUPPORTING THE CONCEPT OF PLACING ART IN THE ROUNDABOUT LOCATED AT THE ENTRANCE RAMP TO THE OCEAN ON ATLANTIC BOULEVARD.

City Manager Jarboe stated Ordinance No. 2007-16 pertained to all art projects in commercial districts.

Michael Dunlap, representative for the Town Center Agency, handed out copies of a Resolution prepared by the Town Center Agency. He felt Resolution 2008-03, drafted by the City Manager was unacceptable to the Town Center Agency, because it required approval from the Planning & Development Review Board and it did not limit the art to non representational.

Councilor Weldon was concerned traditional sculptures would be excluded from the competition by limiting the submittals to abstracts. Mr. Dunlap stated the design committee felt that non-representational art would add more creativity to the competition and was a better solution for the site.

Councilor Weldon agreed the Council should maintain a simple veto on the project without the need for recommendation through the Planning & Development Review Board.

Vice Mayor Pruette asked City Attorney White if art work on public property would need a recommendation from the Planning & Development Review Board. City Attorney White replied the City had the absolute authority to govern whatever would be placed on public property.

City Manager Jarboe explained the Planning & Development Review Board was a recommendation board which only made recommendations to the Council and Council had the ability to deny or approve the board's recommendation.

Mayor Brown was concerned about approving an art project that would be placed on public property before seeing it. He felt the art work should be revealed to the Council before approval or Council should be allowed to veto the decision of the Design Committee.

Councilor Pardee was not comfortable with the Town Center Agency being in complete control over the project when an Ordinance governing art work was adopted in November. He suggested there were other property within the Town Center where the art could be placed.

City Manager Jarboe suggested forwarding the art project to the March workshop meeting.

Councilor Lee asked Mr. Dunlap to consider allowing the Council to have veto power.

Consensus: **FORWARD TO MARCH WORKSHOP.**

Res. No. 2008-04 **RESOLUTION 2008-04: A RESOLUTION REAPPOINTING MEMBERS TO THE BOARD OF APPEALS. ;**

Council asked Board Member Bryan McDonald if he would be able to attend the board meetings without as many absents. He stated he did shift work but he would attend all meeting he was able to.

Moved by Weldon, seconded by Pruette.

Motion: **TO APPROVE RESOLUTION NO. 2008-04.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

Lakeshore Village / Wal-Mart **TO DETERMINE IF ACTION IS APPROPRIATE ON THE REQUEST TO EXTEND THE LAKESHORE VILLAGE SHOPPING CENTER DEVELOPMENT ORDER FOR WAL-MART:**

City Attorney White stated he received a telephone call from the Lakeshore Village Counsel informing him no deal was reached with Wal-Mart at the meeting but they still wanted a development extension.

For the Record City Attorney White stated for the record that by agreeing to a consensus the council was in fact denying the request for the extension. The Code said that Council may grant an extension which implies the Council as taking action.

Vice Mayor Pruette stated she did not support the request for an extension because of the tri-party settlement agreement between the City, Lakeshore Village and Wal-Mart. She felt if any changes were made to the tri-party agreement Wal-Mart would also have to agree with the terms.

Moved by Pardee, seconded by Lee.

Motion: **TO DENY THE REQUEST FOR THE EXTENSION IN LIGHT OF THE EXISTING DEVELOPMENT SETTLEMENT AGREEMENT THAT IS ALREADY IN PLACE.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

NEW BUSINESS / NONE

Adjournment

There being no further business, the meeting adjourned at 7:00 p.m.

Richard A. Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
WORKSHOP CITY COUNCIL MEETING
MARCH 17, 2008, AT 6:05 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 March 17, 2008 at 6:05 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

STAFF:

Mayor Richard Brown
Vice Mayor Harriet Pruette
Councilor Eric Pardee
Councilor John Weldon
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

Community Development Director Amanda Askew
Assistant Police Chief Anthony Carrillo
Senior Activities Center Director Leslie Lyne
Director of Finance Steve Ramsey
Director of Public Services Leon Smith
Deputy City Clerk Karla Strait, CMC

ABSENT:

Councilor Fred Lee
City Attorney Chris White

Call to Order/Roll Call Mayor Brown called the meeting to order at 6:05 p.m.

PRESENTATIONS / NONE

Audit

PRESENTATION OF ANNUAL FINANCIAL REPORT GIVEN BY DUFRESNE & ASSOCIATES, CPA, PA: Linda Dufresne, Dufresne & Associates, presented a draft of the Independent Auditors Report for the fiscal year ending September 30, 2007.

Surf Camp

SURF CAMP – SENIOR ACTIVITIES CENTER DIRECTOR LESLIE LYNE: Senior Activities Center Director Leslie Lyne explained she met with Nicole de Venoge and Julie Geissmann regarding the proposed Surf Camp being part of the City recreation program. The Surf Camp would be a five week program starting June 9th through July 11th beginning at 9:00 a.m. and ending at 12:00 p.m. There would be approximately ten participants for each session between the ages of seven and seventeen. A birth certificate providing proof of age would be required at the time of registration.

Councilor Pardee questioned if the lifeguards would be on duty during that time period. Ms. Lyne replied the lifeguards would be on duty and the camp would be held within their sight.

Councilor Weldon was concerned about the liability to the city. Ms. Lyne responded the Surf Camp would be insured under the city's umbrella policy the same as other special events.

Consensus: **FORWARD TO THE APRIL REGULAR MEETING CONSENT AGENDA.**

CITY MANAGER'S ACTION LIST

Action List

CITY MANAGER ACTION LIST: City Manager Jarboe stated he received a letter addressed to Atlantic Beach Mayor John Meserve, from One Ocean, regarding landscaping the Town Center roundabout. The request was to allow One Ocean to landscape the roundabout until a decision was reached regarding the art sculpture. Councilor Weldon was concerned about the type of landscape they would provide. City Manager Jarboe responded they would have to submit a landscape plan to be approved by the Council.

Mr. Jarboe also reported the warranty repair work on the manholes was almost complete at no cost to city.

PUBLIC COMMENTS

Pat Hazouri, 1304 First Street & 207 Florida Boulevard, suggested that the Pedestrian Safety Corridor Plan identify intersections and provide for an additional safety corridor on Third Street between Seagate Avenue and Florida Boulevard.

Kelly Elmore, 1650 Beach Avenue, Atlantic Beach, FL, representative for the Town Center Agency, spoke about the Resolution addressing the Town Center art project. The art project was a continuation of the Town Center upgrades. It would be modeled after the art project in the San Marco area. He felt the project would identify the Town Center area.

Leslie Lyne, 501 Hopkins Street, asked the Council to show due diligence in going through the new 2020 Comprehensive Plan. She favored the concept of artwork in Town Center, but felt it would be better placed in a location other than the roundabout. She also requested the banners be replaced in Town Center.

PROPOSED ORDINANCES / NONE**CONTRACTS / AGREEMENTS**

911 Agreement

911 INTERLOCAL AGREEMENT: City Manager Jarboe stated the agreement helped fund the dispatch system at the Public Safety Department.

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

ISSUE DEVELOPMENT

Pedestrian Safety

PEDESTRIAN SAFETY CORRIDORS PLAN: City Manager Jarboe stated he drafted a general plan for Pedestrian Safety Corridors, which included a definition of "Pedestrian Safety Corridor." He was having difficulty getting information on the crosswalks from the state but hoped to receive that information soon.

Vice Mayor Pruette stated she wished there was an easier way for pedestrians to cross Third Street / A1A to go to either the beach or Jarboe Park.

Councilor Pardee felt part of the traffic problem on Third Street was due to all the stop signs and blockades on First Street and Second Street. He felt additional traffic signals and pedestrian crosswalks on Third Street would add more traffic to Penman Road. He suggested more traffic could be routed down First Street and Second Street.

Mayor Brown stated he was enthused about the new traffic signaling devices with timers which would advise pedestrians how much time remained before the traffic signal

changed.

Councilor Weldon stated he did not support an additional traffic signal on Third Street but felt every effort should be made to protect pedestrians crossing Third Street/ A1A. He also felt First Street and Second Street should be protected from allowing through traffic at all cost.

Consensus: **REMOVE NUMBER FOUR FROM THE PROPOSED PEDESTRIAN SAFETY CORRIDOR PLAN AND FORWARD TO THE APRIL CONSENT AGENDA.**

Town Center Art

TOWN CENTER ROUNDABOUT ART PROJECT: Mayor Brown stated the City adopted an Ordinance in November regarding procedures for public art.

City Manager Jarboe stated he spoke with City of Atlantic Beach City Manager Jim Hanson. Mr. Hanson indicated the Atlantic Beach City Commission was also concerned about not having the final approval for the type of art project proposed for the Town Center roundabout. He also indicated Mayor Meserve was interested in the possibility of conducting a joint meeting with the Neptune Beach City Council in an effort to coordinate the art project. The Atlantic Beach City Commission was also in the process of adopting a Resolution for the art project, which would reflect their Ordinance Code. Mr. Hanson felt the Atlantic Beach City Commission would support the art project if the Commission had final veto power over the art.

Mayor Brown asked the Council if they would be interested in a joint meeting with Atlantic Beach City Commission.

Councilor Weldon felt there was not enough information on the art project to set up a joint meeting with the Atlantic Beach City Commission. He stated both Neptune Beach and Atlantic Beach elected officials were not comfortable allowing an appointed committee to make a final decision regarding a piece of artwork to be placed on public property without public input and final approval. Both cities were also not sure they wanted an art project placed in the roundabout. He was also concerned traditional sculptures would be excluded from the competition by limiting the submittals to abstracts.

Michael Dunlap, Town Center Agency, explained they were willing to eliminate the abstract art requirement and go through the Planning & Development Review Board process. However, the agency felt Neptune Beach and Atlantic Beach should share the maintenance of the sculpture.

Councilor Weldon questioned the issue of the final approval. Mr. Dunlap stated the Resolution should provide that both the City of Neptune Beach and the City of Atlantic Beach would have final approval of the artwork.

Councilor Weldon suggested that the jury select several art pieces from the submissions. Mr. Elwood explained the process of the jury was to select three pieces of artwork initially, and make a final selection from those three.

Mr. Elwood stated most city elected officials did not make decisions on public art work. They usually established a committee knowledgeable in the field and versed in the subject to make the best decision.

Councilor Pardee felt a joint meeting with the Atlantic Beach Commission would not be successful because Neptune Beach needed to abide by the Art Work Ordinance that was adopted in November.

Councilor Weldon agreed the procedures in the Art Work Ordinance needed to be followed. However, he felt the problem was who or what body would be responsible for the final decision on which piece of art would be selected.

Councilor Pardee asked Vice Mayor Pruette, because she was a member of the Town Center Agency Board, if she would be voting as a Neptune Beach Council Member on the project. Vice Mayor Pruette stated City Attorney White had advised her that it was not a conflict of interest and that she must vote.

Vice Mayor Pruette added that she would rather the art work be placed in an alternate location other than the roundabout and clarified the artwork would be of no cost to taxpayers.

Mr. Dunlap stated they would agree to rewrite the requests for proposals to exclude the non-representational language and give both cities veto power.

Vice Mayor Pruette added going through the Planning & Development Review Board would allow the cities public input and feedback.

City Manager Jarboe suggested the committee submit three options for review by the Planning & Development Review Board to consider for recommendation to the council. The jury could give a presentation to the Board recommending strengths and weaknesses for each object.

City Manager Jarboe stated the maintenance of the artwork was a major issue and could be a major financial undertaking. He was concerned about the decreasing tax revenue and the issue of having to cut employees and services than having to deal with the maintenance of the Town Center Art Work.

Mr. Dunlap stated that the Town Center Agency did not want to be responsible for the maintenance of the artwork.

Councilor Weldon replied if the art was crafted with future maintenance in mind he did not see an issue with the city maintaining it. Mr. Elwood responded that good public artwork was designed from high quality materials like granite, stainless steel, copper, bronze, etc. with the salt and wind environment in mind and should be a low maintenance project.

Councilor Pardee was concerned about the location in the roundabout and questioned why the art could not be placed on Town Center property instead of on city property. Mr. Elwood responded the roundabout was the logical place for the art to be placed because it could be seen.

Councilor Weldon recommended changing number five of the Resolution to read "Receive final design approval from the Neptune Beach City Council" and postponing the maintenance question.

Therefore, the five conditions of the Resolution would be to 1) receive approval from Atlantic Beach City Commission, 2) following requirements of the City Ordinance Chapter 27 Section 576 and 596, 3) have a firm commitment for funding, 4) not limit the art to abstract, and 5) receive final design approval from the Neptune Beach City Council.

Mr. Dunlap stated on behalf of the Town Center Agency he would agree to those terms.

Mayor Brown stated he was still concerned about the maintenance issue.

Councilor Weldon stated the Neptune Beach City Council would have final design approval which would include maintenance of the design materials.

Vice Mayor Pruette suggested Town Center take the responsibility to repair or replace the art if it were hit by a vehicle.

City Manager Jarboe suggested that it be clarified in the Resolution that the city would not be responsible for the future maintenance of the artwork.

Councilor Weldon stated not including the issue of maintenance in the Resolution would allow Town Center to move forward with the project. This did not mean the city would be responsible for the maintenance. He also asked that the committee be asked to consider that the design should enhance not diminish the view of the ocean.

Consensus: **POSTPONE THE MAINTENANCE ISSUE AND FORWARD RESOLUTION TO THE APRIL REGULAR MEETING.**

Playground Equip.

APPROVAL OF PLAYGROUND EQUIPMENT GRANT: City Manager Jarboe explained initially grant money was available to improve the landscaping on Florida Boulevard. Now that the money was no longer available for landscaping, he was requesting the money be used for new playground equipment for Jarboe Park and Futch Park.

Consensus: **TO FORWARD TO THE APRIL REGULAR MEETING CONSENT AGENDA.**

Record Management Software

APPROVAL OF POLICE DEPARTMENT RECORDS MANAGEMENT SYSTEM SOFTWARE GRANT: City Manager Jarboe explained the Police Department was able to receive a grant to upgrade their records management system. He recommended approval of the proposal from Detective Information Services.

Councilor Pardee asked to include a date of completion for the software conversion to be completed and charge a penalty if it is not completed by the date.

Consensus: **FORWARD TO THE APRIL REGULAR MEETING CONSENT AGENDA.**

Forfeiture Funds

EXPENDITURE OF POLICE FORFEITURE FUNDS: City Manager Jarboe explained the forfeiture funds would be used for police training equipment, tasers, and emergency lights for unmarked police vehicles.

Consensus: **FORWARD TO THE APRIL REGULAR MEETING CONSENT AGENDA.**

Goal Setting

DISCUSSION OF GOAL SETTING SESSION: City Manager Jarboe stated he would like to hold a goal setting session to discuss the property rate cutbacks and the upcoming budget.

Consensus: **CITY MANAGER JARBOE CALL COUNCIL MEMBERS AND TRY TO SET A DATE THAT WAS CONVENIENT FOR EVERYONE.**

Adjournment

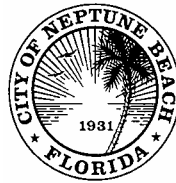
There being no further business, the meeting adjourned at 8:10 pm.

Attest:

Richard A. Brown, Mayor

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
REGULAR CITY COUNCIL MEETING
FEBRUARY 4, 2008 AT 6:00 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 February 4, 2008 at 6:00 p.m., in the City Hall Council Chambers, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

STAFF:

Mayor Richard A. Brown
 Vice Mayor Harriet Pruette
 Councilor Fred Lee
 Councilor Eric Pardee
 Councilor John Weldon
 City Manager Jim Jarboe
 City Clerk Lisa Volpe, CMC

Community Development Director Amanda Askew
 Senior Activities Center Director Leslie Lyne
 Director of Finance Steve Ramsey
 Director of Public Safety David Sembach
 Director of Public Services Leon Smith

Absent:
 City Attorney Christopher White

Order Call/Pledge

Mayor Brown called the meeting to order at 6:00 p.m. and asked Councilor Pardee to lead the pledge of allegiance.

AWARDS / PRESENTATIONS / RECOGNITION OF GUESTS

Mayor Brown presented a Proclamation to Mr. Anthony Mazzola recognizing his seven years of service on the Planning & Development Review Board.

**Fletcher Band
 Donation**

FLETCHER HIGH SCHOOL BAND DONATION: Councilor Pardee brought forth the request by Fletcher High School Band for a donation to help support them on a trip to Washington, D.C. to participate in the Independence Day Parade on July 4th. He suggested a donation of \$3000.

The following citizens spoke in favor of the Fletcher High School Band donation:

- Cindy Bohn, 49 Tallwood Road, Jacksonville Beach
- Melissa Altaxin, 14019 Beach Boulevard, Jacksonville
- Jean Furst, 3018 Farrington Street, Jacksonville
- Anna Forest, 1659 Leeward Lane, Neptune Beach
- Jonathan Maerkl, Fletcher High School Band Director, 700 Seagate Avenue
- Karl Hankin, 717 Valley Forge Road, Neptune Beach

Moved by Pardee, seconded by Lee.

Motion: **TO APPROVE A \$3,000 DONATION TO SUPPORT THE FLETCHER HIGH SCHOOL BAND.**

Councilor Weldon questioned the amount of money available in the discretionary fund. City Manager Jarboe replied \$3,700 remained after the \$5,000 "HOPE" van donation.

Councilor Weldon recommended a \$1,500 donation. Vice Mayor Pruette stated she could also support \$1,500 as given in the past. Councilor Weldon explained to the band members present in the assembly that a small community such as the City of Neptune Beach had limited resources and could not make donations to every valuable organization.

Mayor Brown stated he would support a \$1,500 donation.

Councilor Lee explained that he received a personal request to contribute \$1,000. He added if the city donated \$2,000 he would personally donate \$1,000 bringing the total donation to \$3,000.

Revised Motion: **TO APPROVE A \$2,000 DONATION TO SUPPORT THE FLETCHER HIGH SCHOOL BAND.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

APPROVAL OF MINUTES

Moved by Pruette, seconded by Lee.

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

JANUARY 7, 2008, REGULAR CITY COUNCIL MEETING
JANUARY 28, 2008, SPECIAL CITY COUNCIL MEETING
JANUARY 28, 2008, WORKSHOP CITY COUNCIL MEETING

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

COMMUNICATIONS AND CORRESPONDENCE

Vice Mayor Pruette stated she would like to write a letter thanking Budweiser for bringing the Clydesdale horses to Town Center and invite them to come back in the future.

Councilor Lee reminded council to attend the dedication of the Neptune Beach Elementary School playground.

City Clerk Volpe reminded Council the February workshop meeting would be held on February 25, 2008 due to Presidents' Day.

CITY MANAGER REPORT

City Manager Jarboe stated he spoke with Barbara Jackson, Chairperson of the Ish Brant Beautification Committee, regarding some interest in a community vegetable garden.

The Finance Department was in the process of finishing the audit.

Community Development was working on the EAR report. He added, with the combined experience of the Community Development Director and the Building Official, the city would be saving money by not having to hire an outside consultant.

COMMENTS FROM THE PUBLIC

Lynda Padrta, 1113 First Street, spoke in favor of Ordinance No. 2008-03 and the donation for the "HOPE" Van.

CONSENT AGENDA

INTERLOCAL AGREEMENT BETWEEN THE CITY OF JACKSONVILLE BEACH, FLORIDA AND THE CITY OF NEPTUNE BEACH, FLORIDA: Relating to the provision of potable water supply connection, sewage collection connection, and water metering services for the five residential properties in Neptune Beach at the westerly end of Seagate Avenue west of Kings Road.

Moved by Pruette, seconded by Weldon.

Motion: **TO APPROVE THE CONSENT AGENDA.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

VARIANCES / NONE**ORDINANCES**

Ord. No. 2007-20

ORDINANCE NO. 2007-20, ACCESSORY AND TEMPORARY STRUCTURES, SECOND READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING THE EXISTING 27 UNIFIED LAND DEVELOPMENT REGULATIONS ARTICLE V. ACCESSORY STRUCTURES AND USES SECTION 27-331 TEMPORARY STRUCTURES AND PROVIDING AN EFFECTIVE DATE.

City Manager Jarboe explained this Ordinance allowed the City Manager to extend the time period for temporary storage units up to 45 days, if more than five days are necessary.

Mayor Brown read Ordinance No. 2007-20 by title only and opened the public hearing.

There being no comments from the public, the public hearing was closed.

Moved by Weldon, seconded by Pruette.

Motion: **TO ADOPT ORDINANCE NO. 2007-20 ON SECOND READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

Ord. No. 2007-21

ORDINANCE NO. 2007-21, AMENDING CHAPTER 27, SECOND READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY NEPTUNE BEACH, FLORIDA AMENDING THE EXISTING CHAPTER 27, TABLE 27-229-1 AND PROVIDING AN EFFECTIVE DATE.

Mayor Brown read Ordinance No. 2007-21 by title only and opened the public hearing.

There being no comments from the public, the public hearing was closed.

Moved by Pruette, seconded by Weldon.

Motion: **TO ADOPT ORDINANCE NO. 2007-21 ON SECOND READ AND PUBLIC HEARING.**

Mayor Brown explained this Ordinance clarified that the 60,000 square feet limit did not apply to entire shopping centers; it only applied to individual stores. Council discussed the ordinance.

Roll Call Vote:

Ayes: 4 – Lee, Pruette, Weldon, Brown

Noes: 1 – Pardee

MOTION CARRIED

Ord. No. 2008-02

ORDINANCE NO. 2008-02, AMENDING CHAPTER 2, ADMINISTRATIONS, ARTICLE VII BOARDS AND COMMISSIONS, FIRST READ: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 2, ADMINISTRATIONS, ARTICLE VII BOARDS AND COMMISSIONS, ADDING SECTION 2-412 PRESIDING OFFICER OF A BOARD OR COMMISSION AND PROVIDING AN EFFECTIVE DATE.

Moved by Lee, seconded by Pardee.

Motion: **TO PASS ORDINANCE NO. 2008-02 OF FIRST READ.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

Ord. No. 2008-03

ORDINANCE NO. 2008-03, AMENDING CHAPTER 11, GARBAGE, TRASH AND INDUSTRIAL WASTE, FIRST READ: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 11, GARBAGE, TRASH AND INDUSTRIAL WASTE, ARTICLE II GARBAGE AND TRASH, DIVISION 4 COLLECTION AND DISPOSAL SECTION 11-84 SAME- BAGGING; CUTTING TREES AND TREE LIMBS REQUIRED AND PROVIDING AN EFFECTIVE DATE.

City Manager Jarboe explained this Ordinance would subject landscapers and property owners to a \$50.00 fine for blowing or sweeping yard waste into the storm water sewer system.

Moved by Pardee, seconded by Lee.

Motion: **TO PASS ORDINANCE NO. 2008-03 ON FIRST READ.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

OLD BUSINESS

School Facility
Planning

INTERLOCAL AGREEMENT FOR PUBLIC SCHOOL FACILITY PLANNING: Approval of Interlocal Agreement for Public School Facility Planning.

City Manager Jarboe stated this was a requirement of the Florida Department of Community Affairs.

Moved by Pruette, seconded by Lee.

Motion: **TO APPROVE THE AMENDED INTERLOCAL AGREEMENT FOR PUBLIC SCHOOL FACILITY PLANNING.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

“HOPE” Van

THE SULZBACHER CENTER – “HOPE” VAN: Approval of request for donation of \$5,000 to help purchase a van for the “HOPE” Outreach Program for the Beaches.

Moved by Weldon, seconded by Lee.

Motion: **TO APPROVE THE \$5,000 DONATION FOR THE “HOPE” VAN FOR THE OUTREACH PROGRAM FOR THE BEACHES.**

Councilor Pardee questioned if the “HOPE” van would reduce the number of homeless people. Mr. Cochran, Sulzbacher Center, stated he was confident the van would make a difference by making connections with homeless people to bring them medical care and shelter services. Once they were connected with the Sulzbacher Center a case manager would work for as long as it took to get them into stable housing. He added once the program was in place at the beaches and the numbers were established he would be happy to report back to the Council.

Roll Call Vote:

Ayes: 4 – Lee, Pruette, Weldon, Brown

Noes: 1 – Pardee

MOTION CARRIED

NEW BUSINESS

Res. No. 2008-01

RESOLUTION NO. 2008-01: A RESOLUTION REAPPOINTING MEMBERS TO THE PLANNING AND DEVELOPMENT REVIEW BOARD AND THE BOARD OF APPEALS.

City Clerk Volpe stated these appointments would fill the positions on the Board of Appeals and the Planning & Development Review Board for both regular and alternate members. The Code Enforcement Board still needed two alternate members.

Amy Cole and Keith Ann Pechonick introduced themselves to the Council and explained their qualifications.

Councilor Lee questioned Brian MacDonald’s attendance record as an alternate member and if he would be available to serve as a regular member. City Clerk Volpe explained he indicated to her over the telephone that he would be willing to serve as a regular member.

Moved by Weldon, seconded by Pruette.

Motion: **TO APPROVE RESOLUTION NO. 2008-01 WITHOUT BRIAN MACDONALD’S APPOINTMENT AND ASK MR. MACDONALD TO ATTEND THE NEXT COUNCIL MEETING FOR CLARIFICATION BEFORE APPOINTING HIM.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

PDRB08-01 PDRB08-01. ART PROJECT FOR 1501 ATLANTIC BOULEVARD: The Planning & Development Review Board recommended approval of the mural of the art project at 1501 Atlantic Boulevard with the condition that any new owner would need to reapply.

Moved by Pruette, seconded by Pardee.

Motion: **TO APPROVE PDRB08-01. ART PROJECT FOR 1501 ATLANTIC BOULEVARD WITH THE CONDITION THAT ANY NEW OWNER WOULD NEED TO REAPPLY.**

Councilor Weldon stated he would be voting "no" on the art project because he felt the mural was a commercial sign.

Roll Call Vote:

Ayes: 4 – Lee, Pardee, Pruette, Brown

Noes: 1 – Weldon

MOTION CARRIED

PDRB08-02 PDRB08-02. SPECIAL EXCEPTION FOR 1935 ATLANTIC BOULEVARD: A special exception application for a cabinet shop has been submitted by Florida Cabinet Distributors, for the property located at 1935 Atlantic Boulevard. The special exception was recommended for approval by the Planning & Development Review Board.

Moved by Pruette, seconded by Pardee.

Motion: **TO APPROVE PDRB08-02, SPECIAL EXCEPTION TO OPERATE A CABINET SHOP FOR 1935 ATLANTIC BOULEVARD.**

Mr. Mike Hesford, Vice President, Florida Cabinet Distributors, 1935 Atlantic Boulevard, explained there would be a retail showroom for modular cabinets along with a shop and equipment to modify the cabinets. There would be no chemicals or solvents on site. They have a dust collection system inside the building and may occasionally do some sanding.

Councilor Weldon clarified the special exception would be approved on the basis that no painting, staining, or use of solvents would be permitted in the building.

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

Surplus SURPLUS VEHICLE, 1997 CHEVROLET 2500 PICK UP, PUBLIC SAFETY DEPARTMENT

Moved by Pardee, seconded by Lee.

Motion: **TO APPROVE THE SURPLUS OF 1997 CHEVROLET 2500 PICK UP FROM THE PUBLIC SAFETY DEPARTMENT.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

Res. No. 2008-02 RESOLUTION NO. 2008-02: A RESOLUTION OF THE CITY OF NEPTUNE BEACH, FLORIDA STATING ITS DESIRE TO HAVE A SAFE WALKABLE COMMUNITY BY IMPROVING SAFETY FOR PEDESTRIANS ON THIRD STREET.

Councilor Pruette suggested amending the title of the Resolution and number four to include Atlantic Boulevard as well as Third Street as follows:

A RESOLUTION OF THE CITY OF NEPTUNE BEACH, FLORIDA STATING ITS DESIRE TO HAVE A SAFE WALKABLE COMMUNITY BY IMPROVING SAFETY FOR PEDESTRAINS ON THIRD STREET AND ATLANTIC BOULEVARD.

4. To encourage the Florida Department of Transportation to take an active role in providing a safe pedestrian environment on Third Street and Atlantic Boulevard.

Discussion ensued regarding pedestrian safety.

Moved by Pruette, seconded by Lee.

Motion: **TO APPROVE RESOLUTION NO. 2008-02 WITH THE ADDITION OF ATLANTIC BLVD.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

Councilor Weldon stated the City of Atlantic Beach was debating where to locate the statute of the little girl on the sea turtle. He would like to encourage Atlantic Beach to place the statue in Town Center.

Adjournment

There being no further business, the meeting adjourned at 7:40 p.m.

Richard A. Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
WORKSHOP CITY COUNCIL MEETING
FEBRUARY 25, 2008, 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 February 25, 2008 at 6:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

STAFF:

Mayor Richard Brown
Vice Mayor Harriet Pruette
Councilor Fred Lee
Councilor Eric Pardee
Councilor John Weldon
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

Community Development Director Amanda Askew
Director of Finance Steve Ramsey
Director of Public Safety David Sembach
Assistant Chief Anthony Carrillo
Director of Public Services Leon Smith
Deputy City Clerk Karla Strait, CMC

ABSENT:

City Attorney Chris White

Call to Order/Roll Call Mayor Brown called the meeting to order at 6:00 p.m.

CITY MANAGER'S ACTION LIST

Action List

CITY MANAGER ACTION LIST: City Manager Jarboe reported on the following:

The City Attorney was absent and at home recovering from surgery. He would be available via telephone if legal advice was necessary during the meeting.

The State of Florida has completed their review of the Kings Road Bridge plans and determined that a submerge permit would not be required. The city is still waiting for the City of Jacksonville to complete their review.

A sewer main had to be repaired today and the Public Services Department was currently working on other sewer projects.

Vice Mayor Pruette questioned when residents would be able to connect to the new underground electric system. City Manager Jarboe explained the City of Jacksonville Beach would notify homeowners when the underground electric was available to them.

Councilor Lee questioned the progress of the Florida Boulevard Landscaping Project. City Manager Jarboe replied the funding for the project was no longer available.

Councilor Weldon asked if the city would be able to receive bids for underground utility connections. He felt this would lower the connection cost for homeowner's and make the connection cost equal for each homeowner. City Manager Jarboe stated the connection

fee would have to be determined for each house. He felt it would be impossible for an electric company to bid on such a project due to the variations of lot sizes and home sizes.

PRESENTATIONS / NONE

CONTRACTS / AGREEMENTS / NONE

ISSUE DEVELOPMENT

Community Garden

COMMUNITY GARDEN PROPOSAL: City Manager Jarboe stated if Council agreed to the community garden proposal a joint agreement would need to be developed to create a formal entity and guidelines.

Councilor Pardee expressed concern regarding the location of the proposed community garden, because the Charter stated the city could not fence off any part of a park or parklands. He suggested looking into other locations.

Consensus: **FORWARD TO THE MARCH WORKSHOP MEETING AND HAVE THE CITY MANAGER LOOK INTO OTHER LOCATIONS, CREATE GUIDELINES AND A LEADERSHIP GROUP.**

PUBLIC COMMENTS

The following citizens spoke in favor of a community garden:

- Jennifer McCharen, 2745 Oak Street #4, 32205
- Gretchen Ferrell, 1166 Third Avenue North, Jacksonville Beach
- Laurie Clarke, 420 South Street
- Roselle Van Nostand, 1641 Landing Lane
- Kelly Johnson, 519 Lora Street

The following citizens spoke in opposition of the Ordinance regulating parking of Boats and Recreational Vehicles:

- Wayne Scarborough, Jr., 224 Bowles Street
- Patrick Lanahan, 234 Florida Boulevard
- Ty Petway, 215 Davis Street

Lynda Padrta, 1113 First Street, opposed extending the development order for Wal-Mart.

Michael Aston, 1523 Summer Sands Drive, opposed extending the development order for Wal-Mart and favored the creation of a Revitalization Committee.

PROPOSED ORDINANCES

ORDINANCE NO. 2008-XX, PARKING, STORAGE OR USE OF MAJOR RECREATIONAL EQUIPMENT AND BOATS: AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF NEPTUNE BEACH, FLORIDA CHAPTER 27 UNIFIED LAND DEVELOPMENT REGULATIONS, ARTICLE V ACCESSORY STRUCTURES AND USES, SECTION 27-225 PARKING, STORAGE OR USE OF MAJOR RECREATIONAL EQUIPMENT AND BOATS AND PROVIDING AN EFFECTIVE DATE.

Councilor Weldon explained the ordinance would allow the parking of boats and recreational vehicles in front yards as long as they were completely under a covered carport and not within the required front setback.

City Manager Jarboe stated the current code did not allow parking of boats and recreational vehicles in front yards and those that were currently parked in front yards were in violation. He suggested Council change the Code if they wanted to allow boats and RV's to be parked in front yards.

Councilor Pardee was concerned about the city becoming a giant Home Owners Association. He felt the Code was clearly written and did not require any changes.

Vice Mayor Pruette also felt the current code did not require changes.

For the Record Councilor Weldon stated for the record it would be a huge mistake to change the code to allow boats and recreational vehicles to be parked in front yards.

Consensus: **TO DEFER THE ORDINANCE CHANGE AND GATHER MORE INFORMATION FROM CITIZENS.**

ISSUE DEVELOPMENT

Lakeshore / Wal-Mart **LAKESHORE VILLAGE SHOPPING CENTER – EXTENSION OF FINAL DEVELOPMENT ORDER FOR WAL-MART:** Michael Plaster, general partner for Lakeshore Village, stated Wal-Mart has signed a twenty year lease agreement on the Atlantic Boulevard property. In January, Lakeshore Village received a letter from Wal-Mart stating they were terminating the 20 year lease agreement. However, Lakeshore Village believed Wal-Mart had no legal right to terminate the agreement and therefore they were requesting the final development order for Wal-Mart be extended.

Vice Mayor Pruette stated she did not support the request for an extension because of the tri-party settlement agreement between the City, Lakeshore Village and Wal-Mart. She felt if any changes were made to the tri-party agreement Wal-Mart would also have to agree with the terms.

Mr. Bullock, Attorney for Lakeshore Village, stated he also felt the tri-party settlement agreement was binding to all three parties. However, he felt the Ordinance allowed the city to extend the time period.

Mr. Bullock further explained Lakeshore Village wrote a letter to Wal-Mart requesting that they rescind their "Letter of Termination" and comply with the terms of the 20 year lease agreement. He added that representatives from Lakeshore Village would be meeting with Wal-Mart representatives on Monday, March 3rd. They would have more information Monday evening.

Mayor Brown suggested extending the development order for 30 days to allow Lakeshore Village to gather more information.

Councilor Lee asked Mr. Bullock and Mr. Plaster if they felt Neptune Beach had fulfilled their portion of the tri-party agreement. Mr. Bullock replied they felt Neptune Beach has acted in good faith.

Councilor Pardee suggested holding a special meeting before the March workshop meeting to vote on the request for an extension.

Councilor Weldon was concerned about city's liability if they were to show favoritism of one party over the other. He asked if Lakeshore Village would still be willing to comply with the terms in paragraph 11a of the agreement and give the city \$25,000 on the 2nd of April as written.

Mr. Bullock stated the \$25,000 was going to be paid through Wal-Mart per the terms and provisions of their lease agreement.

Councilor Weldon stated he could not support the request for the extension of the development order because of the issue of favoritism and the \$25,000 was not guaranteed.

Vice Mayor Pruette stated she would not support the extension due to the legal liability and she felt the third party should also be involved in any changes to the settlement agreement.

Mayor Brown stated he would support a 30 day extension and allow Lakeshore Village to gather more information.

Councilor Pardee supported a 30 day extension and suggested waiting until the March 3rd meeting to hear from City Attorney White.

Consensus: **FORWARD TO THE MARCH 3RD REGULAR MEETING.**

Surf Camp

SURF CAMP PROPOSAL – NICOLE DE VENOGUE AND JULIE GEISSMANN: Nicole de Venogue and Julie Geissmann explained their proposal. They would like to hold a small neighborhood surf camp during the summer months for the next five years. The two preferred sites were at the end of Florida Boulevard or Atlantic Boulevard.

Discussion ensued regarding the surf camp being run independently or under the Senior Centers 501C3 with the Director of Senior Center coordinating.

Councilor Weldon stated if they wanted to operate the surf camp as independent contractors the city would have to ask for bid proposals.

City Manager Jarboe stated there were a number of new issues brought up that he needed to discuss with Ms. de Venogue and Ms. Geissmann. He asked to forward the surf camp to the March workshop meeting.

Consensus: **FORWARD TO THE MARCH WORKSHOP MEETING.**

Town Center

PLACEMENT OF ART IN TOWN CENTER – TOWN CENTER AGENCY: Michael Dunlap, representative for Town Center explained the Town Center Board would like to hold a competition for artists to compete on the development of an art sculpture to be placed in the Town Center roundabout. The competition would be judged by a jury committee.

Vice Mayor Pruette stated Neptune Beach did not have funds to donate towards the sculpture. She also felt a statue or sculpture in the roundabout would block the scenic view of the ocean and she suggested placing the sculpture in a different location.

Mayor Brown voiced concern about other annual events that were held in the roundabout area.

Mr. Dunlap explained they would like to reveal the sculpture at the Dancin' in the Streets festival May 17th.

Councilor Lee stated he would like more information. He added the city did not have funds to donate toward the sculpture but he may be interested in a personal donation.

Councilor Weldon felt the roundabout was an ideal site for a statue or sculpture.

Councilor Lee asked Mr. Dunlap if Atlantic Beach had approved proposal. Mr. Dunlap replied this would be an item on the Atlantic Beach meeting agenda March 10th.

Consensus: **HAVE THE CITY MANAGER DRAFT A RESOLUTION AND FORWARD TO THE MARCH REGULAR MEETING**

Ed Jones, 200 First Street, clarified the only site Town Center was interested in placing the art was in the Town Center roundabout. He added he was embarrassed that Council did not obtain legal advice from the City Attorney on Lakeshore Village's request to extend the Wal-Mart development order.

Adjournment

There being no further business, the meeting adjourned at 8:08 pm.

Richard A. Brown, Mayor

Attest:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
REGULAR CITY COUNCIL MEETING
JANUARY 7, 2008 AT 6:00 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 7, 2008 at 6:00 p.m., in the City Hall Council Chambers, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

STAFF:

Mayor Richard A. Brown
Vice Mayor Harriet Pruette
Councilor Fred Lee
Councilor Eric Pardee
Councilor John Weldon
City Attorney Christopher White
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

Community Development Director Amanda Askew
Plants Division Supervisor Mark Greenwood
Senior Activities Center Director Leslie Lyne
Director of Finance Steve Ramsey
Director of Public Safety Chief Sembach

Order Call/Pledge

Mayor Brown called the meeting to order at 6:00 p.m. and led the pledge of allegiance.

AWARDS / PRESENTATIONS / RECOGNITION OF GUESTS

Mayor Brown presented a Proclamation to Mr. Timothy Slater recognizing his service on the Ish Brant Beautification Committee.

APPROVAL OF MINUTES

Moved by Pruette, seconded by Lee.

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

DECEMBER 3, 2007, REGULAR CITY COUNCIL MEETING

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

COMMUNICATIONS AND CORRESPONDENCE

Vice Mayor Pruette asked to place the following issues on the January Workshop Agenda.

1. The Wal-Mart development (concerns regarding the beginning of

construction)

2. Town Center Overlay District (concerns regarding the Town Center banners)

Each Council member disclosed they had previously spoken with Mr. Jonathan Plumb regarding the relocation of City Hall to the Gateway Center. Councilor Lee further disclosed he had spoken with representatives regarding the Penman Plaza development. Councilor Weldon, Councilor Pardee and Vice Mayor Pruette also disclosed they had previously spoken with representatives or Penman Plaza.

City Clerk Lisa Volpe requested changing the dates of the January and February workshop meetings to January 28th and February 25th due to upcoming holidays.

Consensus: **TO HOLD THE JANUARY WORKSHOP MEETING ON THE 28TH AND THE FEBRUARY WORKSHOP MEETING ON THE 25TH.**

NEW BUSINESS

FDOT Easement **DEPARTMENT OF TRANSPORTATION EASEMENT:** City Manager Jarboe stated this was a request for an easement from the Florida Department of Transportation that would allow them enough space to install modern traffic signalization.

Moved by Pruette, seconded by Lee.

Motion: **TO APPROVE THE EASEMENT FOR THE FLORIDA DEPARTMENT OF TRANSPORTATION.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

Surplus **SURPLUS OF PUBLIC SAFETY VEHICLE:** Request to surplus an unused vehicle, 2003 Chevy Impala, VIN 2G1WF55K739208170 from the Public Safety Department.

Moved by Weldon, seconded by Pruette.

Motion: **TO SURPLUS THE PUBLIC SAFETY VEHICLE.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

AWARDS / PRESENTATIONS / RECOGNITION OF GUESTS

FDOT **PRESENTATION BY THE FLORIDA DEPARTMENT OF TRANSPORTATION ON PEDESTRIAN SAFETY:** Mr. James G. Bennett, P.E., Florida Department of Transportation, Urban Area Transportation Development Engineer District Planning Manager, gave a slide show presentation on upcoming projects for the beaches. The presentation focused on the resurfacing of A1A, replacement of traffic signals, and pedestrian safety. He stated extra improvements were not within DOT's budget but the city could make additional improvements if they choose to.

Utility Rate Study **FY 2008 UTILITY RATE STUDY PRESENTATION BY BURTON AND ASSOCIATES:** Michael Burton, President of Burton and Associates, Andrew Burnham, Vice President, and Kevin Krueger, Associate Consultant, gave a presentation on the water and sewer rate study. Mr. Burton explained the purpose of the study was to

evaluate the financial status of the water and sewer enterprise fund and to ensure there was sufficient revenue to cover operating and capital cost and to ensure all regulatory requirements were met, including the unfunded mandate concerning nitrogen removal. The study determined the water and sewer rates needed to be adjusted as outlined in Ordinance No. 2008-01. Mr. Burton also mentioned that the council may want to consider adding an inclining block rate for conservation reasons.

ORDINANCES

Ord. No. 2008-01

ORDINANCE NO. 2008-01, WATER AND SEWER RATE INCREASE, FIRST READ AND PUBLIC HEARING: AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF NEPTUNE BEACH, FLORIDA CHAPTER 23 UTILITIES ARTICLE IV WATER AND SEWER SERVICE CHARGE SECTION 23-84(B), (C), AND (D) TO INCREASE WATER RATES AND AMENDING SECTION 23-85(A) (B) AND (C) TO INCREASE SEWER RATES; AND ESTABLISHING AN EFFECTIVE DATE.

Mayor Brown read Ordinance No. 2008-01 by title only and opened the public hearing.

Paul Nicholson, 222 Oleander Street, encouraged a reuse water system and preservation of the environment by conserving water.

Bob Harris, 811 First Street, voiced concerned regarding the level of the rate increase.

Michael Aston, 1523 Summer Sands Drive, spoke on behalf of his neighbor Hayes Bishop, who was concerned about raising rates and the polluting of the St. Johns River.

Moved by Weldon, seconded by Pruette.

Motion: **TO PASS ORDINANCE NO. 2008-01 ON FIRST READ AND PUBLIC HEARING.**

Councilor Pardee stated he could not support the Ordinance because he felt the rate increase was excessive. He felt commercial areas should carry more of the burden.

Vice Mayor Pruette stated she was not happy to support the rate increase but she felt it was necessary in order to continue improvements on water and sewer lines and to comply with unfunded state mandate on nitrogen removal.

Roll Call Vote:

Ayes: 4 – Lee, Pruette, Weldon, Brown

Noes: 1 – Pardee

MOTION CARRIED

COMMENTS FROM THE PUBLIC

Patrice Spencer, 1040 Penman Road, Pastor of Christ United Methodist Church, stated the congregation opposed the variance requested by Penman Plaza to wave the required six foot masonry wall between commercial and residential properties.

Lynda Padrta, 1113 First Street, felt the presentation on the Water & Sewer Rate Study given by Burton and Associates was very professional. She was also opposed to the variances requested by Penman Plaza.

Kerry Chin, 227A Margaret Street, stated he was not opposed to the Penman Plaza development however he felt the amount of variances they have requested are unreasonable.

Tim Kazmierczak, 2102 Acacia Road, suggested extending the sidewalk at the Kings Road and Florida Boulevard intersection across Florida Boulevard to the bicycle path.

Michael Aston, 1523 Summer Sands Drive, stated he was not opposed to the Penman Plaza development but he was concerned about the number of variance requests.

Paul Nicholson, 222 Oleander Street, felt it would be nice if developers would meet and sometimes offer to go above and beyond city requirements instead of always requesting that the city relax the Code for their development.

CITY MANAGER REPORT

Gateway Center

REQUEST BY JONATHAN PLUMB TO RELOCATE CITY HALL AND POLICE STATION TO GATEWAY CENTER: City Manager Jarboe stated for the record that the City did not solicit Jonathan Plumb. Mr. Plumb sent a letter of proposal to relocate City Hall to the Gateway Center addressed to Mayor Brown.

Mr. Jonathan Plumb explained why he felt the Gateway Center would be ideally suited for the relocation of City Hall, the Public Safety Building and the Senior Activities Center. It would not only be a good financially but also revitalize the Prado Ferrer area and add more space for retail in Town Center.

Councilor Weldon stated he was interested in exploring the idea carefully and having staff conduct a complete analysis to see if it was worth pursuing.

Vice Mayor Pruette felt the City Hall and Public Safety buildings were located where they needed to be. They were both paid for and Council needed to hear from the citizens before selling the property.

Mayor Brown recommended that staff conduct a preliminary cost report for Council to consider.

Councilor Lee was also in favor of staff conducting a preliminary report for the Council.

Councilor Pardee stated he would be interested in hearing what the numbers would be but he was leaning more toward keeping the Gateway Center property on the tax rolls.

Mr. Jarboe asked if council wanted to spend funds for an appraisal. Council did not support spending any funds

Consensus: **TO REVIEW THE OFFER AND CREATE A BASIS FOR WHICH THE COUNCIL COULD MAKE A REASONABLE DECISION ON WHETHER THE OFFER WAS WORTH PURSUING WITHOUT SPENDING ANY MONEY.**

CONSENT AGENDA / NONE

Recess/Reconvene

Mayor Brown called a recess at 8:40 p.m. and reconvened the meeting at 8:50 p.m.

VARIANCES

PDRB07-14
Penman Plaza

PDRB07-14, PENMAN PLAZA ASSOCIATES PLAT: Approval of plat for Penman Plaza Shopping Center.

Moved by Pruette, seconded by Weldon.

Motion: **TO APPROVE THE PLAT FOR PENMAN PLAZA ASSOCIATES.**

Roll Call Vote:

Aye: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

V07-18
Penman Plaza

V07-18, VARIANCE REQUESTS FOR PENMAN PLAZA ASSOCIATES: Carlos Asensio, Formal Construction Management, representative for Penman Plaza Associates, described the property and updated Council on the history of the property since it was purchased by Flagler Properties in 1990.

The Planning & Development Review Board recommended approval of variance # 6 to reduce the buffer between commercial and single family by 10 feet leaving 0 feet in lieu of the required 10 feet and variance # 9 to reduce the minimum parking space size to 9' x 18' in lieu of the required 10' x 20'.

Councilor Weldon questioned Community Development Director Amanda Askew about the buffer behind the Aarrons Rental property. Ms. Askew replied there could potentially be a 10 foot buffer behind the Aarons Rental property.

SECTION 27-229-1: A variance to increase the maximum lot coverage by 7.1% creating 82.1% of lot coverage in lieu of the 75% maximum lot coverage.

SECTION 27-445(B): A variance to reduce the gross landscape area by 5% creating 15% of landscape area in lieu of the required 20%.

SECTION 27-457 (2) (a) (1): A variance to reduce the perimeter landscape area by 6 feet leaving 3 feet in lieu of the required 9 feet.

SECTION 27-459(3) (a) (1): A variance to omit the shade trees in 9 foot landscape buffer.

SECTION 27-457(2) (b) (2): A variance to wave the requirement of one landscape island per 10 parking spaces for all existing parking areas and one instance in new development area.

SECTION 27-459 (3)(b)(1): A variance to reduce the buffer between commercial and single family by 10 feet leaving 0 feet in lieu of the required 10 feet (existing non-conforming condition behind Winn-Dixie)

SECTION 27-459 (b)(3): A variance to wave the required six foot masonry wall between commercial and single family.

SECTION 27-540 (c): A variance to increase the maximum number of parking spaces to 50 spaces over the minimum requirement of 30 spaces.

SECTION 27-548(b)(1): A variance to reduce the minimum parking space size to 9' x 18' in lieu of the required 10' x 20'.

Vice Mayor Pruette asked Community Development Director Amanda Askew her opinion on the variances.

Community Development Director Amanda Askew stated there were other opportunities; simple changes could be made to the proposal that would not require the need for variances.

Councilor Weldon asked City Attorney White to give the Council an opinion on the definition of a hardship and what was required to approve a variance for a commercial development application.

City Attorney White responded the hardship had to be unique to the property owner, and not created by the developer and would require competent substantial evidence of such hardship.

Moved by Weldon, seconded by Pruette.

Motion: **TO APPROVE THE RECOMMENDATIONS OF THE PLANNING & DEVELOPMENT REVIEW BOARD REGARDING THE NINE VARIANCES WHICH APPROVED TWO OF THEM, NUMBER SIX AND NUMBER 9 AND TO ACCEPT THE DETAILED THE MINUTES OF THE PLANNING & DEVELOPMENT REVIEW BOARD AS COMPETENT SUBSTANTIAL EVIDENCE THAT THE OTHER VARIANCE REQUESTS DO NOT MEET THE DEFINITION OF A HARDSHIP.**

Councilor Pardee felt the variance requests were reasonable and the Council could grant exceptions. He felt confident that the people, who lived, shopped, and paid taxes in the community would rather have the shopping center the way the developer has designed it than empty.

Mayor Brown asked City Attorney White if the shopping center was in any way grandfathered. He was under the opinion that the new Code was only being applied to new development.

City Attorney White replied because this was a new development of an existing property it was not completely exempted from complying with the development code.

Councilor Weldon stated the structure needed to be redesigned to meet the new Code and comply with the same sets of requirements that were required by other development orders.

Councilor Pruette stated she would support the Planning & Development Review Board's recommendation to approve two of the variances.

Vice Mayor Pruette asked City Attorney White if Council could send the variances back to the Planning & Development Review Board. City Attorney White replied the only way it could go back to the Planning & Development Review Board was if the applicant was introducing new information that was not previously heard by the board. He added the Council must now either approve or reject the recommendation of the board or approve the recommendation with conditions.

Roll Call Vote:

Ayes: 2 – Pruette, Weldon

Noes: 3 – Lee, Pardee, Brown

MOTION FAILED

Moved by Pardee.

Motion: **TO APPROVE THE RECOMMENDATION OF THE PLANNING & DEVELOPMENT REVIEW BOARD AND DENY THE**

**RECOMMENDATION ON THE OTHER SEVEN VARIANCES OR IN
OTHER WORDS APPROVE ALL NINE VARIANCE REQUESTS.**

MOTION FAILED FOR LACK OF SECOND.

Moved by Lee, seconded by Weldon.

Motion: **TO FORWARD TO JANAURY WORKSHOP.**

City Attorney White read the following portion of the Code aloud: Procedures for Applying for Commercial Variance. At the next available meeting City Council shall approve, deny, or approve with conditions the application.

City Manager Jarboe suggested Council approve the recommendation of the Planning & Development Review Board with the condition that the proposal be sent back to the Planning & Development Review Board, waive the application fee, and have staff work with the developer on a new plan.

Moved by Pruette, seconded by Weldon.

Motion: **TO APPROVE THE PLANNING & DEVELOPMENT REVIEW BOARDS
RECOMMENDATION WITH THE CONDITION THAT THE DEVELOPER
WOULD GO BACK TO THE PLANNING & DEVELOPMENT REVIEW
BOARD WITHOUT PAYING AN ADDITIONAL FEE AND HAVE STAFF
WORK WITH THE DEVELOPER ON A NEW NEGOTIATED PLAN TO
RESOLVE SOME OF THE CONCERNS OF THE COUNCIL.**

Roll Call Vote:

Ayes: 3 – Pruette, Weldon, Brown

Noes: 2 – Lee, Pardee

MOTION CARRIED

OLD BUSINESS / NONE

Adjournment

There being no further business, the meeting adjourned at 10:25 p.m.

Richard A. Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
SPECIAL CITY COUNCIL MEETING
JANUARY 28, 2008 AT 6:00 P.M.
CITY HALL, 116 FIRST STREET
NEPTUNE BEACH, FLORIDA

Pursuant to proper notice a Special Meeting of the City Council of the City of Neptune Beach was held January 28, 2008 at 6:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

STAFF:

Mayor Richard A. Brown
Vice Mayor Harriet Pruette
Councilor Fred E. Lee
Councilor Eric Pardee
Councilor John Weldon
City Attorney Chris White
City Manager James Jarboe
City Clerk Lisa Volpe, CMC

Community Development Director Amanda Askew
Senior Activities Center Director Leslie Lyne
Director of Finance Steve Ramsey
Director of Public Safety David Sembach
Director of Public Services Leon Smith
Deputy City Clerk Karla Strait, CMC

Order Call

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

Ord. No. 2008-01

ORDINANCE NO. 2008-01, CHAPTER 23, UTILITIES ARTICLE IV WATER AND SEWER SERVICE CHARGES, SECOND READ AND PUBLIC HEARING: AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF NEPTUNE BEACH, FLORIDA CHAPTER 23, UTILITIES ARTICLE IV WATER AND SEWER SERVICE CHARGES SECTION 23-84(B), (C) AND (D) TO INCREASE WATER RATES AND AMENDING SECTION 23-85(A), (B) AND (C) TO INCREASE SEWER RATES; AND ESTABLISHING AN EFFECTIVE DATE.

Mayor Brown read Ordinance No. 2008-01 by title only and opened the public hearing.

There being no comments from the public, the public hearing was closed.

Moved by Weldon, seconded by Lee.

Motion:

TO ADOPT ORDINANCE NO. 2008-01 ON SECOND READ AND PUBLIC HEARING.

Mayor Brown agreed to sponsor Ordinance No. 2008-01.

Roll Call Vote:

Ayes: 4 – Lee, Pruette, Weldon, Brown
Noes: 1 – Pardee

MOTION CARRIED

Adjournment There being no further business, the meeting adjourned at 6:04 p.m.

Richard Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
WORKSHOP CITY COUNCIL MEETING
JANUARY 28, 2008, AT 6:04 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 28, 2008 at 6:04 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

STAFF:

Mayor Richard Brown
Vice Mayor Harriet Pruette
Councilor Fred Lee
Councilor Eric Pardee
Councilor John Weldon
City Attorney Chris White
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

Community Development Director Amanda Askew
Senior Activities Center Director Leslie Lyne
Director of Finance Steve Ramsey
Director of Public Safety David Sembach
Director of Public Services Leon Smith
Deputy City Clerk Karla Strait, CMC

Call to Order/Roll Call Mayor Brown called the meeting to order at 6:04 p.m.

CITY MANAGER'S ACTION LIST

Action List

CITY MANAGER ACTION LIST: City Manager Jarboe reported on the following:

He asked each Councilor to sign a copy of the Administrative Safety Policy. He added the first quarterly safety meeting was held at City Hall Tuesday, January 22, 2008.

He advised Council and the assembly that the Budweiser Clydesdales would be in Town Center on Thursday, January 31, 2008, to deliver beer to the Town Center Restaurants.

Vice Mayor Pruette questioned the progress of the construction of the new Kings Road Bridge. Mr. Jarboe responded he was waiting for the final review from the Florida Department of Transportation in order to receive the \$100,000 grant from the City of Jacksonville.

Vice Mayor Pruette questioned the progress of the underground electric installation. Mr. Jarboe replied it would take time to get all of the residents to switch over to the underground.

Councilor Lee questioned the progression of the new computer software program. Mr. Jarboe replied presently there is a problem with the conversion of data for the utility billing portion of the software. However, the software conversion has been in place and in use for some time in payroll and accounts payable. Councilor Lee asked if the cost of the software had been remitted. Director of Finance Steve Ramsey replied the full amount for the new software would not be paid until the system was complete.

PUBLIC COMMENTS / NONE**PROPOSED ORDINANCES**

Boards

ORDINANCE NO. 2008-XX, AMENDING CHAPTER 2 ADMINISTRATIONS, ARTICLE VII BOARDS AND COMMISSIONS: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 2 ADMINISTRATIONS ARTICLE VII BOARDS AND COMMISSIONS ADDING SECTION 2-412 PRESIDING OFFICER OF A BOARD OR COMMISSION AND PROVIDING AN EFFECTIVE DATE.

Councilor Lee explained the purpose of this Ordinance was to allow board members to nominate and vote for a chair person at a board meeting where both the chair and vice chair were absent.

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

Garbage

ORDINANCE NO. 2008-XX, AMENDING CHAPTER 11 GARBAGE, TRASH AND INDUSTRIAL WASTE: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 11 GARBAGE, TRASH AND INDUSTRIAL WASTE ARTICLE II GARBAGE AND TRASH DIVISION 4 COLLECTION AND DISPOSAL SECTION 11-84 SAME – BAGGING; CUTTING TREES AND TREE LIMBS REQUIRED AND PROVIDING AN EFFECTIVE DATE.

City Manager Jarboe explained the purpose of this Ordinance was to keep landscapers from blowing debris into the storm water sewer system. He would be sending a letter to all landscapers explaining the ordinance and issue them a warning on the first offense.

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

Councilor Weldon suggested amending the Ordinance as follows, adding the word "washed" into paragraph (a).

(a) All garden trash, except trees and tree limbs, shall be bagged in plastic bags and securely tied. ~~And thereafter placed out of the roadway for collection.~~ All garden trash including trees and tree limbs, sand and dirt shall not be blown, swept, washed, or placed onto public or private roadways or alleys or onto adjacent properties. If such garden trash is blown, swept, washed, or placed into public or private roadways or alleys or adjacent properties or not bagged and properly disposed of, a civil citation shall issue and a fine of fifty dollars (\$50.00) may be levied for each violation.

PRESENTATIONS

IBBC

BARBARA JACKSON, ISH BRANT BEAUTIFICATION COMMITTEE: Ms. Barbara Jackson, Chair of Ish Brant Beautification Committee, gave a presentation on drought resistance and eco-friendly landscaping.

At the suggestion of Councilor Lee and Councilor Weldon, City Manager Jarboe asked Public Services Director Leon Smith to meet with Barbara Jackson and the Ish Brant Beautification Committee to identify areas of the city that would benefit from using native plants.

CONTRACTS / AGREEMENTSInterlocal Agreement
Jax Bch

INTERLOCAL AGREEMENT BETWEEN THE CITY OF JACKSONVILLE BEACH, FLORIDA AND THE CITY OF NEPTUNE BEACH, FLORIDA: Relating to the provision of potable water supply connection, sewage collection connection, and water metering services for the five residential properties in Neptune Beach at the westerly end of

Seagate Avenue west of Kings Road.

City Manager Jarboe explained the City of Jacksonville Beach would bill the City of Neptune Beach for the water and sewer usage and in turn the City of Neptune Beach would bill the customer.

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

ISSUE DEVELOPMENT

Parking of
Recreational Equip.

PARKING OF RECREATIONAL EDQUIPMENT AND BOATS – SECTION 27-335: Gary Fiske, 539 Hopkins Street, asked Council to review Section 27-335 of the Code because he felt it did not specify where the front yard began.

Councilor Weldon felt recreational vehicles and boats in front yards were unsightly to neighboring properties. Recreational vehicles and boats were currently allowed to be parked in side and rear yards. He suggested modifying the code to prohibit parking of recreational vehicles and boats in front yards, unless there were enclosed in a garage.

Vice Mayor Pruette was concerned about impeding on property rights because some boat and recreational vehicle owners who are currently parking them in their front yards had no where else to park them. She felt that no action was necessary to change the code and code enforcement could be more lenient.

Mr. Fiske stated he received a code enforcement violation for parking his trailer in his neighbor's carport and he argued that the ordinance was unclear.

City Manager Jarboe explained the city was not proactive in issuing code violations for parking boats and recreational vehicles. However, Code Enforcement received three complaints regarding this particular trailer being parked in the front yard under the carport, and the city had to react. He suggested amending the code to allow boats and recreational vehicles to be parked under carports.

Councilor Lee agreed because most of the city was not in restricted gated communities and most residents living at the beach enjoyed the water and owned boats that parking should be allowed under carports.

Councilor Weldon agreed with the suggestion allowing boats and recreational vehicles to be parked under front yard carports that were not within the 25 foot front yard setback.

Councilor Pardee agreed that it should be legal to park recreational vehicles and boats under a carport in the front yards. Although he did not feel it was necessary to amend the code he agreed with Vice Mayor Pruette that the code enforcement in these situations should be lenient.

Consensus: **TO DIRECT CODE ENFORCEMENT TO ALLOW RECREATIONAL VEHICLES AND BOATS TO BE PARKED IN FRONT YARDS SO LONG AS THEY WERE IN A CARPORT.**

Garage Sales

GARAGE SALES – SECTION 17-31 AND SECTION 27-579 (b) (10): Shirley Myers, 1001 Florida Boulevard, felt garage sale signs should be allowed to be placed on the weekend during the sale as long as the sale was permitted through the city. She recommended amending Article II Garage Sales to add the following paragraph 4. Section 17-31 Permit.

4. the permit shall allow the person or persons conducting the garage sale to place directional signs, signs that provide traffic directions to the garage sale, in the vicinity of the garage sale and for the duration of the garage sale. The directional signs shall be

removed by the person or persons conducting the garage sale immediately after the conclusion of the garage sale.

Councilor Pardee felt signs should be allowed if the garage sale was permitted and held on a weekend within the City of Neptune Beach.

City Attorney White stated the Code did not allow snipe signs in the city rights of way. The city would have to allow all snipe signs or no snipe signs but the content of the signs could not be controlled by the city.

Councilor Weldon suggested directing staff to not remove the garage sales signs on the weekends as long the sales were permitted.

City Attorney White stated the city should not have selective enforcement powers.

Councilor Lee felt the garage sale signs should be allowed within a reasonable amount of distance from the sale.

"HOPE"

THE SULZBACHER CENTER – REQUEST FOR DONATION TO HELP PURCHASE A VAN FOR THE "HOPE" OUTREACH PROGRAM FOR THE BEACHES – COUNCILOR LEE: Cindy Funkhouser and Michael Cochran explained the Sulzbacher Center has asked the Beaches' communities to contribute to a new "HOPE" outreach program for the Beaches by providing a \$5,000 donation towards the purchase of a new van. The City of Jacksonville Beach has agreed to contribute \$15,000 and the City of Atlantic Beach has agreed to contribute \$10,000. The van would transport volunteers to work with homeless people in an effort to get them off the street and into stable housing. The van would also aide in transporting homeless people from the beaches to the downtown facilities where they could receive medical treatment.

Mayor Brown stated there was currently \$7,000 in the contingency fund and proposed a donation in the amount of \$4,000.

Councilor Weldon and Councilor Lee felt the issue was important enough to donate the requested amount of \$5,000.

Consensus: **FORWARD THE \$5000 DONATION TO THE FEBRUARY REGULAR COUNCIL MEETING.**

Visioning

VISIONING – COUNCILOR LEE: Councilor Lee stated during his previous visioning sessions one of the most important issues to the citizens was pedestrian safety. He suggested creating a committee made up of those concerned citizens to make recommendations to the Council regarding ways the city could improve pedestrian safety.

Pedestrian Safety

PAT HAZOURI – PEDESTRIAN CORRIDOR – COUNCILOR LEE: Pat Hazouri, asked Council to recognize and acknowledge four intersections as pedestrian corridors in a written document so that she could present the document to the Florida Department of Transportation and the City of Jacksonville.

Councilor Weldon suggested staff find out the legal definition of pedestrian corridors before Council put anything in writing. Councilor Weldon also suggested creating pedestrian safety zones in the A1A medians.

Mayor Brown stated he was concerned that Ms. Hazouri was representing herself as an official of Neptune Beach to other agencies. He felt that she should inform city staff of her ideas and proposals for Neptune Beach intersections, before meeting with these agencies.

Councilor Lee replied that Ms. Hazouri was willing to work towards developing a master plan to help the city become more pedestrian friendly and he felt she should be allowed to do so.

City Manager Jarboe suggested staff and the city attorney draft a resolution.

Consensus: **CITY MANAGER JARBOE TO WORK WITH STAFF AND THE CITY ATTORNEY ON A RESOLUTION.**

Vice Mayor Pruette asked City Attorney White to speak with Karl Sanders, Attorney for Wal-Mart, regarding the \$300,000 settlement agreement, in an effort to find out if the city would still be entitled to collect all or a portion of the money.

Adjournment

There being no further business, the meeting adjourned at 8:25 pm.

Richard A. Brown, Mayor

Attest:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
REGULAR CITY COUNCIL MEETING
DECEMBER 3, 2007 AT 6:00 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 December 3, 2007 at 6:00 p.m., in the City Hall Council Chambers, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

STAFF:

Mayor Richard A. Brown
Vice Mayor Harriet Pruette
Councilor Fred Lee
Councilor Eric Pardee
Councilor John Weldon
City Attorney Christopher White
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

Community Development Director Amanda Askew
Director of Finance Steve Ramsey
Director of Public Safety Chief Sembach
Director of Public Services Leon Smith

Order Call/Pledge

Mayor Brown called the meeting to order at 6:00 p.m. and led the pledge of allegiance.

AWARDS / PRESENTATIONS / RECOGNITION OF GUESTS / NONE

APPROVAL OF MINUTES

Moved by Pruette, seconded by Pardee.

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

NOVEMBER 5, 2007, REGULAR CITY COUNCIL MEETING
NOVEMBER 19, 2007, WORKSHOP CITY COUNCIL MEETING

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

COMMUNICATIONS AND CORRESPONDENCE

Vice Mayor Pruette commended the Public Services Department for their participation and helpfulness during both the "Christmas in the Park" and the "Town Center Tree Lighting" events.

CITY MANAGER REPORT

City Manager Jarboe reported on the following:

- A gas leak was reported earlier today at the Sea Turtle Hotel.
- He would be meeting with Barbara Jackson of the Beautification Committee to discuss the preliminary plan for the Florida Boulevard beatification project.
- Graffiti was an ongoing problem throughout the city.
- Construction has slowed throughout the city.

Councilor Weldon questioned when the construction would begin for the proposed Wal-Mart. City Manager Jarboe explained the contractor for Wal-Mart was currently finishing the construction of a Wal-Mart at a different location. Once that Wal-Mart was completed they would begin construction of the Neptune Beach Wal-Mart.

PUBLIC COMMENTS / NONE**CONSENT AGENDA**

APPROVAL OF EASEMENT FOR THE FLORIDA DEPARTMENT OF TRANSPORTATION: The Florida Department of Transportation has requested the city grant them easements to install new modified traffic signal devices.

Moved by Pruette, seconded by Lee.

Motion: **TO APPROVE THE CONSENT AGENDA.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

VARIANCES / NONE**ORDINANCES**

Ord. No. 2007-18

ORDINANCE NO. 2007-18, GARAGE SALES, SECOND READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING THE EXISTING CHAPTER 17 SALES, ARTICLE II GARAGE SALES, SECTION 17-32 FREQUENCY AND PROVIDING AN EFFECTIVE DATE.

Mayor Brown read Ordinance No. 2007-18 by title only and opened the public hearing.

There being no comments from the public, the public hearing was closed.

Moved by Pruette, seconded by Weldon.

Motion: **TO ADOPT ORDINANCE NO. 2007-18 ON SECOND READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

Ord. No. 2007-19 ORDINANCE NO. 2007-19, OUTDOOR DINING, SECOND READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING THE EXISTING CHAPTER 27, SECTION 27-479 SIDEWALKS AND BIKEWAYS AND PROVIDING AN EFFECTIVE DATE.

Mayor Brown read Ordinance No. 2007-19 by title only and opened the public hearing.

There being no comments from the public, the public hearing was closed.

Moved by Weldon, seconded by Pruette.

Motion: **TO ADOPT ORDINANCE NO. 2007-19 ON SECOND READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

Ord. No. 2007-20 ORDINANCE NO. 2007-20, TEMPORARY STRUCTURES, FIRST READ: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING THE EXISTING 27 UNIFIED LAND DEVELOPMENT REGULATIONS ARTICLE V. ACCESSORY STRUCTURES AND USES SECTION 27-331 TEMPORARY STRUCTURES AND PROVIDING AN EFFECTIVE DATE.

Moved by Lee, seconded by Pruette.

Motion: **TO PASS ORDINANCE NO. 2007-20 ON FIRST READ.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

Ord. No. 2007-21 ORDINANCE NO. 2007-21, AMENDING THE 60,000 SQUARE FEET ORDINANCE, FIRST READ: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING THE EXISTING CHAPTER 27, TABLE 27-229-1 AND PROVIDING AN EFFECTIVE DATE.

Councilor Weldon explained this Ordinance clarified the intent of the original ordinance which was not to prohibit the development or renovation of shopping centers.

City Attorney White stated he was concerned about the issue of limitation on free standing buildings and he would be reviewing the ordinance before the second and final read.

Moved by Weldon, seconded by Pruette.

Motion: **TO PASS ORDINANCE 2007-21 ON FIRST READ.**

Roll Call Vote:

Ayes: 4 – Lee, Pruette, Weldon, Brown

Noes: 1 – Pardee

MOTION CARRIEDOLD BUSINESS / NONENEW BUSINESS

Res. No. 2007-14 RESOLUTION NO. 2007-14: A RESOLUTION APPOINTING MEMBERS TO THE CODE ENFORCEMENT BOARD AND THE PLANNING & DEVELOPMENT REVIEW BOARD.

City Clerk Lisa Volpe explained Keith Anne Pechonick needed to be removed from the Resolution because she would have been a third alternate and the Board of Appeals was only allowed two alternates. She would be given the opportunity to be appointed when a position became available in February or March.

Moved by Pruette, seconded by Lee.

Motion: **TO APPROVE RESOLUTION NO. 2007-14 AS AMENDED WITHOUT KIETH ANNE PECHONICK.**

Roll Call Vote:

Aye: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

Mayor Brown requested canceling the December workshop meeting and carrying any issues over to January.

Consensus: **TO CANCEL THE DECEMBER WORKSHOP**

New Yrs. Eve APPROVAL TO CLOSE CITY HALL ON MONDAY, DECEMBER 31, 2007: Due to New Years Day being on a Tuesday, Mayor Brown requested Council consider closing the City on Monday, December 31, 2007, for New Years Eve.

Moved by Pruette, seconded by Lee.

Motion: **TO CLOSE THE CITY ON MONDAY, DECEMBER 31, 2007.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

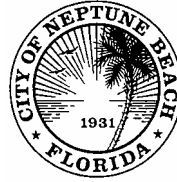
Adjournment There being no further business, the meeting adjourned at 6:35 p.m.

Richard A. Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved:



MINUTES
REGULAR CITY COUNCIL MEETING
NOVEMBER 5, 2007 AT 6:00 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 November 5, 2007 at 6:00 p.m., in the City Hall Council Chambers, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

STAFF:

Mayor Richard A. Brown
Vice Mayor Harriet Pruette
Councilor Fred Lee
Councilor Eric Pardee
Councilor John Weldon
City Attorney Christopher White
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

Community Development Director Amanda Askew
Senior Activities Center Director Leslie Lyne
Director of Finance Steve Ramsey
Director of Public Safety Chief Sembach
Director of Public Services Leon Smith

Order Call/Pledge

Mayor Brown called the meeting to order at 6:00 p.m. and led the pledge of allegiance.

AWARDS / PRESENTATIONS / RECOGNITION OF GUESTS / NONE

APPROVAL OF MINUTES

Moved by Pruette, seconded by Lee.

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

OCTOBER 1, 2007, REGULAR CITY COUNCIL MEETING
OCTOBER 15, 2007, WORKSHOP CITY COUNCIL MEETING

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

COMMUNICATIONS AND CORRESPONDENCE

Vice Mayor Pruette introduced the following Resolution:

RESOLUTION NO. 2007-14: A RESOLUTION OF THE CITY OF NEPTUNE BEACH, FLORIDA RECOGNIZING AND HONORING ATLANTIC BEACH COMMISSIONER DESMOND WATERS, III, FOR HIS OUTSTANDING AND DEDICATED SERVICE TO

DUVAL COUNTY AND THE CITY OF ATLANTIC BEACH.

Vice Mayor Pruette added that she would like to present the Resolution at the November 6th Atlantic Beach City Commission meeting.

Moved by Pruette, seconded by Lee.

Motion: **TO APPROVE RESOLUTION NO. 2007-14.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

Senior Activities Center Director Leslie Lyne extended an invitation for everyone to attend "Christmas in the Park" on November 30, 2007.

City Clerk Volpe stated the November workshop meeting would be on the week of Thanksgiving and asked the Council if there would be a quorum.

Consensus: **TO HOLD THE WORKSHOP MEETING AS SCHEDULED ON THE WEEK OF THANKSGIVING.**

CITY MANAGER REPORT

City Manager Jarboe received an e-mail from the City of Hawthorne City Manager asking us for assistance helping them acquire a fire truck.

Moved by Weldon, seconded by Pruette.

Motion: **TO AUTHORIZE THE CITY MANAGER TO PROCEED IN COORDINATING THE PURCHASE AND RESALE OF A USED FIRE ENGINE FROM THE CITY OF JACKSONVILLE FOR DELIVERY TO THE CITY OF HAWTHORNE, AT NO COST TO THE CITY OF NEPTUNE BEACH.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOITON CARRIED

City Manager Jarboe reported on the following:

- The Finance Department is working on the September 31, 2007 year end close out.
- The engineer for the Kings Road Bridge has sent information to the State and the City of Jacksonville to receive approval from the Department of Transportation. We are awaiting those reviews before bidding the project.
- Public Services continues to work on the nitrogen testing.

Councilor Pardee questioned why Resolution No. 2007-14 was placed before the Council tonight while it was not on the present agenda and had not been on a previous workshop agenda. Councilor Pruette responded the Resolution needed to be approved and signed so that it could be presented at the Atlantic Beach Commission on November 6, 2007.

Councilor Lee requested that the City Manager provide him information regarding the future of Third Street / A1A. City Manager Jarboe explained the State planned to repave Third Street and change the timing on traffic signals at major intersections this coming year.

Agenda
Amendment

Mayor Brown requested Resolution 2007-13 be forwarded to after the public comments.

PUBLIC COMMENTS

The following residents spoke in favor of Resolution No. 2007-13:

- Nancy Jensen, 1303 Trailwood Drive
- Michael Aston, 1523 Summer Sands Drive
- Warren Anderson, 207 Walnut Street
- Barbara Jackson, 2001 Cherokee Drive
- Mary Lahr-David, 2035 Cherokee Drive
- John Henry David, 2035 Cherokee Drive
- James Jackson, 4560 Glen Kernan Parkway

Res. No. 2007-13

RESOLUTION NO. 2007-13: A RESOLUTION OF THE CITY OF NEPTUNE BEACH, FLORIDA CALLING ON THE ST. JOHNS RIVER WATER MANAGEMENT DISTRICT TO PROTECT AND PRESERVE THE WATER RESOURCE OF THE ST. JOHNS RIVER BY NOT ALLOWING THE USE OF MILLIONS OF GALLONS OF RIVER WATER TO BE USED TO CONTINUE UNCHECKED GROWTH IN CENTRAL AND SOUTH FLORIDA.

Moved by Pruette, seconded by Weldon.

Motion: **TO APPROVE RESOLUTION NO. 2007-13.**

Neil Armingeon, St. Johns River Keeper, 2800 University Boulevard, explained River Keeper was a group of citizens working to protect, restore, and preserve the St. Johns River. He added that rivers throughout the state were also being considered for the growth of central and south Florida. He stated the River Keeper group supported Resolution No. 2007-13 and he encouraged the Council to support it.

Geoffrey Sample, 7775 Baymeadows Way, Suite 102, Intergovernmental Coordinator for the St. Johns Water Management District, offered to have the Executive Director make a presentation to the Council to explain the proposal.

Mayor Brown suggested the presentation be made at a workshop meeting. He felt more information needed to be provided.

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

CONSENT AGENDA / NONE

VARIANCES / NONE

ORDINANCES

Ord. No. 2007-16 ORDINANCE NO. 2007-16, ART PROJECTS, SECOND READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 27 ARTICLE XV ADVERTISING AMENDING SECTION 27-576 DEFINITIONS AND ADDING SECTION 27-596 ART PROJECT AND PROVIDING AN EFFECTIVE DATE.

Mayor Brown read Ordinance No. 2007-16 by title only and opened the public hearing.

There being no comments from the public, the public hearing was closed.

Moved by Pruette, seconded by Weldon.

Motion: **TO ADOPT ORDINANCE NO. 2007-16 ON SECOND READ AND PUBLIC HEARING.**

Vice Mayor Pruette stated the Planning & Development Review Board recommended approval with the following change:

Any such art project which deteriorates over time shall be ~~removed by the applicant at the sole discretion of the city council~~ repaired by the property owner.

City Attorney White stated if the Council ordered the art project to be removed and the property owner did not remove the project, it would become a code enforcement issue. The question would be whether it goes to code enforcement or to the city council.

Councilor Weldon stated the purpose of the ordinance was to allow Council to have final decisions regarding art projects. He felt the amendment was not necessary.

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

Ord. No. 2007-17 ORDINANCE NO. 2007-17, ALCOHOLIC BEVERAGES, EMERGENCY READ: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 4, ALCOHOLIC BEVERAGES SECTION 4-5 CONSUMPTION ON ATLANTIC OCEAN BEACH, OTHER PUBLIC PLACES PROVIDING AN EFFECTIVE DATE.

City Manager Jarboe stated the existing ordinance only allowed beer and wine to be served at city approved special events. This ordinance would allow all alcoholic beverages to be served at city approved special events.

Mayor Brown agreed to sponsor the ordinance.

Mayor Brown read Ordinance No. 2007-17 by title only and opened the public hearing.

There being no comments from the public, the public hearing was closed.

Moved by Pruette, seconded by Weldon.

Motion: **TO ADOPT ORDINANCE NO. 2007-17 ON EMERGENCY READ.**

Councilor Weldon was concerned about crowd control at Pete's Bar and asked Mr. Whittingslow to speak.

Tom Whittingslow, 600 Valley Forge Road East, stated Pete's Bar had never advertised the Thanksgiving event. The Beaches Leader advertised the event with a front page article on their newspaper a couple of years ago and the event has since grown. He added that Pete's supplied their own staff to control the crowd but if it became necessary they would hire a police officer.

Roll Call Vote:

Ayes: 4 – Lee, Pruette, Weldon, Brown

Noes: 1 – Pardee

MOTION CARRIED

Ord. No. 2007-18

ORDINANCE NO. 2007-18, GARAGE SALES, FIRST READ: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING THE EXISTING CHAPTER 17 SALES, ARTICLE II GARAGE SALES, SECTION 17-32 FREQUENCY AND PROVIDING AN EFFECTIVE DATE.

City Attorney White stated the new ordinance should not take effect until January 1, 2008.

Consensus: **TO MAKE ORDINANCE NO. 2007-18 EFFECTIVE AS OF JANUARY 1, 2008.**

Moved by Pruette, seconded by Pardee.

Motion: **TO PASS ORDINANCE NO. 2007-18 ON FIRST READ.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

Ord. No. 2007-19

ORDINANCE NO. 2007-19, OUTDOOR DINING, FIRST READ: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING THE EXISTING CHAPTER 27, SECTION 27-479 SIDEWALKS AND BIKEWAYS, AND PROVIDING AN EFFECTIVE DATE.

This ordinance changes outdoor dining hours from 11:00 p.m. to 12:00 a.m.

Moved by Pruette, seconded by Lee.

Motion: **TO PASS ORDINANCE NO. 2007-19 ON FIRST READ.**

Moved by Weldon, seconded by Pruette.

Friendly Amendment **AMEND THE MOTION TO ALSO AUTHORIZE THE CITY MANAGER TO CHANGE BOTH EXISTING SIDEWALK LEASES.**

Vice Mayor Pruette agreed to sponsor the ordinance.

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

OLD BUSINESS / NONE

NEW BUSINESS

Solantic

SOLANTIC SETTLEMENT AGREEMENT: City Attorney White stated the final judgment order was for attorney's fees and cost in the amount of \$126,753.21. The actual amount including per diem interest from the date of the entry of the final judgment came to 127,416.07. He asked the Council to approve the settlement of the case and the satisfaction of the judgment.

Moved by Pruette, seconded by Lee.

Motion: **TO APPROVE THE SOLANTIC SETTLEMENT IN THE AMOUNT OF \$127,416.07.**

Councilor Pardee stated according to the shade meeting verbatim it was not a unanimous decision of the Council to move forward the lawsuit.

City Attorney White stated once the litigation was resolved and the satisfaction of judgment was executed the transcriptions of the shade meetings would become public record.

City Manager Jarboe stated the original estimated cost of the settlement was approximately \$300,000.

Roll Call Vote:

Ayes: 4 – Lee, Pardee, Pruette, Brown

Noes: 1 – Weldon

MOTION CARRIED

PDRB 07-13

PDRB 07-13, PLAT 215, 217, 219 MIDWAY AND 112 ORANGE STREET – APPLICATION FOR REPLAT: The property was currently one lot with two structures. The applicant wished to divide the property into two lots thereby creating a lot for each structure.

Councilor Weldon was concerned about creating a residential non-conforming lot in the Central Business District.

Community Development Director Askew advised the lot would be conforming because it is in the Central Business District. However, the structure itself would be non-conforming due to the side yard setback.

Moved by Pardee, seconded by Pruette.

Motion: **TO APPROVE THE MINOR REPLAT FOR 215, 217, 219 MIDWAY AND 112 ORANGE STREET.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

Penman Plaza	<p>Councilor Pardee questioned the status of the Penman Plaza development.</p> <p>Community Development Director Askew explained the development order should be on the November Planning & Development Review Board meeting if they submit the plans in time.</p>
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Adjournment There being no further business, the meeting adjourned at 8:00 p.m.

ATTEST:

Richard A. Brown, Mayor

Lisa Volpe, CMC, City Clerk

Approved: _____



**MINUTES
WORKSHOP CITY COUNCIL MEETING
NOVEMBER 19, 2007 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 November 19, 2007 at 6:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

STAFF:

Mayor Richard Brown
Vice Mayor Harriet Pruette
Councilor Fred Lee
Councilor Eric Pardee
Councilor John Weldon
City Attorney Chris White
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

Director of Finance Steve Ramsey
Director of Public Safety David Sembach
Director of Public Services Leon Smith
Deputy City Clerk Karla Strait, CMC

Call to Order/Roll Call Mayor Brown called the meeting to order at 6:00 p.m.

PRESENTATIONS / NONE

CITY MANAGER'S ACTION LIST

Action List

City Manager Jarboe reported on the following:

- The water and sewer rate study should be complete and ready to present to the Council by February.
- The software conversion should be completed after the 1st of the year.
- Public Services continues to work on the nitrogen testing

Councilor Weldon questioned the status of the reuse. City Manager Jarboe replied the engineer was working on the permitting process.

Councilor Lee questioned the status of the proposed traffic light at Florida Boulevard and Kings Road. City Manager Jarboe replied an in house traffic study was completed and given to the City of Jacksonville for review. He would follow up on the situation.

Vice Mayor Pruette questioned the proposal for getting a left turn lane at the intersection of Florida Boulevard and Third Street / A1A and the intersection of Penman Road and Third Street / A1A. City Manager Jarboe responded that he was working with the Florida Department of Transportation regarding the issue.

City Clerk Lisa Volpe announced that members were needed for the Board of Appeals, the Planning & Development Review Board and the Code Enforcement Board. The Code Enforcement Board had to cancel the last two meetings due to lack of a quorum.

PUBLIC COMMENTS

Lee Spain, 812 Davis Street, thanked the Public Service Department for their superior work in repairing a pot hole and two broken pipe lines on the street in front of house.

Gary Fiske, 539 Hopkins Street, asked Council to review Section 27-335 of the Code of Ordinances because he felt it was vague regarding where the front of a house should begin.

Consensus: **TO PLACE SECTION 27-335 ON THE DECEMBER WORKSHOP AGENDA FOR COUNCIL REVIEW.**

Shirley Myers, 1001 Florida Boulevard, proposed revisions to Article II Garage Sales and Article XV Advertising.

Consensus: **TO PLACE GARAGE SALES PERMITS AND ADVERTISING ON THE DECEMBER WORKSHOP AGENDA.**

PROPOSED ORDINANCES / NONE**CONTRACTS / AGREEMENTS / NONE****ISSUE DEVELOPMENT**

Window Signs

WINDOW SIGNS – ITEMS PLACED ON THE EXTERIOR OR INTERIOR OF WINDOWS: City Manager Jarboe stated the Code of Ordinances did not allow signs to be placed outside of store windows. However, the Code does not address signs on the interior of store windows.

Councilor Pardee suggested not changing the Code to address sign placement on interior store windows.

Vice Mayor Pruette agreed with Councilor Pardee that the Code did not need to be changed to address sign placement on interior windows.

Mayor Brown recommended Council acknowledge the existing interior window signs on buildings and collect feedback on the issue.

City Manager Jarboe also suggested not changing the Code to regulate interior store signs.

Councilor Weldon also agreed the Code did not need to be changed.

Consensus: **TO LEAVE THE CODE AS IS AND HAVE STAFF ENFORCE IT AS ISSUES ARISE.**

Garage Sales

GARAGE SALES – SNIPE SIGNS – GENERAL DISCUSSION: Vice Mayor Pruette was concerned that some snipe signs for garage sales, that were placed in city rights of way, were being removed by the city and others were not. She acknowledged the city did not have the resources to remove snipe signs from rights of way on weekends. However, she felt the city should be consistent in snipe sign removal.

Mayor Brown stated he would like for City Attorney White to review the placement of snipe signs in rights of way and place the issue on the January workshop agenda for

discussion.

Councilor Pardee suggested that garage sale permits allow a certain number of signs to be placed within a specific time limit for advertising the sale and also have a time limit in which the signs should be removed.

Consensus: **TO PLACE THE ISSUE OF GARAGE SALE SIGNS ON THE JANUARY WORKSHOP AGENDA.**

Sidewalk on Atlantic
Boulevard

SIDEWALK ON ATLANTIC BOULEVARD: Councilor Lee asked the Council to acknowledge that the City Manager had the authority to work with the Department of Transportation on the issue of pedestrian safety regarding the sidewalk frontage of the Super Wal-Mart on Atlantic Boulevard.

City Manager Jarboe recommended that Mayor Brown write a letter to the Florida Department of Transportation informing them of the concerns regarding the safety of pedestrians and requesting they respond to the issue.

Councilor Weldon felt it was becoming more dangerous to cross Third Street / A1A. He agreed the city should take positive steps to ensure pedestrian safety.

Councilor Lee felt the Council should also be informed of FDOT's plans to improve Third Street / A1A.

Councilor Pardee suggested the option of adding a sidewalk along Lemon Street.

Consensus: **TO HAVE MAYOR BROWN WRITE A LETTER TO FDOT REGARDING PEDESTRIAN FRIENDLY SIDEWALKS AND INTERSECTIONS.**

60,000 sq. ft. Ord.

INTERPRETATION BY COUNCIL OF 60,000 SQUARE FEET ORDINANCE: Vice Mayor Pruette stated it was her interpretation of the 60,000 square feet ordinance that any retail store or warehouse would not be allowed to exceed 60,000 square feet.

Mayor Brown stated it was his interpretation as well that one single business could not exceed 60,000 square feet.

Councilor Weldon stated the intent of the Ordinance was to limit the amount a single store from exceeding 60,000 square feet not to unreasonably limit property rights in a strip center and prevent large big box entities from moving into our small neighborhood community.

Councilor Weldon voiced concern regarding the scheduling of a special Planning & Development Review Board meeting for the development order of Flagler Properties. He felt they should have gone through the regular development process.

Councilor Pardee felt Flagler Properties had vested rights in the property and the development order should not be held back. He was concerned about the 60,000 square feet ordinance creating a law suit with Flagler.

Mayor Brown stated he would like to fine tune the Ordinance.

Councilor Weldon stated he would like to revise the Ordinance so that it would not unreasonably limit property rights.

Vice Mayor Pruette stated that Chris White being the attorney for the city should write ordinances that are not vague in an effort to prevent the city from having any lawsuits.

Consensus: **INSTRUCT CITY ATTORNEY WHITE TO ADJUST THE ORDINANCE TO ENSURE THAT IT WOULD CONTINUE TO LIMIT ANY INDIVIDUAL BUSINESS TO 60,000 SQUARE FEET OR LESS WHILE AT THE SAME TIME NOT LIMITING THE CONSTRUCTION OF SHOPPING MALLS.**

Councilor Pardee was concerned about the future use of the 83,000 square feet K-Mart. City Attorney White explained because the K-Mart existed when the 60,000 square feet ordinance was adopted that K-Mart was grandfathered in and not limited to the 60,000 square feet.

Temp. Structures **TEMPORARY STRUCTURES – TEMPORARY CONSTRUCTION TRAILERS, PORTABLE STORAGE UNITS:** Councilor Lee asked Council to consider allowing the City Manager to make a judgment call in event of an emergency situation, to extend the length of time allowed for portable storage units to remain on properties from 15 days to 90 days.

Consensus: **TO ALLOW THE CITY MANAGER TO EXTEND THE LENGTH OF TIME FOR PORTABLE STORAGE UNITS TO BE ON PROPERTY FROM 10 DAYS TO 45 DAYS IN THE EVENT OF AN EMERGENCY SITUATION.**

DOT Easement **DEPARTMENT OF TRANSPORTATION EASEMENTS FOR A NEW SIGNALIZATION SYSTEM:** City Manager Jarboe stated that Florida Department of Transportation has asked the city to grant them easements to install new traffic signal devices at Florida Boulevard and Third Street / A1A, and at Florida Boulevard and Third Street and Atlantic Boulevard.

Consensus: **FORWARD A RESOLUTION FOR EASEMENTS TO THE DECEMBER REGULAR MEETING.**

City Manager Jarboe asked Council, due to News Years Day falling on a Tuesday this year, if they would be willing to consider closing the city on Monday, December 31, 2007.

Consensus: **FORWARD TO THE DECEMBER WORKSHOP MEETING.**

Adjournment There being no further business, the meeting adjourned at 7:40 pm.

Richard A. Brown, Mayor

Attest:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
REGULAR CITY COUNCIL MEETING
OCTOBER 1, 2007 AT 6:00 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 October 1, 2007 at 6:00 p.m., in the City Hall Council Chambers, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

STAFF:

Vice Mayor Harriet Pruette
Councilor Fred Lee
Councilor Eric Pardee
Councilor John Weldon
City Attorney Christopher White
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

Community Development Director Amanda Askew
Senior Activities Center Director Leslie Lyne
Director of Finance Steve Ramsey
Director of Public Safety Chief Sembach
Director of Public Services Leon Smith

ABSENT:

Mayor Richard A. Brown

Order Call/Pledge

Vice Mayor Pruette called the meeting to order at 6:00 p.m. and asked City Attorney Chris White to led the pledge of allegiance.

AWARDS / PRESENTATIONS / RECOGNITION OF GUESTS

Vice Mayor Pruette presented a Proclamation, a key to the city and a framed photograph of Town Center, to Patsy Bishop in recognition of her service on the Town Center Merchants Association.

Vice Mayor Pruette presented the Employee of the Year Award and a \$500.00 bonus check to Utility Crew Chief Jeff Paul.

Moved by Lee, seconded by Weldon.

Motion: **TO APPROVE A \$500.00 BONUS CHECK FOR EMPLOYEE OF THE YEAR JEFF PAUL.**

Roll Call Vote:

Ayes: 4 – Lee, Pardee, Weldon, Pruette

Noes: 0

MOTION CARRIED

APPROVAL OF MINUTES

Moved by Weldon, seconded by Lee.

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

SEPTEMBER 4, 2007, REGULAR CITY COUNCIL MEETING
SEPTEMBER 17, 2007, SPECIAL CITY COUNCIL MEETING
SEPTEMBER 17, 2007, WORKSHOP CITY COUNCIL MEETING
SEPTEMBER 24, 2007, WORKSHOP CITY COUNCIL MEETING
SEPTEMBER 24, 2007, SPECIAL CITY COUNCIL MEETING

Roll Call Vote:

Ayes: 4 – Lee, Pardee, Pruette, Weldon

Noes: 0

MOTION CARRIED

COMMUNICATIONS AND CORRESPONDENCE

Councilor Lee invited the public to the Neptune Beach Elementary School Fall Festival, Saturday, October 13, 2007 from 10:00 a.m. to 2:00 p.m. He asked Council members to attend and participate in judging the best booth contest.

CITY MANAGER REPORT

City Manager Jarboe reported on the following:

- The drainage on First Street was working.
- Public Services Department worked to remove the dead fish on the beach that were washed up by the red tide.
- Chief Sembach informed him that crime has slowed down in the city.

Councilor Weldon questioned the toxicity of the red tide. City Manager Jarboe stated he was informed it could be harmful to people with severe allergies.

City Clerk Lisa Volpe stated City Attorney Chris White wanted to schedule a shade meeting before the October 15, 2007 at 5:30 p.m. Councilor Weldon responded he would be out of the country and would not be able to attend the October 15, 2007 meeting.

PUBLIC COMMENTS

Michael Ashton, 1523 Summer Sands Drive, passed out copies of murals he obtained from various websites and copies of letters written by the Mayor of Fort Myers. He supported murals and felt they would be an enhancement to the city.

CONSENT AGENDA

Non Profit Org.

APPROVAL OF DONATIONS TO NON-PROFIT ORGANIZATIONS:

<u>Organizations</u>	<u>2006 Contributions</u>	<u>2007 Contributions</u>
Fireworks	\$ 5,000.00	\$ 5,000.00
Playground (sidewalk)	5,000.00	None
F.A.C.E.	1,775.00	1,775.00
Beaches Resource Center	3,000.00	3,000.00

Dial-A-Ride	1,500.00	1,500.00
Futch Park**	None	1,500.00
Sea & Sky Show**	<u>None</u>	<u>2,000.00</u>
<u>Totals</u>	<u>\$16,225.00</u>	<u>\$14,775.00</u>

Sun Dog Sign

APPROVAL OF SUN DOG DINER SIGN: Councilor Pardee asked what exactly the city was approving. City Clerk Volpe, stated at the September workshop meeting council agreed to give approval to place a sign on the public right-of-way of the new outdoor seating enclosure and Curtis Winter, owner, would decrease the existing signage in order to comply with the limited sign space requirement.

Moved by Weldon, seconded by Lee.

Motion: **TO APPROVE THE CONSENT AGENDA.**

Roll Call Vote:

Ayes: 4 – Lee, Pardee, Weldon, Pruette

Noes: 0

MOTION CARRIED

VARIANCES / NONE

ORDINANCES

Ord. No. 2007-15

ORDINANCE NO. 2007-15, NONCONFORMING SIGNS, SECOND READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 27 ARTICLE XVIII. NONCONFORMING LOTS, STRUCTURES, USES AND SIGNS, SECTION 27-707 NONCONFORMING SIGNS AND PROVIDING AN EFFECTIVE DATE.

Vice Mayor Pruette read Ordinance No. 2007-15 by title only and opened the public hearing.

There being no comments from the public, the public hearing was closed.

Moved by Weldon, seconded by Lee.

Motion: **TO ADOPT ORDINANCE NO. 2007-15 ON SECOND READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 4 – Lee, Pardee, Weldon, Pruette

Noes: 0

MOTION CARRIED

OLD BUSINESS

Caribbee Assoc.

SIDEWALK LEASE AGREEMENT FOR CARIBBEE ASSOCIATES, LLC: Approval of the sidewalk lease agreement for Caribbee Associates outdoor seating arrangement located on public right-of-way.

Moved by Weldon, seconded by Pardee.

Motion: **TO APPROVE THE SIDEWALK WALK LEASE AGREEMENT FOR CARIBBEE ASSOCIATES AND FORWARD MR. BROCATO'S REQUEST TO EXTEND THE HOURS OF OPERATION FROM 11:00**

P.M. TO 12:00 A.M. AND INCREASE THE RENT BASED ON THE CPI TO THE OCTOBER WORKSHOP.

Roll Call Vote:

Ayes: 4 – Lee, Pardee, Weldon, Pruette.

Noes: 0

MOTION CARRIED

NEW BUSINESS

241 Atlantic Blvd.
Replat

REVISED PLAT – 241 ATLANTIC BOULEVARD – SOUTHCOAST BEACHES, LLC & SOUTHCOAST CAPITAL PARTNERSHIP: Vice Mayor Pruette stated Ms. Tolbert, representative for Southcoast Capital Partnership, was not present. Community Development Director Amanda Askew stated she spoke with the representative and she informed her that she would be present for the meeting.

Recess/Reconvene

Vice Mayor Pruette recessed the meeting at 6:20 p.m. to allow Ms. Tolbert an opportunity to arrive.

Ms. Tolbert arrived and the meeting reconvened at 6:30 p.m.

Community Development Director Amanda Askew explained the revision of the plat created Parcel C. The proposed revised plat met all city requirements. There were also eight variances associated with the project. The replat must be filed and recorded before a building permit could be issued.

Moved by Weldon, seconded by Pardee.

Motion: **TO APPROVE THE REVISED PLAT SUBMITTED BY SOUTHCOAST BEACHES, LLC AND SOUTHCOAST CAPITAL PARTNERSHIP.**

Roll Call Vote:

Ayes: 4 – Lee, Pardee, Weldon, Pruette

Noes: 0

MOTION CARRIED

241 Atlantic Blvd.
Variances

VARIANCES – 241 ATLANTIC BOULEVARD – SOUTHCOAST BEACHES, LLC & SOUTHCOAST CAPITAL PARTNERSHIP: Community Development Director Amanda Askew explained the first variance request was on the western side facing Second Street, the applicant was asking to reduce the side yard setback to zero. The second variance was to allow the Second Street balcony to encroach over the city right-of-way. The third variance was to allow the balcony to encroach over city right-of-way on Atlantic Boulevard. The fourth variance was to reduce the minimum parking space size from 10' x 20' to 9' x 18'. The fifth variance was to reduce the required number of parking spaces for the project. The sixth variance was to eliminate the onsite dumpster requirement. The seventh variance was to eliminate the requirement to landscape the perimeter adjacent to the parking area abutting Second Street. The eighth variance request was to eliminate the required loading space.

City Manager Jarboe stated the Planning & Development Review Board recommended approval on all of the variance requests.

Councilor Weldon questioned if there would be an agreement to indemnify and hold harmless the city from any liability relating to the extension of the balconies into the city right-of-way. Ms. Tolbert responded yes there would be such an agreement. City Attorney White stated the agreement to indemnify the city of the liability would need to be a condition of the variance and development order.

Councilor Weldon questioned if Southcoast would be responsible for maintaining the area underneath the balcony on Second Street. Ms. Tolbert they would take responsibility for the maintenance of the area.

Councilor Weldon questioned if Southcoast had any plans to install security lighting in the parking area between their property and the Public Safety Building. Ms. Tolbert replied they did have plans to install security lighting. Councilor Weldon asked that security lighting also become a condition on approval of the variance

For the Record

Councilor Weldon stated on the record that the traffic volume for the proposed development did not require a traffic study. However if the building usage was to significantly change in the future a traffic study and a new planning and development process may be required.

Councilor Pardee questioned where the delivery trucks would unload merchandise for the retail stores. Ms. Tolbert replied the trucks would unload merchandise in the existing parking lot. City Manager Jarboe explained that currently the city ticketed delivery trucks found blocking traffic after 10:00 a.m.

Councilor Pardee asked Chief Sembach if he felt the reduction in the size of parking spaces would create any problems. Chief Sembach responded he felt there was not enough room for vehicles to back out of the parking area for the parking spaces on the eastern side. Vice Mayor Pruette agreed there could be problem with backing out of the parking area and suggested they revisit the parking with Chief Sembach before it was completed. Councilor Pardee suggested designating the two eastern most parking spaces and the northwest corner parking space for compact cars only.

Councilor Lee questioned the time frame for construction. Ms. Tolbert replied they would like to begin construction in December.

Vice Mayor Pruette explained Southcoast would have the option in the future to replace the sidewalk on Second Street and install parking spaces.

For the Record

Councilor Weldon stated for the record he disagreed with eliminating the sidewalk and adding parking spaces. He felt the buffer was needed between the building and Second Street.

Moved by Weldon, seconded by Pardee.

Motion: **TO APPROVE ALL EIGHT OF THE VARIANCES REQUESTED BY THE APPLICANT AND RECOMMENDED BY THE PLANNING & DEVELOPMENT REVIEW BOARD WITH THE FOLLOWING CONDITIONS:**

- 1.) **THERE WILL BE AN INDEMNIFICATION AGREEMENT BETWEEN THE APPLICANT AND THE CITY AND GENERAL LIABILITY INSURANCE IN THE AMOUNT OF ONE MILLION (\$1,000,000) PER PERSON AND TWO MILLION (\$2,000,000) PER OCCURRENCE WITH THE CITY NAMED AS ADDITIONAL INSURED.**
- 2.) **THE DEVELOPER AGREES TO MAINTAIN THE RIGHT OF WAY LANDSCAPING WHICH WOULD BE COMPATIBLE WITH OTHER LANDSCAPING IN TOWN CENTER.**
- 3.) **THE DEVELOPER AGREES TO HAVE LIGHTING IN THE PARKING LOT IN THE SAME STYLE OF TOWN CENTER LIGHTING**
- 4.) **THE DEVELOPER AGREES TO KEEP THE SIDEWALK CLEAN.**

- 5.) THE TWO EASTERN MOST PARKING SPACES AND THE NORTHWEST CORNER PARKING SPACE WILL BE DESIGNATED FOR COMPACT CARS.
- 6.) ANY INTENSIFICATION OF USE ON THE PROPERTY WOULD NEED A NEW DEVELOPMENT ORDER TO DEAL WITH TRAFFIC CONCURRENCY.

City Manager Jarboe stated due to the right-of-way encroachments it would be necessary for Southcoast to obtain a right-of-way permit for the development.

Roll Call Vote:

Ayes: 4 – Lee, Pardee, Weldon, Pruette

Noes: 0

MOTION CARRIED

241 Atlantic Blvd.
Development Order

DEVELOPMENT ORDER – 241 ATLANTIC BOULEVARD – SOUTHCOAST BEACHES, LLC & SOUTHCOAST CAPITAL PARTNERSHIP: Community Development Director Amanda Askew explained the first floor of the building would be used for retail sales and the second floor would be used as office space.

Moved by Lee, seconded Weldon.

Motion: TO APPROVE THE FINAL DEVELOPMENT ORDER TO INCLUDE ALL OF THE CONDITIONS PREVIOUSLY INCLUDED ON THE GRANTING OF THE VARIANCES TO BE INCLUDED AS CONDITIONS FOR THE FINAL DEVELOPMENT ORDER.

Roll Call Vote:

Ayes: 4 – Lee, Pardee, Weldon, Pruette

Noes: 0

MOTION CARRIED

Adjournment

There being no further business, the meeting adjourned at 7:03 p.m.

Richard A. Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
WORKSHOP CITY COUNCIL MEETING
OCTOBER 15, 2007 AT 6:20 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 October 15, 2007 at 6:20 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

STAFF:

Mayor Richard Brown
Vice Mayor Harriet Pruette
Councilor Fred Lee
Councilor Eric Pardee
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

Community Development Director Amanda Askew
Senior Activity Center Director Leslie Lyne
Director of Finance Steve Ramsey
Director of Public Safety David Sembach
Director of Public Services Leon Smith
Deputy City Clerk Karla Strait, CMC

ABSENT:

Councilor John Weldon
City Attorney Chris White

Call to Order/Roll Call Mayor Brown called the meeting to order at 6:20 p.m.

PRESENTATIONS / NONE

CITY MANAGER'S ACTION LIST

Action List

City Manager Jarboe reported on the following:

- The Public Services Department had been very busy cleaning up stormwater drains and sewer lines after the recent heavy rains and flooding.
- Public Services continued to work on the nitrogen level issue.

Vice Mayor Pruette questioned the status of the Kings Road Bridge Rehabilitation Project. City Manager Jarboe responded the project was still in the engineering stage and should be ready for bidding within the next few weeks. The engineer was also coordinating with Florida Department of Transportation.

Councilor Pardee voiced concern regarding concurrency and the Flagler Properties development in the Penman Plaza Shopping Center. He felt it would be fair to developers to amend the Code to allow developers a choice of three traffic engineers to conduct their traffic study instead of the city mandating which one they had to use.

City Manager Jarboe stated he would draft a request for proposals to have available for the November regular meeting.

Consensus: **TO HAVE THE CITY MANAGER DRAFT A REQUEST FOR PROPOSAL TO PRESENT AT A WORKSHOP MEETING BEFORE THE REGULAR NOVEMBER MEETING.**

PUBLIC COMMENTS

Lynda Padrta, 1113 First Street, thanked public services for their efforts in cleaning up the stormwater drains and sewer lines after the recent flooding. She also supported the Resolution to protect the St. Johns River water resource.

Niall Falloon, 110 First Street, Mezzaluna Restaurant, asked Council to allow the Town Center Agency to have more input into the Town Center Interlocal Agreement.

PROPOSED ORDINANCES

Garage Sales

ORDINANCE NO. 2007-XX, GARAGE SALES: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING THE EXISTING CHAPTER 17, SALES, SECTION 17-32 FREQUENCY AND PROVIDING AN EFFECTIVE DATE.

City Manager Jarboe explained the ordinance would allow residents to have garage sales three times per calendar year for two consecutive days.

Councilor Lee voiced concern regarding the issue of vehicles parking too close to intersections, red lights, stop signs, etc. thus creating safety hazards while attending garage sales.

City Manager Jarboe suggested placing parking restrictions in the garage sale ordinance.

Councilor Lee stated he did not want to complicate the ordinance by adding parking restrictions.

Consensus: **FORWARD TO THE NOVEMBER REGULAR MEETING FOR FIRST READ.**

CONTRACTS / AGREEMENTS

Caribbee Assoc.

SIDEWALK LEASE AGREEMENT FOR CARIBBEE ASSOCIATES, LLC: John Brocato, owner of Caribbee Associates, recommended the city base his monthly rent increase on the CPI and requested the hours for the outdoor seating area be extended until 12:00 a.m.

Consensus: **FORWARD THE ORDINANCE AMENDING SIDEWALKS AND BIKEWAYS TO THE NOVEMBER REGULAR MEETING FOR FIRST READ AND PUBLIC HEARING.**

City Clerk Lisa Volpe explained once the ordinance was adopted the lease agreement would need to be amended and approved.

Town Center

TOWN CENTER INTERLOCAL AGREEMENT: Vice Mayor Pruette stated before approving the Town Center Interlocal Agreement she felt there should be additional dialogue with the Town Center Agency and Atlantic Beach.

Councilor Lee agreed there should be additional dialogue with Town Center. He felt a joint meeting with Atlantic Beach and the Town Center Agency would resolve the issues.

City Manager Jarboe agreed that a lot of the issues could be resolved by resolution. He

suggested tabling the Town Center Interlocal Agreement until the newly elected Atlantic Beach officials took office.

Consensus: **TO TABLE THE TOWN CENTER INTERLOCAL AGREEMENT UNTIL THE NEWLY ELECTED ATLANTIC BEACH OFFICIALS TAKE OFFICE.**

ISSUE DEVELOPMENT

St. Johns River

RESOLUTION NO. 2007-XX: A RESOLUTION OF THE CITY OF NEPTUNE BEACH, FLORIDA CALLING ON THE ST. JOHNS WATER MANAGEMENT DISTRICT TO PROTECT AND PRESERVE THE WATER RESOURCE OF THE ST. JOHNS RIVER BY NOT ALLOWING THE USE OF MILLIONS OF GALLONS OF RIVER WATER TO BE USED TO CONTINUE UNCHECKED GROWTH IN CENTRAL AND SOUTH FLORIDA.

Vice Mayor Pruette stated that the St. Johns River was an asset that needed to be protected and asked Council to support the Resolution.

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

Window Signs

WINDOW SIGNS – ITEMS PLACED ON THE EXTERIOR OR INTERIOR OF WINDOWS: City Manager Jarboe suggested deferring the window signs debate until Councilor Weldon could be present for the discussion.

Consensus: **TO DEFER THE WINDOW SIGN ISSUE UNTIL COUNCILOR WELDON COULD BE PRESENT FOR THE DISCUSSION.**

Special Events

SPECIAL EVENTS – THANKSGIVING DAY AT PETE’S BAR: City Manager Jarboe explained the holiday tradition at Pete’s Bar involved residents consuming Bloody Mary’s at Pete’s and sometimes spilling out into the street. This ordinance would change the special event ordinance to allow alcohol instead of only beer and wine to be consumed in the street during special events only.

Consensus: **FORWARD TO THE NOVEMBER REGULAR MEETING AND ADOPT AS AN EMERGENCY ORDINANCE.**

Starbucks

Councilor Lee questioned the status of the Starbucks development. Community Development Director Askew explained the project was being amended due to budget restraints and therefore would need to go back through the development process.

60,000 sq ft

Councilor Pardee was concerned about the 60,000 square foot space limit for retail sales. He questioned how it would effect the proposed new development at the Penman Plaza Shopping Center. Community Development Director Askew explained it was the City Manager’s interpretation that the proposed project would be considered non-conforming due to the 60,000 square foot space limit. However, City Attorney White would be reviewing whether or not the shopping center was entitled to vested rights.

Vice Mayor Pruette stated that interpretations of ordinances varied from person to person. She questioned if City Attorney White wrote and reviewed the original ordinance. She also voiced concern about discrepancies in ordinances creating problems for the Council and the City.

Mayor Brown suggested that City Attorney White explain how the ordinance could be modified.

Consensus: **TO PLACE THE 60,000 SQUARE FOOT LIMIT FOR RETAIL ON THE NOVEMBER WORKSHOP AGENDA.**

Adjournment

There being no further business, the meeting adjourned at 7:45 pm.

Attest:

Richard A. Brown, Mayor

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
REGULAR CITY COUNCIL MEETING
SEPTEMBER 4, 2007 AT 6:00 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 September 4, 2007 at 6:00 p.m., in the City Hall Council Chambers, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

STAFF:

Mayor Richard A. Brown
Vice Mayor Harriet Pruette
Councilor Fred Lee
Councilor Eric Pardee
Councilor John Weldon
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

Community Development Director Amanda Askew
Assistant Chief Anthony Carrillo
Senior Activities Center Director Leslie Lyne
Director of Finance Steve Ramsey
Director of Public Services Leon Smith

ABSENT:

City Attorney Christopher White

Order Call/Pledge

Mayor Brown called the meeting to order at 6:00 p.m. and asked Councilor Lee to lead the pledge of allegiance.

AWARDS / PRESENTATIONS / RECOGNITION OF GUESTS / NONE

APPROVAL OF MINUTES

Moved by Pruette, seconded by Lee.

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

AUGUST 6, 2007, REGULAR CITY COUNCIL MEETING
AUGUST 20, 2007, WORKSHOP CITY COUNCIL MEETING

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

COMMUNICATIONS AND CORRESPONDENCE

Councilor Lee disclosed he had met with Joe Quest, owner of Day and Night Moves, regarding the mural of the sun and moon that was painted on the outside of his building.

Councilor Pardee disclosed he had also met with Joe Quest regarding the mural.

Councilor Weldon stated he spoke to Joe Quest on the telephone.

Mayor Brown stated he had not spoken to Mr. Quest but he had heard several comments regarding the mural.

T-Mobile Contract

T-MOBILE CONTRACT: City Manager Jarboe stated T-Mobile made changes to their contract after it had been signed by the Mayor. He asked Council to approve the following changes:

- Page 4, # 16. RIGHTS UPON SALE: Should the lessor, at any time during the term of this Agreement, decide to sell all or any part of the Property to a purchaser other than LESSEE, such sale shall be under and subject to this Agreement and LESSEE's rights hereunder. ~~And any sale by the LESSOR of the portion of this property underlying the right of way herein granted shall be under and subject to the right of the LESSEE in and to such right or way.~~
- Page 5, #22. ASSIGNMENT. As to other parties, this Agreement may not be sold, assigned or transferred without the written consent of the LESSOR which such consent will not be unreasonably withheld or delayed. This Agreement may not be sold, assigned or transferred by the LESSEE to any party convicted of a felony ~~or to any foreign owned entity~~ without the express written consent of LESSOR.

Moved by Weldon, seconded by Pruette.

Motion: **TO APPROVE THE AMENDMENTS TO THE T-MOBILE CONTRACT.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARREID

CITY MANAGER REPORT

City Manager Jarboe reported on the following:

- Vandalism was reported Sunday night when several vehicles had all four of their tires slashed.
- Public Services was working to resolve the problem at the beach access on Seagate Avenue.

Amended Agenda

Mayor Brown amended the agenda to vote on the millage rate and the budget.

Ord. No. 2007-13

ORDINANCE NO. 2007- 13, MILLAGE RATE FY 2008, FIRST READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, ADOPTING FINAL MILLAGE RATES AND LEVYING AD VALOREM TAXES FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2007, AND ENDING SEPTEMBER 30, 2008; SETTING FORTH CERTAIN INFORMATION REGARDING "ROLLED-BACK RATES"; DIRECTING THE CITY MANAGER TO ADJUST THE ADOPTED MILLAGE RATES IN THE EVENT OF CHANGES IN THE ASSESSMENT ROLL AND TAXABLE VALUE; PROVIDING AN EFFECTIVE DATE.

Mayor Brown read Ordinance No. 2007-13 by title only and opened the public hearing.

There being no comments from the public, the public hearing was closed.

Moved by Weldon, seconded by Pruette.

Motion: **TO PASS ORDINANCE NO. 2007-13 ON FIRST READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 5- Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED.

Ord. No. 2007-14

ORDINANCE NO. 2007-14, BUDGET FY 2008 FIRST READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, ADOPTING A FINAL BUDGET AND APPROPRIATING FUNDS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2007, AND ENDING SEPTMEBER 30, 2008; PROVIDING AN EFFECTIVE DATE.

Mayor Brown read Ordinance No. 2007-14 by title only and opened the public hearing.

There being no comments from the public, the public hearing was closed.

Moved by Pardee, seconded by Lee.

Motion: **TO PASS ORDINANCE NO. 2007-14 ON FIRST READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

PUBLIC COMMENTS

Leslie Lyne, Senior Activities Center Director stated she did not hear any complaints this year regarding property taxes but she did hear complaints regarding property insurance rates. She thanked staff for preparing the budget.

CONSENT AGENDA / NONE

VARIANCES / NONE

ORDINANCES

Ord. No. 2007-10

ORDINANCE NO. 2007-10, AMENDING CHAPTER 27- AMENDING ARTICLE III, PROCEDURES FOR APPLYING FOR AND ISSUING A VARIANCE. SECOND READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 27 UNIFIED LAND DEVELOPMENT REGULATIONS ARTICLE III ADMINISTRATIVE AND ENFORCEMENT PROCEDURES SECTION 27-145.2 PROCEDURES FOR APPLYING FOR AND ISSUING A VARIANCE FOR PROPERTY LOCATED WITHIN THE C-1, C-2, C-3, CBD AND CONSERVATIONS ZONING DISTRICTS, AMENDING SECTION 27-147 REQUIRED FINDINGS NEEDED TO ISSUE A VARIANCE, AND PROVIDING AN EFFECTIVE DATE.

Moved by Pruette, seconded by Lee.

Motion: **TO ADOPT ORDINANCE NO. 2007-10 ON SECOND READ AND PUBLIC HEARING**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

Ord. No. 2007-11 **ORDINANCE NO. 2007-11, AMENDING CHAPTER 27, AMENDING ARTICLE III, PROCEDURES FOR APPLYING AN ISSUING A SPECIAL EXCEPTION, SECOND READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 27 UNIFIED LAND DEVELOPMENT REGULATIONS ARTICLE III ADMINISTRATIVE AND ENFORCEMENT PROCEDURES SECTION 27-159(D) PROCEDURES FOR APPLYING FOR AND ISSUING A SPECIAL EXCEPTION AND SECTION 27-160 REQUIRED FINDINGS NEEDED TO ISSUE A SPECIAL EXCEPTION AND PROVIDING AN EFFECTIVE DATE.**

Moved by Lee, seconded by Pruette.

Motion: **TO ADOPT ORDINANCE NO. 2007-11 ON SECOND READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

Ord. No. 2007-12 **ORDINANCE NO. 2007-12, AMENDING BUILDING SIGNS, SECOND READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 27 UNIFIED LAND DEVELOPMENT CODE ARTICLE XV ADVERTISING SECTION 27-585 A BUILDING SIGNS AND PROVIDING AN EFFECTIVE DATE.**

Moved by Weldon, seconded by Pruette.

Motion: **TO ADOPT ORDINANCE NO. 2007-12 ON SECOND READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

Ord. No. 2007-15 **ORDINANCE NO. 2007-15, NONCONFORMING SIGNS, FIRST READ: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 27 ARTICLE XVIII. NONCONFORMING LOTS, STRUCTURES, USES AND SIGNS, SECTION 27-702 NONCONFORMING SIGNS AND PROVIDING AN EFFECTIVE DATE.**

Moved by Weldon, seconded by Pruette.

Motion: **TO PASS ORDINANCE NO. 2007-15 ON FIRST READ.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

OLD BUSINESS

Kings Rd. Bridge

KINGS ROAD BRIDGE REHABILITATION OPTIONS: The following three rehabilitation options for the Kings Road Bridge were presented at the August workshop meeting.

Option A - \$50,000

- Repair Girders with Fiber Wrap
- Jacket Piles with 30% or Greater Loss
- Expected Life 5 to 10 years
- Maintenance and remediation required over remaining life

Option B - \$200,000

- Repair Girders with Fiber Wrap
- Inject girder cracks with epoxy
- Jacket Piles with 30% or Greater Loss
- Tape Seal all other Piles
- Repair abutment backwalls and wingwalls
- Expected life 20 to 30 years
- Maintenance and remediation required over remaining life

Option C - \$300,000

- Repair Girders with Fiber Wrap
- Inject girder cracks with epoxy
- Jacket ALL piles in waterway
- Replace abutment backwalls and wingwalls
- Overlay deck to minimize water intrusion to girders
- Expected life 30 to 40 years
- Maintenance and remediation required over remaining life

Moved by Weldon, seconded by Pruette.

Motion: **TO DIRECT STAFF TO SOLICIT BIDS FOR KINGS ROAD BRIDGE REHABILITATION PROJECT OPTION C.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

Sea & Sky Show

SEA AND SKY SPECTACULAR INTERLOCAL AGREEMENT – DONATION OF \$2,000: Vice Mayor Pruette stated the Interlocal agreement requested that the city donate \$3,500. She explained if Neptune Beach donated \$2,000 in cash and paid our police officers and public services workers overtime to assist with the management of the crowd and the clean up, the city would end up exceeding the \$3,500 requested amount.

Moved by Pruette, seconded by Pardee.

Motion: **TO APPROVE A \$2,000 CASH DONATION FOR THE SEA & SKY SPECTACULAR.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED.

Speed Hump Policy AMENDMENT TO THE SPEED HUMP POLICY: Due to budget restraints, Councilor Lee suggested amending the Speed Hump Policy to allow residents to pay the full cost for speed humps if they so desired.

Moved by Pruette, seconded by Lee.

Motion: **TO APPROVE THE AMENDMENT TO THE SPEED HUMP POLICY.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED**NEW BUSINESS**

Res. No. 2007-11 RESOLUTION NO. 2007-11: A RESOLUTION OF THE CITY OF NEPTUNE BEACH, FLORIDA TENTATIVELY ADOPTING A PUBLIC SCHOOL FACILITIES ELEMENT FOR INCLUSION INTO THE NEPTUNE BEACH 2010 COMPREHENSIVE PLAN, AND AUTHORIZING TRANSMITTAL OF SAID ELEMENT TO THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS.

City Manager Jarboe stated the Resolution was required by the state in order to comply with school concurrency.

Mayor Brown opened the public hearing.

There being no comments from the public, the public hearing was closed.

Moved by Pruette, seconded by Lee

Motion: **TO APPROVE RESOLUTION NO. 2007-11.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

Public Safety Union NEPTUNE BEACH PUBLIC SAFETY DEPARTMENT LABOR COUNCIL UNION CONTRACT: City Manager Jarboe stated he had met with the Public Safety Labor Union and negotiated a new contract. Due to budget restraints the contract was only for 1 year and included a 3% cost of living raise.

Moved by Pruette, seconded by Lee.

Motion: **TO APPROVE THE PUBLIC SAFETY DEPARTMENT LABOR CONTRACT.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

Local 630

LOCAL 630 LABOR UNION CONTRACT: City Manager Jarboe stated he had met with the Local 630 Labor Union and negotiated a new contract. Due to budget restraints the contract was only for 1 year and included a 3% cost of living raise.

Moved by Weldon, seconded by Pruette.

Motion: **TO APPROVE THE LOCAL 630 LABOR UNION CONTRACT.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

Res. 2007-12

RESOLUTION NO. 2007-12: A RESOLUTION REAPPOINTING MEMBERS TO THE CODE ENFORCEMENT BOARD, PLANNING AND DEVELOPMENT REVIEW BOARD AND THE BOARD OF APPEALS.

Consensus: **TO VOTE ON EACH REAPPOINTMENT SEPARATELY.**

Moved by Pruette, seconded by Pardee.

Motion: **TO REAPPOINT ROGER BENNETT AS A REGULAR MEMBER TO THE CODE ENFORCEMENT BOARD.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

Moved by Pruette, seconded by Weldon.

Motion: **TO REAPPOINT KEITH BAKER AS AN ALTERNATE MEMBER TO THE BOARD OF APPEALS.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

Moved by Weldon, seconded by Lee.

Motion: **TO APPOINT JAMES LEE AS A REGULAR MEMBER TO THE PLANNING & DEVELOPMENT REVIEW BOARD.**

Mayor Brown suggested deferring Mr. Lee's appointment until Council could be sure that Mr. Lee had the time to serve on the Planning & Development Review Board.

Councilor Weldon stated Mr. Lee's past attendance record, as an alternate member, was not acceptable. However, he felt that Mr. Lee served the community well and as a regular member his attendance record would improve. He recommended appointing him as a regular member, stating if his attendance record did not improve that he could be replaced.

Vice Mayor Pruette stated due to Mr. Lee's attendance record she could not support him as a regular member on the board. She suggested reappointing him as an alternate to see if his attendance record improved before considering him for a

regular member.

Councilor Lee stated he spoke with Mr. Lee regarding his appointment and Mr. Lee assured him that he did want to continue serving on the Planning & Development Review Board as a regular member. He did have some issues during his year as an alternate and those issues have been resolved. He felt Mr. Lee deserved a chance.

Councilor Pardee stated Mr. Lee had been absent nine times out of fourteen meetings, which was a 64% absentee rate. He also had a problem supporting him as a regular member.

Roll Call Vote:

Ayes: 3 – Lee, Weldon, Brown

Noes: 2 – Pardee, Pruette

MOTION CARRIED

OPEN DISCUSSION

Councilor Pardee stated there was an updated edition of Adobe Acrobat software with the capability to type information onto blank online forms. He felt the software would be a benefit to the city by allowing citizens and contractors to complete building permit applications, and other various forms online.

Councilor Pardee stated the City of Jacksonville planned on repaving and re-striping Penman Road.

Councilor Lee questioned the plans for the overpass at the intersection of Atlantic Boulevard and Kernan Road.

Mayor Brown stated the overpass was an original part of the Better Jacksonville Plan. The Better Jacksonville Plan for the overpass was amended and replaced by a interchange that included a Michigan U-Turn.

Councilor Lee asked if the Council could draft a Resolution in support of the original overpass.

City Clerk Lisa Volpe advised that the City of Jacksonville would be voting on the amendment next week and Council did not have the time to adopt a resolution before the vote.

Consensus: **TO HAVE THE MAYOR WRITE A LETTER TO THE CITY OF JACKSONVILLE COUNCIL, ON BEHALF OF THE NEPTUNE BEACH CITY COUNCIL, SUPPORTING THE ORIGINAL OVERPASS AT ATLANTIC BOULEVARD AND KERNAN ROAD.**

Adjournment

There being no further business, the meeting adjourned at 7:04 p.m.

Richard A. Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
SPECIAL CITY COUNCIL MEETING
SEPTEMBER 17, 2007 AT 6:00 P.M.
CITY HALL, 116 FIRST STREET
NEPTUNE BEACH, FLORIDA

Pursuant to proper notice a Special Meeting of the City Council of the City of Neptune Beach was held September 17, 2007 at 6:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

Mayor Richard A. Brown
Vice Mayor Harriet Pruette
Councilor Fred E. Lee
Councilor Eric Pardee
Councilor John Weldon
City Attorney Chris White
City Manager James Jarboe
City Clerk Lisa Volpe, CMC

STAFF:

Community Development Director Amanda Askew
Senior Activity Center Director Leslie Lyne
Director of Finance Steve Ramsey
Director of Public Safety David Sembach
Director of Public Services Leon Smith
Deputy City Clerk Karla Strait, CMC

Order Call

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

Ord. No. 2007-13

ORDINANCE NO. 2007-13, ADOPTING FINAL MILLAGE RATES, SECOND READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, ADOPTING FINAL MILLAGE RATES AND LEVYING AD VALOREM TAXES FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2007, AND ENDING SEPTEMBER 30, 2008; SETTING FORTH CERTAIN INFORMATION REGARDING "ROLLED-BACK RATES", DIRECTING THE CITY MANAGER TO ADJUST THE ADOPTED MILLAGE RATES IN THE EVENT OF CHANGES IN THE ASSESSMENT ROLL AND TAXABLE VALUE; PROVIDING AN EFFECTIVE DATE.

Mayor Brown read Ordinance No. 2007-13 by title only and opened the public hearing.

There being no comments from the public, the public hearing was closed.

Moved by Pruette, seconded by Lee.

Motion: **TO ADOPT ORDINANCE NO. 2007-13 ON SECOND READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

Ord. No. 2007-14

ORDINANCE NO. 2007-14, ADOPTING A FINAL BUDGET, SECOND READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA ADOPTING A FINAL BUDGET AND APPROPRIATING FUNDS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2007 AND ENDING SEPTEMBER 30, 2008; PROVIDING AN EFFECTIVE DATE.

Mayor Brown read Ordinance No. 2007-14 by title only and opened the public hearing.

There being no comments from the public, the public hearing was closed.

Moved by Pruette, seconded by Lee.

Motion: **TO ADOPT ORDINANCE 2007-14 ON SECOND READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

Adjournment

There being no further business, the meeting adjourned at 6:04 p.m.

Richard Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
WORKSHOP CITY COUNCIL MEETING
SEPTEMBER 17, 2007 AT 6:04 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 September 17, 2007 at 6:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

STAFF:

Mayor Richard Brown
Vice Mayor Harriet Pruette
Councilor Fred Lee
Councilor Eric Pardee
Councilor John Weldon
City Attorney Chris White
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

Community Development Director Amanda Askew
Senior Activity Center Director Leslie Lyne
Director of Finance Steve Ramsey
Director of Public Safety David Sembach
Director of Public Services Leon Smith
Deputy City Clerk Karla Strait, CMC

Call to Order/Roll Call Mayor Brown called the meeting to order at 6:04 p.m.

PRESENTATIONS / NONE

CITY MANAGER'S ACTION LIST

Action List

City Manager Jarboe reported on the following:

- Today's heavy rains and flooding caused several accidents and some road closures.
- The city was in the process of collecting insurance quotes.
- It would be necessary to request proposals for a water & sewer rate study.
- The rehabilitation project for the Kings Road Bridge was in the engineering stage and should be ready for the bid process in three weeks.

Councilor Lee questioned when the joint meeting with Atlantic Beach to discuss Town Center issues would take place. He also questioned when the traffic study for the Kings Road speed humps would be completed. City Manager Jarboe responded that speed humps would be placed on King Road after the Kings Road Bridge rehabilitation project and a traffic study would not be necessary.

Vice Mayor Pruette stated she spoke with Jason Gabriel, Edwards Cohen, attorney for Wal-Mart, regarding the hold harmless they had asked the property owners, abutting the rear of the Lakeshore property, to sign. He had told her that only six had signed it but Wal-Mart planned on building the rear wall regardless of whether any one else signed it.

PUBLIC COMMENTS / NONE

PROPOSED ORDINANCES

Rights of Ways

ORDINANCE NO. 2007-XX, STREETS, SIDEWALKS, AND RIGHTS OF WAYS: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 27 ARTICLE X STREETS SIDEWALKS, AND RIGHTS OF WAY SECITON 27-480 DRIVEWAY APRONS AND PAVEMENT MATERIAL AND PROVIDING AN EFFECTIVE DATE.

Vice Mayor Pruette stated this ordinance was introduced to prevent driveway materials such as gravel, pine, etc. from washing into the stormwater system and to bring about consistency of driveway encroachments on city property.

Community Development Director Amanda Askew explained this ordinance would be a good tool for standardizing construction of driveways. It was written based on Atlantic Beach's ordinance.

Councilor Lee voiced concern regarding the many existing driveways that would be considered non-conforming if the ordinance was adopted. Those property owners would need a variance for any improvements or additions to their property and because of the non-conformity they would be forced to bring the driveway into compliance.

Councilor Weldon was concerned the ordinance had too many contradictions. He suggested several changes to the proposed ordinance.

Councilor Pardee felt circular driveways should be clearly defined within the ordinance. He was also concerned about existing driveways being non-conforming.

Consensus: **TO HAVE STAFF REVIEW THE ORDINANCE AND BRING IT BACK TO THE COUNCIL AT THE OCTOBER WORKSHOP MEETING.**

CONTRACTS / AGREEMENTS

Caribbee Assoc.

SIDEWALK LEASE AGREEMENT FOR CARIBBEE ASSOCIATES, LLC: John Brocato, owner of Caribbee Associates, recommended the city base his monthly rent increase on the CPI and requested the hours for the outdoor seating area be extended until 12:00 a.m.

Consensus: **TO HAVE STAFF REVIEW BOTH ISSUES FOR THE OCTOBER WORKSHOP AND FORWARD THE LEASE AGREEMENT TO THE OCTOBER REGULAR MEETING.**

ISSUE DEVELOPMENT

Decks

DEFINITION OF DECKS IN CHAPTER 27: City Manager Jarboe stated the code currently defined decks as accessory structures. He explained that accessory structures were limited to 160 square feet. This proposed ordinance change would change the definition of decks and allow them to be larger than 160 square feet.

Councilor Weldon asked Community Development Director Amanda Askew if decks were considered impervious surface. Mrs. Askew replied that decks were not considered impervious surface.

Councilor Pardee felt there should be a definition of "elevated" and "materials" within the ordinance.

Vice Mayor Pruette asked if this would affect porches. Mrs. Askew stated this would not

affect porches because porches are considered part of the original structure and are required to stay within the setback lines.

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

Donations

DONATIONS TO NON-PROFIT ORGANIZATIONS: City Manager Jarboe stated in the agenda packet was a list of organizations the city donated money to last year. This list did not include the Sea & Sky Show since it is once every two years. The playground sidewalk donation could be deleted since it was a one time donation.

<u>Organizations</u>	<u>2006 Contributions</u>	<u>2007 Contributions</u>
Fireworks	\$ 5,000.00	\$ 5,000.00
Playground (sidewalk)	5,000.00	None
F.A.C.E.	1,775.00	1,775.00
Beaches Resource Center	3,000.00	3,000.00
Dial-A-Ride	1,500.00	1,500.00
Sea & Sky Show	<u>None</u>	<u>2,000.00</u>
Totals	<u>\$16,225.00</u>	<u>\$13,225.00</u>

Councilor Lee stated Futch Park could use some improvements. He had spoken with some neighbors living near the park who were supportive and offered to volunteer to help raise money for improvements. He asked Council to add a \$1,500 contribution to the list for Futch Park improvements.

City Manager Jarboe stated the \$1,500 for park improvements could come out of the Convention Development Tax Fund.

Finance Director Steve Ramsey stated these organizations needed to send written requests for donations after October 1, 2007.

Consensus: **FORWARD THE APPROVAL TO THE OCTOBER CONSENT AGENDA – INCLUDING \$1,500.00 FUTCH PARK IMPROVEMENTS FROM THE CONVENTION DEVELOPMENT TAX FUND.**

Sun Dog Diner

SUN DOG DINER SIGN: City Manager Jarboe stated Code Enforcement had Sun Dog Diner remove a private sign they had placed on their outdoor seating enclosure. He explained that any private sign placed on public property must be approved by the Council.

Curtis Winters, owner of Sun Dog Diner, explained the sign was on the original drawings he submitted for the outdoor seating arrangement. He was not aware that he needed Council approval for the sign. He stated he would be willing to decrease the size of other signage on the building in order to comply with the limited sign space requirement.

Consensus: **FORWARD THE APPROVAL OF THE SIGN TO THE CONSENT AGENDA IN OCTOBER.**

A1A-Medians

A1A MEDIANS – FLORIDA DEPARTMENT OF TRANSPORTATION:

Mayor Brown stated he had met with the Secretary of the Florida Department of Transportation regarding the removal of the palm trees and medians on A1A. He explained to the Secretary the action could have a negative impact on public relations for FDOT. The Secretary agreed to have FDOT look into other options.

City Manager Jarboe stated he and representatives from Atlantic Beach would be meeting with the FDOT onsite this week.

Mayor Brown asked Councilor Pardee if he wished to discuss the sale of city hall since it was deferred when he could not be at the meeting. Councilor Pardee stated he missed the meeting due to his daughter's injury. He felt the subject should be brought up when council was ready to discuss all options for increasing revenue.

Adjournment

There being no further business, the meeting adjourned at 7:21 pm.

Attest:

Richard A. Brown, Mayor

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
SPECIAL CITY COUNCIL MEETING
SEPTEMBER 24, 2007 AT 6:40 P.M.
CITY HALL, 116 FIRST STREET
NEPTUNE BEACH, FLORIDA

Pursuant to proper notice a Special Meeting of the City Council of the City of Neptune Beach was held September 24, 2007 at 6:40 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

Mayor Richard A. Brown
Vice Mayor Harriet Pruette
Councilor Fred E. Lee
Councilor Eric Pardee
Councilor John Weldon
City Attorney Chris White
City Manager James Jarboe
City Clerk Lisa Volpe, CMC

STAFF:

Community Development Director Amanda Askew
Director of Public Safety David Sembach

Order Call

Mayor Brown called the special meeting to order at 6: p.m.

Ord. No. 2007-16

ORDINANCE NO. 2007-16, ART PROJECT, FIRST READ: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, AMENDING CHAPTER 27, ARTICLE XV ADVERTISING, AMENDING SECTION 27-576 DEFINITIONS, AND ADDING SECTION 27-596 ART PROJECT AND PROVIDING AN EFFECTIVE DATE.

Moved by Pruette, seconded by Lee.

Councilor Pardee was concerned about the public input during the Planning & Review Board process and requested adding public opinion to the ordinance.

Councilor Weldon and City Attorney White suggested changing the language as follows:

In making their determinations, the Planning and Development Review Board and City Council may consider evidence of property values ~~and~~ the opinions of the owners and occupants of surrounding properties, and the public.

Motion: **TO PASS ORDINANCE NO. 2007-16 AS AMENDED ON FIRST READ.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown
Noes: 0

MOTION CARRIED

Adjournment

There being no further business, the meeting adjourned at 6:45 p.m.

Richard Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
WORKSHOP CITY COUNCIL MEETING
SEPTEMBER 24, 2007 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 September 24, 2007 at 6:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

STAFF:

Mayor Richard Brown
Vice Mayor Harriet Pruette
Councilor Fred Lee
Councilor Eric Pardee
Councilor John Weldon
City Attorney Chris White
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

Community Development Director Amanda Askew
Director of Public Safety David Sembach

Call to Order/Roll Call Mayor Brown called the meeting to order at 6:00 p.m. stating he felt it was necessary for Council to review the sign ordinance as it related to artwork.

Vice Mayor Pruette introduced the following proposed ordinance for discussion.

Ord. No. 2007-16

ORDINANCE NO. 2007- 16, ART PROJECT: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, AMENDING CHAPTER 27, ARTICLE XV ADVERTISING, AMENDING SECTION 27-576 DEFINITIONS, AND ADDING SECTION 27-596 ART PROJECT AND PROVIDING AN EFFECTIVE DATE.

City Manager Jarboe stated the *Shorelines* and the *Beaches Leader* newspapers wrongly reported the mural of the sun and moon painted on the building of the Day or Night Moves business was artwork and not a sign. He added that in this particular case the artwork was considered a sign because the sun and moon represented the business of Day or Night Moves.

Councilor Weldon stated he supported and agreed with the proposed ordinance because it helped clarify the issue of artwork verses signs.

Councilor Pardee agreed with City Manager Jarboe that the way the current sign ordinance was written the mural of the sun and moon painted on the exterior of the building for Day or Night Moves should be considered a sign.

City Attorney White stated Joe Quest, owner of Day or Night Moves, has requested a variance for the artwork of the sun and moon painted on his building. However, because the variance request was not before the Council at the present meeting he asked Council not to make specific comments relating to Day or Night Moves.

Vice Mayor Pruette felt allowing the Council final approval of public art displays would also eliminate any offensive artwork.

Councilor Weldon stated he supported the ordinance because it did not change the definition of a sign and it provided the Council a procedure for making decisions regarding public art.

Councilor Pardee stated he was concerned about the following underlined language in Section 27-596 because it defined an art project as a sign:

Any proposed art project in a commercial district that in the opinion of the Planning & Development Review board is found to be public art that enhances the commercial district may be recommended to the City Council for its approval. If approved by the City Council, such an art project will be considered a conforming sign as long as it is maintained in good condition.

Councilor Weldon also questioned why the ordinance determined the art project a conforming sign.

City Manager Jarboe indicated the artwork would be considered a conforming sign if it represented the business. However if the artwork was of a scenery that did not represent a business it would not be considered a sign.

City Attorney White stated he would review the language. He added the intent of the proposed ordinance was for paintings, artwork, murals, etc. to have an approval monitoring process that would allow them, but not to be counted against the businesses sign limitations if the artwork did not draw attention to the particular business.

Councilor Weldon suggested changing the language in the proposed ordinance as follows:

If approved by the City Council such an art project will be ~~considered a conforming sign~~ permitted as long as it is maintained in good condition.

Vice Mayor Pruette indicated the artwork of a boat painted on the boat house business on Florida Boulevard had been there for many years. City Manager Jarboe replied he did not receive any complaints regarding the boat house artwork until recently.

Councilor Pardee was concerned about existing businesses with exterior artwork having been cited by Code Enforcement. City Manager Jarboe responded the Code Enforcement action would be delayed on those businesses until Council acted on this proposed ordinance. If the proposed ordinance was adopted those businesses would be able to go through the Planning & Development Review Board process and Council would have final approval.

Councilor Lee recognized the effort of the Council to willingly work with citizens and business owners to resolve conflicts. He also recognized in this particular instance that the staff was enforcing the Code as it was written. He felt artwork should have an approval process to help eliminate inappropriate artwork from being displayed.

Councilor Weldon acknowledged this proposed ordinance only affected the commercial district and was not applicable to private property.

Consensus: **TO FORWARD THE PROPOSED ORDINANCE TO THE FOLLOWING SPECIAL MEETING FOR FIRST READ.**

Adjournment

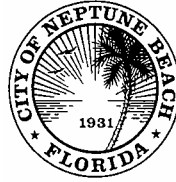
There being no further business, the meeting adjourned at 6:40 pm.

Attest:

Richard A. Brown, Mayor

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
REGULAR CITY COUNCIL MEETING
AUGUST 6, 2007 AT 6:00 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 August, 2007 at 6:00 p.m., in the City Hall Council Chambers, 116 First Street, Neptune Beach, Florida.

Attendance**IN ATTENDANCE:****STAFF:**

Mayor Richard A. Brown
Vice Mayor Harriet Pruette
Councilor Fred Lee
Councilor Eric Pardee
Councilor John Weldon
City Attorney Christopher White
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

Community Development Director Amanda Askew
Senior Activities Center Director Leslie Lyne
Director of Finance Steve Ramsey
Director of Public Safety David Sembach
Director of Public Services Leon Smith

Order Call/Pledge

Mayor Brown called the meeting to order at 6:00 p.m. and led the pledge of allegiance.

AWARDS / PRESENTATIONS / RECOGNITION OF GUESTS / NONE

APPROVAL OF MINUTES

Moved by Pruette, seconded by Lee.

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

JULY 9, 2007, REGULAR CITY COUNCIL MEETING
JULY 23, 2007, SPECIAL CITY COUNCIL MEETING
JULY 23, 2007, WORKSHOP CITY COUNCIL MEETING

Councilor Weldon asked to amend page 7 of the July 9, 2007 minutes as follows:

July 9th, page 7: Councilor Weldon suggested staff set up a meeting with property owners, developers and representatives of Neptune Beach and Atlantic Beach to discuss a joint venture to ~~supplement revenues~~ address parking.

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

COMMUNICATIONS AND CORRESPONDENCE

Councilor Pardee read the following statement in regard to an e-mail he received and an editorial that was printed in the *Beaches Leader* to clarify his proposal to sell City Hall.

I would like to take at least \$1 million dollars and invest it in an account that is earmarked solely for gaining interest that will be used for reduction of property tax millage rate for all Neptune Beach property owners. With a \$7 million dollar budget this is a significant amount that can be applied toward cost reduction. Only in an emergency and by a super majority Council vote can this money be spent otherwise. After a 5 or 10 year period the city can revisit this and can vote to change its use. The money will still be there. The employees currently in the City Hall building can be relocated to existing buildings at the public works facility. The Council can meet in the existing buildings as well. Some money can cover the cost of renovation or a small addition. Building new facilities to replace this building is completely out of the question and would negate the effort to reduce taxes on our homeowners. We need a City Hall, not a Taj Mahal. As far as traffic issues for the Forest Boulevard and Kings Road area, a window and/or deposit box can remain at the current location at the police building so that citizens can continue to pay their bills in person at the same location if they want to. The new Neptune Beach computer system allows people to pay their water bill online right now; our citizens need to be made aware of this. Any other traffic that would be traveling to City Hall would be offset by people that live in this area now who would not be driving to the current location. Seniors who are already at the Senior Center can do their business in one place. Public Works and City Hall employees would not have to drive from one place to the other to have a meeting. The fueling facility at the public works location now so getting gas would not require an extra trip. The average Neptune Beach resident does not travel to City Hall now and will not go there if it is relocated. I think we have an opportunity to show our citizens that we can cut costs without reducing services and can give them some of their money back in the form of a tax reduction. Maybe the school board could do the same with their building and further reduce ever increasing taxes. To do nothing or make excuses for not pursuing real tax relief is not an option and I am personally a little tired of it. I can only hope that my fellow councilors would like to actually reduce property taxes along with me.

City Clerk Volpe stated due to the Labor Day holiday the September regular meeting and budget meeting would be held Tuesday, September 4, 2007.

CITY MANAGER REPORT

City Manager Jarboe reported on the following:

- He was trying to get the Jacksonville Transportation Authority to complete their environmental project on the Intra Coastal Waterway.
- He was working with the Town Center merchants to clean up the Town Center area.
- He has met with Jacksonville Beach City Manager George Forbes in reference to the parking study. He and Mayor Brown also met with the Mayor and City Manager of Atlantic Beach in reference to Town Center parking.

PUBLIC COMMENTS

Michael Aston, 1523 Summer Sands Drive, thanked the Council for passing a resolution in opposition to the Moody Project. He also was opposed to selling the City Hall property.

Barry Grahek, 1403 Ocean Front, asked the city for relief regarding his code enforcement violation and the recommendation of City Attorney White to

foreclose on his property.

CONSENT AGENDA / NONE

VARIANCES / NONE

ORDINANCES

Ord. No. 2007-08 ORDINANCE NO. 2007-08, AMENDING THE 2010 FUTURE LAND USE MAP, SECOND READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING THE 2010 FUTURE LAND USE MAP, AS ADOPTED ORDINANCE 90-6-9, AS AMENDED, SAID ORDINANCE NUMBER 2007-08, WHICH SHALL CHANGE THE LAND USE DESIGNATION AS ESTABLISHED ON THE 2010 FUTURE LAND USE MAP (FLUM) FOR LANDS AS DESCRIBED HEREIN FROM RESIDENTIAL , LOW DENSITY, TO COMMERCIAL HIGH PROVIDING FOR INTENT; AUTHORITY; FINDINGS, OF CONSISTENCY; FINDINGS OF FACT; SEVERABILITY; RECORDATION AND AN EFFECTIVE DATE.

Mayor Brown read Ordinance No. 2007-08 by title only and opened the public hearing.

There being no comments from the public, the public hearing was closed.

Mayor Brown agreed to sponsor the Ordinance.

Moved by Pruette, seconded by Pardee.

Motion: **TO ADOPT ORDINANCE NO. 2007-08 ON SECOND READ AND PUBLIC HEARING.**

For the Record Vice Mayor Pruette asked Kenny Richards, Tucker Rental, on the record, if he planned to deed a right-of-way to the city for a roadway, once the ordinance was passed.

Mr. Richards replied that he would be happy to deed the city a right-of-way as it would be a benefit to both Tucker Rentals and Wal-Mart. He was having a problem determining exactly where to locate the roadway in an effort to allow for the best use of the remaining property.

City Manager Jarboe requested that the location of the roadway be determined before the ordinance was passed. He asked that it be placed on the August workshop meeting.

City Attorney White stated the rezoning of the property was conditioned upon the roadway. He agreed the issue should be forwarded to the August workshop meeting.

Councilor Weldon questioned why Wal-Mart had not been involved in the discussion of the location of the road. City Manager Jarboe stated there were too many concessions asked of Wal-Mart. He asked if there was a representative for Wal-Mart in the assembly.

Jason Gabriel, 6 East Bay Street, Suite 500, Edwards, Cohen, Law Firm, and attorney representing Wal-Mart, stated that Wal-Mart would abide by the terms of the settlement agreement with the city. He quoted from the agreement that: "Wal-mart will cooperate with allowing an access connection to the Wal-Mart site as long as it does not hinder or otherwise interfere with the daily operations and business conducted on the property and as long as the right-of-way was provided." He explained that Wal-Mart needed to be provided with an accurate right-of-way plan that was signed and sealed so that they could assess the reasonableness of the connection. Wal-Mart representatives were willing to meet and correspond with the Mr. Richards.

Ord. No. 2007-09 ORDINANCE NO. 2007-09, REZONING, SECOND READ AND PUBLIC HEARING: AN ORDINANCE REZONING APPROXIMATELY 1.5+ ACRES PARCEL OF LAND LOCATED SOUTH OF LEMON STREET 155+ EAST OF ELEVENTH STREET FROM RESIDENTIAL LOW DENSITY TO COMMERCIAL HIGH DENSITY; PROVIDING AN EFFECTIVE DATE.

Consensus: **FOR BOTH SIDES TO MEET WITH THE CITY MANAGER THIS WEEK TO RESOLVE THE LOCATION OF THE ROAD – AND DEFER ORDINANCE NO. 2007-08 AND ORDINANCE NO. 2007-09 UNTIL IT IS APPROPRIATE TO TAKE TO A WORKSHOP.**

Ord. No. 2007-10 ORDINANCE NO. 2007-10, AMENDING CHAPTER 27- AMENDING ARTICLE III, PROCEDURES FOR APPLYING FOR AND ISSUING A VARIANCE, FIRST READ: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 27 UNIFIED LAND DEVELOPMENT REGULATIONS ARTICLE III ADMINISTRATIVE AND ENFORCEMENT PROCEDURES SECTION 27-145.2 PROCEDURES FOR APPLYING FOR AND ISSUING A VARIANCE FOR PROPERTY LOCATED WITHIN THE C-1, C-2, C-3, CBD AND CONSERVATIONS ZONING DISTRICTS, AMENDING SECTION 27-147 REQUIRED FINDINGS NEEDED TO ISSUE A VARIANCE, AND PROVIDING AN EFFECTIVE DATE.

Councilor Weldon agreed to sponsor the Ordinance.

Moved by Weldon, seconded by Pruette.

Motion: **TO PASS ORDINANCE NO. 2007-10 ON FIRST READ.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

Ord. No. 2007-11 ORDINANCE NO. 2007-11, AMENDING CHAPTER 27, AMENDING ARTICLE III, PROCEDURES FOR APPLYING AN ISSUING A SPECIAL EXCEPTION, FIRST READ: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 27 UNIFIED LAND DEVELOPMENT REGULATIONS ARTICLE III ADMINISTRATIVE AND ENFORCEMENT PROCEDURES SECTION 27-159(D) PROCEDURES FOR APPLYING FOR AND ISSUING A SPECIAL EXCEPTION AND SECTION 27-160 REQUIRED FINDINGS NEEDED TO ISSUE A SPECIAL EXCEPTION AND PROVIDING AN EFFECTIVE DATE.

Councilor Weldon agreed to sponsor the Ordinance.

Councilor Weldon suggested amending the Ordinance as follows: 1) delete the duplicated paragraph (d) and, 2) Section 27-160. Required findings needed to issue a special exception should read as follows: The planning and development review board may not ~~grant~~ recommend for approval, ~~and the city council may not grant~~ for a special exception unless it makes a positive finding, based on substantial competent evidence, on each of the following, to the extent applicable:

Moved by Weldon, seconded by Pruette.

Motion: **TO PASS ORDINANCE NO. 2007-11 ON FIRST READ.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

Ord. No. 2007-12 ORDINANCE NO. 2007-12, AMENDING BUILDING SIGNS, FIRST READ: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 27 UNIFIED LAND DEVELOPMENT CODE ARTICLE XV ADVERTISING SECTION 27-585 A BUILDING SIGNS AND PROVIDING AN EFFECTIVE DATE.

Councilor Weldon stated this ordinance increased the maximum size of building signs from forty-eight (48) square feet to two hundred (200) square feet, depending upon the width of the building or the individual commercial unit that the sign was intended.

City Clerk Volpe reminded council they were passing the version on their desk not in their agenda packet.

Moved by Weldon, seconded by Pruette.

Motion: **TO PASS ORDINANCE NO. 2007-12 ON FIRST READ.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

OLD BUSINESS

Res. No. 2007-05 RESOLUTION NO. 2007-05: A RESOLUTION REAPPOINTING MEMBERS TO THE CODE ENFORCEMENT BOARD, BOARD OF APPEALS AND PLANNING AND DEVELOPMENT REVIEW BOARD.

Moved by Weldon, seconded by Lee.

City Attorney White explained a letter would be sent to all board members regarding absenteeism and procedures for removing board members from the boards.

Motion: **TO APPROVE RESOLUTION NO. 2007-05.**

Councilor Pardee requested to vote on each reappointment separately.

Consensus: **TO VOTE ON REAPPOINTING EACH BOARD MEMBER SEPARATELY.**

Moved by Weldon, seconded by Lee.

Motion: **TO REAPPOINT CONSTANCE GREEN TO THE CODE ENFORCEMENT BOARD.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

Moved by Weldon, seconded by Lee.

Motion: **TO REAPPOINT CYNTHIA BAINES TO THE BOARD OF APPEALS**

Roll Call Vote:

Ayes: 4 – Lee, Pruette, Weldon, Brown

Noes: 1 – Pardee

MOTION CARRIED

Moved by Weldon, seconded by Lee.

Motion: **TO REAPPOINT KERRY CHIN TO THE PLANNING & DEVELOPMENT REVIEW BOARD.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

Res. No. 2007-10

RESOLUTION NO. 2007-10: A RESOLUTION ESTABLISHING CERTAIN CHARGES OR FEES FOR SOLID WASTE COLLECTION SERVICES.

Moved by Weldon, seconded by Pardee.

Motion: **TO ADOPT RESOLUTION NO. 2007-10.**

Roll Call Vote:

Ayes: 4 – Lee, Pardee, Weldon, Brown

Noes: 1 – Pruette

MOTION CARRIED**NEW BUSINESS / NONE****OPEN DISCUSSION**

Councilor Lee stated the public misconceived the issue of the proposal to sell the City Hall property. He felt council members should bring ideas up for discussion during a public meeting instead of preparing a written statement.

Councilor Weldon asked City Attorney White if the Council had any role in the foreclosure of Mr. Grahek's property. City Attorney White responded the Council had no role in the Code Enforcement action against Mr. Grahek.

Adjournment

There being no further business, the meeting adjourned at 6:50 p.m.

Richard A. Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



**MINUTES
WORKSHOP CITY COUNCIL MEETING
AUGUST 20, 2007 AT 6:00 P.M.
CITY HALL, 116 FIRST STREET
NEPTUNE BEACH, FLORIDA**

Pursuant to proper notice a Workshop Meeting of the City Council of the City of Neptune Beach was held August 20, 2007 at 6:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

STAFF:

Mayor Richard Brown
Vice Mayor Harriet Pruette
Councilor Fred Lee
Councilor John Weldon
City Attorney Chris White
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

Community Development Director Amanda Askew
Senior Activity Center Director Leslie Lyne
Director of Finance Steve Ramsey
Director of Public Safety David Sembach
Director of Public Services Leon Smith
Deputy City Clerk Karla Strait, CMC

ABSENT:

Councilor Eric Pardee

Call to Order/Roll Call Mayor Brown called the meeting to order at 6:00 p.m.

PRESENTATIONS

Vice Mayor Pruette presented Chief Sembach with a photograph she had taken of the over 7,000 fireworks that he confiscated during the July 4th holiday.

CITY MANAGER'S ACTION LIST

Action List City Manager Jarboe stated the engineer for the Kings Road Bridge project was caught in traffic due to the closure of the Matthews Bridge and would be arriving soon.

The labor union contracts had been voted on and approved by the members.

Budget Director of Finance Steve Ramsey explained the Budget FY 2008 was prepared using the roll back rate of 2.6460. This was an 8.76% decrease from last year's millage rate of 2.9. There was also a decrease of 1.24% in revenues. The largest budget cut was in the animal control department because the department went from having two animal control officers to only one animal control officer.

Councilor Weldon felt it was important for the citizens to know that the city could not continue to cut the budget without cutting public services.

PUBLIC COMMENTS / NONE

PROPOSED ORDINANCES

ORDINANCE NO. 2007-XX, AMENDING CHAPTER 27, ARTICLE XVIII: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 27 ARTICLE XVIII. NONCONFORMING LOTS, STRUCTURES, USES AND SIGNS, SECTION 27-707 NONCONFORMING SIGNS AND PROVIDING AN EFFECTIVE DATE.

Community Development Director Askew explained Section 27-707 and Section 27-592 should have the same language. This ordinance would add paragraph (h) of Section 27-592 to Section 27-707 making the text in both sections identical.

Consensus: **FORWARD TO THE SEPTEMBER 4TH REGULAR COUNCIL MEETING FOR FIRST READ.**

CONTRACTS / AGREEMENTS

Sea & Sky Show

SEA AND SKY SPECTACULAR: The City of Jacksonville requested contributions from the beaches' cities for the Sea & Sky Spectacular every other year when the event was held at the beaches. When the show was last held at the beach in 2005 Neptune Beach contributed \$2,000. This year the City of Jacksonville was asking for a contribution of \$3,500.

Councilor Weldon stated other agencies requested donations from our city annually that he felt were more important than the Sea & Sky Spectacular, such as the Beaches Resource Center and Dial a Ride. He would be willing to support a contribution to the Sea & Sky Spectacular if Council members would agree to contribute to those agencies as well.

Council discussed the amount they wanted to give and what other organizations they had given to in the past

Consensus: **TO CONTRIBUTE \$2,000 TO THE SEA & SKY SPECTACULAR FOR 2007 AND TO DISCUSS CONTRIBUTIONS TO OTHER ORGANIZATIONS AT THE SEPTEMBER WORKSHOP.**

ISSUE DEVELOPMENT

Fla. Blvd.

FLORIDA BOULEVARD LANDSCAPING: Mayor Brown acknowledged City of Jacksonville Councilman Art Graham in the assembly and asked him to speak regarding the Florida Boulevard landscaping project.

City of Jacksonville Councilman Art Graham stated the City of Jacksonville had \$40,000 for the project. City Manager Jarboe stated he would meet with the chairman of the Ish Brant Beautification Committee and ask the committee to work on a maintenance free beautification plan and receive quotes.

Recess/Reconvene

Mayor Brown asked to recess at 6:30 p.m. and reconvened the meeting at 6:40.

Kings Rd. Bridge

KINGS ROAD BRIDGE – LANDMARK ENGINEERING - NINA SICKLER: Nina Sickler, Landmark Engineering, gave a presentation on the current condition of the Kings Road Bridge and suggested the following three options for rehabilitation of the bridges' girders and piles.

Rehabilitation Options

Option A - \$50,000

Option B - \$200,000

Option C - \$300,000

- | | | |
|--|--|--|
| <ul style="list-style-type: none"> • Repair Girders with Fiber Wrap • Jacket Piles with 30% or Greater Loss • Expected Life 5 to 10 years • Maintenance and remediation required over remaining life | <ul style="list-style-type: none"> • Repair Girders with Fiber Wrap • Inject girder cracks with epoxy • Jacket Piles with 30% or Greater Loss • Tape Seal all other Piles • Repair abutment backwalls and wingwalls • Expected life 20 to 30 years • Maintenance and remediation required over remaining life | <ul style="list-style-type: none"> • Repair Girders with Fiber Wrap • Inject girder cracks with epoxy • Jacket ALL piles in waterway • Replace abutment backwalls and wingwalls • Overlay deck to minimize water intrusion to girders • Expected life 30 to 40 years • Maintenance and remediation required over remaining life |
|--|--|--|

Consensus: **FORWARD TO THE SEPTEMBER WORKSHOP MEETING TO DETERMINE WHICH REHABILITATION OPTION TO PROCEED WITH.**

Councilor Weldon asked Ms. Sickler what the engineering cost would be. Ms. Sickler responded for a design build project the engineering firm normally charged 10% to 20%.

City Manager Jarboe stated some of the work could be done by our public services department.

Monahan
2050 Kings Circle

REQUEST TO ABANDON RIGHT OF WAY – MONAHAN: Thomas Monahan, 2050 Kings Circle requested the city abandon a portion of the right-of-way to allow him to construct four parking spaces.

Councilor Weldon stated he could not support the abandonment without considering the development plans.

Vice Mayor Pruette stated she did not favor abandoning any city property.

Councilor Lee suggested the Planning & Development Review Board review the development application and make a recommendation to the council.

Councilor Weldon asked Community Development Director Askew to review the plan and consider alternatives for improving traffic in the area. He would be willing to compromise if there would be an improvement in the traffic.

City Manager Jarboe stated the development order was on the agenda for the Planning & Development Review Board in September. He recommended the Planning & Development Review Board make their recommendation conditioned on the "abandonment of the right-of-way" and forward the full development to the Council.

Consensus: **TO CONSIDER ABANDONING THE RIGHT-OF-WAY ONCE THE PLANNING & DEVELOPMENT REVIEW BOARD HAS MADE THEIR RECOMMENDATION TO APPROVE OR DENY THE DEVELOPMENT ORDER.**

Speed Humps

SPEED HUMP POLICY: Due to budget restraints, Councilor Lee suggested amending the Speed Hump Policy to allow residents to pay the full cost of speed humps if they so

desired.

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

City Hall

DISCUSSION TO RELOCATE CITY HALL: As a courtesy to Councilor Pardee, due to his absence, Mayor Brown asked that this item be deferred.

Consensus: **TO DEFER DUE TO THE ABSENCE OF COUNCILOR PARDEE.**

Kings Rd. & FL. Blvd.

Vice Mayor Pruette felt a traffic light needed to be installed at the intersection of Florida Boulevard and Kings Road and that the traffic light at the intersection of Florida Boulevard and Windward Lane should be longer.

Adjournment

There being no further business, the meeting adjourned at 8:02 pm.

Richard A. Brown, Mayor

Attest:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
REGULAR CITY COUNCIL MEETING
JULY 9, 2007 AT 6:00 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 July 9, 2007 at 6:00 p.m., in the City Hall Council Chambers, 116 First Street, Neptune Beach, Florida.

Attendance**IN ATTENDANCE:**

Mayor Richard A. Brown
Vice Mayor Harriet Pruette
Councilor Fred Lee
Councilor Eric Pardee
Councilor John Weldon
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

STAFF:

Community Development Director Amanda Askew
Director of Finance Steve Ramsey
Director of Public Safety David Sembach
Director of Public Services Leon Smith
Deputy City Clerk Karla Strait, CMC

ABSENT:

City Attorney Christopher White

Order Call/Pledge

Mayor Brown called the meeting to order at 6:00 p.m. and led the pledge of allegiance.

AWARDS / PRESENTATIONS / RECOGNITION OF GUESTS / NONE

APPROVAL OF MINUTES

Moved by Pruette, seconded by Pardee.

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

JUNE 4, 2007, REGULAR CITY COUNCIL MEETING
JUNE 18, 2007, WORKSHOP CITY COUNCIL MEETING

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown
Noes: 0

MOTION CARRIED

COMMUNICATIONS AND CORRESPONDENCE

Councilor Pruette stated the police department did an excellent job maintaining the crowds on July 4th.

Mayor Brown acknowledged that Leslie Karlin, resident of Summer Sands recently passed away. She was a well known and active citizen in the city and within the Summer Sands community. She will be greatly missed.

City Clerk Volpe stated, if the Council were interested she would invite the First Amendment Foundation to hold a seminar at City Hall to update Council and Board members on the Sunshine Law.

Consensus: **TO HAVE CITY CLERK VOLPE SCHEDULE A SEMINAR WITH THE FIRST AMENDMENT FOUNDATION AND INVITE THE COUNCIL AND BOARD MEMBERS TO ATTEND.**

Councilor Weldon disclosed he spoke with Ms. Susan Green and Mr. Tim Green regarding the Starbuck's special exception and development order.

Vice Mayor Pruette disclosed she spoke with Susan Green and Tim Green regarding Starbuck's. She also spoke with Mr. Curtis Winter regarding the special exception for outdoor dining at Sun Dog Seafood and Steak

Councilor Lee and Councilor Pardee disclosed they also spoke with the applicants for Starbucks and Sun Dog.

CITY MANAGER REPORT

City Manager Jarboe reported on the following:

- The police department did an outstanding job maintaining the crowds during the July 4th holiday.
- Chief Sembach has started paying off-duty lifeguards to aide with beach clean up.
- The building department received an application to demolish the old Neptune Theater.
- There was no information on when construction of the Wal-Mart would begin.

PUBLIC COMMENTS / NONE

CONSENT AGENDA

T-Mobile	<u>T – MOBILE SOUTH, LLC, WATER TANK LEASE AGREEMENT:</u> Approval of the water tank lease agreement for T-Mobile South, LLC.
2020 Seagate Ave.	<u>BUILDING PERMIT APPLICATION FOR DOCK, 2020 SEAGATE AVENUE, MR. STEVE JARRETT:</u> Approval of dock permit application for a dock, located at 2020 Seagate Avenue.
Res. No. 2007-06 ICMA	<u>RESOLUTION NO. 2007-06:</u> A RESOLUTION OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING THE CITY'S RETIREMENT PLAN SECTION 410 MONEY PURCHASE PLAN ICMA-RC PLAN #10 9246 AND SECTION 457 DEFERRED COMPENSATION PLAN ICMA-RC PLAN #30 3545 TO ALLOW PARTICIPANTS TO TAKE LOANS FROM THE PLAN.

Moved by Weldon, seconded by Pruette.

Motion: **TO APPROVE THE CONSENT AGENDA**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIEDVARIANCES / NONEORDINANCES / NONEOLD BUSINESS

Waste Pro

WASTE PRO USA, INC.: Request for consumer price index adjustment.

Moved by Weldon, seconded by Pardee.

Motion: **TO APPROVE THE CONSUMER PRICE INDEX ADJUSTMENT FOR WASTE PRO.**

Roll Call Vote:

Ayes: 4 – Lee, Pardee, Weldon, Brown

Noes: 1 – Pruette

MOTION CARRIEDNEW BUSINESS

Res. No. 2007-07

RESOLUTION NO. 2007-07: A RESOLUTION OF THE CITY OF NEPTUNE BEACH, FLORIDA EXPRESSING SERIOUS CONCERN ABOUT INCREASES IN HURRICANE EVACUATION TIMES AND ADVERSE TRANSPORTATION IMPACTS TO AN ALREADY CONGESTED SECTION OF ATLANTIC BOULEVARD RELATED TO THE PROPOSED DEVELOPMENT OF FOUR 144 FEET TALL CONDOMINIUM BUILDINGS, WITH 590 RESIDENTIAL UNITS, ON LAND NOW OCCUPIED BY THE MOODY SHIPYARD.

Moved by Weldon, seconded by Pruette.

Motion: **TO APPROVE RESOLUTION NO. 2007-07 AND FORWARD TO THE COMMUNITY DEVELOPMENT AGENCY.**

Roll Call Vote:

Ayes: 3 – Lee, Pruette, Weldon

Noes: 2 – Pardee, Brown

MOTION CARRIEDPDRB07-06
207 Atlantic Blvd.PDRB07-06, APPLICATION FOR SPECIAL EXCEPTION FOR MR. CURTIS WINTERS D/B/A SUN DOG SEAFOOD AND STEAK, 207 ATLANTIC BOULEVARD: Request for special exception to allow outdoor seating and dining area.

City Manager Jarboe stated the special exception was required for outdoor dining. The lease agreement would be under the same lease terms as Carribee Key.

Moved by Pruette, seconded by Weldon.

Motion: **TO APPROVE THE SPECIAL EXCEPTION FOR SUN DOG SEAFOOD AND STEAK FOR AN OUTDOOR SEATING AND DINING AREA.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

Res.No. 2007-08 RESOLUTION NO. 2007-08: A RESOLUTION OF THE CITY OF NEPTUNE BEACH, FLORIDA AUTHORIZING THE LEASE AGREEMENT BETWEEN THE CITY OF NEPTUNE BEACH, FLORIDA AND MR. CURTIS WINTERS D/B/A SUN DOG SEAFOOD AND STEAK.

Moved by Pruette, seconded by Lee.

Motion: **TO APPROVE RESOLUTION NO. 2007-08.**

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

PDRB-V07-07 PDRB-V07-07, APPLICATION FOR VARIANCE FOR MR. AND MRS. TOM GOELZ, 220 FIRST STREET: Variance request for north side yard, parking requirements, parking space width, dumpster and landscape area.

Patricia Goelz stated the existing building was structurally unsound and they plan to demolish the structure and build a new two-story building.

Councilor Weldon questioned if the square footage would be increased. Mr. Terry Simmons, architect for the Goelz's, replied the square footage would be exactly the same with a total of 4,972 with 2,550 square of retail on the first floor and 2,442 square feet on the second floor to be used as a dance studio. The new building would look similar in style to the old building except it will be square on the lot.

Councilor Lee questioned the issues with the dumpster. Mr. Simmons stated they were currently working on an agreement to share a garbage dumpster with Slider's Restaurant.

Moved by Pruette, seconded by Pardee.

Motion: **TO APPROVE THE VARIANCE REQUEST FOR MR. AND MRS. TOM GOELZ, 200 FIRST STREET.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

PDRB07-07 PDRB07-07, APPLICATION FOR FINAL DEVELOPMENT ORDER FOR MR. AND MRS. TOM GOELZ, 220 FIRST STREET: Request to demolish existing structure and build a new structure for retail and studio use.

Moved by Weldon, seconded by Pruette.

Motion: **TO APPROVE THE FINAL DEVELOPMENT ORDER FOR MR. AND MRS. TOM GOELZ, 220 FIRST STREET.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

PDRB07-08 PDRB07-08, APPLICATION FOR SPECIAL EXCEPTION FOR NEPTUNE PLAZA, LLC, 327 ATLANTIC BOULEVARD: Request for special exception to allow outdoor dining and fast food restaurant for Starbuck's Coffee.

Move by Pruette, seconded by Lee.

Motion: **TO APPROVE THE SPECIAL EXCEPTION FOR NEPTUNE PLAZA, LLC, 327 ATLANTIC BOULEVARD FOR OUTDOOR DINING AND FAST FOOD FOR STARBUCK'S.**

Mrs. Susan Green, Green & Kupperman, Inc. disclosed on the record that she had met and spoken with council members prior to the meeting. The request was to convert the existing drive thru bank and ATM to a walk up and drive thru for Starbuck's Coffee.

Vice Mayor Pruette felt due to the location it was very important that they keep the area neat and clean. Ms. Green went on the record to state they were committed to keeping the area clean.

Councilor Weldon questioned if they intended to have a designated non-smoking area. Ms. Green went on record to state that would make every effort to set up a non-smoking area.

City Manager Jarboe stated because this was a special exception the Council could make them create a non-smoking area as a part of the conditions to the special exception.

Mr. Tim Green, Development Manager for Starbuck's, stated he would designate a non-smoking area; however he could not stop customers from smoking. He suggested if the city had an issue with smoking in public places that they should adopt an ordinance prohibiting smoking in outdoor public places.

For the Record Councilor Weldon stated he would be comfortable if Mr. Green would agree to place the following statement on the record: "for the life of this store Starbuck's is making a commitment to at least provide a non smoking area for those of us who like to drink Starbuck's coffee but don't want to do it with someone smoking on top of them", and Mr. Green agreed with the statement on the record.

Moved by Pruette, seconded by Lee.

Motion: **TO APPROVE THE SPECIAL EXCEPTION FOR NEPTUNE PLAZA, LLC, 327 ATLANTIC BOULEVARD FOR OUTDOOR DINING AND FAST FOOD FOR STARBUCK'S.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

PDRB07-09
327 Atlantic Blvd.

PDRB07-09, APPLICATION FOR FINAL DEVELOPMENT ORDER FOR NEPTUNE PLAZA, LLC, 327 ATLANTIC BOULEVARD: Request to convert the existing drive thru ATM to a walk up and drive thru for Starbuck's Coffee.

Councilor Weldon questioned the proposed signage plan. Ms. Susan Green replied there would be one monument sign on Third Street facing south. The plan also proposed a small directional sign along Third Street indicating the entrance to the drive-thru and another small direction sign indicating the exit along Atlantic Boulevard. Ms. Green added for the record the signs would be two (2) square feet. Community Development Director Askew stated she and the City Manager discussed these signs and considered them monument signs. If Council did not allow for them the applicant would have to get a variance. City Clerk Volpe stated it would be a good idea to include the directional signs in the motion.

Moved by Pruette, seconded by Lee.

Motion: **TO APPROVE THE FINAL DEVELOPMENT ORDER FOR NEPTUNE PLAZA, LLC , 327 ATLANTIC BOULEVARD FOR STARBUCK'S.**

Moved by Pruette, seconded by Lee.

Friendly Amendment: **TO ALLOW THE DIRECTIONAL SIGNAGE AS PROPOSED.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

PDRB07-10
240 Third St.

PDRB07-10, APPLICATION FOR SPECIAL EXCEPTION FOR MS. ROBERTA ROBSON, 240 THIRD STREET: Request to convert the old Taco Bell to a Smoothie King and to allow for an outdoor dining and fast food restaurant.

Jason Luther and Kris Risch, representatives for Smoothie King, stated they would be partners in the new Smoothie King franchise. They intended to remodel the existing the structure for use as a drive-thru.

Councilor Weldon questioned the number of outdoor seats. Mr. Luther replied the outdoor seating area would consist of two tables with four chairs; however they would like to add more if the number of parking spaces allowed. There would be no indoor seating.

Councilor Weldon questioned the signage. Mr. Luther explained they would not be using the existing pole sign and the new sign would comply with the new sign ordinance.

Councilor Weldon asked if they would have a designated non-smoking area. Mr. Luther responded they would put no smoking signs on the tables and promote the area as non-smoking.

Councilor Pardee questioned when the remodeling project would begin. Mr. Luther replied they were currently working with Ms. Robson to finalize the lease agreement and needed her commitment before they would begin construction.

Councilor Weldon asked if the drive thru arrangement would affect the office parking to the south side of the property. Mr. Luther answered the drive thru would not affect the existing office parking area.

Moved by Pruette, seconded by Pardee.

Motion: **TO APPROVE THE SPECIAL EXCEPTION FOR MS. ROBERTA ROBSON, 240 THIRD STREET, FOR SMOOTHIE KING.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

CPA07-01
Tucker Trust

CPA07-01, APPLICATION FOR A COMPREHENSIVE PLAN AMENDMENT, FOR MR. JOHNNY TUCKER TRUST, TO CHANGE PROPERTIES FROM LOW DENSITY RESIDENTIAL TO COMMERCIAL HIGH DENSITY: Request to change property real estate numbers 172394-0020, 178897-0000, and 172394-0000, located south of Lemon Street and approximately 155 feet east of Eleventh Street from low density residential to commercial

high density.

City Clerk Lisa Volpe explained staff just became aware that an amendment to the Comprehensive Plan had to be processed in Ordinance form requiring two public hearings. The first reading could be in August and the second reading in September.

City Manager Jarboe suggested holding a special meeting before the July workshop for first read and having the second reading in August.

City Clerk Volpe stated because of the notice requirements for the Ordinance and public hearings this would only be possible if the July workshop meeting was moved from the 16th to the 23rd.

Consensus: **TO HOLD A SPECIAL MEETING BEFORE THE JULY WORKSHOP MEETING ON THE 23RD, FOR FIRST READ OF THE ORDINANCE TO AMEND THE COMPREHENSIVE PLAN.**

Z07-01
Tucker Trust

Z07-01, APPLICATION FOR REZONING FOR MR. JOHNNY TUCKER TRUST FOR REAL ESTATE NUMBERS 172394-0020, 178897-0000 AND 172394-0000: Request to rezone properties from residential R-2 to Commercial C-3.

City Manager Jarboe stated this would be done at the same time as the comprehensive plan amendment.

OPEN DISCUSSION

Due to the state's Property Tax Reform, Council suggested ways to supplement the city's revenue. Suggestions included parking meters and parking garages.

Councilor Weldon suggested staff set up a meeting with property owners, developers and representatives of Neptune Beach and Atlantic Beach to discuss a joint venture to address parking.

City Manager Jarboe stated staff would do some research and provide information back to the Council.

Adjournment

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

Richard A. Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
SPECIAL CITY COUNCIL MEETING
JULY 23, 2007 AT 6:00 P.M.
CITY HALL, 116 FIRST STREET
NEPTUNE BEACH, FLORIDA

Pursuant to proper notice a Special Meeting of the City Council of the City of Neptune Beach was held July 23, 2007 at 6:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

Mayor Richard A. Brown
Vice Mayor Harriet Pruette
Councilor Fred E. Lee
Councilor Eric Pardee
Councilor John Weldon
City Attorney Chris White
City Manager James Jarboe
City Clerk Lisa Volpe, CMC

STAFF:

Community Development Director Amanda Askew
Director of Finance Steve Ramsey
Director of Public Safety David Sembach
Deputy City Clerk Karla Strait, CMC

Order Call

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

Ord. No. 2007-08

ORDINANCE NO. 2007-08, AMENDING THE FUTURE LAND USE MAP, FIRST READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING THE 2010 FUTURE LAND USE MAP, AS ADOPTED BY ORDINANCE 90-6-9, AS AMENDED, SAID ORDINANCE NUMBER 2007-08, WHICH SHALL CHANGE THE LAND USE DESIGNATION AS ESTABLISHED ON THE 2010 FUTURE LAND USE MAP (FLUM) FOR LANDS AS DESCRIBED HEREIN FROM RESIDENTIAL, LOW DENSITY, TO COMMERCIAL HIGH PROVIDING FOR INTENT; AUTHORITY; FINDINGS OF CONSISTENCY; FINDINGS OF FACT; SEVERABILITY; RECORDATION AND AN EFFECTIVE DATE.

Mayor Brown read Ordinance No. 2007-08 by title only and opened the public hearing.

Shannon Desmond, 813 Cherry Street, stated she was unaware of the amendment and questioned when the ordinance would be voted on.

City Manager Jarboe asked Ms. Desmond to speak with Community Development Director Amanda Askew after the meeting.

There being no further comments from the public, the public hearing was closed.

Moved by Pruette, seconded by Pardee.

Motion:

TO PASS ORDINANCE NO. 2007-08, AMENDING THE FUTURE LAND USE MAP, ON FIRST READ AND PUBLIC HEARING.

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

Ord. No. 2007-09

ORDINANCE NO. 2007-09, REZONING, FIRST READ AND PUBLIC HEARING: AN ORDINANCE REZONING APPROXIMATELY 1.5 ± ACRES PARACEL OF LAND LOCATED SOUTH OF LEMON STREET 155 ± EAST OF ELEVENTH STREET FROM RESIDENTIAL LOW DENSITY TO COMMERCIAL HIGH DENSITY; PROVIDING AN EFFECTIVE DATE.

Mayor Brown read Ordinance No. 2007-09 by title only and opened the public hearing.

There being no comments from the public, the public hearing was closed.

Moved by Lee, seconded by Pruette.

Motion: **TO PASS ORDINANCE 2007-09, REZONING ON FIRST READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

Res. No. 2007-09

RESOLUTION NO. 2007-09: A RESOLUTION ALLOWING THE CITY MANAGER TO EXECUTE AND DELIVER THE ATLANTIC BOULEVARD MAINTENANCE AGREEMENT TO THE FLORIDA DEPARTMENT OF TRANSPORTATION.

Move by Weldon, seconded by Pruette.

Motion: **TO ADOPT RESOLUTION NO. 2007-09.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

CEB05-11N

UPDATE ON FORECLOSURE – CEB05-11N: City Manager Jarboe stated the Council had to delay action on this case until the Code Enforcement Board corrected the language in the order.

Adjournment

There being no further business, the meeting adjourned at 6:11 p.m.

Richard Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
WORKSHOP CITY COUNCIL MEETING
July 23, 2007 AT 6:11 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 July 23, 2007 at 6:11 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

STAFF:

Mayor Richard Brown
Vice Mayor Harriet Pruette
Councilor Fred Lee
Councilor Eric Pardee
Councilor John Weldon
City Attorney Chris White
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

Community Development Director Amanda Askew
Director of Finance Steve Ramsey
Director of Public Safety David Sembach
Deputy City Clerk Karla Strait, CMC

Call to Order/Roll Call Mayor Brown called the meeting to order at 6:11 p.m.

PRESENTATIONS

PRESENTATION OF CAFR GIVEN BY DUFRESNE & ASSOCIATES, CPA, PA: Linda Dufresne, Dufresne & Associates, presented the Comprehensive Annual Financial Report for the fiscal year ending September 30, 2006.

CITY MANAGER'S ACTION LIST

Action List

City Manager Jarboe explained the action list was reformatted and each action was under the corresponding department.

The new air conditioning unit is being installed in the City Hall building.

Councilor Lee questioned the item on the list referring to "safety lighting in Town Center". City Manager Jarboe explained he was working with Atlantic Beach and the Department of Transportation to change the lighting structure in the Town Center area in an effort to provide better safety to Town Center patrons.

Councilor Lee questioned the progress of the new Kings Road Bridge. City Manager Jarboe replied that an engineer would be evaluating the existing bridge within the next month.

Councilor Weldon asked about request for proposals for the new Kings Road Bridge. City Manager Jarboe responded he was going to wait for the engineers report before requesting bids so that he would be better prepared to answer questions from contractors.

Vice Mayor Pruette stated the beach access on Bay Street needed attention. City Manager Jarboe informed her the contractor had been told to clean up the area.

Councilor Pardee asked about the item on the action list referring to "the city manager meeting with a representative from Home Box Office." City Manager Jarboe explained he met with a representative from HBO regarding their consideration of using Neptune Beach as a location to film a movie / documentary about Florida elections.

PUBLIC COMMENTS / NONE

PROPOSED ORDINANCES / NONE

CONTRACTS / AGREEMENTS / NONE

ISSUE DEVELOPMENT

Marsh Pt. Rd.

PARKING PROBLEMS ON MARSH POINT ROAD: City Manager Jarboe explained Council received a letter from Mr. Ricky Rigsbee, 2117 Marsh Point Road, regarding the lack of parking on Marsh Point Road.

Ricky Rigsbee, 2117 Marsh Point Road and Caleb Dudley, 2115 Marsh Point Road, stated they were looking for a resolution to their parking problem on Marsh Point Road. Their visiting friends and relatives were being cited for parking violations while parked on the median and / or in the right-of-way.

Mayor Brown stated he owned the property next door to the duplex and he would like to meet with them regarding some ideas to improve their parking situation.

Consensus: **MAYOR BROWN TO MEET WITH MR. RIGSBEE AND MR. DUDLEY REGARDING IDEAS FOR PARKING.**

Fla. Blvd.

FLORIDA BOULEVARD LANDSCAPING: Mayor Brown requested that this agenda item be delayed because Jacksonville City Councilman Art Graham was out of town.

Councilor Lee asked Mr. Jarboe to consider holding a meeting with developers and businessmen in the area to have a group discussion regarding not only landscaping but additional ways to improve the Florida Boulevard corridor. He also asked to place Florida Boulevard landscaping on the August workshop meeting agenda.

Waste Collection

RESOLUTION NO. 2007-XX: A RESOLUTION ESTABLISHING CERTAIN CHARGES OR FEES FOR SOLID WASTE COLLECTION SERVICES.

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

Variances/Special
Exceptions

PROCEDURES REQUIRED FOR ISSUING VARIANCE REQUESTS AND SPECIAL EXCEPTIONS: City Manager Jarboe stated the current Code of Ordinances required the City Council to complete the finding of facts when hearing commercial variances and special exceptions.

City Attorney White explained the finding of facts form was currently used by the Board of Appeals and the Planning & Development Review Board when hearing variance requests. The Code required Council to fill out the same form when considering exceptions and commercial development orders requiring variances.

Councilor Weldon felt filling out the finding of facts form was appropriate for the Board of Appeals and Planning & Development Review Board to complete during their decision

making process. He did not feel it was appropriate at the Council level. He suggested revising the language in the Code to eliminate the requirement.

Vice Mayor Pruette questioned why members of the Board of Appeals were required to justify their reasoning if they answered no to one of the finding of facts, but not if they answered yes. Sybil Ansbacher, Chairman of the Board of Appeals, stated it was a regulation that if a board member answered no on a finding of fact they had to justify the reasoning. A yes answer did not require justification.

Councilor Pardee felt, because Council received copies of the boards finding of facts forms in the agenda packets for their review, it was not necessary for the Council to repeat the process.

City Attorney White stated the distinction between the two boards was that the Planning & Development Review Board only made recommendations to the Council and the Council was responsible for making the final decision. Whereas, this is different from the Board of Appeals in which case the applicant would be appealing the Board of Appeals findings.

Councilor Weldon felt this requirement limited the rights of elected officials by asking them to document in writing the basis for their decisions on routine votes. This has not been practiced in the past and he did not see any basis to begin doing so. He added that if there was a code conflict then the code needed to be revised.

Vice Mayor Pruette stated when the Board of Appeals was created it removed the politics from variance approval process. She felt the Code requirement to have Council repeat the finding of facts would introduce the politics back into the process.

City Attorney White stated if it was a consensus of the Council he and Community Development Director Askew would revise the language in the Code that required Council to fill out the finding of facts form.

Consensus: **FOR CITY ATTORNEY WHITE AND COMMUNITY DEVELOPMENT DIRECTOR AMANDA ASKEW TO REVISE THE LANGUAGE IN THE CODE TO REMOVE THE FINDING OF FACTS REQUIREMENT FOR THE COUNCIL.**

Building Signs

BUILDING SIGNS: City Manager Jarboe stated a number of variance applications had recently been received for building fascia signs. The current size limit for building fascia signs was 48 square feet. He asked Council to consider enlarging the size limit.

Councilor Weldon felt a 48 square foot fascia sign for Winn Dixie was too small. He asked that the development director do some research and advise the Council of a reasonable size limit.

Consensus: **COMMUNITY DEVELOPMENT DIRECTOR AMANDA ASKEW TO RESEARCH SIZE LIMITS FOR BUILDING FASCIA SIGNS AND REPORT BACK TO THE COUNCIL.**

Board Reorganization

DISCUSSION OF REORGANIZATION OF CITY BOARDS: Mayor Brown had written a letter to the board members regarding reorganization of the boards. The letter asked for board members to respond to the following suggestions:

- 1) Reducing the number of board members on the Board of Appeals and the Planning & Development Review Board from seven to five regular members.
- 2) Moving the meeting to daytime hours to reduce staff overtime.

3) Combining the Board of Appeals and the Planning & Development Review Board.

4) Eliminating the Code Enforcement Board and hiring a magistrate to hear code enforcement.

City Clerk Lisa Volpe stated she had received two e-mails from board members and one telephone call regarding the letter from the Mayor.

Community Development Director Askew stated she attended the monthly BOA and PDRB board meetings and questioned the board members directly. The majority of the board members did not want to combine the boards, did not want to meet during the day, and did not want to reduce the number of members. She did not comment for the Code Enforcement Board.

Vice Mayor Pruette voiced concern regarding board member absenteeism and the manner in which board members should be dismissed for missing too many meetings.

City Attorney White stated the Code Enforcement Board was set by Florida State Statute. The Florida State Statute requires the Chairman of the Code Enforcement Board grant approval for member absences and dismiss members if they missed two out of three consecutive meetings without prior approval. It is up to the chairman of the CEB to determine whether or not there is cause for the absence and approve or disapprove the absence.

City Attorney White stated the Board of Appeals and the Planning & Development Review were set up according to the Code of Ordinances. If a member missed three consecutive meetings or moved out of the city it was mandatory by Code that Council, not the board chairman, declare the seat vacant.

Mr. White suggested sending a letter to the board members reminding them of the absentee rules and explaining to the Code Enforcement Board Chairman his responsibility to grant prior approval for absences and dismiss members from the board.

City Clerk Volpe asked Council if they wanted to forward Resolution No. 2007-05, reappointing members to the boards to the August Regular Council Meeting.

Consensus: **TO FORWARD RESOLUTION NO. 2007-05 TO THE AUGUST REGULAR MEETING.**

Councilor Weldon asked the City Clerk to provide an updated attendance record along with the resolution in the agenda packet. He further suggested that due to the lack of willing participants it might be worth considering reducing the number of board members on the BOA and PDRB and hiring a magistrate for the CEB. He also felt it would be a mistake to combine the Board of Appeals and the Planning & Development Review Board.

City Attorney White asked Council if they wanted to add language in the Code to address the issue of cause for excused absences.

Consensus: **TO NOT ADD A LIST A CAUSES IN THE CODE.**

City Clerk Volpe asked how the board member should communicate his absence with the board chairman. City Attorney White stated it should be in the form of a written document through the City Clerk. The Chairman should announce at the meeting the members absence and whether or not it was excused.

Vice Mayor Pruette was opposed to hiring a magistrate. She felt the Code Enforcement Board did a good job.

Councilor Pardee felt the CEB had more flexibility in enforcement of the Code.

Councilor Lee stated the board members needed to understand the absentee guidelines. The letter to the board members should clarify that the rules would not apply to previous meetings and would apply moving forward. He would like to reduce the number of board members from seven to five.

Vice Mayor Pruette asked to hear from Chairman of the Board of Appeals Sybil Ansbacher regarding her opinion on reducing the number of board members.

Ms. Ansbacher stated her board members felt the more members the more diverse the opinion would be. There was not a problem acquiring a quorum on the BOA.

Consensus: **TO NOT HIRE A MAGISTRATE, TO GATHER MORE INFORMATION ON REDUCING THE NUMBER OF MEMBERS FROM SEVEN TO FIVE, TO NOT MOVE THE MEETINGS TO THE DAYTIME AND BRING THE ISSUE BACK UP IN SEPTEMBER.**

For the Record Councilor Weldon stated for the record he aggressively opposed moving the board meeting to during the day because was it shifted the burden for participation of board members to retirees and non-employed . It takes the young adults and professionals out of the pool. It also reduces the availability of citizens to participate in the public hearings held by the board.

Mayor Brown asked if the Boards could adjust the time of the meetings to 6:00 p.m. Councilor Weldon would not oppose the meetings starting at 6:00 p.m. but not any earlier than that.

City Hall

Councilor Pardee suggested in an effort to reduce the cost of city operations and increase city revenue, the city should consider selling the valuable property on First Street where City Hall is located and relocate city hall offices to the property housing the public services department on Forest Avenue. Part of the revenue from the sale could be used to improve and remodel the public services buildings and the senior center which could also be used to conduct public meetings.

Vice Mayor Pruette stated if City Hall operations were moved to public services property the residents would not approve of the increased traffic on Forest Avenue. She also voiced concern regarding the slow real estate market.

Councilor Weldon agreed the idea deserved consideration. He objected to downgrading the city facility.

City Manager Jarboe stated he had thought about the possibility of sectioning off the office space in the public services building and building a new City Hall on the shooting range behind the building. He did agree that traffic would be a concern and suggested having a store front area located somewhere the commercial district where citizens could pay their utility bill.

Consensus: **STAFF TO FIND OUT THE POTENTIAL MARKET VALUE OF THE CITY HALL PROPERTY AND COST TO RELOCATE.**

For the Record Councilor Weldon stated for the record that he did hear a consensus of the Council to have staff find out the potential market value of the city hall property.

City Manager Jarboe stated the staff would report back to the Council on the issue.

Adjournment

There being no further business, the meeting adjourned at 8:20 pm.

Attest:

Richard A. Brown, Mayor

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
REGULAR CITY COUNCIL MEETING
JUNE 4, 2007 AT 6:00 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 June 4, 2007 at 6:00 p.m., in the City Hall Council Chambers, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

Mayor Richard A. Brown
Vice Mayor Harriet Pruette
Councilor Fred Lee
Councilor Eric Pardee
Councilor John Weldon
City Attorney Christopher White
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

STAFF:

Community Development Director Amanda Askew
Assistant Chief Anthony Carrillo
Director of Finance Steve Ramsey
Director of Public Safety David Sembach
Director of Public Services Leon Smith

Order Call/Pledge

Mayor Brown called the meeting to order at 6:00 p.m. and asked Vice Mayor Pruette to lead the pledge of allegiance.

AWARDS / PRESENTATIONS / RECOGNITION OF GUESTS / NONE

APPROVAL OF MINUTES

Moved by Weldon, seconded by Pruette.

Vice Mayor Pruette asked to add on page two of the May 7th minutes, under disclosures, that she had also spoken to Michael Aston regarding the Aamco special exception.

Councilor Lee asked to amend the May 7th minutes to reflect that he spoken to Daryl Grubbs regarding Ordinance 2007-02, instead of Connie Grubbs.

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

MAY 7, 2007, WORKSHOP CITY COUNCIL MEETING
MAY 7, 2007, REGULAR CITY COUNCIL MEETING
MAY 21, 2007, WORKSHOP CITY COUNCIL MEETING

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown
Noes: 0

MOTION CARRIED

COMMUNICATIONS AND CORRESPONDENCE

Councilor Lee disclosed that he had spoken with Steven Carter and Steve Jarrett regarding the environmentally sensitive land ordinance.

Councilor Pardee stated he had spoken with Steven Carter regarding the environmentally sensitive land ordinance.

Vice Mayor Pruette stated she also spoke with Steven Carter.

Councilor Weldon stated he spoke with Steve Jarrett.

Mayor Brown disclosed he also spoke with Steve Jarrett regarding the environmentally sensitive land ordinance.

City Clerk Lisa Volpe stated the July regular meeting fell on Monday July 2nd. Due to the July 4th holiday, she asked if that would be convenient for Council. Councilor Weldon stated he would be out of town that week. Mayor Brown suggested changing the regular meeting to July 9, 2007.

Consensus: **TO HOLD THE JULY REGULAR MEETING ON JULY 9TH IN LIEU OF JULY 2ND.**

CITY MANAGER REPORT

City Manager Jarboe reported on the following:

- The sump pump in Town Center did not work properly during the weekend storms and Town Center was flooded..
- There was also flooding on First Street due to the storm during high tide.
- Several development orders were being processed.
- The annual budget was also in process.

Councilor Lee asked City Manager Jarboe about the condition of the sod that was being replaced on the Third Street right-of-ways. City Manager Jarboe responded the Florida Department of Transportation (FDOT) was working on a drainage project on Third Street and had to remove the grass in the right-of-ways. Several complaints from citizens were received regarding the condition of the replacement sod. Director of Public Services Leon Smith met with a representative of FDOT regarding the condition of the replacement sod. However, the city had no control over the right-of-ways. FDOT also removed some irrigation systems that were placed in the right-of-way without their permission which they did not intend to replace.

PUBLIC COMMENTS / NONE

Mayor Brown recognized the boy scouts in the assembly and asked them each to come forward and introduce their selves. They were in attendance because they were learning communication skills.

CONSENT AGENDA

FLORIDA BOULEVARD LANDSCAPE PROJECT: Rejection of bid from Royal Construction for the Florida Boulevard Landscape Project.

Moved by Weldon, seconded by Pruette.

Motion: **TO APPROVE THE CONSENT AGENDA REJECTING THE BID FROM ROYAL CONSTRUCTION FOR THE FLORIDA BOULEVARD LANDSCAPE PROJECT.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIEDVARIANCES / NONEORDINANCES

Ord. No. 2007-02

ORDINANCE NO. 2007-02, AMENDING CHAPTER 27, ARTICLE IV, LAND USE, SECOND READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 27, ARTICLE IV, LAND USE, ADDING SECTION 27-243, PROTECTION OF ENVIRONMENTALLY SENSITIVE LANDS AND PROVIDING AN EFFECTIVE DATE.

Mayor Brown read Ordinance No. 2007-02 by title only and opened the public hearing.

John Henry David, 2035 Cherokee Drive, brought up some concerns regarding specific language and typographical errors within the ordinance.

Barbara Jackson, 2001 Cherokee Drive, favored Ordinance No. 2007-02 in order to protect Hopkins Creek.

Van Nostrand, 1641 Landing Lane, was concerned about dredging in Hopkins Creek.

Vice Mayor Pruette pointed out two typographical errors, which City Clerk Volpe corrected.

There being no further comments from the public, the public hearing was closed.

Councilor Weldon stated that upon adoption of the ordinance he would like for the moratorium to be canceled.

Councilor Lee asked Councilor Weldon when the ordinance would take effect. He suggested the ordinance take effect on Thursday, June 7, 2007.

City Manager Jarboe stated the ordinance would be effective upon the signature of the Mayor.

Councilor Pardee stated he opposed the ordinance because he felt it served no purpose.

Moved by Weldon, seconded by Pruette.

Motion: **TO ADOPT ORDINANCE 2007-02 ON SECOND READ AND PUBLIC HEARING INCLUDING CANCELING THE 90 DAY MORTATORIUM ON DOCK CONSTRUCTION TO BE EFFECTIVE AS OF TONIGHT AND THE ORDINANCE ITSELF TO BECOME EFFECTIVE UPON THE SIGNATURE OF THE MAYOR.**

Roll Call Vote:

Ayes: 4 – Lee, Pruette, Weldon, Brown

Noes: 1 – Pardee

MOTION CARRIED

Ord. No. 2007-04

ORDINANCE NO. 2007-04, CONCURRENCY, SECOND READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 27 UNIFIED LAND DEVELOPMENT REGULATIONS, SECTION 27-350, PROCEDURE

FOR APPLYING FOR AND ISSUING A CONCURRENCY CERTIFICATE AND PROVIDING AN EFFECTIVE DATE.

Mayor Brown read Ordinance No. 2007-04 by title only and opened the public hearing.

There being no comments from the public, the public hearing was closed.

Moved by Weldon, seconded by Pruette.

Motion: **TO ADOPT ORDINANCE NO. 2007-04 ON SECOND READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

Ord. No. 2007-06 **ORDINANCE NO. 2007-06, AMENDING TABLE 27-229-1, SECOND READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, AMENDING TABLE 27-229-1 CHANGING SIDE YARD SETBACK IN R-1 AND THE LOT SIZE FOR 35 FEET BUILDING HEIGHT AND PROVIDING AN EFFECTIVE DATE.**

Mayor Brown read Ordinance No. 2007-06 by title only and opened the public hearing.

There being no comments from the public, the public hearing was closed.

Vice Mayor Pruette agreed to sponsor the ordinance.

Moved by Lee, seconded by Pruette.

Motion: **TO ADOPT ORDINANCE NO. 2007-06 ON SECOND READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

Ord. No. 2007-07 **ORDINANCE NO. 2007-07, SHORT TERM RENTALS, SECOND READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 27 ARTICLE I, SECTION 27-15 DEFINITIONS, ADDING THE DEFINITION OF SHORT TERM RENTALS, AND AMENDING ARTICLE IV, LAND USE, SECTION 27-225(1) AND PROVIDING AN EFFECTIVE DATE.**

Mayor Brown read Ordinance No. 2007-07 by title only and opened the public hearing.

Steve Hould, 111 Walnut Street, favored the ordinance.

Dick Joyce, 1998 Strand, supported the ordinance.

Jeanell Wilson, 3090 South Third Street, All South Realty, opposed the ordinance because she felt that it infringed on the rights of private property owners.

There being no further comments from the public, the public hearing was closed.

For the Record City Manager Jarboe stated for the record that short term rentals were currently against the Neptune Beach Code of Ordinances because they were considered a commercial operation.

Councilor Pardee stated according to the minutes it had been two weeks since he had asked City Attorney White to define "short term rentals" in writing.

City Attorney White stated there was not a state definition of short term rentals. However, there were definitions for different types of facilities. What is in the ordinance would be considered as a "resort dwelling" which was defined as anything rented for periods of less than thirty days at least three times per year.

Moved by Weldon, seconded by Pruette.

Motion: **TO ADOPT ORDINANCE NO. 2007-07 ON SECOND READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 4 – Lee, Pruette, Weldon, Brown

Noes: 1 – Pardee

MOTION CARRIED

OLD BUSINESS NONE

NEW BUSINESS

Res. No. 2007-05 **RESOLUTION NO. 2007-05: A RESOLUTION APPOINTING MEMBERS TO THE CODE ENFORCEMENT BOARD, AND THE BOARD OF APPEALS.**

Vice Mayor Pruette suggested forwarding Resolution No. 2007-05 to the June workshop meeting in order to review information provided in the agenda packet regarding board member absences.

Councilor Lee pointed out that several months ago Councilor Pardee suggested that the council spend more time reviewing the applications for board members.

Consensus: **TO FORWARD TO THE JUNE WORKSHOP MEETING.**

Surplus Equipment **SURPLUS EQUIPMENT:** Surplus of Public Services, Ford F-150, 4x4, serial number 1FTZF18W0WNB36824, estimated value of \$1,500.00.

Moved by Weldon, seconded by Lee.

Motion: **TO APPROVE THE SURPLUS OF THE VEHICLE.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

Councilor Pardee publicly recognized Mr. John Mitchell, who recently passed away due to a heart attack. He had been a mechanical inspector for the City of Jacksonville for over twenty- four years.

Vice Mayor Pruette publicly thanked Community Development Director Amanda Askew for all of her efforts in providing information to the Council in the agenda packets.

City Manager Jarboe stated Community Development Director Amanda Askew would soon begin working on the Comprehensive Plan and the Evaluation Appraisal Report. This would

save the city money by not having to hire an outside professional.

Adjournment

There being no further business, the meeting adjourned at 6:50 p.m.

Richard A. Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



**MINUTES
WORKSHOP CITY COUNCIL MEETING
JUNE 18, 2007 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 18, 2007 at 6:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

STAFF:

Mayor Richard Brown
Vice Mayor Harriet Pruette
Councilor Fred Lee
Councilor Eric Pardee
Councilor John Weldon
City Attorney Chris White
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

Community Development Director Amanda Askew
Senior Activities Center Director Leslie Lyne
Director of Finance Steve Ramsey
Director of Public Services Leon Smith
Director of Public Safety David Sembach

Call to Order/Roll Call Mayor Brown called the meeting to order at 6:00 p.m.

PRESENTATIONS / NONE

CITY MANAGER'S ACTION LIST

City Manager Jarboe reported on the following:

- The solar power project was going to be dropped due lack of funding available.
- The sewer nitrogen removal was still being studied for the possible implementation of reuse.
- The information system was being worked on this week and hopefully will be up and running soon.
- The Kings Road Bridge project was having a pre-bid meeting on Thursday.
- Staff was monitoring the legislature to see what the budget would be like next year. It is projected to cut up to \$200,000 for next year's budget. The revenue projects will not be in until after July 1st. If the constitutional amendment passes it would have a dramatic effect on the budget of Oct. 2008.
- The roof and air conditioner on City Hall has been having a problem. The air conditioning unit will probably need to be replaced. Building Official Don Ford is looking into placing the unit behind the building instead of on top of it.

PUBLIC COMMENTS

Michael Aston, 1523 Summer Sands Dr., asked the council to support Mayor Wolfson of Atlantic Beach in his quest to stop or modify the Moody Condominium Project.

PROPOSED ORDINANCES / NONE

CONTRACTS / AGREEMENTS

Waste Pro

WASTE PRO USA, INC. – REQUEST FOR CONSUMER PRICE INDEX ADJUSTMENT: City Manager Jarboe explained it was a cost of living adjustment with the CPI. The contract allows for this as long as the contractor asks sixty days prior to the anniversary of the contract. Although they have given great service, they were late in their request. Director of Finance Steve Ramsey calculated it would be 49 cent per month increase to each residential customer. There is no money in the budget for this increase, therefore the rates would have to be changed in October to pass on the increase to the customers.

Discussion ensued about the increase. Vice Mayor Pruette suggested taking off side yard service which is not utilized by all customers to make up the difference for the increase in rate. She agreed the company does a good job but did not want to pass an increase on to the citizens. Councilor Lee stated it would be a six dollar per year increase.

Howard Burnett, Waste Pro of Florida, stated there was a delay in the request due to finding out the amount of the CPI. He felt the CPI increase was a part of the contract. Staff confirmed that the contract allowed for this increase unless there is a definite reason against it.

Council agreed the company was doing a great job and it would be difficult not to agree to a cost of living increase.

Consensus: **TO SEND THE ADJUSTMENT TO THE JULY 9TH REGULAR MEETING AGENDA.**

T-Mobile

T – MOBILE SOUTH, LLC, WATER TANK LEASE AGREEMENT: City Manager Jarboe stated this would allow T-Mobile to place an antenna on the water tower and the city would collect \$20,000 per year.

Council discussed other possible locations for antennas and asked staff to make suggestions.

Consensus: **TO SEND THE LEASE AGREEMENT TO THE JULY 9TH REGULAR MEETING CONSENT AGENDA.**

ISSUE DEVELOPMENT

2020 Seagate Ave.

BUILDING PERMIT APPLICATION FOR DOCK – 2020 SEAGATE AVENUE – MR. STEVE JARRETT: City Manager Jarboe stated this was an application for a dock.

Consensus: **TO SEND THE BUILDING PERMIT APPLICATION TO THE JULY 9TH REGULAR MEETING CONSENT AGENDA.**

241 Atlantic Blvd.

DEVELOPMENT ORDER – 241 ATLANTIC BOULEVARD – SOUTHCOST BEACH, LLC: City Manager Jarboe stated it was a 13,804 square feet building that would be built where the Neptune Mall is now. It included parking but the development order would state that there would be no restaurants allowed. He introduced Bill Ebert, architect for the project. Vice Mayor Pruette declared she had spoken with Mr. Ebert earlier in the day. Mayor Brown stated the project was delayed from last year when it decided to wait until after the Wal-Mart development.

Mr. Ebert explained some of the differences in the old plan and a slightly improved plan. The new plan was smaller building and the parking was reconfigured to add some spaces. He stated, after speaking with Vice Mayor Pruette, he added two parallel

parking spaces on Second Street. City Manager Jarboe stated two of the spaces in the lot are on city property and would not be counted as spaces toward the project.

Council discussed the flow through area between the two parking lots and whether the benefit outweighed losing four parking spaces. Also motorcycle spaces were suggested.

Councilor Pardee had concerns about the balconies over city property and the drainage off of them. Mr. Ebert stated it would only be offices. City Manager Jarboe stated the owner would have to hold the city harmless and have insurance for the city's liability. He said this would be in the development order and would have to be abided by to allow for the building. Mr. Jarboe also recommended the drainage be a part of the development order.

Councilor Lee asked if the parking lot would be open at night for area restaurants. Mr. Ebert stated he was not sure but since it was all owned by the same person, more than likely it would be open.

City Manager Jarboe stated the ratio between office and retail, if it were to intensify, would have to go through the development order process.

Councilor Weldon suggested trying to bury the dumpsters. Councilor Pardee asked if Chief Sembach had any concerns. Chief Sembach stated he will meet with Mr. Ebert and Community Development Director Askew to discuss his concerns about parking.

Consensus: **NO ACTION WAS NECESSARY. THE DEVELOPMENT ORDER NEEDED TO GO BACK TO THE PLANNING AND DEVELOPMENT REVIEW BOARD FOR THE VARIANCES.**

Retirement Plan

RESOLUTION NO. 2007-XX: A RESOLUTION OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING THE CITY'S RETIREMENT PLAN SECTION 410 MONEY PURCHASE PLAN ICMA-RC PLAN #10 9246 AND SECTION 457 DEFERRED COMPENSATION PLAN ICMA-RC PLAN #30 3545 TO ALLOW PARTICIPANTS TO TAKE LOANS FROM THE PLAN.

City Manager Jarboe explained this would allow employees to borrow from their retirement and repay themselves with interest within five years. Payment would come directly out of their paycheck.

Consensus: **TO SEND THE RESOLUTION TO THE JULY 9TH REGULAR MEETING CONSENT AGENDA.**

Boards

DISCUSSION OF CITY BOARDS: City Clerk Lisa Volpe made recommendations to help with attendance and budget concerns. 1. To shift the board meetings to the day beginning at 3 or 4 pm. A lot of members do not work but the city would lose some current members. St John's County, St. Augustine, St. Augustine Beach and Jacksonville have day meetings. 2. To combine the Board of Appeals and the Planning and Development Review Board. This would eliminate the amount of board members needed. The boards have essentially the same function. 3. To have a magistrate instead of the Code Enforcement Board. This would cost money for the magistrate but it would eliminate the need for a board.

Councilor Weldon stated he was opposed to having meetings during the day since the public would not be able to come to meetings.

Vice Mayor Pruette commented that if people were interested they would find a way to go to meetings. She felt that with pending budget cuts saving money should be the first priority.

Mayor Brown felt the ideas should first be explored before a final decision was made.

Councilor Lee felt day meetings depended on the cost savings. He also suggested that the chairs poll their boards to see if they were interested in participating, otherwise to allow someone else the chance to be on the board. He also suggested that the chairs could evaluate the members before reappointments were made.

Councilor Pardee thanked the City Clerk for coming up with cost saving ideas. He liked the idea of starting meetings at 4 pm and giving employees flex time. City Manager Jarboe stated the union contracts would have to be changed. Councilor Pardee felt the council should take the responsibility to follow the code and be sure people attend meetings. He did not want the chairs to have the responsibility to evaluate the members.

Mayor Brown asked Finance Director to research how much overtime is spent.

Council discussed the mayor writing a letter to the board members about attendance.

Councilor Weldon did not think it was a good idea to combine the Board of Appeals and the Planning and Development Review Board. He felt the functions were different. He did suggest cutting the number of members to five instead of seven. He liked the idea of having a Code Enforcement magistrate to allow for more consistent enforcement of the ordinances.

The cost and the possibility of a pro bono attorney being a magistrate were discussed.

Council discussed the budget and how cost savings needed to be prioritized.

Mayor Brown stated the council needed more information including overtime cost and amount of times lack of quorum was an issue.

Consensus: **TO MOVE THE RESOLUTION FOR REAPPOINTMENT TO THE JULY REGULAR MEETING AND TO PLACE DISCUSSION OF BOARDS ON THE JULY WORKSHOP. FOR THE MAYOR TO WRITE A LETTER TO THE BOARD MEMBERS REGARDING THE ABSENTEE LEVEL AND OTHER IDEAS**

FL. Blvd. Landscape **FLORIDA BOULEVARD LANDSCAPING PROJECT:** City Manager Jarboe asked for this item to be deferred until the next workshop so that he could hear back from Jacksonville City Councilman Art Graham's office about the funding.

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

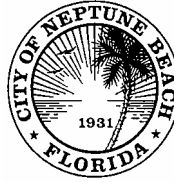
Adjournment There being no further business, the meeting adjourned at 8:00 pm.

Attest:

Richard A. Brown, Mayor

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
REGULAR CITY COUNCIL MEETING
MAY 7, 2007 AT 7:00 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 May 7, 2007 at 7:00 p.m., in the City Hall Council Chambers, 116 First Street, Neptune Beach, Florida.

Attendance**IN ATTENDANCE:**

Mayor Richard A. Brown
Vice Mayor Harriet Pruette
Councilor Fred Lee
Councilor Eric Pardee
Councilor John Weldon
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

STAFF:

Community Development Director Amanda Askew
Assistant Chief Anthony Carrillo
Director of Finance Steve Ramsey
Director of Public Safety David Sembach
Director of Public Services Leon Smith
Deputy City Clerk Karla Strait, CMC

ABSENT:

City Attorney Christopher White

Order Call/Pledge

Mayor Brown called the meeting to order at 7:00 p.m. and asked Councilor Lee to lead the pledge of allegiance.

AWARDS / PRESENTATIONS / RECOGNITION OF GUESTS

Res. No. 2007-04

RESOLUTION NO. 2007-04, SUPPORTING CARL HASHEY: A RESOLUTION OF THE CITY OF NEPTUNE BEACH, FLORIDA SUPPORTING LOCAL RESIDENT AND CITY EMPLOYEE CARL HASHEY IN THE IRON TORCH RIDE.

Moved by Pruette, seconded by Weldon.

Motion: **TO ADOPT RESOLUTION NO. 2007-04.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown
Noes: 0

MOTION CARRIED

City Clerk Volpe read Resolution 2007-04 aloud for the assembly.

Mayor Brown presented the Resolution to Mr. Hashey.

METROPOLITAN PLANNING ORGANIZATION PRESENTATION: Wanda Forrest gave a

presentation on future Transportation Improvement Plans.

APPROVAL OF MINUTES

Moved by Weldon, seconded by Pruette.

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

APRIL 2, 2007, REGULAR CITY COUNCIL MEETING
APRIL 16, 2007, WORKSHOP CITY COUNCIL MEETING

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

COMMUNICATIONS AND CORRESPONDENCE

Vice Mayor Pruette questioned if the trees in the Atlantic Boulevard median would have to be removed in order for the new turn lane for Wal-Mart to be installed.

Vice Mayor Pruette thanked Carl Hashey for the construction of the handicap walkover on Hopkins Street. She recommended the walkover be dedicated to the late Jill Bronner.

Councilor Pardee disclosed he had spoken with Daryl Grubbs, Steven Carter and Steve Jarrett in regards to the dock ordinance.

Councilor Lee disclosed he had also spoken with Daryl Grubbs, Steven Carter and Steve Jarrett regarding the dock ordinance.

Vice Mayor Pruette disclosed she had spoken with Steven Carter, Bob Cooper, Jimmy Gilbert, and Steve Jarrett regarding the dock ordinance. She spoke with Darrell Grubbs regarding the R-1 setback ordinance. She spoke with Rosemary Naughton and Christine Chin regarding the short term rental ordinance. She spoke with Alison Forsyth regarding the Aqua East Surf Shop development order. She spoke with Daryl Grubbs regarding the Seafood Galore special exception. She spoke with Steve Jarrett and Daryl Grubbs regarding the Seagate Shores final plat and final development order. She spoke with Terry Bagby, Owen McCuller, Daryl Grubbs, Michael Aston and Ron Davis regarding the Aamco special exception and development order.

Councilor Weldon disclosed he spoke with Mr. Steve Jarrett regarding the Seagate Shores development.

Mayor Brown disclosed he spoke with Steve Jarrett and Daryl Grubbs regarding the Seagate Shores development.

CITY MANAGER REPORT

City Manager Jarboe reported on the following:

- The Florida Legislator will be holding a special session in June regarding property tax reform. Meanwhile, the city has placed a moratorium on any non budgeted items, expenditures, travel, renewal of subscriptions, organizational memberships, hiring, and filling vacant positions. He hoped to place the money that budgeted for these items for this year into the reserve fund for next year. When the special session is completed on June 22, 2007 the city should know how it will be affected. The budget process will hence be delayed approximately five weeks. Labor negotiations for the three year union contracts are also due this

- year.
- The City of Jacksonville Council members would be meeting with the Atlantic Beach Council members regarding the proposed Moody Condominium development proposed for the west side of the intracoastal. Neptune Beach council members are also invited to attend if interested.
- All beach walkovers should be completed in approximately one week.
- The city was still in the running for grant money to use toward the state mandated nitrogen removal.

Councilor Lee questioned if City Manager Jarboe had met with the Department of Transportation regarding lights and intersections along Atlantic Boulevard. City Manager Jarboe responded he was still corresponding with the DOT.

City Clerk Lisa Volpe asked council members to contact her if they were interested in attending the Florida League of Cities monthly dinner. The dinner would be hosted by the three beach cities on May 17, 2007 at the Casa Marina. Reservations were required before May 11, 2007 and the cost was \$25.00 per person.

PUBLIC COMMENTS

Pat Hazori, 207 Florida Boulevard, requested the city designate four streets as pedestrian corridors.

Michael Aston, 1523 Summer Sands Drive, opposed the development order for Aamco and favored the dock ordinance.

Daryl Grubbs, 1919 Nightfall Drive, suggested changing the side yard setback to 12 feet or 10% of the total lot width in Ordinance No. 2007-06

Bill Green, 106 Bay Street, was concerned about a construction site at the Bay Street beach access.

Leslie Karlin, 1506 Spindrift Circle, felt the rear doors to the city hall building should be unlocked during council meetings. She also felt the streets should be better maintained.

Mayor Brown called a recess at 7:40 p.m. and reconvened the meeting at 7:50 p.m.

CONSENT AGENDA

LEWIS, LONGMAN AND WALKER, P.A.: To not pay the additional fees to Lewis, Longman, & Walker, P.A.

Moved by Pruette, seconded by Weldon.

Motion: **TO APPROVE THE CONSENT AGENDA**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

VARIANCES / NONE

ORDINANCES

Ord. No. 2007-02

ORDINANCE NO. 2007-02, AMENDING CHAPTER 27, ARTICLE IV, LAND USE, SECOND READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF

NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 27, ARTICLE IV, LAND USE, ADDING SECTION 27-243, PROTECTION OF ENVIRONMENTALLY SENSITIVE LANDS AND PROVIDING AN EFFECTIVE DATE.

Ordinance could not be voted on until after it went to the Planning and Development Review Board.

Moved by Weldon, seconded by Pruette.

Motion: **TO IMPOSE A 90 DAY MORATORIUM ON ALL DOCK CONSTRUCTION IN THE CITY OF NEPTUNE BEACH WHILE THE CITY COUNCIL DEBATES FINAL PASSAGE OF THE ENVIRONMENTAL SENSITIVE LANDS ORDINANCE AND MAKES APPROPRIATE ADJUSTMENTS TO THE TABLE OF PERMISSIBLE USES.**

For the Record Councilor Pardee reiterated for the record he felt the way the ordinance was written was illegal and needed to be rewritten before forwarding to the Planning & Development Review Board.

Mayor Brown stated the Council needed to get an opinion from City Attorney White.

For the Record Vice Mayor Pruette stated for the record she would like for City Attorney White to give Council a written legal opinion on the issues raised in reference to the Ordinance.

For the Record Councilor Lee stated for the record he would like for City Attorney White to give an opinion on the permissible use table.

Roll Call Vote:

Ayes: 3 – Lee, Pruette, Weldon

Noes: 2 – Pardee, Brown

MOTION CARRIED

Ord. No. 2007-04 **ORDINANCE NO. 2007-04, CONCURRENCY, SECOND READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 27 UNIFIED LAND DEVELOPMENT REGULATIONS, SECTION 27-350, PROCEDURE FOR APPLYING FOR AND ISSUING A CONCURRENCY CERTIFICATE AND PROVIDING AN EFFECTIVE DATE.**

Consensus: **FORWARD TO THE PLANNING AND DEVELOPMENT REVIEW BOARD IN MAY AND THE JUNE REGULAR CITY COUNCIL MEETING FOR SECOND READ.**

Ord. No. 2007-05 **ORDINANCE NO. 2007-05, PER DIEM, SECOND READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 2 ADMINISTRATION BY AMENDING SECTION 2-355 SUBSISTENCE AND PROVIDING AN EFFECTIVE DATE.**

Mayor Brown stated it was suggested that Ordinance No. 2007-05 be deferred due to the expected legislative actions to reform property taxes and the moratorium on all travel.

Councilor Weldon stated employees were entitled to reasonable compensation for daily service rates while traveling on business. Whether or not the budget allowed employee travel was another question. He felt the Council should go ahead and vote on the ordinance.

Mayor Brown read Ordinance No. 2007-05 by title only and opened the public hearing.

There being no comments from the public, the public hearing was closed.

Moved by Weldon, seconded by Lee.

Motion: **TO ADOPT ORDINANCE NO. 2007-05 ON SECOND READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

Ord. No. 2007-06

ORDINANCE NO. 2007-06, AMENDING TABLE 27-229-1, FIRST READ: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, AMENDING TABLE 27-229-1 CHANGING SIDE YARD SETBACK IN R-1 AND THE LOT SIZE FOR 35 FEET BUILDING HEIGHT AND PROVIDING AN EFFECTIVE DATE.

Community Development Director Amanda Askew stated the Planning & Development Review Board recommended increasing the minimum side yard setback to 12 feet in order to keep the houses further apart. The current regulations allowed 10% of the lot width with a minimum of 7 feet. The proposed change was to increase the minimum side yard setback to 12 feet.

Councilor Lee stated he spoke with Mr. Darrell Grubbs and Mr. Steve Jarrett who suggested reducing the side yard setbacks from 12 feet to 10 feet.

Mrs. Askew recommended keeping the current minimum standard of 10% of the lot width.

Mayor Brown was concerned the current side yard setbacks were based on the dense area east of Third Street and the lots were much larger west of Third Street.

Councilor Weldon stated the lots in question were on the marsh and the developers would like to build as large of a house as possible. He was concerned the houses would be too close to one another.

Councilor Lee asked if the Council could hear from the developers.

Mr. Steve Jarrett suggested leaving the side yard setbacks at 10%, which would allow 20 feet between structures.

Mr. Darrell Grubbs was concerned triangular shaped lots would be at a disadvantage. He suggested the 10% with a maximum of 10 feet and a minimum of 7 feet in an effort to benefit triangular shape lots.

Councilor Weldon stated that would allow for a 7 feet on one property and 7 feet on the property next door for a total of only 14 feet between houses. Mr. Grubbs felt 14 feet between houses was appropriate for the smaller lots.

Councilor Weldon explained it was up to the developer to carve up potential plats in order to sell individual lots. If the developer chose to plat a triangle shaped lot to sell, then the developer has to accept the limitation that comes with the setback of such lot.

City Manager Jarboe recommended sending the proposed ordinance back to a workshop meeting.

Councilor Weldon stated he modified the language in the second portion of the proposed ordinance to better define paragraph five on page two. He asked Mrs. Askew to read the paragraph. Mrs. Askew read the following: For lots in the R-1 zoning district that have a minimum lot size of 12,000 square feet and a 100 feet lot width as measured at the

building line parallel to the front face of the house and perpendicular to the primary side yard. 35 feet of the maximum building height will be permitted so as long as the primary roof structure is built at a minimum 5/12 roof pitch and not to exceed two stories of living area.

Moved by Weldon, seconded by Lee.

Motion: **TO PASS ORDINANCE NO. 2007-06 AS AMENDED WITH 10' SIDE YARD SETBACKS ON FIRST READ AND FORWARD TO THE MAY WORKSHOP.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

Ord. No. 2007-07

ORDINANCE NO. 2007-07, SHORT TERM RENTALS, FIRST READ: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 27 ARTICLE I, SECTION 27-15 DEFINITIONS, ADDING THE DEFINITION OF SHORT TERM RENTALS, AND AMENDING ARTICLE IV, LAND USE, SECTION 27-225(1) AND PROVIDING AN EFFECTIVE DATE.

Councilor Weldon stated the ordinance was primarily directed at the residential area east of Third Street. He had been contacted from residents concerned about short term rentals of townhouses and cottages on the oceanfront. The problem was landlords were violating the law because they were using residential property for commercial use.

Mayor Brown stated this would eliminate the one week rentals and spring break party renters.

Councilor Pardee felt an ordinance was not necessary and the problem could be solved by enforcing the noise and parking ordinances.

Moved by Weldon, seconded by Pruette.

Motion: **TO PASS ORDINANCE NO. 2007-07 ON FIRST READ FORWARD TO MAY WORKSHOP.**

Roll Call Vote:

Ayes: 4 – Lee, Pruette, Weldon, Brown

Noes: 1 – Pardee

MOTION CARRIED

OLD BUSINESS NONE

NEW BUSINESS

PDRB07-01
696 Atlantic Blvd.
Aqua East

PDRB07-01, DEVELOPMENT ORDER FOR AQUA EAST SURF SHOP, 696 ATLANTIC BOULEVARD, MS. SHAUNA FORSYTH MOORE: The applicant is proposing a one-story, 10,663 square foot addition to an existing retail building. The new addition is on the eastern side of the existing building towards the rear of the property. The existing landscape and sidewalks will not be changed and minor modifications will be made to the parking lot.

Moved by Pruette, seconded by Lee.

Motion: **TO APPROVE THE DEVELOPMENT ORDER FOR AQUA EAST SURF SHOP, 696 ATLANTIC BOULEVARD.**

Councilor Weldon suggested amending the motion to approve to be contingent on approval of the stormwater runoff provisions as submitted in the application. The application was based on the ability to use the drainage pipe on the new Wal-Mart building site. City Manager Jarboe felt this did not need to be in the motion because they could not obtain a building permit without approval from St. Johns River Water Management District.

A representative for Aqua East stated he had spoke with the Wal-Mart representatives, lawyers, and engineers and they agreed on both the drainage easement and the parking easement. The sidewalks have also been changed from impervious concrete to pervious pavers.

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

PDRB07-02
1589 Atlantic Blvd.
Seafood Galore

PDRB07-02, SPECIAL EXCEPTION FOR SEAFOOD GALORE / TRADEWINDS PLAZA, 1589 ATLANTIC BOULEVARD, MR. GREGORY COVIELLO: The applicant is proposing to add outdoor seating on the sidewalk between the building and parking lot and not on public property. The proposed outdoor seating area will have three (3) to five (5) tables in a ten (10) feet wide by six (6) feet deep area, leaving 3.9 feet of sidewalk between the tables and the parking lot.

Mr. Gregory Coviello, owner of Seafood Galore explained they wanted to place a few tables on the sidewalk for outdoor dining. The restaurant closed at 9:00 p.m. during the week and 10:00 p.m. on the weekends. There would be no live music and parking was not an issue.

City Manager Jarboe suggested adding the following special conditions as recommended by the Planning & Development Review Board: 1) no more than four tables, 2) close at 9:00 p.m. during the week and 10:00 p.m. on the weekend, 3) sidewalk is 9.5 feet wide with tables using 6 feet, 4) no live music, and 5) meeting handicap accessibility guidelines.

Councilor Weldon questioned if the outdoor dining area would be smoking or non-smoking. Mr. Coviello responded it would be a smoking area.

Moved by Pardee, seconded by Pruette.

Motion: TO APPROVE SPECIAL EXCEPTION FOR SEAFOOD GALORE / TRADEWINDS PLAZA, 1589 ATLANTIC BOULEVARD WITH THE FOLLOWING SPECIAL CONDITIONS: 1) NO MORE THAN FOUR TABLES, 2) CLOSE AT 9:00 P.M. DURING THE WEEK AND 10:00 P.M. ON THE WEEKEND, 3) SIDEWALK IS 9.5 FEET WIDE WITH TABLES USING 6 FEET, 4) NO LIVE MUSIC, AND 5) MEETING HANDICAP ACCESSIBILITY GUIDELINES.

Roll Call Vote:

Ayes: 4 – Lee, Pardee, Pruette, Brown

Noes: 1 – Weldon

MOTION CARRIED

PDRB07-03
Seagate Shores
Steve Jarrett

PDRB07-03, DEVELOPMENT ORDER FOR SEAGATE SHORES SUBDIVISION, MR. STEVE JARRETT: Development order for the proposed Seagate Shores Subdivision as submitted by Mr. Steve Jarrett.

Councilor Weldon questioned if the street end would be preserved for public access. He did not have a problem with the development as long as conditions were included that the street end would be preserved and any landscaping done within the street end would be approved by the city.

Mr. Jarrett replied that the cul-de-sac would extend out as a street bending around the oak tree. There would be driveway off the street end immediately perpendicular so that it would look like a driveway coming off the street. The homeowners association would install and maintain the landscaping within the cul-de-sac with approval from the city. The association would also install a sprinkler system for irrigation.

For the Record Councilor Weldon asked that the record show that Mr. Jarrett has agreed to the original curved street end coming off of the cul-de-sac with two driveways perpendicular to the extended street end and no other curb cuts or driveways coming off of that extension and to the landscaping of the area by the homeowners association but with approval of the city.

For the Record Vice Mayor Pruette stated for the record that the public right of way would in no way appear as private property and would be open to the public.

Moved by Pardee, seconded by Lee.

Motion: **TO APPROVE FINAL DEVELOPMENT ORDER AND FINAL PLAT FOR SEAGATE SHORES SUBDIVISION WITH THE STIPULATIONS THAT COUNCILOR WELDON STATED FOR THE RECORD.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

PDRB07-04
Aamco
2100 Florida Blvd.

PDRB07-04, SPECIAL EXCEPTION FOR AAMCO, 2100 FLORIDA BOULEVARD, LLC, MR. OWEN MCCULLER, ESQ.: The applicant is requesting a special exception to allow the use of a motor vehicle service by special exception in the C-2 zoning district at 2100 Florida Boulevard.

Mr. Mack McCuller, representative for Mr. Terry Bagby, AAMCO, 2100 Florida Boulevard, LLC, stated the city recently adopted an ordinance allowing motor vehicle service in the C-2 zoning district. He explained the applicant was willing to agree to the following conditions:

1. No outside storage of junk or inoperable vehicles not under active repair.
2. On open bay/garage doors providing access to work areas, facing an adjoining residential zoning district on the non street frontages.
3. An opaque fence or wall, providing a minimum opacity of 85%, at least 6 feet in height enclosing the rear yard.
4. Visual landscape screen along the street frontage adjacent to the parking areas at least 3 feet in height, providing minimum opacity of 85%.
5. Hours of operation shall be limited between 7:00 a.m. to 8:00 p.m.
6. Exterior lighting shall be shielded or recessed so as to limit impacts to adjacent properties.
7. Used oil and other regulated substances shall be stored properly within enclosed structures, except as may be otherwise required by law for public health and safety.
8. Trash receptacles, dumpster and above-ground tanks and containers shall be screened from view by fencing or landscaping or otherwise not visible from ground

- level on adjacent properties or streets, except as otherwise required by law for public health and safety.
9. Reduce the signage to an 8 feet monument sign with a 50 square foot maximum sign space.
 10. Conduct all activities in the enclosed building
 11. Paving of Kings Circle from Florida Boulevard to the end of his property on both sides of the road at his cost.

Mr. McCuller explained Mr. Bagby paid \$400,000 for the 60 feet by 130 feet private property that he wished to improve. The building was 3,360 square feet leaving no room to provide for the required parking spaces. However, their application does meet the required 11 parking spaces because they could park cars inside the building. Mr. Bagby has also made an arrangement with Auto Store Towing in Atlantic Beach to store overflow vehicles off site.

Mr. McCuller felt the application met the code requirements and he went over the following standards:

- The proposed use was consistent with the comprehensive plan.
- The proposed use would be compatible with the general character of the area considering density, design, scale, location, orientation of existing permissible structures.
- The commercial use would not have a detrimental affect of other commercial uses under the comprehensive plan.
- The proposed use would not overburden existing public services. It would not impact the traffic.
- The proposed use meets all of the requirements as provided elsewhere in the code.

Councilor Pardee was concerned about noise and employee parking conditions. Mr. McCuller explained Mr. Bagby was trying to acquire additional neighboring property for parking.

Councilor Weldon was concerned about vehicles parking on a large concrete apron abutting the bike and pedestrian path on the western side of the property. He questioned how they would prevent vehicles from blocking the bike path. Mr. Bagby stated he would remove the concrete apron if it was a condition for approval.

Vice Mayor Pruette also felt parking was a problem.

Mr. McCuller recognized the parking concern but explained no other business would be able to park cars inside the building. He felt the Aamco would be an improvement to the neighborhood.

For the Record City Manager Jarboe stated the business did not meet parking requirements because of the interior parking. He stated the indoor parking spaces could be counted as required parking spaces.

Moved by Weldon, seconded by Pruette.

Motion: **TO DENY AND SUPPORT THE PLANNING & DEVELOPMENT REVIEW BOARD IN THEIR DENIAL OF PDRB07-04 SPECIAL EXCEPTION.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown
Noes: 0

MOTION CARRIED

PDRB07-05 PDRB07-05, DEVELOPMENT ORDER FOR AAMCO, 2100 FLORIDA BOULEVARD, LLC, MR. OWEN MCCULLER, ESQ.: Development order for a motor vehicle service located at 2100 Florida Boulevard.

Consensus: **DUE TO THE DENIAL OF THE SPECIAL EXCEPTION THE DEVELOPMENT ORDER WAS NOT VOTED ON.**

Sign Ord. Temporary waiver of the sign ordinance to allow TPC – Tournament Players Championship – flags to be placed on light poles.

Councilor Weldon was concerned about setting a precedent for other event planners.

Consensus: **TO NOT PLACE TPC FLAGS ON LIGHT POLES.**

Vice Mayor Pruette suggested that the Planning & Development Review Board put all stipulations for approval of development into their motion.

Councilor Lee instructed City Manager Jarboe to handle the situation of basketball courts and parking in street end city right-of-ways.

Councilor Pardee stated Community Development Director Amanda Askew was currently putting together a map of the city's major intersections to work with the City of Jacksonville's pectrometry program. This would be able to identify and locate GPS coordinates and parcels in the event of a disaster. The city would incur no expenses other than perhaps printing.

Councilor Pardee stated he had a video recording of a Bard Owl eating a snake in his yard. City Clerk Lisa Volpe stated she would try putting the video on the city website.

Adjournment There being no further business, the meeting adjourned at 9:45 p.m.

Richard A. Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
WORKSHOP CITY COUNCIL MEETING
MAY 7, 2007 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 May 7, 2007 at 6:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

STAFF:

Mayor Richard Brown
Vice Mayor Harriet Pruette
Councilor Fred Lee
Councilor Eric Pardee
Councilor John Weldon
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

Community Development Director Amanda Askew
Assistant Chief Anthony Carrillo
Director of Finance Steve Ramsey
Director of Public Services Leon Smith
Director of Public Safety David Sembach
Deputy City Clerk Karla Strait, CMC

ABSENT:

City Attorney Chris White

Call to Order/Roll Call Mayor Brown called the meeting to order at 6:00 p.m.

PROPOSED ORDINANCES

Ord. No. 2007-02

ORDINANCE NO. 2007-02, PROTECTION OF ENVIRONMENTALLY SENSITIVE LANDS: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 27 ARTICLE IV, LAND USE, ADDING SECTION 27-243, PROTECTION OF ENVIRONMENTALLY SENSITIVE LANDS AND PROVIDING AN EFFECTIVE DATE.

Councilor Weldon explained the ordinance had been revised to include all of the recommended changes from the April workshop. He added the second reading of the ordinance would be delayed because staff did not route it through the Planning & Development Review Board in April. Due to the delay he would like to encourage a majority of the council to impose a ninety (90) day moratorium on dock construction until the code could be updated.

Councilor Lee stated he was happy with the revised ordinance. However, he would like to take more time to review a revised version of the ordinance that was written and submitted by developer Steve Jarrett and received by the Council late Friday.

Councilor Weldon explained the additional information received came directly from the developer of Seagate Shores and asked Council to consider the source.

Councilor Pardee felt the proposed ordinance was not legally written in accordance with Section 2-46(b)(4) of the Code, because it introduced too many subjects. He asked City

Manager Jarboe to read Section 2-46(b)(4).

City Manager Jarboe read Section 2-46(b)(4) aloud for the assembly. "No ordinance shall relate to more than one (1) subject, which shall be clearly expressed in its title, and no ordinance or section thereof shall be amended or repealed unless the new ordinance contains the title of the ordinance or section amended or repealed, and when practicable all ordinances shall be introduced as amendments to existing ordinances or sections thereof."

Councilor Pardee stated the subjects relating to the ordinance included: new structures, additions, fences and walls, other developments, building permits, dredging, dock construction, sale or lease of lots, lighting fixtures, runoff water, storm water runoff, onsite retention, tree root systems, buffer zones for wetlands, water views, grading lots onto adjoining lots, retaining walls, defining boathouse lots, and minimum lot widths. He suggested sending the ordinance to the Planning & Development Review Board and also to adjust the ordinance to deal with one subject at a time.

Vice Mayor Pruette felt the Planning & Development Review Board should make a recommendation to the council before the next workshop. She also felt due to the many changes that a brand new ordinance would be necessary.

City Clerk Lisa Volpe explained the title of the ordinance could have been amended in order to be placed in the environmental protection article of the code. However, she spoke with Councilor Weldon, the sponsor of the bill, who wished to leave it in the Land Use Article. A separate ordinance for the permissible use and setback tables would be introduced at a future date.

Councilor Lee requested an opinion from City Attorney White advising whether or not a dock was considered an auxiliary building.

For the Record Vice Mayor Pruette stated for the record that the city did need an ordinance in reference to the protection of Hopkins Creek and she did support Council coming up with something. But it did need to go before the Planning & Development Review Board for recommendation.

Councilor Weldon voiced concern regarding the Seagate Shores Subdivision and the possibility of applications for dock permits being submitted before the ordinance was adopted. This is the purpose of imposing the 90 day moratorium.

Mayor Brown voiced concern regarding property owners with existing docks not being aware of some of the restrictions within the ordinance that may pertain to them.

Mayor Brown suggested allowing the public to speak on the issue.

PUBLIC COMMENTS

Steven Carter, 1723 Indian Woods Drive, felt the ordinance was too restrictive and was concerned about how it would affect his property with an existing dock.

Susan Bollenbaugh, 2022 Shadow Lane, favored the 90 day moratorium on dock construction and encouraged Council to move forward with the ordinance.

John Jolly, 2034 Shadow Lane, felt there should be some local control over dock construction. He also supported the ordinance and the 90 day moratorium.

Darrell Grubbs, 1919 Nightfall Drive, felt there were enough regulations from St. Johns River Water Management, the Department of Environmental Protection, and the Army Corp of Engineers. He was in opposition of the 90 day moratorium on dock construction.

Steve Jarrett, 500 Oceanfront, felt the St. Johns River Water Management District and the Department of Environmental Protection did a good enough job regulating dock construction. He also opposed the 90 day moratorium on dock construction.

Barbara Jackson, 2001 Cherokee Drive, favored the ordinance and the 90 day moratorium on dock construction.

For the Record Councilor Pardee stated for the record according to Section 2-46(b)(4) he would like to protest the way the ordinance is written because it does not comply with section 2-46-(b)(4). It deals with more than one subject. It needs to be rewritten dealing with a specific subject according to our Code before it goes to the Planning & Development Review Board or before Council again.

Mayor Brown announced City Attorney White was recovering from surgery and could not be present for the meeting tonight.

Councilor Weldon stated if a moratorium was not imposed the council has given up the beauty of the Hopkins Creek Estuary and the attempt to protect that area. He felt the large number of docks with boathouses on the west side of the Kings Road Bridge would fundamentally change the beauty of the area and dramatically impact the environmental sensitivity of an area which the council has designated a conservation area.

Vice Mayor Pruette was concerned with some of the restrictions within the ordinance and the possibility of a lawsuit.

Councilor Weldon encouraged discussion of all aspects of the ordinance and reiterated the necessity of the 90 day moratorium in order to conduct further discussion.

City Manager Jarboe stated City Attorney White advised him during a telephone conversation that Council could impose a moratorium on dock construction, for a reasonable amount of time, defined as the amount of time it would take to adopt an ordinance.

Councilor Pardee felt the ordinance singled out a specific developer and he was concerned about a future lawsuit.

City Manager Jarboe asked the Council to specify what formal opinions they wanted from City Attorney White.

Councilor Lee requested a formal opinion on whether or not a dock was considered an auxiliary building and if docks should be included on the table of uses.

Vice Mayor Pruette requested a formal opinion on whether or not a moratorium was legal considering an application for construction of a dock was submitted to the building department on Friday. However, the building department did not accept the application because it was not complete.

Consensus: **TO VOTE AT THE REGULAR MEETING TO IMPOSE A 90 DAY OR LESS MORATORIUM ON DOCK CONSTRUCTION UNTIL SUCH TIME AS COUNCIL CAN RESOLVE THE LINGERING QUESTIONS ABOUT THE EXISTING PROPOSAL.**

Adjournment

There being no further business, the meeting adjourned at 7:00 pm.

Attest:

Richard A. Brown, Mayor

Lisa Volpe, CMC, City Clerk



MINUTES
WORKSHOP CITY COUNCIL MEETING
MAY 21, 2007 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 May 21, 2007 at 6:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

STAFF:

Mayor Richard Brown
Vice Mayor Harriet Pruette
Councilor Fred Lee
Councilor Eric Pardee
Councilor John Weldon
City Attorney Chris White
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

Community Development Director Amanda Askew
Senior Activities Center Director Leslie Lyne
Director of Finance Steve Ramsey
Director of Public Services Leon Smith
Director of Public Safety David Sembach
Deputy City Clerk Karla Strait, CMC

Call to Order/Roll Call Mayor Brown called the meeting to order at 6:00 p.m.

PRESENTATIONS / NONE

CITY MANAGER'S ACTION LIST

City Manager Jarboe reported on the following:

- The city was continuing to look for options for nitrogen removal.
- The state legislative conference committee would be meeting this week.
- A mandatory meeting with Beaches Energy will be required for all contractors that wish to bid on the Kings Road Bridge Project. The meeting will be held on July 10th.
- The Dancin' in the Street event, which was held Saturday, May 19, 2007, brought in a large crowd and funding for the Town Center Agency.
- The budget process will be delayed for six weeks due to pending legislation.

PUBLIC COMMENTS

Steve Jarrett, 500 Ocean Front, felt the state did a good job regulating boat docks and this ordinance would be a burden on city staff.

Stephen Carter, 1723 Indian Woods Drive, was concerned about how the ordinance would effect his existing dock.

Letty Jolly, 2034 Shadow Lane, did not want her view of the marsh to be destroyed by boat docks and boathouses.

Steve Hould, 111 Walnut Street, favored the short term rental ordinance.

Warren Anderson, 207 Walnut Street, showed a power point presentation on how docks and boathouses would effect the view of Hopkins Creek.

Scott Adeeb, 1507 Kings Road, favored placing speed humps on Kings Road and Indian Woods Drive.

Marc Dillon, 1550 Kings Road, felt a speed hump should be placed north of the Kings Road bridge.

PROPOSED ORDINANCES

Ord. No. 2007-02

ORDINANCE NO. 2007-02, PROTECTION OF ENVIRONMENTALLY SENSITIVE LANDS: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 27 ARTICLE IV, LAND USE, ADDING SECTION 27-243, PROTECTION OF ENVIRONMENTALLY SENSITIVE LANDS AND PROVIDING AN EFFECTIVE DATE.

Councilor Lee stated in an effort to find some reasonable compromise for the environmental protection ordinance he submitted two separate revised ordinance proposals which were in the agenda packet for council consideration.

Vice Mayor Pruette voiced concern regarding the size of docks and if they were considered accessory structures. According to the code, accessory structures could not be larger than 160 square feet. She questioned if docks would need to be added to the Table of Permissible Uses.

City Attorney White stated if docks were to be considered as accessory structures Section 27-328 would have to be amended.

City Manager Jarboe stated since docks were going to be allowed up to 1,000 square feet they would need to be separate from accessory structures.

City Attorney White explained the ordinance would have to state Section 27-328 would not apply to docks. Docks would be exempted from accessory structure size limitations because they are outlined in a separate section of the code.

Consensus: **TO INSERT LANGUAGE WITHIN THE DOCK ORDINANCE THAT WOULD EXEMPT IT FROM BEING TREATED AS AN ACCESSORY STRUCTURE.**

Councilor Weldon stated he designed the original ordinance to protect the environmentally sensitive lands represented by the Hopkins Creek Estuary. He was concerned the options proposed by Councilor Lee only regulated docks. The issue was whether the city wanted large sport fishing boats and large docks at the entrance to Hopkins Creek where it joins the intracoastal waterway. He added, if that was what the Council wanted, he would withdraw his proposal and vote on one of Councilor Lee's proposals.

Councilor Lee replied the only changes in the second proposal were regarding boat storages and shelters, increasing the terminal platform size from 200 square feet to 240 square feet, and increasing the width of the access walkway from 4 feet to 5 feet.

Mayor Brown was concerned the public was not aware of the impact the ordinance would have on existing docks. He felt it may be necessary to introduce a separate ordinance that was simple and straight forward.

Councilor Lee stated he was willing to concede on the 4 feet access walkway but the issue of boat shelters needed to be addressed.

Councilor Weldon stated the ordinance would allow boat shelters but it would be incumbent upon the property owner how they wanted to use the dock platform square feet allowance.

Councilor Pardee stated he preferred option one of Councilor Lee's proposed ordinances because it addressed only one issue.

Councilor Weldon stated he would be willing to change the language related to the stormwater runoff. But he felt the issues of buffer zones and fences were important. He also agreed to eliminate section (d) Other structures on intracoastal, lake front, marsh front, canal front or stream front lots, (1) through (5) if the council agreed to go back to the 200 square feet in size and 4 feet wide access walkway.

Mayor Brown felt strongly that section (d) needed to be deleted.

Council agreed on the following changes and amendments:

- Change the word ~~new structure~~ to dock throughout the entire ordinance.
- Section 1(a) Purpose and Intent. No changes
- Section 1(b) Site Plan. Any new ~~structure~~ dock addition to any existing ~~structure~~ dock, fence of wall or significant change of an existing property on an Intracoastal, lake front, marsh front, canal front, or stream front lot until a satisfactory site plan therefore is reviewed and approved. ~~The requirements of this section are minimum requirements, and the Building and Planning Department may impose more restrictive requirements and conditions on the height, bulk, locations and any other aspect of the proposed development where necessary in order to accomplish the purpose and intent of the section.~~
- Section 1(c)(1) Docks. A building permit is required and all construction will adhere to Florida Building Code. Construction plans for docks shall be submitted for development review. All docks facilities are subject to and shall comply with all federal and state requirements and permits, including but not limited to the requirements and permits of the Florida Department of Environmental Protection, the U.S. Army Corps of Engineers and the U. S. Environmental Protection Agency. Permits shall be issued contingent upon receipt and conformation of require federal and state approvals.
- Section 1(c)(2) No changes
- Section 1(c)(3) No changes
- Section 1(c)(4) The access walkway of docks shall be a maximum of ~~five (5)~~ , four (4) feet in width. The terminal platform of docks shall be a maximum of ~~460~~ 200 square feet. Boards used to construct the surface of the dock shall not exceed eight (8) inches in width and shall be spaced at least ½" apart.
- Section 1(c)(5) No changes
- Section 1(c)(6) Only one dock is permitted per platted lot with no more than one dock allowed per single family home. ~~Community docks which serve multiple lots and homes are encouraged and may be granted exception to the size limits specified in this ordinance on a case by case basis.~~
- Section 1(c)(7) No Changes
- Section 1(c)(8) No Changes
- Add Section 1(c)(9) Boat Storage includes the area to store a boat and the necessary ramp/walkway to access boat if applicable. The total area calculation

for a dock includes the boat storage, ramp/walkway and any portions of the roof that hangs over the water beyond the dock platform.

- Add Section 1(c)(10) Boat Storage mechanisms can be ride on ramp, vertical wrench or any other industry acceptable standard.
- Section 1(c)(9)(11) The sale or lease of a portion of an Intracoastal, lakefront, marsh front, canal front and stream front after April 2, 2007, shall be construed as a subdivision and shall not enable the owners to make application for a dock and/or boathouse unless that subdivision has received the approval of the city council.
- Section 1(c)(10)-(12) Lighting fixtures may be installed upon docks, boat davits and boat lifts only in accordance with the following standards:
 - a. Lighting required under federal laws or regulations as an aid to navigation is permitted on the docks, boat davits and boat lifts, in accordance with United States Coast Guard standards.
 - b. Other lighting fixtures may be installed on docks only providing they are mushroom-type fixtures designed to direct light downward, installed at least 25 feet apart, not more than one foot above the surface of the dock, and limited to 25 watt incandescent yellow bulbs.
 - c. All existing lighting on docks, boat davits and boat lifts which does not conform to these standards shall be deemed nonconforming and shall be made to conform.
- Delete entire Section 1(d) Other Structures on intracoastal, lake front, marsh front, canal front or stream front lots (1) through (5).
- Section 1(e) and (f) No changes except they would now become Section (d) and (e).

Consensus: **FORWARD WITH ABOVE CHANGES, INCLUDING THE CHANGE SUGGESTED BY CITY ATTORNEY WHITE REFERRING TO SECTION 27-328, TO THE JUNE REGULAR MEETING FOR SECOND READ AND PUBLIC HEARING.**

Recess/Reconvene Mayor Brown called a recess at 7:30 p.m. and reconvened the meeting at 7:40 p.m.

Ord. No. 2007-06 ORDINANCE NO. 2007-06, AMENDING TABLE 27-229-1: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, AMENDING TABLE 27-229-1 CHANGING SIDE YARD SETBACK IN R-1 AND THE LOT SIZE FOR 35 FEET BUILDING HEIGHT AND PROVIDING AN EFFECTIVE DATE.

Councilor Weldon stated the following language describing how the 100 feet of lot width would be determined needed to be included in item five of the ordinance.

For lots in the R-1 zoning district that have a minimum lot size of 12,000 square feet and a 100 feet lot width as measured at the building line parallel to the front face of the house and perpendicular to the primary side yard, 35 feet of the maximum building height will be permitted so as long as the primary roof structure is built at a minimum 5/12 roof pitch and not to exceed two stories of living area.

Councilor Pruette questioned if this ordinance would allow the construction of monster homes. Community Development Director Amanda Askew stated it would depend on the floor plan. A wider one story house would allow the house to be placed closer to the side yard setback than normally allowed in the district.

Consensus: **FORWARD WITH ABOVE CHANGES TO THE JUNE REGULAR MEETING FOR SECOND READING.**

Ord. No. 2007-07

ORDINANCE NO. 2007-XX, SHORT TERM RENTALS: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 27 ARTICLE I, SECTION 27-15 DEFINITIONS, ADDING THE DEFINITION OF SHORT TERM RENTALS, AND AMENDING ARTICLE IV, LAND USE, SECTION 27-225(1) AND PROVIDING AN EFFECTIVE DATE.

City Manager Jarboe explained short term rentals were not allowed by Code because they were considered a commercial use within a residential area. However, this could not be enforced because there was no definition in the Code for short term rentals. The Planning & Development Review Board recommended the definition of short term rentals be 28 days or less.

Janelle Wilson, 3090 South Third Street, Realtor, opposed the ordinance because she felt the ordinance infringed upon private property rights.

City Manager Jarboe added if Council wanted to legalize short term rentals it would, need to be added to the Business Tax License section of the Code.

Councilor Pardee felt the problem with short term rentals could be resolved by enforcing the noise and parking ordinances. He was concerned about how the ordinance would be enforced.

Councilor Pardee questioned how the State defined "Short Term Rentals". City Attorney White stated he would have to research to find the State definition of short term rentals.

Consensus: **FORWARD TO THE JUNE REGULAR MEETING FOR SECOND READ AND PUBLIC HEARING.**

PUD

PLANNED UNIT DEVELOPMENT: Councilor Lee had asked Community Development Director Amanda Askew to research the possibility of adding Planned Unit Development (PUD) into the code. He suggested the PUD be allowed as a special exception in the commercial district permissible use table.

City Manager Jarboe explained the definitions of PUD and Mixed Uses were interchangeable. He further explained the definition of PUD was currently in the Comprehensive Plan and could simply be added to the Code. If Council preferred the term Mixed Use, the Comprehensive Plan would have to be amended.

Mayor Brown felt this would be a good tool for the city to be able to negotiate with developers. He compared it to the Wal-Mart development negotiations as far as details, landscaping, sound barriers, etc.

Councilor Weldon felt historically PUD's always worked for the advantage of the developer and to the disadvantage of the residential community. He felt it should be worded carefully and be limited to commercial zoned areas.

Vice Mayor Pruette stated she supported mixed use in the shopping centers. However, she would be concerned about traffic, density and over development.

Councilor Pardee stated he supported mixed use but he would also be concerned about traffic and noise control.

Consensus: **TO CONTINUE DISCUSSION OF ADDING PUD'S TO THE CODE**

Ord. No. 2007-XX

ORDINANCE NO. 2007-XX, AMENDING CHAPTER 2, ADMINISTRATION: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 2

ADMINISTRATION, ARTICLE 2 CITY COUNCIL, SECTION 2-46, ORDINANCES, RESOLUTIONS, MOTIONS, CONTRACTS, ADDING 2-46(a)(2) AND PROVIDING AN EFFECTIVE DATE.

Councilor Pardee explained he proposed this ordinance in an effort to completely inform Council of all details and aspects of proposed ordinances before the first workshop meeting. He was interested in gathering details relating to the cost and enforcement of ordinances before first read.

Councilor Weldon felt this ordinance would add layers of staff time and delay to the process of passing needed legislation.

Councilor Pruette was concerned about the staff time and costs to prepare reports, etc.

Consensus: **NOT TO MOVE FORWARD WITH THE ORDINANCE.**

CONTRACTS / AGREEMENTS NONE

ISSUE DEVELOPMENT / NONE

Speed Humps

SPEED HUMPS – INDIAN WOODS DRIVE AND KINGS ROAD: City Manager Jarboe stated the Speed Hump Policy required the Public Safety Director TO conduct a study of the streets to determine the necessity of speed hump placements.

Public Safety Director David Sembach reported he conducted a traffic study on Kings Road and Indian Woods Drive. The study showed the 85 percentile was less than 30 miles per hour. During the time in which radar patrol vehicles were in the area no speeding citations were issued. Chief Sembach further explained that since 1985 there had only been one accident in the area, therefore, he did not feel the speed humps were necessary.

City Manager Jarboe stated the city was currently under a financial strain and trying to conservative by not funding items that were not absolutely necessary.

Councilor Weldon asked if speed humps could be considered if the property owners were willing to contribute to the cost. City Manager Jarboe replied “yes” and explained the cost was approximately \$1,000.00 per speed hump if installed by the city, which was 1/3 of the regular cost that a contractor would charge.

Councilor Lee questioned why there were so many speeding complaints from residents if there was no speeding actually occurring.

Chief Sembach explained it could be a matter of perception. There is always the exception of an occasional speeder, but it did not seem to be a continuous problem. If he felt there was a speeding problem, he would recommend a speed hump.

Councilor Lee stated he was willing to delay installing speed humps to speak with the residents again.

City Manager Jarboe stated Mr. Adeeb’s concern was toward the bridge and suggested placing a speed hump 200 feet from the south of the stop sign. Councilor Weldon stated he would like for the Public Safety Department to conduct a study on that block.

Consensus: **TO CONDUCT A SPEED HUMP/TRAFFIC STUDY ON THE SPAN OF**

KINGS ROAD BY THE BRIDGE AND COUNCILOR LEE TO SPEAK WITH THE RESIDENTS AND BRING THE RESULTS BACK TO THE COUNCIL.

Sun Dog Diner

SUN DOG DINER – REQUEST FOR OUTDOOR SEATING: City Manager Jarboe stated Sun Dog Diner has asked to have outdoor seating similar to Caribbee Key. He suggested applying the same sidewalk lease agreement rules as Caribbee Key in order to be consistent.

Curtis Winter, owner, Sun Dog Diner, 1803 Tanglewood Road, Jacksonville Beach, 32250, stated he would like to have outdoor sidewalk seating similar to Caribbee Key. A separate door would be installed for the outdoor seating area which would also help control alcohol being taken off premises.

Mayor Brown stated for the record this request and the Caribbee Key were the only locations within the city that would accommodate the use of sidewalk seating.

Councilor Weldon stated he appreciated the fact that the outdoor seating area would be non-smoking. Mr. Winter confirmed it would be non-smoking.

Councilor Weldon stated there were previous problems with the planter enclosures at Caribbee Key being moved. Mr. Winter explained their enclosure would be a permanent non moveable enclosure.

Vice Mayor Pruette voiced concern regarding the table umbrellas being able to sustain the wind. Mr. Winter stated they were still shopping for outdoor seating furniture and they were certain they Could come up with something strong enough to sustain the winds. The furniture would be moved at closing time.

Councilor Pardee questioned if the request would need to be approved by the Planning & Development Review Board. City Attorney White stated he would speak with Community Development Director Amanda Askew to determine if it was necessary to go before the PDRB.

Vice Mayor Pruette asked if Mr. Winter would be willing to replace the personalized bricks that were on the sidewalk used for restaurant seating. Mr. Winter replied that he would replace each of the personalized bricks.

Consensus: **FORWARD TO THE JUNE REGULAR MEETING. CITY ATTORNEY TO MEET WITH THE COMMUNITY DEVELOPMENT DIRECTOR TO DETERMINE IF A RECOMMENDATION FROM THE PLANNING AND DEVELOPMENT REVIEW BOARD WAS NECESSARY.**

Visioning

UPDATE ON LONG RANGE VISIONING – COUNCILOR LEE: Councilor Lee explained in the last month he held three visioning sessions with residents. The ideas from the three meetings would be consolidated outlining the priorities. He would then meet with City Manager Jarboe to discuss recommendations.

Florida Blvd.
Landscape

FLORIDA BOULEVARD LANDSCAPE PROJECT – REJECTION OF BID FROM ROYAL CONSTRUCTION GROUP: City Manager Jarboe explained the bid received from Royal Construction Group was not complete. He recommended rejection of the bid because they did not bid on the entire project. Mayor Brown suggesting placing this project on a future workshop to determine how to proceed with it.

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

Chapter 27

CHAPTER 27 ARTICLE XVI ARCHITECTURAL REVIEW: Due to the late hour Councilor Weldon suggested deferring this agenda item.

Consensus: **TO DEFER DISCUSSION OF CHAPTER 27 - ARCHITECTURAL REVIEW.**

Adjournment

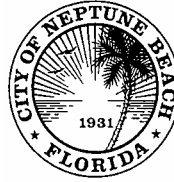
There being no further business, the meeting adjourned at 9:20 pm.

Richard A. Brown, Mayor

Attest:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
REGULAR CITY COUNCIL MEETING
APRIL 2, 2007 6:00 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 April 2, 2007 at 6:00 p.m., in the City Hall Council Chambers, 116 First Street, Neptune Beach, Florida.

Attendance	IN ATTENDANCE: Mayor Richard A. Brown Vice Mayor Harriet Pruette Councilor Fred Lee Councilor Eric Pardee Councilor John Weldon City Attorney Christopher White City Manager Jim Jarboe City Clerk Lisa Volpe, CMC	STAFF: Community Development Director Amanda Askew Senior Center Director Leslie Lyne Director of Finance Steve Ramsey Director of Public Safety David Sembach Deputy City Clerk Karla Strait, CMC
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Order Call/Pledge Mayor Brown called the meeting to order at 6:00 p.m. and led the pledge of allegiance.

AWARDS / PRESENTATIONS / RECOGNITION OF GUESTS

Res. No. 2007-02 **RESOLUTION NO. 2007-02:** A RESOLUTION OF THE CITY OF NEPTUNE BEACH, FLORIDA SUPPORTING SHERRON KENSKI, PRINCIPAL OF THE NEPTUNE BEACH ELEMENTARY SCHOOL, FOR THE FLORIDA PTA "PRINCIPAL OF THE YEAR" AWARD AND HONORS HER SERVICE TO THE COMMUNITY FOR THE LAST TWELVE YEARS.

Moved by Lee, seconded by Pruette.

Motion: **TO ADOPT RESOLUTION NO. 2007-02.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown
Noes: 0

MOTION CARRIED

City Clerk Volpe read the Resolution aloud for the assembly.

Mayor Brown and the Council then presented the Resolution to Mrs. Kenski.

APPROVAL OF MINUTES

Moved by Pruette, seconded by Pardee.

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

FEBRUARY 26, 2007, SPECIAL CITY COUNCIL MEETING
MARCH 5, 2007, REGULAR CITY COUNCIL MEETING
MARCH 12, 2007, SPECIAL CITY COUNCIL MEETING
MARCH 19, 2007, WORKSHOP CITY COUNCIL MEETING

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

COMMUNICATIONS AND CORRESPONDENCE

Mayor Brown stated he attended Legislation Day in Tallahassee with the Florida League of Cities and they were concerned about the proposed changes to real estate tax.

Councilor Lee stated he had met with Mr. Jonathon Plumb regarding his proposed variance request. He thanked Public Services Director Leon Smith for the job performed on the drainage project at Florida Boulevard and Fifth Street.

Councilor Pardee disclosed he had spoken with Mr. Jonathon Plumb regarding his proposed variance request.

Councilor Lee stated he sent out a memorandum regarding the dates, times and places of upcoming “visioning” town hall meetings.

Vice Mayor Pruette disclosed she had also spoken with Jonathon Plumb regarding his proposed variance. She asked City Manager Jarboe to work with the County regarding traffic signaling devices. She also thanked Karl Sanders, Attorney for Lakeshore Village / Wal-Mart for agreeing to erect a concrete wall across the southern portion of the property.

Councilor Weldon disclosed he had spoke with Mr. Jonathon Plumb regarding his proposed variance request.

Mayor Brown disclosed he also spoken with Mr. Jonathon Plumb regarding his proposed variance request.

CITY MANAGER REPORT

City Manager Jarboe reported on the following:

- The drainage project at Fifth Street and Florida Boulevard was completed by the Public Services Department with the use of the menzi muck. If the project had been contracted outside it would have cost the city an estimated \$40,000.
- The city received a federal grant to upgrade the security systems in city buildings.
- A meeting would be scheduled with the Department of Transportation and the City of Jacksonville to discuss the traffic signals located at major intersections throughout the city.

PUBLIC COMMENTS

Pat Hazouri, 207 Florida Boulevard, voiced concern regarding pedestrian safety at intersections crossing Third Street. She suggested erecting “Yield to Pedestrians” signs.

CONSENT AGENDA / NONE**VARIANCES**

Aqua East
696 Atlantic Blvd.
Moore

VARIANCE REQUEST OF SHUANA MOORE – AQUA EAST SURF SHOP – 696 ATLANTIC BOULEVARD: Vice Mayor Pruette questioned how Aqua East planned to maintain the rear of the building because there would only be 3.5 feet to the property line. Mr. Terry Simmons, Architect, explained the building would be stucco and block and would require minimum maintenance. Councilor Weldon questioned if they had reduced the impervious surface. Mr. Simmons explained they would be using pavers in the sidewalk areas.

Councilor Pardee stated approval of this variance request would be contingent upon the adoption of Ordinance No. 2007-03.

Moved by Pardee, seconded by Pruette.

Motion: **TO APPROVE THE VARIANCE REQUEST FOR AQUA EAST – 696 ATLANTIC BOULEVARD CONTINGENT UPON ADOPTION OF ORDINANCE NO. 2007-03.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

Gateway Atlantic
2300 Marsh Pt. Rd.

VARIANCE REQUEST OF GATEWAY ATLANTIC, LLC / OFFICE BUILDING – 2300 MARSH POINT ROAD: City Manager Jarboe stated the variance request was for twenty parking spaces in order to provide for a medical office within the building.

Moved by Pardee, seconded by Pruette.

Motion: **TO APPROVE THE VARIANCE REQUEST FOR GATEWAY ATLANTIC, LLC – 2300 MARSH POINT ROAD.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED**ORDINANCES**

Ord. No. 2007-02

ORDINANCE NO. 2007-02, AMENDING CHAPTER 27, ARTICLE IV, LAND USE, SECOND READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 27, ARTICLE IV, LAND USE, ADDING SECTION 27-243, PROTECTION OF ENVIRONMENTALLY SENSITIVE LANDS AND PROVIDING AN EFFECTIVE DATE.

Mayor Brown read Ordinance No. 2007-02 by title only and opened the public hearing.

Steven Carter, 1723 Indian Woods Drive, supported the city overseeing construction of docks but did not support additional restrictions of private property owner's rights.

Elliot Bailey, 1715 Indian Woods Drive, opposed the additional restrictions on

construction of docks.

Steve Jarrett, 500 Oceanfront, also opposed the additional restrictions on construction of docks.

Susan Bollenbaugh, 2022 Shadow Lane, supported the ordinance and protecting the environmentally sensitive land.

There being no further comments from the public, the public hearing was closed.

Moved by Pruette, seconded by Weldon.

Motion: **TO ADOPT ORDINANCE NO. 2007-02 ON SECOND READ AND PUBLIC HEARING.**

Councilor Pardee felt because of the state regulations the ordinance was not necessary.

Mayor Brown was concerned the proposed minimum 10' x 16' platform area may need to be increased.

Vice Mayor Pruette stated she was informed by Building Official Don Ford that property owners would be allowed to apply for a variance request in order to vary from the ordinance requirements.

For the Record Councilor Lee felt the ordinance needed to be simplified and stated for the record that he would not vote in favor of the ordinance on second read unless it was taken back to a workshop for further consideration.

Councilor Weldon stated that steps needed to be taken to protect this environmentally sensitive area from over development.

Vice Mayor Pruette withdrew her motion to adopt the ordinance on second read and public hearing.

Consensus: **FORWARD TO THE APRIL 16, 2007 WORKSHOP MEETING.**

Ord. No. 2007-03 **ORDINANCE NO. 2007-03, COMMERCIAL SETBACKS, SECOND READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 27 UNIFIED LAND DEVELOPMENT REGULATIONS TABLE 27-229-1 AND PROVIDING AN EFFECTIVE DATE.**

Mayor Brown read Ordinance No. 2007-03 by title only and opened the public hearing.

There being no comments from the public, the public hearing was closed.

Moved by Pruette, seconded by Pardee.

Motion: **TO ADOPT ORDINANCE NO. 2007-03 ON SECOND READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 4 – Lee, Pardee, Pruette, Brown

Noes: 1 – Weldon

MOTION CARRIED

Ord. No. 2007-04 **ORDINANCE NO. 2007-04, CONCURRENCY, FIRST READ: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 27 UNIFIED**

LAND DEVELOPMENT REGULATIONS, SECTION 27-350, PROCEDURE FOR APPLYING FOR AND ISSUING A CONCURRENCY CERTIFICATE AND PROVIDING AN EFFECTIVE DATE.

Councilor Pardee suggested returning the ordinance to a workshop to include language that allowed credit for existing development.

City Attorney White stated such language was not needed in the ordinance because it was included in the state statutes.

Moved by Weldon, seconded by Lee.

Motion: **TO PASS ORDINANCE NO. 2007-04 ON FIRST READ.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

Ord. No. 2007-05

ORDINANCE NO. 2007-05, PER DIEM, FIRST READ: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 2 ADMINISTRATION BY AMENDING SECTION 2-355 SUBSISTENCE AND PROVIDING AN EFFECTIVE DATE.

Moved by Pardee, seconded by Pruette.

Motion: **TO PASS ORDINANCE NO. 2007-05 ON FIRST READ.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

OLD BUSINESS

Surplus

SURPLUS VEHICLE – ANIMAL CONTROL TRUCK: Approval for the City Manager to surplus the old animal control truck.

Moved by Weldon, seconded by Pruette.

Motion: **TO APPROVE THE SURPLUS OF THE ANIMAL CONTROL TRUCK.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

NEW BUSINESS

Res. No. 2007-03

RESOLUTION NO. 2007-03: A RESOLUTION OF THE CITY OF NEPTUNE BEACH, FLORIDA RECOGNIZING THE 20TH ANNIVERSARY OF THE 911 EMERGENCY TELEPHONE SYSTEM IN NEPTUNE BEACH, DUVAL COUNTY, EXPRESSING APPRECIATION FOR THE WORK DONE, THE LIVES SAVED AND THE CONTRIBUTION TO PUBLIC SAFETY BY THE EMERGENCY COMMUNICATIONS PERSONNEL AND SUPPORT STAFF.

Moved by Pruette, seconded by Lee.

Motion: **TO ADOPT RESOLUTION NO. 2007-03.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

Vice Mayor Pruette stated the Annual Easter Egg Hunt would be held Friday, April 6, 2007, beginning at 10:00 a.m. in Jarboe Park.

City Manager Jarboe asked council members to advise him if they were interested in participating in the "Opening of the Beaches Parade".

Adjournment

There being no further business, the meeting adjourned at 8:24 p.m.

Richard A. Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



**MINUTES
WORKSHOP CITY COUNCIL MEETING
APRIL 16, 2007 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 16, 2007 at 6:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

STAFF:

Mayor Richard Brown
Vice Mayor Harriet Pruette
Councilor Fred Lee
Councilor Eric Pardee
Councilor John Weldon
City Attorney Chris White
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

Community Development Director Amanda Askew
Building Official Don Ford
Senior Activities Center Director Leslie Lyne
Director of Finance Steve Ramsey
Director of Public Services Leon Smith
Director of Public Safety David Sembach
Deputy City Clerk Karla Strait, CMC

Call to Order/Roll Call Mayor Brown called the meeting to order at 6:00 p.m. and acknowledged City of Jacksonville Councilman Art Graham was in the assembly.

PRESENTATIONS / NONE

CITY MANAGERS ACTION LIST

City Manager Jarboe reported on the following:

- The Beaches would be sponsoring the Northeast Florida League of Cities dinner meeting at the Casa Marina Hotel on May 17, 2007. Please contact City Clerk Lisa Volpe if you would like to attend.
- The city was still looking at options to reduce the sewer nitrogen level.
- The bids for the Kings Road Bridge will be received by the end of this month.
- The new computer system should be implemented within the next month or two.
- The city was considering implementing Voluntary Green Regulations for building.
- Mr. Jarboe was working with the property owners regarding the access road between the shopping centers.
- There are currently two versions of tax reform in legislation hopefully a decision will be made before the budget process begins.

PUBLIC COMMENTS

Dennis Joyce, 1998 Strand, supported the short term rental ordinance.

Susan Bollenbaugh, 2022 Shadow Lane, supported the ordinance to protect

environmentally sensitive lands.

Stephen Carter, 1723 Indian Woods, felt additional restrictions were not necessary for construction of docks.

Warren Anderson, 207 Walnut Street, supported Ordinance No. 2007-02, protecting environmentally sensitive lands.

Barbara Jackson, 2001 Cherokee Drive, supported the protection of environmentally sensitive lands.

Steve Jarrett, 500 Oceanfront, suggested many changes to the Ordinance No. 2007-02, protecting environmentally sensitive lands. City Manager Jarboe asked Mr. Jarrett to submit his suggestions in writing.

Dana Pardee, 1421 Penman Road, concerned about the city restricting rights of private property owners.

PROPOSED ORDINANCES

Ord. No. 2007-02

ORDINANCE NO. 2007-02, PROTECTION OF ENVIRONMENTALLY SENSITIVE LANDS: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 27 ARTICLE IV, LAND USE, ADDING SECTION 27-243, PROTECTION OF ENVIRONMENTALLY SENSITIVE LANDS AND PROVIDING AN EFFECTIVE DATE.

Councilor Lee stated the area was zoned as a conservation area back in 1991 and the only permitted use was for single family homes. He recognized that the Table of Uses did not include docks or boathouses.

City Attorney White agreed the Table of Uses needed to be revised to include boathouses and docks.

Vice Mayor Pruette stated Building Official Don Ford advised her there was a potential for another 128 to 135 docks to be constructed on Hopkins Creek. Therefore, she felt it was necessary for the city to have some type of regulations.

Councilor Pardee stated the Comprehensive Plan explained the different agencies that regulated dock construction. He felt the city would be infringing on private property rights by further regulating docks.

Councilor Weldon demonstrated the size of 160 square feet dock to the assembly. He did not consider regulating construction of docks as restricting private property rights. He was concerned about commercial fisherman having access to the intra coastal waterways.

Mayor Brown asked Council to consider striking out language within the ordinance that they did not agree on.

Councilor Pardee and Mayor Brown questioned why community docks were considered in the ordinance.

Councilor Weldon responded in some situations instead of building six single docks property owners might agree to share one larger dock. However, he was willing to strike the language.

Councilor Weldon felt the ordinance also needed to address lighting issues.

Councilor Lee stated he would support the ordinance with the following revisions:

- The addition of docks and boathouses to the Table of Uses
- The addition of lighting restrictions
- Add clarification for the need for a building permit
- Comply with State and Federal regulations
- Strike (c)(6) Only one dock is permitted per platted lot with no more than one dock allowed per single family home. ~~Community docks which serve multiple lots and homes are encouraged and may be granted exceptions to the size limits specified in this ordinance on a case by case basis.~~
- Strike (a) Purpose and Intent. It is the intent of this section to insure that on intracoastal, lake front, marsh front, canal front, and stream front lots no boating hazards will be created, effective flow of storm water runoff will be maintained, water pollution from storm water runoff and other sources will be minimized. ~~Views of water from adjoining properties will not be unduly impaired, and the appearance of the shore when viewed from the water will be kept as natural as reasonably possible.~~
- Add (c)(1) Docks. A building permit is required and all construction will adhere to the Florida Building Code.
- Amend (c)(4) The access walkway of docks shall be a maximum of four (4) feet in width. The terminal platform of docks shall be a maximum of ~~400~~ 200 square feet.
- Strike (d)(4) ~~Structures on intracoastal, lakefront, marsh front, canal front, or stream front lots shall, to the extent reasonably possible, be designed and located to minimize their obstruction or degradation of traditional views to and through the property to the water. Structures in this context shall also include fences and walls. The City, may as conditions necessitate, reduce the height of structures, alter their locations, size and design so as to accomplish this objective.~~

Vice Mayor Pruette suggested holding a special workshop meeting before the May regular meeting in order to review and discuss the ordinance with the above changes.

Consensus: **REVISE THE ORDINANCE TO REFLECT THE CHANGES AND FORWARD TO A SPECIAL WORKSHOP MEETING BEFORE THE MAY REGULAR MEETING.**

Short Term Rentals

ORDINANCE NO. 2007-XX, SHORT TERM RENTALS: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 27 ARTICLE I, SECTION 27-15 DEFINITIONS, ADDING THE DEFINITION OF SHORT TERM RENTALS, AND AMENDING ARTICLE IV, LAND USE, SECTION 27-225(1) AND PROVIDING AN EFFECTIVE DATE.

Councilor Weldon felt short term rentals diminished the quality of life of the surrounding neighbors. This ordinance would not allow rentals for less than ninety (90) days. The intent is to eliminate weekend and weekly vacation rentals.

Mayor Brown stated a (28) twenty eight or (30) thirty days rental period would be a good compromise.

Councilor Pardee felt the problems could be solved by enforcing the current ordinances and added there have been only two complaints in the last two years.

Councilor Pardee questioned how the ordinance would be enforced.

Councilor Weldon replied the ordinance would be enforced starting with a complaint to the Code Enforcement Officer.

City Manager Jarboe added that websites and local newspapers would be helpful in locating the short term rental properties.

City Manager Jarboe asked Building Official Don Ford how Atlantic Beach enforced their ordinance.

Building Official Don Ford explained Atlantic Beach enforced their ordinance by sending warning letters in response to internet advertisements and local newspaper listings for short term rentals.

Consensus: **FORWARD TO THE MAY REGULAR MEETING FOR FIRST READ AND INCLUDE LANGUAGE FOR WARNING LETTER.**

Lighting

ORDINANCE NO. 2007-XX, LIGHTING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 28 NUISANCES SECTION 28-5 ILLUSTRATIVE ENUMERATION AND PROVIDING AN EFFECTIVE DATE.

Mayor Brown stated the lighting ordinance was removed from the agenda at the request of Councilor Weldon.

CONTRACTS / AGREEMENTS

Lewis, Longman, & Walker

LEWIS, LONGMAN, & WALKER, P.A.: Request for direction on invoice in the amount of \$5,196.41 for additional services rendered above the original \$10,000 fee agreement.

City Manager Jarboe stated the original agreement for the land use attorney fees was not to exceed \$10,000 without notifying the city. Their final invoice amounted to \$28,000; however, at the insistence of City Attorney White they reduced the invoice by \$13,000, leaving a balance of \$5,196.41.

Mayor Brown asked City Attorney White if was usual for attorneys fees to go over the contracted amount.

City Attorney White stated the fees were reasonable for the amount of work produced. However, because they did not bring it to the attention of the city when they approached the \$10,000 limit it would be at Councils discretion to determine whether or not the city should pay the overage.

Vice Mayor Pruette stated it was clear in the engagement letter they would bring it to the city's attention if the amount would exceed \$10,000. Therefore she was not in favor of paying the additional \$5,196.41.

Councilor Lee questioned if the engagement letter was considered a contract. City Attorney White replied "yes" the engagement letter was an enforceable contract.

Councilor Lee felt the 50% overage was too much and the Council should have been notified.

Councilor Pardee questioned what the city received from the attorneys for the \$10,000. It was his impression that the firm was to review the 60,000 square foot ordinance and compare it to the comprehensive plan.

Councilor Weldon also felt the Council should have been made aware of the overage.

Mayor Brown suggested compromising by paying half the amount of the invoice.

Consensus: **FORWARD TO THE MAY CONSENT AGENDA TO NOT PAY THE
ADDITIONAL FEES OF \$5,196.41.**

ISSUE DEVELOPMENT / NONE

Councilor Lee confirmed the dates of April 26, 30th and May 1, 2007 for his Visioning Town Hall Meetings, at 6:30 p.m.

Councilor Weldon announced the Relay for Life this coming Saturday at Jarboe Park.

Adjournment

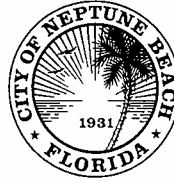
There being no further business, the meeting adjourned at 8:15 pm.

Attest:

Richard A. Brown, Mayor

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
REGULAR CITY COUNCIL MEETING
MARCH 5, 2007 6:00 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 March 5, 2007 at 6:00 p.m., in the City Hall Council Chambers, 116 First Street, Neptune Beach, Florida.

Attendance	IN ATTENDANCE: Mayor Richard A. Brown Vice Mayor Harriet Pruette Councilor Fred Lee Councilor Eric Pardee Councilor John Weldon City Attorney Christopher White City Manager Jim Jarboe City Clerk Lisa Volpe, CMC	STAFF: Community Development Director Amanda Askew Senior Center Director Leslie Lyne Director of Finance Steve Ramsey Director of Public Safety David Sembach Director of Public Services Leon Smith Deputy City Clerk Karla Strait, CMC
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Order Call/Pledge	Mayor Brown called the meeting to order at 6:00 p.m. and asked Vice Mayor Pruette to lead the pledge of allegiance.
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AWARDS / PRESENTATIONS / RECOGNITION OF GUESTS

Joe Stonecipher and Don Ouchley, Beaches Energy Services, gave a presentation regarding how Neptune Beach residents could connect to the recently installed underground electrical lines.

Elaine Brown, City of Jacksonville Councilwoman, introduced Mr. Jay Jabour and announced that she would be endorsing him as her replacement on the Jacksonville City Council At Large Group 2 due to her term limits having expired.

APPROVAL OF MINUTES

Moved by Weldon, seconded by Pruette.

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

FEBRUARY 5, 2007, REGULAR CITY COUNCIL MEETING
FEBRUARY 12, 2007, WORKSHOP CITY COUNCIL MEETING

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

COMMUNICATIONS AND CORRESPONDENCE

Councilor Lee stated he would be working with City Manager Jim Jarboe and Community Development Director Amanda Askew on visioning and mixed use development ideas.

CITY MANAGER REPORT

City Manager Jarboe reported on the following:

- He would like the city to consider a financing program for underground electrical connections for residents whereby the city would pay Beaches Energy to hook up the underground connection and assess those residents who wished to participate.
- He was concerned that if the state reduced property taxes the proposed sales tax increase would not cover the loss of revenue for the city.
- He would like to schedule a goal setting session for the current budget year.
- The Public Services Department would begin work on the Fifth Street drainage project next week.

Vice Mayor Pruette suggested adopting a resolution opposing the state reducing any of our state funding.

PUBLIC COMMENTS

Stephen Carter, 1723 Indian Woods Drive, voiced opposition of Ordinance No. 2007-02 due to further restrictions being placed on construction of docks.

CONSENT AGENDA

Kings Rd. Bridge

APPROVAL TO ADVERTISE FOR REQUESTS FOR PROPOSALS – KINGS ROAD BRIDGE: Advertisement for requests for proposals for design build construction of a new Kings Road Bridge.

APPROVAL OF REQUEST FROM JUDITH JENNESS, 1836 NIGHTFALL DRIVE, TO CONSTRUCT A DOCK OVER CITY PROPERTY: Approval to allow Ms. Jenness, 1836 Nightfall Drive to construct a dock over the marsh.

Moved by Pruette, seconded by Lee.

Motion: **TO APPROVE THE CONSENT AGENDA.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

VARIANCES / NONE**ORDINANCES**

Ord. No. 2007-01

ORDINANCE NO. 2007-01, AMENDING CHAPTER 27, AND TABLE 27-226-1, PERMISSIBLE USES, SECOND READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 27 UNIFIED LAND DEVELOPMENT REGULATIONS, AMENDING TABLE 27-226-1 PERMISSIBLE USES TO ALLOW MOTOR VEHICLE SERVICE BY EXCEPTION IN ZONING DISTRICTS C-2 AND C-3 AND PROVIDING AN EFFECTIVE DATE.

Mayor Brown read Ordinance No. 2007-01 by title only and opened the public hearing.

Denise Wallace, 1313 Glickstein Court, voiced concern regarding the effect the ordinance would have on the character of the neighborhood.

Mr. Mack McCuller, 225 Water Street, asked Council to approve the ordinance on behalf of his client.

There being no further comments from the public, the public hearing was closed.

Moved by Pardee, seconded by Pruette.

Motion: **TO ADOPT ORDINANCE NO. 2007-01 ON SECOND READ AND PUBLIC HEARING.**

For the Record Councilor Weldon read the following prepared statement for the record:

"The Commercial C-2 zoning district is intended to provide for retail sales and services for one (1) or more neighborhoods.

Do we have any long range plan for the future of Neptune Beach?

Or will we simply accept a cobbled-together hodgepodge of a community because this Council lacks the discipline to develop a vision of the future and then stick with it?

Why do we have this urge to accommodate any business that asks us to modify our code? Why can't AAMCO find a location in the C-3 zoning district? Might it be because the land along Florida Boulevard is less expensive than the available sites along Atlantic Boulevard?

The C-2 zoning district was never intended for motor vehicle services. It was intended to provide for the restaurants, retail shops, markets, offices and personal services that support the development of a quiet and secure residential neighborhood.

Aren't we sacrificing the long range objectives we have built into our Comprehensive plan and ULDC to an impulsive desire to encourage economic development regardless of the real cost to the community?"

Council discussed the pros and cons of the ordinance.

Roll Call Vote:

Ayes: 3 – Pardee, Pruette, Brown

Noes: 2 – Lee, Weldon

MOTION CARRIED

Ord. No. 2007-02

ORDINANCE NO. 2007-02, AMENDING CHAPTER 27, ARTICLE IV, LAND USE, FIRST READ: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 27, ARTICLE IV, LAND USE, ADDING SECTION 27-243, PROTECTION OF ENVIRONMENTALLY SENSITIVE LANDS AND PROVIDING AN EFFECTIVE DATE.

Councilor Pardee passed out copies of a memo he had prepared regarding his concern that Hopkins Creek was not designated as an aquatic preserve by the state. According to his research the water in Hopkins Creek was considered sovereign submerged lands belonging to and governed by the state. He also felt the ordinance would interfere with property owners riparian rights.

Vice Mayor Pruette suggested forwarding the ordinance to the March workshop for

further discussion.

Councilor Weldon stated the objective was to define "conservation area." He asked City Attorney Chris White if the city had the right to enact more restrictive laws regarding the conservation area. City Attorney White replied the state dealt with issuing dock permits. The city had the right to enact more restrictive laws as long as they were not in conflict with the state laws. He stated that he would research "what was exempted from state" and "what could be regulated by city government."

Vice Mayor Pruette asked City Attorney White to research and simplify the ordinance before the March workshop meeting.

Moved by Pruette, seconded by Weldon.

Motion: **TO PASS ORDINANCE NO. 2007-02 ON FIRST READ AND FORWARD TO THE MARCH WORKSHOP FOR FURTHER DISCUSSION.**

Roll Call Vote:

Ayes: 4 – Lee, Pruette, Weldon, Brown

Noes: 1 – Pardee

MOTION CARRIED

OLD BUSINESS / NONE

NEW BUSINESS

Seagate Paving

SEAGATE AVENUE PAVING EAST OF THIRD STREET: The cost to pave Seagate Avenue east of Third Street, through a contract with the City of Jacksonville Beach would be a total of \$20,000 to be shared equally between the two cities. Also, First Christian Church of the Beaches requested that consideration be given to paving their parking area between First Street and Ocean Front on the south side of the church. This would cost an additional \$3,649.25. The church was willing to pay its 20% share. The estimated total amount for Neptune Beach would be \$13,649.25.

City Manager Jarboe stated the money could be paid from the current gas tax fund.

Moved by Weldon, seconded by Pruette.

Motion: **TO APPROVE PAVING SEAGATE AVENUE EAST OF THIRD STREET TO INCLUDE THE SOUTHSIDE OF THE CHURCH PARKING AREA.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

Adjournment

There being no further business, the meeting adjourned at 7:50 p.m.

Richard A. Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved:



MINUTES
SPECIAL CITY COUNCIL MEETING
MARCH 12, 2007 AT 6:00 P.M.
CITY HALL, 116 FIRST STREET
NEPTUNE BEACH, FLORIDA

Pursuant to proper notice a Special Meeting of the City Council of the City of Neptune Beach was held March 12, 2007 at 6:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

Mayor Richard A. Brown
Vice Mayor Harriet Pruette
Councilor Fred E. Lee
Councilor Eric Pardee
Councilor John Weldon
City Attorney Chris White
City Manager James Jarboe
City Clerk Lisa Volpe, CMC

STAFF:

Community Development Director Amanda Askew
Director of Public Safety David Sembach

Order Call

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

City Attorney White stated the agenda needed to be amended to include the revised settlement agreement. After the last meeting, where Vice Mayor Pruette stated her concerns about the wall, Wal-Mart changed paragraphs 6a, 6b and 6c. This added the rear wall and made some minor language changes.

Moved by Pruette, seconded by Lee

Motion: **TO AMEND THE AGENDA TO INCLUDE THE REVISED SETTLEMENT AGREEMENT.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown
Noes: 0

MOTION CARRIED

Revised Settlement
Agreement

REVISED SETTLEMENT AGREEMENT: City Attorney White stated the changes in 6 a and b were technical and neither he or the city manager had a problem with them and 6c added an additional screening wall.

Moved by Pruette, seconded by Lee

Motion **APPROVAL OF TECHNICAL AMENDMENTS TO THE SETTLEMENT.**

Vice Mayor Pruette voiced her concern about the screening wall. She passed out pictures of a wall used in Jacksonville Beach for the same reason. She preferred a wall across the entire back of the property.

Karl Sanders, 6 E. Bay Street, Attorney for Wal-mart, stated noise has always been a concern. The wall is not behind the building because the truck well is at the side not at the back and there is limited access in the back therefore trucks will not have a reason to be there. In order to help with the noise problem twenty magnolias will be planted, the berm is 16 and 8 feet high and there is a fountain in the retention pond. He stated after the last meeting Wal-Mart added a screening wall on the parking lot on the eastern side of the building.

Vice Mayor Pruette asked what would stop refrigerated trucks from standing in the back. Mr. Sanders said it would be in violation of the settlement and the price of gasoline would not make it beneficial.

Councilor Lee asked to clarify where the wall would be. He discussed extending the wall behind the truck turn around area. Mr. Sanders said it could possibly be done. Discussion ensued if this was a good idea or if it was possible to put a wall across the entire berm. Mr. Sanders stated vegetation may cause a problem with a wall on the berm.

Councilor Weldon agreed an additional fence behind the truck turn around area was a good idea but a fence along the entire back was not.

Vice Mayor Pruette asked how high the screening wall around the delivery area would be. Mr. Jarboe stated the intent is to shield the trucks.

Councilor Pardee added if the fountain was for aesthetics it would be blocked by additional fencing. Mr. Sander stated the fountain was for water circulation and sound buffer. He added the extra fence was a reasonable request and he could ask his clients and report back to council on April 2nd.

Vice Mayor Pruette questioned the upkeep of the property after it has been built. Mr. Sanders stated this is an ongoing partnership between Wal-Mart and the City of Neptune Beach. He felt it would be important for the city to have a good relationship with the store manager. Concerns should be brought to the manager and dealt with in a timely manner. If they are not, Mr. Sanders stated Mr. White has his phone number. Ms. Pruette stated that was for public record.

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED.

Ordinance 2007-03

ORDINANCE 2007-03, COMMERCIAL SETBACKS, FIRST READ: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 27 UNIFIED LAND DEVELOPMENT REGULATIONS TABLE 27-229-1 AND PROVIDING AN EFFECTIVE DATE.

Chris White stated the ordinance is an amendment to the table 27-229-1.

Moved by Pardee, seconded by Lee

Motion: **TO APPROVE ORDINANCE 2007-03**

Vice Mayor Pruette asked if the buildings along Atlantic Blvd would no longer be nonconforming. City Manager Jarboe stated in relation to this ordinance they would not be.

Councilor Pardee asked the council if they still wanted to keep the 60,000 square feet limitation in the table under footnote 6. The rest of council agreed that it should be kept even though it does not pertain to this development.

Councilor Lee asked Mr. Sanders if there were any chance in the future for Walmart to expand the store if more property became available. Mr. Sanders Stated the settlement agreement would have to be renegotiated by city council if the 60,000 square feet ordinance did not stop any further development.

Vice Mayor Pruette voiced concern over the building being left empty if the store moved or went out of business.

Councilor Weldon asked for reassurance that there would be no out parcels. Mr. Sanders stated that would have to be renegotiated in the settlement agreement and from a practical stand point there is not enough parking to support out parcels.

Councilor Lee asked Mr. Jarboe if Vice Mayor Pruette's concern about an empty building much like the old A& P happened a lot in communities. Mr. Jarboe stated the way to deal with that is through code enforcement much like the city did with the A&P. Councilor Pardee reiterated what the city manager said and that it should be used more often. Mayor Brown stated part of the problem was the property owners of the A&P. Councilor Lee commented that the city sometimes takes blame for empty stores but it is not always the case. City Manager Jarboe stated some empty stores in the city already have interested tenants. Vice Mayor Pruette stated she was considering sponsering a blight ordinance.

Roll Call Vote:

Ayes: 4 – Lee, Pardee, Pruette, Brown
Noes: 1 - Weldon

MOTION CARRIED

Adjournment

There being no further business, the meeting adjourned at 6:35 p.m.

Richard Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



**MINUTES
WORKSHOP CITY COUNCIL MEETING
MARCH 19, 2007 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 March 19, 2007 at 6:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

STAFF:

Mayor Richard Brown
Vice Mayor Harriet Pruette
Councilor Eric Pardee
Councilor John Weldon
City Attorney Chris White
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

Community Development Director Amanda Askew
Senior Activities Center Director Leslie Lyne
Director of Finance Steve Ramsey
Director of Public Services Leon Smith
Director of Public Safety David Sembach
Deputy City Clerk Karla Strait, CMC

ABSENT:

Councilor Fred Lee

Call to Order/Roll Call

Mayor Brown called the meeting to order at 6:00 p.m. City Clerk Volpe stated Councilor Lee was out of town.

PRESENTATIONS / NONE

CITY MANAGERS ACTION LIST

City Manager Jarboe reported on the following:

- Residents connecting up to the new underground electric will be required to obtain a permit from the city.
- The drainage project at Fifth Street and Florida Boulevard should be completed this week and the fencing completed next week.
- The city was still working on options to lower the nitrogen level.

PUBLIC COMMENTS

Shannon Desmond, 813 Cherry Street, was concerned about the development of the Lakeshore Village / Wal-Mart property.

Steven Carter, 1723 Indian Woods Drive, felt additional restrictions were not necessary for construction of docks.

Mike Austin, 1125 14th Street, Jacksonville Beach, felt the Department of Environmental Protection did a good job regulating the construction of docks and the city should

focus on laws regarding maintenance of docks.

Pat Hazouri, 207 Florida Boulevard, was concerned about pedestrian crossings on Third Street / A1A.

Douglas Adams, 800 Davis Street, supported the lighting ordinance.

PROPOSED ORDINANCES

Ord. No. 2007-02

ORDINANCE NO. 2007-02, PROTECTION OF ENVIRONMENTALLY SENSITIVE LANDS: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 27 ARTICLE IV, LAND USE, ADDING SECTION 27-243, PROTECTION OF ENVIRONMENTALLY SENSITIVE LANDS AND PROVIDING AN EFFECTIVE DATE.

Andrew Sears, Environmental Supervisor, Northeast District of Department of Environmental Protection, explained the process and procedures required by the DEP for property owners to obtain a permit for construction of private docks.

Mr. Sears further explained that an aquatic preserve is an area of state owned sovereign submerged lands which is considered to have heightened aesthetic recreational or ecological value. The criteria for use of sovereign submerge lands that apply within aquatic preserves are actually stricter than they would be in Hopkins Creek or the St. Johns River. In order to designate an area an aquatic preserve one must apply to the Board of Trustees.

For the Record Councilor Weldon asked Mr. Sears for the record, if the state law prohibited a municipality from further restricting criteria for construction of docks. Mr. Sears replied there was absolutely nothing in the state law prohibiting additional restrictions on construction of docks.

For the Record Councilor Weldon asked Mr. Sears for the record, if the Department of Environmental Protection encouraged people outside of a defined aquatic preserve to comply with the criteria for aquatic preserve. Mr. Sears replied "yes" that ultimately their objective is to minimize the use of sovereign submerged lands.

For the Record Councilor Weldon asked Mr. Sears for the record, if he felt there were serious issues developing with the number and size of docks that were being constructed. Mr. Sears responded there were certainly a lot of docks being built, many without permits. The issue of riparian view has become more prevalent. The department was trying to ensure that the resource itself remains intact to the greatest extent possible.

For the Record Councilor Pardee asked Mr. Sears for the record, if the city denied a property owner a permit to construct a dock if that property owner would have the right to sue the city. Mr. Sears replied whenever environmental regulations are applied to private properties there is always the possibility of a property owner filing a lawsuit.

Councilor Weldon asked former council member Leslie Lyne to explain why the council had the area designated a preserve.

For the Record Former Council Member Leslie Lyne explained she was on the city council when the area was designated a conservation area. The intent at the time was to preserve this prestigious area for the future. They did not know at the time that they could have designated it as an "aquatic preserve" or they would have taken the necessary steps to do so.

Councilor Weldon asked that Mrs. Lyne's comments go on the record.

Vice Mayor Pruette asked City Attorney White if this ordinance prevented property owners from building docks. City Attorney Chris White stated property owners could still construct docks under the state guidelines without any city guidelines.

Consensus: **FORWARD TO THE APRIL REGULAR MEETING FOR SECOND READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 3 – Pruette, Weldon, Brown

Noes: 1 – Pardee

Short Term Rentals

ORDINANCE NO. 2007-XX, SHORT TERM RENTALS: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 27 ARTICLE I, SECTION 27-15 DEFINITIONS, ADDING THE DEFINITION OF SHORT TERM RENTALS, AND AMENDING ARTICLE IV, LAND USE, SECTION 27-225(1) AND PROVIDING AN EFFECTIVE DATE.

Councilor Weldon felt short term rentals diminished the quality of life of the surrounding neighbors. This ordinance would not allow rentals for less than ninety (90) days.

City Manager Jarboe felt a thirty (30) days rental period was reasonable.

Councilor Pardee felt the problems could be solved by enforcing the current ordinances.

Council discussed if this ordinance was necessary.

Consensus: **FORWARD TO THE APRIL WORKSHOP MEETING.**

Lighting

ORDINANCE NO. 2007-XX, LIGHTING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 28 NUISANCES SECTION 28-5 ILLUSTRATIVE ENUMERATION AND PROVIDING AN EFFECTIVE DATE.

Councilor Weldon was concerned about private outdoor lighting reflecting onto private neighboring properties and into private neighboring homes.

City Attorney White felt the language in the ordinance should be less subjective. Councilor Weldon agreed to have City Attorney White amend the language.

Councilor discussed whether or not this ordinance was necessary.

Tim Ingram, 113 Pine Street, spoke in favor of the lighting ordinance.

Consensus: **FORWARD TO THE APRIL WORKSHOP MEETING.**

Concurrency

ORDINANCE NO. 2007-XX, CONCURRENCY: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 27 UNIFIED LAND DEVELOPMENT REGULATIONS, SECTION 27-350, PROCEDURE FOR APPLYING FOR AND ISSUING A CONCURRENCY CERTIFICATE AND PROVIDING AN EFFECTIVE DATE.

Councilor Weldon stated this ordinance would allow the city manager to determine whether or not a development required a traffic study. Such traffic study would be commissioned by the city at the expense of the developer.

Councilor Pardee commented that the traffic study the city commissioned for Lakeshore Village was incorrect.

For the Record City Manager Jarboe stated for the record the traffic study prepared by Martha Moore for the city was correct. It was the one prepared by Lakeshore Village that was incorrect.

Consensus: **FORWARD TO THE APRIL REGULAR MEETING FOR FIRST READ AND PLANNING & DEVELOPMENT REVIEW BOARD IN APRIL.**

Roll Call Vote:

Ayes: 3 – Pruette, Weldon, Brown

Noes: 1 – Pardee

Per Diem

ORDINANCE NO. 2007-XX, PER DIEM: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 2 ADMINISTRATION BY AMENDING SECTION 2-355 SUBSISTENCE AND PROVIDING AN EFFECTIVE DATE.

This ordinance would allow employee meal per diem to be given based on Internal Revenue Service standards.

Consensus: **FORWARD TO THE APRIL REGULAR MEETING FOR APPROVAL**

CONTRACTS / AGREEMENTS / NONE

ISSUE DEVELOPMENT

Aqua East
Shauna Moore

VARIANCE REQUEST OF SHUANA MOORE / AQUA EAST SURF SHOP – 696 ATLANTIC BOULEVARD: Community Development Director Amanda Askew explained the variance request was previously granted by the Council in May of 2005 however, the applicant allowed the variance to expire.

Allison Forsyth, 696 Atlantic Boulevard, Aqua East Surf Shop, explained she had an easement from Lakeshore Village for overflow parking and drainage. Lakeshore Village had been placed on notice not to remove the existing drainage pipe.

Councilor Weldon expressed concern regarding impervious surface and asked if they could minimize the impervious surface to the 75% requirement.

Consensus: **FORWARD TO THE APRIL REGULAR MEETING AND HAVE AQUA EAST ADDRESS THE IMPERVIOUS SURFACE AT THAT TIME.**

Surplus Vehicle

SURPLUS VEHICLE: City Manager Jarboe explained the animal control truck would be sold for parts. Council approval was necessary because the sales amount could exceed the city managers approval limit of \$750.00.

Consensus: **FORWARD TO THE APRIL REGULAR MEETING FOR APPROVAL.**

City Manager Jarboe stated he would like to prepare a resolution recognizing Neptune Beach Elementary School Principle Sharon Kinske for her retirement and supporting her for the Principle of the Year Award.

Vice Mayor Pruette asked to prepare a resolution recognizing Jack Gillrup, Chief, Disabled Services Division, for his retirement and for his assistance in obtaining Handicap Beach Wheelchairs.

Adjournment

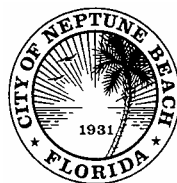
There being no further business, the meeting adjourned at 8:59 pm.

Richard A. Brown, Mayor

Attest:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
REGULAR CITY COUNCIL MEETING
FEBRUARY 5, 2007 6:00 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 February 5, 2007 at 6:00 p.m., in the City Hall Council Chambers, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

Mayor Richard A. Brown
Vice Mayor Harriet Pruette
Councilor Fred Lee
Councilor Eric Pardee
Councilor John Weldon
City Attorney Christopher White
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

STAFF:

Community Development Director Amanda Askew
Director of Finance Steve Ramsey
Director of Public Safety David Sembach
Director of Public Services Leon Smith
Deputy City Clerk Karla Strait, CMC

Order Call/Pledge

Mayor Brown called the meeting to order at 6:00 p.m. and asked Councilor Pardee to lead the pledge of allegiance.

AWARDS / PRESENTATIONS / RECOGNITION OF GUESTS / NONE

APPROVAL OF MINUTES

Moved by Pardee, seconded by Lee.

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

JANUARY 8, 2007, SPECIAL CITY COUNCIL MEETING
JANUARY 8, 2007, REGULAR CITY COUNCIL MEETING
JANUARY 22, 2007, WORKSHOP CITY COUNCIL MEETING

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown
Noes: 0

MOTION CARRIED

COMMUNICATIONS AND CORRESPONDENCE

Vice Mayor Pruette asked City Manager Jarboe to update the Council on the progress of the new Kings Road Bridge.

Councilor Pardee stated the City of Jacksonville had some concern regarding revenue due to the decrease in the number of building permits issued this year.

City Clerk Volpe asked Council to bring their Code books to the City Clerk's Office so they could be updated with the new supplements.

City Clerk Volpe stated City Hall would be closed on Monday, February 19, 2007. She asked Council to change the date of the February workshop meeting.

Consensus: **TO HOLD THE FEBRUARY WORKSHOP MEETING ON FEBRUARY 12, 2007 AT 6:00 P.M.**

CITY MANAGER REPORT

City Manager Jarboe reported on the following:

- The cost to pave Seagate Avenue east of Third Street, through a contract with the City of Jacksonville Beach, would total \$20,000. Divided equally between Jacksonville Beach and Neptune Beach our share for the paving would be \$10,000.
- The City of Jacksonville Beach should have the underground electric completed in three to four months. A representative from the contracting company would be invited to speak to Council at the February workshop meeting.
- The February dinner meeting of the Northeast Florida League of Cities will be held on a riverboat cruise in Green Cove Springs.
- The design for the new Kings Road Bridge was currently being reviewed by the Department of Environmental Protection and should be ready to request proposals in March.
- Building Official Don Ford has suggested implementing a "Green Building Code" that would benefit homeowners during repairs and remodels.

PUBLIC COMMENTS

Ingrid Woodfork, 317 Cherry Street, questioned when the results of the mediation with Wal-Mart / Lakeshore Village would be available to the public. City Attorney White responded he hoped the results would be available sometime next week.

CONSENT AGENDA

Sidewalk Lease **CARRIBBEE KEY SIDEWALK LEASE AGREEMENT:** Renewal of the Carribbee Key Sidewalk Lease Agreement.

9-1-1 Agreement **9-1-1 INTER LOCAL AGREEMENT:** Approval of the Annual 9-1-1 Agreement.

Moved by Pruette, seconded by Lee.

Motion: **TO APPROVE THE CONSENT AGENDA.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

VARIANCES / NONE**ORDINANCES**

Ord. No. 2007-01 ORDINANCE NO. 2007-01, AMENDING CHAPTER 27, AND TABLE 27-226-1, PERMISSIBLE USES, FIRST READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 27 UNIFIED LAND DEVELOPMENT REGULATIONS, AMENDING TABLE 27-226-1 PERMISSIBLE USES TO ALLOW MOTOR VEHICLE SERVICE BY EXCEPTION IN ZONING DISTRICTS C-2 AND C-3 AND PROVIDING AN EFFECTIVE DATE.

Mayor Brown read Ordinance No. 2007-01 by title only and opened the public hearing.

Mack McCuller, 225 Water Street, asked the Council to approve the Ordinance on behalf of his client.

There being no further comments from the public, the public hearing was closed.

For the Record Councilor Weldon stated for the record that he opposed the Ordinance.

Discussion ensued regarding the area in which the Ordinance would effect.

Moved by Weldon.

Motion: **TO DENY THE RECOMMENDATION OF THE PLANNING & DEVELOPMENT REVIEW BOARD TO CHANGE THE TABLE OF USES TO ALLOW MOTOR VEHICLE SERVICE IN C-2 FROM NON-PERMITTED TO PERMITTED BY SPECIAL EXCEPTION.**

MOTION FAILED FOR LACK OF SECOND.

Moved by Pardee, seconded by Pruette.

Motion: **TO PASS ORDINANCE NO. 2007-01 ON FIRST READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 3 – Pardee, Pruette, Brown

Noes: 2 – Lee, Weldon

MOTION CARRIED

OLD BUSINESS / NONE**NEW BUSINESS**

Res. No. 2007-01 RESOLUTION NO. 2007-01: A RESOLUTION APPOINTING BOARD MEMBERS TO THE CODE ENFORCEMENT BOARD, AND REAPPOINTING MEMBERS TO THE BOARD OF APPEALS AND PLANNING & DEVELOPMENT REVIEW BOARD.

Councilor Pardee requested that each appointment be voted on separately.

Consensus: **TO VOTE ON EACH BOARD APPOINTMENT SEPARATELY.**

Moved by Pruette, seconded by Weldon.

Motion: **TO APPOINT TODD BOSCO TO THE CODE ENFORCEMENT BOARD AS AN ALTERNATE MEMBER.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

Moved by Weldon, seconded by Pruette.

Motion: **TO REAPPOINT CHRISTINE CHIN TO THE BOARD OF APPEALS AS A REGULAR MEMEBER.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

Moved by Weldon, seconded by Pruette.

Motion: **TO REAPPOINT BRYAN MACDONALD TO THE BOARD OF APPEALS AS AN ALTERNATE MEMBER.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

Moved by Weldon, seconded by Pruette.

Motion: **TO REAPPOINT JAMES LEE TO THE PLANNING & DEVELOPMENT REVIEW BOARD AS AN ALTERNATE MEMBER.**

Roll Call Vote:

Ayes: 4 – Lee, Pruette, Weldon, Brown

Noes: 1 – Pardee

MOTION CARRIED

Surplus Vehicles

SURPLUS VEHICLES: Request to surplus the following police vehicles.

Year	Make	Model	Serial Number	Est. Value
2002	Pontiac	Gran Prix	1G2WP52K72F234206	5,000
2005	Chevy	Tahoe	1GNEK13225R10618	4,000

Moved by Pruette, seconded by Pardee.

Motion: **TO APPROVE THE SURPLUS OF THE ABOVE POLICE VEHICLES.**

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

Adjournment

There being no further business, the meeting adjourned at 6:54 p.m.

Richard A. Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
WORKSHOP CITY COUNCIL MEETING
FEBRUARY 12, 2007 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 February 12, 2007 at 6:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

STAFF:

Mayor Richard Brown
Vice Mayor Harriet Pruette
Councilor Fred Lee
Councilor Eric Pardee
Councilor John Weldon
City Attorney Chris White
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

Community Development Director Amanda Askew
Senior Activities Center Director Leslie Lyne
Director of Public Services Leon Smith
Director of Public Safety David Sembach
Deputy City Clerk Karla Strait, CMC

Call to Order/Roll Call Mayor Brown called the meeting to order at 6:00 p.m.

PRESENTATIONS / NONE

CITY MANAGERS ACTION LIST

City Manager Jarboe reported on the following:

- The Kings Road Bridge will be temporarily closed for repairs Wednesday, February 14, 2007 and possibly Thursday, February 15, 2007. Residents and emergency personnel will be notified to use the back entrance until the bridge is reopened.
- A contract has been signed for the new computer telephone notification system. The new system will notify residents within the city of emergencies such as, amber alerts, boil water advisories, etc. within a three minute period.
- He would be presenting five or six options to the Council at the March workshop meeting regarding sewer nitrogen removal.

PUBLIC COMMENTS / NONE

PROPOSED ORDINANCES

Ord. No. 2006-XX

ORDINANCE NO. 2006-XX, PROTECTION OF ENVIRONMENTALLY SENSITIVE LANDS: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 27 ARTICLE IV, LAND USE, ADDING SECTION 27-243, PROTECTION OF ENVIRONMENTALLY SENSITIVE LANDS.

Discussion ensued regarding whether or not the city had the right to regulate the construction of docks over the state regulations.

City Attorney White advised that the city had an absolute right to impose their own laws regulating the construction of docks as long as they were not inconsistent or in conflict of the state guidelines.

Councilor Pardee felt it was not necessary to duplicate the state regulations into our code. He was also concerned that the ordinance reduced the length of the dock from the state regulations of 500 feet to 300 feet.

Councilor Weldon stated he would be willing to amend the proposed ordinance to allow 500 feet docks and to have enclosed areas match with the state guidelines.

Consensus: **TO ALLOW 500 FEET DOCKS TO MATCH WITH THE STATE GUIDELINES.**

Consensus: **HAVE ENCLOSED AREAS MATCH WITH THE STATE GUIDELINES**

Consensus: **AMEND THE ORDINANCE AND FORWARD TO FIRST READ IN MARCH.**

CONTRACTS / AGREEMENTS / NONE

ISSUE DEVELOPMENT

Janness
1836 Nightfall Dr.

REQUEST OF JUDITH JENNESS TO CONSTRUCT A DOCK OVER CITY PROPERTY – 1836 NIGHTFALL DRIVE: Ms. Jenness explained she had obtained the permit from the Florida Department of Environmental Protection. The required paperwork, drawings and permits had been submitted for review in the council agenda packets.

City Manager Jarboe stated the permit from the DEP was for a five feet wide dock. However, according to the state regulations it could be no more than four feet wide. He therefore recommended Council approve the dock with the condition that the dock be no more than four feet wide

Consensus: **TO ALLOW THE CONSTRUCTION OF THE DOCK TO BE NO MORE THAN FOUR FEET WIDE.**

Kings Rd. Bridge

REQUESTS FOR PROPOSALS – KINGS ROAD BRIDGE: City Manager Jarboe asked the Council for permission to allow him to request design build proposals for the new Kings Road Bridge.

Consensus: **TO ALLOW THE CITY MANAGER TO REQUEST DESIGN BUILD PROPOSALS FOR THE NEW KINGS ROAD BRIDGE.**

Adjournment

There being no further business, the meeting adjourned at 7:20 pm.

Richard A. Brown, Mayor

Attest:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
SPECIAL CITY COUNCIL MEETING
FEBRUARY 26, 2007 AT 6:00 P.M.
CITY HALL, 116 FIRST STREET
NEPTUNE BEACH, FLORIDA

Pursuant to proper notice a Special Meeting of the City Council of the City of Neptune Beach was held February 26, 2007 at 6:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

STAFF:

Mayor Richard A. Brown
Vice Mayor Harriet Pruette
Councilor Fred E. Lee
Councilor Eric Pardee
Councilor John Weldon
City Attorney Chris White
City Manager James Jarboe
City Clerk Lisa Volpe, CMC

Community Development Director Amanda Askew
Sergeant Adam Militello
Senior Center Director Leslie Lyne
Deputy City Clerk Karla Strait, CMC

Order Call

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

**Lakeshore Village /
Wal-Mart**

SETTLEMENT AGREEMENT BETWEEN LAKESHORE VILLAGE / WAL-MART AND THE CITY OF NEPTUNE BEACH: Mayor Brown explained the Council would hear public comments at the beginning of the meeting, limiting speakers to three minutes. He would then ask Special Magistrate Carlos Alvarez to give a briefing on the mediation process. The Council would then have discussion and vote.

Kris Matson, 540 Hopkins Street, thanked the Council for their efforts opposing the Wal-Mart development. She then asked Wal-Mart to reconsider their plans due to the loss of the John F. Kennedy Air Carrier from Mayport Naval Station.

Michael Aston, 1523 Summer Sands Drive, was unhappy with the settlement agreement and still concerned about crime issues. He felt the architecture was worst than previously submitted.

Ruth Holmes, Attorney, Rogers, Towers, & Bailey Law Firm, representing Aqua East Surf Shop, questioned whether or not the big box ordinance, the deed restriction, and placement of the building, were considered during mediation.

Steve Rosenbloom, 417 Beach Boulevard, Aqua East Board Member, stated Aqua East had incurred legal fees due to the deed restriction and the Aqua East was interested in how they would be effected by the decision.

Special Magistrate Carlos Alvarez explained his prior experience as a land use attorney has led him to now focus on mediation and arbitration of land use and environmental issues

known as Alternative Dispute Resolution.

He further explained after the Council denied the Lakeshore Village development order application on September 11, 2006, Lakeshore filed a Request for Relief on October 10, 2006. Both parties then agreed to the mediation process. An evidentiary hearing was held at the Florida Coastal School of Law beginning on November 30 and ending on December 1, 2006, where the issues of traffic and scale, mass, & bulk were discussed and evidence was presented from both parties. During the evidentiary hearing it was determined that traffic concurrency would not be considered an issue due to state laws and the mediation would focus on scale, mass, and bulk. In an effort to hear the concerns of the Neptune Beach residents Mr. Alvarez presided over a public hearing, November 30, 2006, at the Neptune Beach City Hall Council Chambers.

From there both sides agreed to go into mediation focusing on the scale, mass, and bulk issues and the concerns of citizens regarding, noise, crime, etc. The settlement agreement before the council for consideration tonight was agreed to be the best either side could do to meet each others' needs. The following are some of the terms and conditions agreed upon by both parties:

- The building would be placed toward the rear of the property. (See Exhibit A)
- The exterior appearance shall reflect the architectural elevations and renderings (See Exhibit B)
- The landscaping plan will include an on-site "pocket park", plantings and other features (See Exhibit C)
- Delivery hours will be prohibited between the hours of 10:00 p.m. and 6:00 a.m. with the exception of grocery deliveries commencing at 5:00 a.m.
- Delivery trucks will be allowed to remain on the property up to 12 hours before unloading and shall not be allowed to remain overnight.
- There shall be an 8-foot high screening wall designed to reduce noise along the western boundary of the property.
- For the first 3 months after the store's official grand opening Wal-Mart will hire an off-duty police officer to patrol the property for 8 hours a day, seven days a week.
- Wal-Mart will set aside a portion of its annual charity budget to sponsor at least one charity event in Neptune Beach each year.
- Wal-Mart will propose to extend Lemon Street to Penman Road for traffic improvements.
- Wal-Mart will propose to allow for an access connection adjacent to the east of the property.
- Wal-Mart shall propose to install a traffic signal device at the eastern most driveway entrance on the north side of the property.
- Wal-Mart shall pay to the City \$300,000.00 which shall be ear marked for costs associated with the development.

For the Record Vice Mayor Pruette stated for the record she felt an indoor loading dock would lessen the noise from delivery trucks. She also voiced concern about the following: 1) the twelve hour parking allowance for truck deliveries, 2) hours required for an off duty police officer should be extended beyond the eight hours per day and 3) the upkeep of the required landscaping.

Mr. Alvarez responded that this would be the smallest Wal-Mart store ever built therefore an indoor loading dock was not possible. The screening walls surrounding the rear would help to abate the noises. The twelve hour parking allowance for truck deliveries was in the city's current code and Council could revise that if they so wished. His decision regarding the hiring of an off duty police officer was based on Public Safety Director David Sembach's recommendations.

Councilor Lee questioned if the hours of operation were discussed during the mediation. Mr. Alvarez responded the hours were 24/7 as in the Wal-Mart policy and their stores were only closed one day per year. Councilor Lee was concerned about Wal-Mart not adhering to the delivery hour rules. Mr. Alvarez replied in the event Wal-Mart did not adhere to the agreement the city would have to take action via code enforcement or court. Councilor Lee asked if Wal-Mart representatives were aware that the \$300,000 monetary contribution towards expenses for the development did not include their permitting fees. Mr. Alvarez replied "yes" they were aware of the additional permit fees. Councilor Lee was also concerned about the cooperation of the two property owners whose property would be necessary for the new traffic pattern.

Councilor Weldon objected to and questioned why only one member out of the five member Council was allowed to participate in the mediation process. He felt that the majority of the council was at a disadvantage because they were left out of the process.

Mr. Alvarez replied because communications during mediation were confidential the mediation could not be held in a public forum under the Florida Sunshine Law, thereby only one member of the council could participate. However, the City Manager, City Attorney, and Community Development Director were present during mediation to discuss the concerns of the absent council members.

Councilor Pardee was concerned the "pocket park" included on the Property could attract transients and become a problem with loitering. Mr. Alvarez responded if the park created a problem the council could vote to change the agreement and ask for it to be removed.

Mayor Brown thanked Mr. Alvarez for his time and efforts during the process and asked the Council to make a motion.

Moved by Pruette, seconded by Lee.

Motion: **TO APPROVE THE SETTLEMENT AGREEMENT.**

Councilor Lee asked City Attorney White what the risk would be to the city if the settlement agreement was not approved. City Attorney White responded that Lakeshore Village would most likely file a lawsuit. He could not determine the likelihood of success or expenses for either party. It would be up to the judge or jury to determine.

Councilor Pardee asked if the \$300,000 monetary contribution from Wal-Mart exceeded the costs associated with the Wal-Mart development what would become of the excess amount. Mr. Alvarez advised the \$300,000 figure was to ensure that it would cover expenses associated with the Wal-Mart development.

Councilor Lee asked if there was excess money did it have to be used for the development. Mr. Alvarez stated any excess amount could be used at council's discretion for the good of the city..

For the Record Councilor Weldon stated for the record he would vote "no" on the proposed Wal-Mart agreement for the following reasons:

- 1) The settlement disregards the substantial negative impact that this development will have on both traffic circulation and general quality of life in Neptune Beach.
- 2) The monetary contributions called for in the settlement set a particularly bad precedent for future development applications. Will the Council accept contributions from any future developer willing to pay for favorable changes to our Code?

This is a discouraging conclusion to a long contest between Wal-Mart and another small community that objects to its one-size fits-all business strategy and slash and burn legal tactics. The citizens of Neptune Beach deserve better.

There is, however, an important lesson contained in this settlement that I hope at least a majority of this Council will have absorbed. The development industry will continue to utilize every legal maneuver and negotiating tactic in the book to accomplish its financial objectives. By initially denying this development application, we fostered a better outcome than could otherwise have been expected. As stewards of his community, we must continue to resist development that is not in the best long term interests of our citizens.

Roll Call Vote:

Ayes: 4 – Lee, Pardee, Pruette, Brown

Noes: 1 – Weldon

MOTION CARRIED

Adjournment

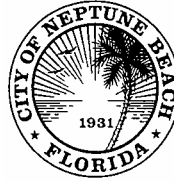
There being no further business, the meeting adjourned at 7:25 p.m.

Richard Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
REGULAR CITY COUNCIL MEETING
JANUARY 8, 2007 6:15 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 8, 2007 at 6:15 p.m., in the City Hall Council Chambers, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

Mayor Richard A. Brown
Vice Mayor Harriet Pruette
Councilor Fred Lee
Councilor Eric Pardee
Councilor John Weldon
City Attorney Christopher White
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

STAFF:

Sergeant Ryan Hall
Senior Center Director Leslie Lyne
Director of Finance Steve Ramsey
Director of Public Services Leon Smith
Deputy City Clerk Karla Strait, CMC

Order Call/Pledge

Mayor Brown called the meeting to order at 6:15 p.m. and led the pledge of allegiance.

AWARDS / PRESENTATIONS / RECOGNITION OF GUESTS / NONE

APPROVAL OF MINUTES

Moved by Pruette, seconded by Pardee.

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

DECEMBER 4, 2006, REGULAR CITY COUNCIL MEETING
DECEMBER 5, 2006, SPECIAL CITY COUNCIL MEETING

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown
Noes: 0

MOTION CARRIED

COMMUNICATIONS AND CORRESPONDENCE

Vice Mayor Pruette stated the unveiling and installation of the "Kitty by the Sea" would take place on January 20, 2007, if anyone was interested in attending.

City Clerk Lisa Volpe stated the date of the January workshop meeting fell on Martin Luther King, Jr. Day. She requested scheduling the meeting on January 22, 2007.

Consensus: **TO HOLD THE JANUARY WORKSHOP MEETING ON JANUARY 22, 2007, AT 6:00 P.M.**

CITY MANAGER REPORT / NONE**PUBLIC COMMENTS**

Michael Aston, 1523 Summer Sands Drive, stated he was disappointed in Special Magistrate Carlos Alvarez's decision regarding the "Scale, Mass & Bulk." He requested Council delay the mediation process until after the issue, between Aqua East Surf Shop and Lakeshore Village, regarding the deed was resolved.

CONSENT AGENDA / NONE**VARIANCES / NONE****ORDINANCES**

Ord. No. 2006-23

ORDINANCE NO. 2006-23, FLOODED STREETS, SECOND READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA ADDING SECTION 22-3 FLOODED STREETS – SPEED RESTRICTIONS AND PROVIDING AN EFFECTIVE DATE.

Mayor Brown read Ordinance No. 2006-23 by title only and opened the public hearing.

There being no comments from the public, the public hearing was closed.

Moved by Pruette, seconded by Pardee.

Motion: **TO ADOPT ORDINANCE NO. 2006-23 ON SECOND READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

OLD BUSINESS / NONE**NEW BUSINESS**

Contraband
Forfeiture Fund

CONTRABAND FORFEITURE FUND EXPENDITURE REQUEST: Request to utilize the Contraband Forfeiture Fund to purchase a new unmarked police vehicle.

Moved by Pruette, seconded by Lee.

Motion: **TO APPROVE THE USE OF CONTRABAND FORFEITURE FUND TO PURCHASE A NEW UNMARKED POLICE VEHICLE.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

Surplus Equipment SURPLUS EQUIPMENT: Request to surplus the following used police vehicles: City Manager Jarboe stated the following surplus vehicles would be traded towards three new police patrol vehicles.

Make	Model	Serial Number	Est. Value
Ford	Expedition	1FMFU18LIVLB43849	7,200
Chevy	Impala	2G1WF55K229202193	7,100
Chevy	Impala	2G1WF55K0251203813	6,900
Chevy	Impala	2G1WF55K129207935	8,000

Moved by Pardee, seconded by Pruette.

Motion: **TO APPROVE THE SURPLUS OF THE ABOVE POLICE VEHICLES.**

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

Adjournment There being no further business, the meeting adjourned at 6:31 p.m.

Richard A. Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
SPECIAL CITY COUNCIL MEETING
JANUARY 8, 2007 AT 6:00 P.M.
CITY HALL, 116 FIRST STREET
NEPTUNE BEACH, FLORIDA

Pursuant to proper notice a Special Meeting of the City Council of the City of Neptune Beach was held January 8, 2007 at 6:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

Mayor Richard A. Brown
Vice Mayor Harriet Pruette
Councilor Fred E. Lee
Councilor Eric Pardee
Councilor John Weldon
City Attorney Chris White
City Manager James Jarboe
City Clerk Lisa Volpe, CMC

STAFF:

Sergeant Ryan Hall
Senior Center Director Leslie Lyne
Director of Finance Steve Ramsey
Director of Public Services Leon Smith
Deputy City Clerk Karla Strait, CMC

Order Call

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

**Special Magistrate
Preliminary
Recommendation**

SPECIAL MAGISTRATE PRELIMINARY RECOMMENDATION / LAKESHORE VILLAGE:

City Attorney White stated the preliminary recommendation from Special Magistrate Carlos Alvarez regarding the Lakeshore Village / Wal-Mart proceedings had been received and distributed to Council. Mr. Alvarez's findings relating to concurrency were in favor of Lakeshore Village. However, he recommended mediation between the City and Lakeshore Village based on the issue of "Scale, Mass, and Bulk." The mediation was scheduled to take place on January 16, 2007 and would be attended by himself, City Manager Jarboe and Mayor Brown.

City Attorney White further stated the mediation would be closed to the public. He added mediation was usually a confidential process, however, because any decision reached between the parties would still need Council approval, it would have to be discussed during a public meeting.

Councilor Pardee asked City Manager Jarboe to provide a detailed cost analysis of the legal fees and relative costs the city has incurred due to the denial of the Lakeshore Village / Wal-Mart development order.

Moved by Weldon, seconded by Pruette.

Motion: **TO DIRECT THE CITY ATTORNEY, MAYOR BROWN AND CITY
MANAGER JARBOE TO ENTER INTO MEDIATION WITH LAKESHORE
VILLAGE.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

Adjournment

There being no further business, the meeting adjourned at 6:15 p.m.

Richard Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
WORKSHOP CITY COUNCIL MEETING
JANUARY 22, 2007 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 22, 2007 at 6:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

STAFF:

Mayor Richard Brown
Vice Mayor Harriet Pruette
Councilor Fred Lee
Councilor Eric Pardee
City Attorney Chris White
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

Community Development Director Amanda Askew
Director of Finance Steve Ramsey
Director of Public Services Leon Smith
Director of Public Safety David Sembach
Deputy City Clerk Karla Strait, CMC

ABSENT:

Councilor John Weldon

Call to Order/Roll Call Mayor Brown called the meeting to order at 6:00 p.m.

PRESENTATIONS / NONE

CITY MANAGERS ACTION LIST

City Manager Jarboe reported on the following:

- He would be meeting with representatives of the City of Jacksonville Beach and Infratech regarding concerns about the installation of underground electric.
- He introduced new Community Development Director Amanda Askew.

PUBLIC COMMENTS

Steven Carter, 1723 Indian Woods Drive, felt the proposed environmental ordinance was too restrictive in comparison with state regulations. He also questioned the jurisdiction and ownership of the marshlands.

PROPOSED ORDINANCES

Ord. No. 2006-XX

ORDINANCE NO. 2006-XX, PROTECTION OF ENVIRONMENTALLY SENSITIVE LANDS: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 27 ARTICLE IV, LAND USE, ADDING SECTION 27-243, PROTECTION OF ENVIRONMENTALLY SENSITIVE LANDS.

Consensus: **DEFER WHILE GATHERING MORE INFORMATION AND ALLOWING CITY ATTORNEY WHITE TO CLARIFY LEGAL ISSUES.**

CONTRACTS / AGREEMENTS

Caribbee Key

CARIBBEE KEY SIDEWALK LEASE AGREEMENT: City Manager Jarboe explained the new sidewalk lease agreement for the restaurant addressed concerns regarding fixed boundaries and regular pressure washing. The sum of \$400.26 would be paid to the city monthly as rent.

Consensus: **TO INCREASE THE AMOUNT OF MONTHLY RENT FROM \$399.25 TO \$400.26.**

Councilor Lee questioned how the city determined the amount of monthly rent. City Manager Jarboe explained the amount was based on a calculation of the number of tables and the total square footage.

Mr. Brocato, owner of Caribbee Key stated he would like for the area to continue to remain open until 11:00 p.m. City Manager Jarboe agreed Mr. Brocato had been given permission by the Council in the past to allow the area to remain open until 11:00 p.m. and he would amend the contract to reflect the change.

Consensus: **TO AMEND THE AGREEMENT TO ALLOW THE OUTDOOR DINING UP TO NO LATER THAN 11:00 P.M.**

Councilor Pruette felt that in the future, parking conditions should be taken into consideration when allowing outdoor seating.

City Manager Jarboe suggested decreasing the number of allowable outdoor tables from fifteen (15) to nine (9).

Consensus: **TO CHANGE THE NUMBER OF ALLOWABLE TABLES FROM FIFTEEN (15) TO NINE (9).**

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

ISSUE DEVELOPMENT

Zoning Change

REQUEST FOR ZONING CODE CHANGE: Mr. Mack McCuller, attorney representing 2100 Florida, LLC, the property owner of 2100 Florida Boulevard, explained the owner was requesting a zoning change in order to use the property for a vehicle repair service. The property was previously occupied by a boat repair shop, but the current zoning for the property excluded the use of a motor vehicle repair service.

As requested by the Council, the Planning & Development Review Board reviewed the change and recommended allowing "Motor Vehicle Service" by special exception only in the C-2 district. The Board also recommended changing the allowance of "Motor Vehicle Service" in the C-3 district from permitted to permitted by special exception.

City Manager Jarboe explained the Council was not approving the development order at this time and did not need to hear the presentation from Mr. McCuller. The proposed development order for the project would have to be submitted to the building department and go through the usual development order process before returning to Council for final approval.

City Manager Jarboe stated the nine conditions listed in the proposed ordinance may change with each individual exception. He recommended that conditions be set and included for each individual special exception and not in the ordinance itself.

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

9-1-1 Agreement

9-1-1 INTER LOCAL AGREEMENT: City Manager Jarboe explained each year the city receives a portion of the 9-1-1 Telephone Tax for the purchase of equipment and operating cost for dispatch. The amount this year is \$120,462.

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

General Discussion

Vice Mayor Pruette stated she would like to place the issue of underground electric on the next agenda.

Councilor Lee stated he had heard from residents that Waste Pro was not returning the trash containers to the sides of homes. He advised those residents to contact the Public Services Department to register the complaint in order that the city could fine Waste Pro. City Manager Jarboe advised he had a meeting with the regional manager of the company scheduled.

Adjournment

There being no further business, the meeting adjourned at 6:45 pm.

Richard A. Brown, Mayor

Attest:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
REGULAR CITY COUNCIL MEETING
DECEMBER 4, 2006, 6:00 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 December 4, 2006 at 6:00 p.m., in the City Hall Council Chambers, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

Mayor Richard A. Brown
Vice Mayor Harriet Pruette
Councilor Fred Lee
Councilor Eric Pardee
Councilor John Weldon
City Attorney Christopher White
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

STAFF:

Senior Center Director Leslie Lyne
Director of Finance Steve Ramsey
Director of Public Safety David Sembach
Director of Public Services Leon Smith
Deputy City Clerk Karla Strait, CMC

Order Call/Pledge

Mayor Brown called the meeting to order at 6:00 p.m. and led the pledge of allegiance.

AWARDS / PRESENTATIONS / RECOGNITION OF GUESTS / NONE

APPROVAL OF MINUTES

Moved by Pruette, seconded by Lee.

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

NOVEMBER 6, 2006, REGULAR COUNCIL MEETING
NOVEMBER 27, 2006, WORKSHOP COUNCIL MEETING
NOVEMBER 27, 2006, SPECIAL COUNCIL MEETING

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown
Noes: 0

MOTION CARRIED

COMMUNICATIONS AND CORRESPONDENCE

Councilor Pardee stated he attended a training course for the City of Jacksonville's new GSI system. He added the system would also be beneficial to Neptune Beach.

Vice Mayor Pruette thanked staff for their efforts involving the success of the "Christmas in the Park" event.

CITY MANAGER REPORT

City Manager Jarboe reported the following:

- An accident involving a vehicle occurred over the weekend in Town Center area and driver was arrested for careless driving.
- The lighting of the Town Center Christmas tree would take place on Saturday.
- The mediation hearing for Wal-mart and Lakeshore Village was held last Thursday and Friday at the Florida Coastal School of Law.

Councilor Pardee stated the shrubbery behind the Sun Dog Diner obstructed the view for vehicles trying to turn left onto Atlantic Boulevard. City Manager Jarboe replied he was working with the Town Center Agency to have those shrubs replaced.

City Clerk Volpe reminded Council the swearing in of the new Council would take place on December 5, 2006 at 8:00 p.m. She asked Council if they felt it was necessary to hold a workshop meeting for the month of December.

Consensus: **IF NECESSARY HOLD A WORKSHOP MEETING BEFORE THE JANUARY 8, 2007, REGULAR MEETING.**

PUBLIC COMMENTS

Joe Quest, 1501 Atlantic Boulevard, owner of Day and Night Moves, offered to allow the city use of his monument sign to advertise city events. He also suggested that the city allow him to post temporary snipe signs advertising his holiday food drive.

CONSENT AGENDA

City Manager Salary **CITY MANAGER SALARY INCREASE:** Approval of a 10% salary increase for the City Manager effective retroactive from October 1, 2006.

Moved by Weldon, seconded by Pruette.

Motion: **TO APPROVE THE CONSENT AGENDA.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

VARIANCES / NONE

ORDINANCES

Ord. No. 2006-23 **ORDINANCE NO. 2006-23, FLOODED STREETS, FIRST READ:** AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA ADDING SECTION 22-3 FLOODED STREETS – SPEED RESTRICTIONS AND PROVIDING AN EFFECTIVE DATE.

Moved by Weldon, seconded by Pruette.

Motion: **TO PASS ORDINANCE NO. 2006-23 ON FIRST READ.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIEDOLD BUSINESSConstruction of
Docks

CONSTRUCTION OF DOCK OVER CITY PROPERTY FOR MR. GARY KIRKLAND, INDIAN WOODS DRIVE: Mr. Kirkland explained he had received state and federal permits and supplied the necessary documentation to the building department for the construction of a dock.

Moved by Pruette, seconded by Pardee.

Motion: **TO APPROVE THE CONSTRUCTION OF A DOCK FOR GARY KIRLAND, 1811 INDIAN WOODS DRIVE.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIEDNEW BUSINESS

Res. No. 2006-19

RESOLUTION NO. 2006-19: A RESOLUTION APPOINTING MEMBERS TO THE CODE ENFORCEMENT BOARD AND THE PLANNING AND DEVELOPMENT REVIEW BOARD.

Moved by Weldon, seconded by Pruette.

Motion: **TO ADOPT RESOLUTION NO. 2006-19.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

Wal-Mart

City Attorney Chris White explained both the City and Lakeshore Village would have the opportunity to submit written recommendations to the Special Magistrate before December 11, 2006. The Special Magistrate was expected to issue his non-binding recommendation by December 22, 2006. Each side would then have 45 days in which to respond to his ruling.

Adjournment

There being no further business, the meeting adjourned at 6:45 p.m.

Richard A. Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



**MINUTES
SPECIAL CITY COUNCIL MEETING
INDUCTION CEREMONY
DECEMBER 5, 2006, AT 8:00 P.M.
CITY HALL, 116 FIRST STREET
NEPTUNE BEACH, FLORIDA**

Pursuant to proper notice a Special Meeting of the City Council of the City of Neptune Beach was held December 5, 2006, at 8:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

The following Council members and staff were in attendance:

Mayor Richard Brown
Vice Mayor Harriet Pruette
Councilor Fred Lee
Councilor Eric Pardee
Councilor John Weldon
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

STAFF:
Deputy City Clerk Karla Strait, CMC

Order call

Mayor Brown called the special meeting to order at 8:00 p.m. and announced that the purpose of the meeting was to administer the Oaths of Office, and elect a Vice-Mayor.

Invocation and Pledge

Mayor Brown led the Pledge of Alliance.

Oaths of Office

OATHS OF OFFICE: City Clerk Lisa Volpe administered the Oath of Office to Councilor Fred Lee, and Councilor John Weldon whereupon they, respectively, assumed the duties of their office.

Election of Vice- Mayor

ELECTION OF VICE-MAYOR: Pursuant to Section 2.04(b), City Charter, Mayor Brown opened the floor for nominations for Vice Mayor.

Vice Mayor Pruette nominated Councilor John Weldon to serve as Vice Mayor.

Moved by Pruette, seconded by Lee.

Motion: **TO NOMINATE AND ELECT COUNCILOR JOHN WELDON TO SERVE AS VICE-MAYOR.**

Councilor Weldon declined the nomination to serve as Vice Mayor and nominated Vice Mayor Pruette to continue serving as Vice Mayor.

Moved by Weldon, seconded by Pardee.

Motion: **TO NOMINATE AND RE-ELECT COUNCILOR HARRIET PRUETTE TO SERVE AS VICE-MAYOR.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

Adjournment

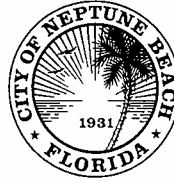
There being no further business, the meeting adjourned at 8:20 p.m.

Richard Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
REGULAR CITY COUNCIL MEETING
NOVEMBER 6, 2006, 6:00 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 November 6, 2006 at 6:00 p.m., in the City Hall Council Chambers, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

Mayor Richard A. Brown
Vice Mayor Harriet Pruette
Councilor Fred Lee
Councilor Eric Pardee
Councilor John Weldon
City Attorney Christopher White
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

STAFF:

Director of Finance Steve Ramsey
Director of Public Safety David Sembach
Director of Public Services Leon Smith
Deputy City Clerk Karla Strait, CMC

Order Call/Pledge

Mayor Brown called the meeting to order at 6:00 p.m. and led the pledge of allegiance.

AWARDS / PRESENTATIONS / RECOGNITION OF GUESTS / NONE

APPROVAL OF MINUTES

Moved by Pruette, seconded by Lee.

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

SEPTEMBER 25, 2006, SPECIAL CITY COUNCIL MEETING
SEPTEMBER 25, 2006, WORKSHOP CITY COUNCIL MEETING
OCTOBER 2, 2006, REGULAR CITY COUNCIL MEETING
OCTOBER 16, 2006, SPECIAL CITY COUNCIL MEETING
OCTOBER 16, 2006, WORKSHOP CITY COUNCIL MEETING

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown
Noes: 0

MOTION CARRIED

COMMUNICATIONS AND CORRESPONDENCE

Vice Mayor Pruette thanked Senior Center Director Leslie Lyne, and all of the staff that assisted her, for the success of the 75th Anniversary Celebration.

Vice Mayor Pruette asked Council to consider allowing the Town Center Agency to temporarily place a painted statue of a jaguar somewhere within the Town Center area.

Councilor Pardee stated the City of Jacksonville was in the process of training employees to use the new GIS system. He felt the GIS system would also benefit Neptune Beach.

Councilor Pardee stated he visited the new park in Jacksonville Beach and suggested creating a similar park at the end of Seagate Avenue.

Councilor Lee stated he was working toward updating the Comprehensive Plan and his goal was to have a monthly report for the Council.

Councilor Weldon suggested that Councilor Lee communicate his reports through e-mails to the Council.

City Attorney Chris White stated the Sunshine Law prohibited council members to establish a dialog through e-mail.

City Clerk Lisa Volpe stated she would check with the First Amendment Foundation and determine whether or not council could communicate via public e-mails.

City Clerk Lisa Volpe stated the date for the November workshop meeting was the week of Thanksgiving. She asked Council if they would like to reschedule the meeting.

Consensus: **TO HOLD THE NOVEMBER WORKSHOP MEETING ON MONDAY, NOVEMBER 27TH, 2006.**

City Clerk Lisa Volpe stated the next regular meeting would be held on December 4, 2006. A separate meeting would be held on the 5th to swear in the new Councilor-Elects and select a new Vice Mayor.

CITY MANAGER REPORT

City Manager Jarboe reported the following:

- The city had removed many political and real estate signs that were placed in the city right-of-way.
- The Third Street sewer rehabilitation was complete.
- He had met with Atlantic Beach City Manager Jim Hanson regarding the Town Center Overlay District. Atlantic Beach has delayed discussion of this due to other matters on their agenda.
- The grant was received for the purchase of five police satellite cell phones.
- A DUI checkpoint was set up at Third Street and Atlantic Boulevard on Saturday, November 4, 2006, resulting in eight DUI arrests and multiple tickets issued for various reasons.

PUBLIC COMMENTS / NONE**CONSENT AGENDA**

RESOLUTION INCREASING THE SALARY OF THE CITY CLERK OF THE CITY OF NEPTUNE BEACH.

Moved by Weldon, seconded by Pruette.

Motion: **TO APPROVE THE CONSENT AGENDA.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

VARIANCES / NONE

ORDINANCES

Ord. No. 2006-22

ORDINANCE NO. 2006-22, ANIMALS CAUSING INJURY, SECOND READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA ADDING SECTION 6-17 ANIMALS CAUSING INJURY.

Mayor Brown read Ordinance No. 2006-22 by title only and opened the public hearing.

There being no comments from the public, the public hearing was closed.

Moved by Weldon, seconded by Pruette.

Councilor Weldon amended the ordinance to include the following changes he suggested at the October 2, 2006 meeting. (c) Definition of Injury by an Animal. An injury by an animal is defined as a wound or other harm to a person or another animal inflicted or caused by an animal.

Motion: **TO ADOPT ORDINANCE NO. 2006-22 ON SECOND READ AND PUBLIC HEARING AS AMENDED.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

OLD BUSINESS

Construction of
Docks

CONSTRUCTION OF DOCK OVER CITY PROPERTY FOR MR. GARY KIRKLAND, INDIAN WOODS DRIVE: City Manager Jarboe recommended deferring Mr. Kirkland's request to construct a dock due to his absence.

Consensus: **TO DEFER THE REQUEST OF MR. KIRKLAND TO CONSTRUCT A DOCK UNTIL HE CONTACTS THE CITY AND PROVIDES THE APPROPRIATE PAPERWORK.**

NEW BUSINESS

St. Johns River
Ferry

RESOLUTION NO. 2006-18, SUPPORTING THE ST. JOHNS RIVER FERRY: A RESOLUTION OF THE CITY OF NEPTUNE BEACH, FLORIDA SUPPORTING THE CONTINUED FUNDING OF THE ST. JOHNS RIVER FERRY.

Moved by Weldon, seconded by Pruette.

Motion: **TO ADOPT RESOLUTION NO. 2006-18.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

City Manager Salary Councilor Weldon stated he was exceedingly pleased with the performance of City Manager Jarboe. He conducted a salary survey of surrounding cities and concluded that Mr. Jarboe was not adequately compensated. He, therefore, recommended increasing Mr. Jarboe's salary by 10%.

Councilor Pardee stated he would support giving Mr. Jarboe his 5% salary increase for next year in addition to the 5% for this year for a total increase of 10%.

Consensus: **TO PLACE THE 10% SALARY INCREASE FOR MR. JARBOE EFFECTIVE OCTOBER 1, 2006, ON THE DECEMBER CONSENT AGENDA.**

Mayor Brown suggested considering an extension of the city manager's contract.

Lakeshore Properties Councilor Pardee stated this was the last chance to call a shade meeting before the mediation with Lakeshore Properties. He felt the council should be updated on the status before the public mediation.

City Attorney White stated a shade meeting could not be held because mediation was not considered "pending litigation." He felt the council would be putting themselves at risk if they did. He also clarified that any settlement discussion, after the mediation was over, would have to be held in public since it was not a lawsuit.

Adjournment There being no further business, the meeting adjourned at 6:50 p.m.

Richard A. Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
SPECIAL CITY COUNCIL MEETING
NOVEMBER 27, 2006 AT 7:10 P.M.
CITY HALL, 116 FIRST STREET
NEPTUNE BEACH, FLORIDA

Pursuant to proper notice a Special Meeting of the City Council of the City of Neptune Beach was held November 27, 2006 at 7:10 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

Mayor Richard A. Brown
Vice Mayor Harriet Pruette
Councilor Fred E. Lee
Councilor Eric Pardee
Councilor John Weldon
City Clerk Lisa Volpe, CMC

STAFF:

Building Official Don Ford
Senior Center Director Leslie Lyne
Director of Finance Steve Ramsey
Director of Public Safety David Sembach
Director of Public Services Leon Smith
Deputy City Clerk Karla Strait, CMC

ABSENT:

City Attorney Chris White
City Manager James Jarboe

Order Call

Mayor Brown called the special meeting to order at 7:10 p.m.

Public Art

PUBLIC ART DISPLAY: Final approval allowing the Town Center Agency to place a sculpture of a jaguar on the city right of way immediately west of the A.T.M. on the south side of Atlantic Boulevard, in the 200 block.

Vice Mayor Pruette added that the City Manager would be allowed to find an alternate location if necessary.

Moved by Pruette, seconded by Pardee.

Motion: **TO ALLOW THE TOWN CENTER TO PLACE A STRUCTURE OF A JAGUAR IN TOWN CENTER.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

Elections

CERTIFICATE OF THE BOARD OF CANVASSERS: City Clerk Lisa Volpe stated it was necessary for Council to certify the election although the candidates for election ran unopposed.

Moved be Pruette, seconded by Pardee.

Motion: **TO CERTIFY THE BOARD OF CANVASSERS.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

City Clerk Volpe reminded Council the next regular council meeting would be held Monday, December 4th at 6:00 p.m. and the meeting for swearing in the new council would be held Tuesday, December 5th at 8:00 p.m. She would ask Council if they felt a December workshop meeting would be necessary at the regular meeting.

Adjournment

There being no further business, the meeting adjourned at 7:20p.m.

Richard Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



**MINUTES
WORKSHOP CITY COUNCIL MEETING
NOVEMBER 27, 2006 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 November 27, 2006 at 6:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

STAFF:

Mayor Richard Brown
Vice Mayor Harriet Pruette
Councilor Fred Lee
Councilor Eric Pardee
Councilor John Weldon
City Clerk Lisa Volpe, CMC

Building Official Don Ford
Senior Center Activities Director Leslie Lyne
Director of Finance Steve Ramsey
Director of Public Services Leon Smith
Director of Public Safety David Sembach
Deputy City Clerk Karla Strait, CMC

ABSENT:

City Attorney Chris White
City Manager Jim Jarboe

Call to Order/Roll Call Mayor Brown called the meeting to order at 6:00 p.m.

PRESENTATIONS / NONE

CITY MANAGERS ACTION LIST

City Manager Jarboe reported on the following:

- Director of Public Services Leon Smith updated the Council on the construction at Fifth Avenue and Florida Boulevard.
- Building Official Don Ford updated the Council on the JTA construction project on Atlantic at the marshland.
- Senior Center Direction Leslie Lyne explained the Holiday in the Park event would be held this Friday, December 1, 2006. The festivities would begin at 6:00 p.m.

PUBLIC COMMENTS / NONE

PROPOSED ORDINANCES

Ord. No. 2006-xx
Flooded streets

ORDINANCE NO. 2006-XX, FLOODED STREETS: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA ADDING SECTION 22-3 FLOODED STREETS – SPEED RESTRICTIONS.

Chief Sembach stated this ordinance was to stop people from driving up and down the street who had no other purpose than to make waves that could have a detrimental effect on homes.

Consensus: **FORWARD TO THE DECEMBER REGULAR MEETING FOR FIRST READ.**

Ord. No. 2006-xx
Docks

ORDINANCE NO. 2006-XX, PROTECTION OF ENVIRONMENTALLY SENSITIVE LANDS; AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 27 ARTICLE IV, LAND USE, ADDING SECTION 27-243, PROTECTION OF ENVIRONMENTALLY SENSITIVE LANDS AND PROVIDING AN EFFECTIVE DATE.

Councilor Weldon suggested the following changes:

Section 27-243(c)(1) Before a building permit is issued, construction plans for docks shall be submitted for development review. Such permit shall be contingent upon receipt of federal and state approval.

Section 27-243(c)(2) No dredging of marshlands outside channeled banks at mean high water shall be permitted to accommodate dock construction or to facilitate boat access to docks.

Councilor Pardee was concerned about legal issues and felt City Attorney White needed to review the ordinance before Council action.

Consensus: **HAVE THE CITY ATTORNEY REVIEW THE ORDINANCE AND FORWARD TO THE NEXT WORKSHOP.**

CONTRACTS / AGREEMENTS / NONE

ISSUE DEVELOPMENT

Zoning Change

REQUEST FOR ZONING CODE CHANGE: Mr. Mack McCuller, attorney representing 2100 Florida, LLC, the property owner of 2100 Florida Boulevard, explained the owner was requesting a zoning change in order to use the property for a vehicle repair service. The property was previously occupied by a boat repair shop, but the current zoning for the property excluded the use of a motor vehicle repair service.

City Clerk Lisa Volpe stated this would require an ordinance change to allow the use of a vehicle repair service as an exception in the C-2 district.

Council voiced concern relating to the appearance of the property, noise, hours of operation, and disposal of chemicals.

Councilor Weldon stated the area was becoming more residential and he was concerned about the vehicle repair service shop being located in a surrounding residential area.

Councilor Pardee commented that the business would be a welcome addition as long as certain conditions were met.

Mr. McCuller explained the property owner would be happy to work with conditions set forth by the Council.

Councilor Weldon requested that the Planning the Development Review Board discuss the zoning change and make their recommendation to Council.

Consensus: **SEND TO THE PLANNING AND DEVELOPMENT REVIEW BOARD FOR REVIEW AND RECOMMENDATION.**

Public Art

PUBLIC ART DISPLAY: Vice Mayor Pruette explained the Town Center Agency would like to sponsor a Jaguar sculpture. They were asking permission to place the sculpture on the city right-of-way immediately west of the A.T.M. on the south side of Atlantic Boulevard, in the 200 block.

Amy Roberts, representative of and member of the Town Center Agency, added that the sculpture would be based on a mermaid theme. It would remain in place for approximately five months before it would be auctioned off for charity.

Consensus: **TO ALLOW THE SCULPTURE OF THE JAGUAR TO BE PLACED IN THE TOWN CENTER.**

Adjournment

There being no further business, the meeting adjourned at 7:10 pm.

Richard A. Brown, Mayor

Attest:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
REGULAR CITY COUNCIL MEETING
OCTOBER 2, 2006 7:00 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 October 2, 2006 at 7:00 p.m., in the City Hall Council Chambers, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

Mayor Richard A. Brown
Vice Mayor Harriet Pruette
Councilor Fred Lee
Councilor Eric Pardee
Councilor John Weldon
City Attorney Christopher White
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

STAFF:

Senior Center Activities Director Leslie Lyne
Director of Finance Steve Ramsey
Director of Public Safety David Sembach
Director of Public Services Leon Smith
Deputy City Clerk Karla Strait, CMC

Order Call/Pledge

Mayor Brown called the meeting to order at 7:00 p.m. and led the pledge of allegiance.

AWARDS / PRESENTATIONS / RECOGNITION OF GUESTS

Mayor Brown and Councilor Lee presented a Proclamation to Christopher Ward Walter recognizing him for attaining the rank of Eagle Scout.

APPROVAL OF MINUTES

Moved by Lee, seconded by Weldon.

Councilor Weldon asked to amend the motion on page four of the Regular Council Meeting Minutes to add the word "guidance" after the word "bulk".

Councilor Pardee asked to amend his statement on page three of the Regular Council Meeting Minutes from "~~104~~ citizens to 194 citizens."

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

SEPTEMBER 11, 2006, SPECIAL COUNCIL MEETING
SEPTEMBER 11, 2006, REGULAR COUNCIL MEETING

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown
Noes: 0

MOTION CARRIED

COMMUNICATIONS AND CORRESPONDENCE

Mayor Brown announced that the City of Jacksonville would be taking action on October 9th to approve \$100,000 toward the funding of the new Kings Road Bridge.

CITY MANAGER REPORT

City Manager Jarboe reported there were 2,098 building inspections, 487 plan reviews, 1,543 permits issued, and 171 tree permits issued for the FY 2005/2006.

PUBLIC COMMENTS

Mary Ann Padrta, 1030 Second Street, thanked the Council for representing Neptune Beach.

Lynda Padrta, 1113 First Street, voiced concern about loose animals and also thanked the Council for representing Neptune Beach.

CONSENT AGENDA / NONE**VARIANCES**

Day or Night Moves
1501 Atlantic Blvd. **CONSIDER APPROVAL OF A SPECIAL EXCEPTION AS DEFINED BY DIVISION 9 OF THE ULDC AND TABLE 27-226-1; The request is to allow parking of three commercial vehicles onsite at 1501 Atlantic Boulevard.**

Moved by Pruette, seconded by Lee.

Motion: **TO APPROVE THE RECOMMENDATION OF THE PLANNING & DEVELOPMENT REVIEW BOARD TO APPROVE THE SPECIAL EXCEPTION FOR DAY OR NIGHT MOVES, 1501 ATLANTIC BOULEVARD.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

ORDINANCES

Ord. No. 2006-21 **ORDINANCE NO. 2006-21, ABANDONING A PORTION OF PRADO FERRER, SECOND READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, ABANDONING, VACATING AND CLOSING A PORTION OF PRADO FERRER; AND ESTABLISHING AN EFFECTIVE DATE.**

Mayor Brown read Ordinance No. 2006-21 by title only and opened the public hearing.

There being no comments from the public, the public hearing was closed.

Moved by Pruette, seconded by Lee.

Motion: **TO ADOPT ORDINANCE NO. 2006-21 AS AMENDED ON SECOND READ AND PUBLIC HEARING.**

Councilor Weldon noted the amendment "that the property would revert back to the city if not used by the development" recommended by Councilor Pardee was included in the ordinance.

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown
Noes: 0

MOTION CARRIED

Ord. No. 2006-22

ORDINANCE NO. 2006-22, ANIMALS CAUSING INJURY, FIRST READ: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, ADDING SECTION 6-17 ANIMALS CAUSING INJURY.

Moved by Weldon, seconded by Pruette.

Motion: **TO PASS ORDINANCE NO. 2006-22 ON FIRST READ.**

Councilor Weldon recommended the following change :(c) Definition of Injury by an Animal. An injury by an animal is defined as a wound or other harm to a person or another animal inflicted or caused by an animal.

Councilor Pardee felt it was important to inform citizens of the ordinance. City Manager Jarboe stated it would be posted in the monthly newsletter and on the website.

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown
Noes: 0

MOTION CARRIED**OLD BUSINESS**

Caribbee Key

CARIBBEE KEY LEASE AGREEMENT: Consider approval of a new sidewalk lease agreement for Caribbee Key.

Mayor Brown explained the restaurant owners requested to defer the lease agreement due to organizational changes.

Consensus: **TO DEFER THE LEASE AGREEMENT AT THE REQUEST OF THE RESTAURANT OWNERS.**

Generators

GENERATORS FOR THE WATER PLANT AND THE CITY YARD: Consider approval of purchasing generators for the Water Plant and the City Yard.

City Manager Jarboe explained the J.E.A. contract price for generators was actually \$15,000 higher than the original bid received from Zabatt. Therefore instead of piggybacking off of the J.E.A. contract he recommended the bid be awarded to Zabatt.

Moved by Pruette, seconded by Pardee.

Motion: **TO AWARD THE BID FOR GENERATORS TO ZABATT.**

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown
Noes: 0

MOTION CARRIED**NEW BUSINESS / NONE**

OPEN DISCUSSION

Councilor Lee asked Chief Sembach if he was comfortable with the Emergency Management Plan. Chief Sembach responded he felt comfortable with the plan.

Councilor Weldon asked Senior Activities Center Director Leslie Lyne to give an update on the 75th Anniversary Celebration. Mrs. Lyne stated the programming was almost completed. She had 10 bands lined up to perform, the JTA Trolley would provide transportation from parking areas, and several vendors were signed up for booths. Also local photographer Linda Olson has designed t-shirts for the event.

Adjournment

There being no further business, the meeting adjourned at 7:40 p.m.

Richard A. Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
SPECIAL CITY COUNCIL MEETING
OCTOBER 16, 2006 AT 6:00 P.M.
CITY HALL, 116 FIRST STREET
NEPTUNE BEACH, FLORIDA

Pursuant to proper notice a Special Meeting of the City Council of the City of Neptune Beach was held October 16, 2006 at 6:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

STAFF:

Mayor Richard A. Brown
Vice Mayor Harriet Pruette
Councilor Fred E. Lee
Councilor Eric Pardee
Councilor John Weldon
City Attorney Chris White
City Manager James Jarboe
City Clerk Lisa Volpe, CMC

Building Official Don Ford
Senior Center Director Leslie Lyne
Director of Finance Steve Ramsey
Director of Public Services Leon Smith
Deputy City Clerk Karla Strait, CMC

Order Call

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

Docks

PETITION FOR INDIVIDUALS TO CONSTRUCT DOCKS OVER CITY MARSH LAND: City Manager Jarboe explained Greg Stang and David Johnson, both residents of Nightfall Drive, had requested to reconstruct their docks. Approval from the Council was necessary because according to the property appraiser's office the docks would be located on city property.

City Attorney White stated he could not locate any evidence that the property was ever conveyed to the City. He suggested that he and the City Manager investigate and determine the ownership of the property.

Both applicants had obtained permits from the Department of Environmental Protection and the Army Corp of Engineers. They also presented surveys, plans, and photographs of the project to the Council.

Mr. Wright, attorney for Mr. Gary Kirkland, a resident of Indian Woods Drive, stated Mr. Kirkland was told he could not build a dock over the city owned property. He conducted a title search and also could not find any indication that the city owned the property. He had since been waiting for a response from the City Attorney in order to move forward.

Council advised Mr. Kirkland to obtain proper permits, surveys, plans, and return the Council for approval of his dock.

Moved by Weldon, seconded by Pruette.

Motion:

TO APPROVE RECONSTRUCTION OF DOCKS FOR MR. STANG AND MR. JOHNSON.

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

Kings Rd. Bridge

KINGS ROAD BRIDGE – AGREEMENT WITH THE CITY OF JACKSONVILLE: City Manager Jarboe advised the Interlocal Agreement with the City of Jacksonville provided \$100,000 to assist with the construction of the new Kings Road Bridge.

Moved by Pruette, seconded by Pardee.

Motion: **TO APPROVE THE INTERLOCAL AGREEMENT WITH THE CITY OF JACKSONVILLE FOR \$100,000 TO ASSIST WITH THE CONSTRUCTION OF THE KINGS ROAD BRIDGE.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

Adjournment

There being no further business, the meeting adjourned at 6:35 p.m.

Richard Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
WORKSHOP CITY COUNCIL MEETING
OCTOBER 16, 2006 AT 6:35 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 October 16, 2006 at 6:35 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

STAFF:

Mayor Richard Brown
Vice Mayor Harriet Pruette
Councilor Fred Lee
Councilor Eric Pardee
Councilor John Weldon
City Attorney Chris White
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

Building Official Don Ford
Senior Center Activities Director Leslie Lyne
Director of Finance Steve Ramsey
Director of Public Safety David Sembach
Deputy City Clerk Karla Strait, CMC

Call to Order/Roll Call Mayor Brown called the meeting to order at 6:35 p.m.

Wal-Mart

City Attorney Chris White explained Lakeshore Village filed a Request for Relief pursuant to the Florida Land Use and Environmental Dispute Resolution Act. The statute establishes a non-judicial settlement procedure that a private property owner could use to seek relief from a governmental decision that unfairly or unreasonably restricts the landowner's use of his property. He and Karl Sanders, Attorney for Lakeshore Village, agreed to employ the services of Special Master Carlos Alvarez to preside over the proceeding. He requested holding the proceeding at the Beaches Public Library for the convenience of our citizens; however Mr. Sanders requested the proceedings be held at the Florida Coastal School of Law. The date and location of the proceedings would be forthcoming.

City Manager Jarboe stated the surrounding property owners had been properly noticed of the proceeding. Mr. White informed that if those property owners wanted to speak during the proceedings they would need to file a request to participate. It would then be the decision of the Special Master whether or not they were allowed to participate.

City Attorney White advised this type of hearing did not allow for the Council to hold a shade meeting. He asked council members to call him directly if they had any questions.

Councilor Pardee asked the Council to be cognizant of Section 2-236. City to provide attorney; exception; recovery or reimbursement of fees.

Consensus: **TO EMPLOY THE SERVICES OF SPECIAL MASTER CARLOS ALVAREZ TO PRESIDE OVER THE PROCEEDING AND PAY FOR HALF THE COST.**

PRESENTATIONS

Town Center
Overlay Dist.

TOWN CENTER AGENCY PRESENTATION ON THE PROPOSED TOWN CENTER OVERLAY DISTRICT: Neil Falloon, owner of Hibernia and Michael Dunlap, local architect gave a presentation on the proposed Town Center Overlay District.

Consensus: **CITY MANAGER JARBOE TO MEET WITH ATLANTIC BEACH CITY MANAGER JIM HANSON REGARDING THE TOWN CENTER OVERLAY PROPOSAL AND REPORT BACK TO THE COUNCIL.**

COMMITTEE REPORTS / NONE**CITY MANAGERS ACTION LIST**

City Manager Jarboe reported on the following:

- The underground electric conversion by Beaches Energy was now 40% completed.
- The Interlocal Agreement with the City of Jacksonville for assistance in constructing the new Kings Road Bridge has been approved.
- Notification of the "Request for Relief" by Lakeshore Village has been sent out to the surrounding property owners.
- The 75th Anniversary Celebration was this coming weekend.
- Fletcher High School had their Homecoming Parade this afternoon without incident.
- The funds for the budget were coming in slowly therefore pending projects would begin as funds were received.
- The drainage project at Fifth Street and Seagate Avenue had some issues that have been resolved and the project continues to move forward.

PUBLIC COMMENTS

Michael Aston, 1523 Summer Sands Drive, felt the timing was right to consider the Town Center District Overlay.

PROPOSED ORDINANCES / NONE**CONTRACTS / AGREEMENTS / NONE****ISSUE DEVELOPMENT**

Long Range Vision
Planning

LONG RANGE VISIONING – COUNCILOR LEE: Councilor Lee gave a presentation on a 25 year – Long Range Visioning Plan for the city, looking ahead to the 100th Anniversary of the city. He asked Council to give him feedback before the next meeting.

6:00 p.m.
Council Mtgs.

CITY COUNCIL MEETINGS STARTING AT 6:00 P.M.: Mayor Brown suggested calling to order all future council meetings at 6:00 p.m. in lieu of the present 7:00 p.m. start time.

Councilor Weldon was concerned there may not be enough time for those residents working in the downtown area to arrive at City Hall before 6:00 p.m. He suggested beginning the meetings at 6:00 p.m., for a certain period of time, on a trial basis.

Councilor Weldon also recommended that public comments come before presentations on the agenda so that citizens would not have to sit through long presentations before

speaking to the Council.

Consensus: **TO BEGIN ALL COUNCIL MEETINGS AT 6:00 P.M. ON A TRIAL BASIS UNTIL THE END OF THE YEAR.**

Clerks Salary

CITY CLERK SALARY INCREASE: A RESOLUTION INCREASING THE SALARY OF THE CITY CLERK OF NEPTUNE BEACH.

Councilor Weldon questioned the current amount of the Clerk's salary. City Clerk Lisa Volpe replied her current annual salary was approximately \$47,000 and the requested 5% would increase her annual salary to approximately \$49,000.

City Manager Jarboe advised the salary increase would be retroactive from October 1, 2006.

Consensus: **FORWARD THE RESOLUTION TO INCREASE THE CITY CLERK SALARY TO THE NOVEMBER CONSENT AGENDA.**

Adjournment

There being no further business, the meeting adjourned at 8:12 pm.

Richard A. Brown, Mayor

Attest:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
REGULAR CITY COUNCIL MEETING
SEPTEMBER 11, 2006 7:00 P.M.
FLETCHER HIGH SCHOOL AUDITORIUM
700 SEAGATE AVENUE
NEPTUNE BEACH, FLORIDA

Pursuant to proper notice a Regular Meeting of the City Council of the City of Neptune Beach was held September 11, 2006 at 7:00 p.m., in the Fletcher High School Auditorium, 700 Seagate Avenue, Neptune Beach, Florida.

Attendance**IN ATTENDANCE:****STAFF:**

Mayor Richard A. Brown
Vice Mayor Harriet Pruette
Councilor Fred Lee
Councilor Eric Pardee
Councilor John Weldon
City Attorney Christopher White
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

Assistant to the City Manager Terry Klein
Deputy City Clerk Karla Strait, CMC

Order Call/Pledge

Mayor Brown called the meeting to order at 7:00 p.m. and led the pledge of allegiance.

AWARDS / PRESENTATIONS / RECOGNITION OF GUESTS / NONE

APPROVAL OF MINUTES

Moved by Pruette, seconded by Weldon.

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

AUGUST 7, 2006, REGULAR COUNCIL MEETING
AUGUST 21, 2006, WORKSHOP COUNCIL MEETING

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown
Noes: 0

MOTION CARRIED

COMMUNICATIONS AND CORRESPONDENCE

Vice Mayor Pruette thanked staff for their efforts in setting up the meeting at the Fletcher High School Auditorium.

City Clerk Lisa Volpe reminded Council that the September workshop meeting was scheduled for September 25, 2006, following the final hearing on the budget, and would begin at 6:00 p.m.

CITY MANAGER REPORT

City Manager Jarboe reported the following:

- The first public hearing for the millage rate FY2006-2007 was held.

CONSENT AGENDA / NONE

VARIANCES / NONE

ORDINANCES / NONE

OLD BUSINESS / NONE

PUBLIC COMMENTS ON THE WAL-MART DEVELOPMENT ORDER

The following citizens spoke in opposition of the Wal-Mart Development Order:

- Lehman McDonald, 1140 Florida Boulevard, Neptune Beach
- Michael Aston, 1523 Summer Sands Drive, Neptune Beach
- Julia Crews, 622 Seventh Avenue North, Jacksonville Beach
- Kris Matson, 540 Hopkins Street, Neptune Beach
- Clyde King, 700 Cherry Street, Neptune Beach
- Valerie Britt, 278 Tilefish Court, Atlantic Beach
- Wes Gibbs, 1501 First Street, Neptune Beach
- Jerry Albert, 1415 Big Tree Road, Neptune Beach
- Ronda McDonald, 515 Third Street, Neptune Beach
- Joan Hutchinson, 1100 Seagate Avenue, Neptune Beach
- Marsha Coker, 206 Margaret Street
- Neil McGuinness, 1629 Beach Avenue, Atlantic Beach
- Lori Armstrong, 400 Garden Lane, Atlantic Beach
- Neal Hutchinson, P. O. Box 51494, Jacksonville Beach
- Linda Banister, 826 Thirteenth Avenue North, Jacksonville
- Denise Rubin, 229 Pine Street, Atlantic Beach
- Alan Martin, 1113 First Street, Neptune Beach
- Rose Marie Campbell, 1412 Strand Street
- Alice Conte, 805 Cherry Street, Neptune Beach
- Catherine Davidson, 1913 Sevilla Boulevard West, Atlantic Beach
- Everett Crain, 146 Sand Castle Way, Neptune Beach
- Jennifer Lavore, 120 Cherry Street, Neptune Beach
- Joe Quest, 960 Hagler Drive, Neptune Beach

The following citizens spoke in favor of the Wal-Mart Development Order.

- Michael Plasker, 1 Brookhaven Drive, Unit 302, Atlanta, Georgia
- Dana Pardee, 1421 Penman Road, Neptune Beach

There being no further comments the public hearing was closed.

NEW BUSINESS

Agenda
Amendment

Mayor Brown amended the agenda to move Development Order PDRB06-06 forward.

PDRB06-06
630 Atlantic Blvd.

DEVELOPMENT ORDER PDRB06-06 – 630 ATLANTIC BOULEVARD – WAL-MART – LAKESHORE VILLAGE: Consider approval of development order PDRB06-06 for Wal-Mart, 630 Atlantic Boulevard, for proposed construction of a 117,000 square feet retail center for use as Wal-Mart Supercenter.

City Attorney White asked City Clerk Lisa Volpe to swear in all witnesses. City Clerk Volpe swore in the witnesses.

Karl Sanders, attorney and representative for Wal-Mart, stated the decision regarding the development order should be based on the current laws in the Code, not the citizens opposition of Wal-Mart, the proposed user of the property.

Mr. Sanders cited Section 27-223 of the Code. Regulations to apply uniformly throughout zoning district. The regulations for each zoning district as contained in this Code shall apply uniformly to each structure and use and to all land and water within the boundaries of the zoning district.

Mr. Sanders submitted exhibits of traffic studies conducted by CPH Engineers and Beachside Engineering, as evidence.

City Attorney White questioned if those exhibits included the study conducted by the Florida Department of Transportation. Mr. Sanders responded no they did not. City Attorney White stated the City would then submit the traffic study conducted by the Florida Department of Transportation as evidence.

Mr. Sanders asked Council to disclose any ex parte communications.

Councilor Weldon disclosed he had spoken to constituents regarding their opinions and gathered evidence regarding the development application.

Vice Mayor Pruette disclosed she had spoken to constituents, some in favor of the development, and some opposed to the development. She specifically mentioned she had spoken with Jack Proctor, Proctor Ace Hardware.

Mayor Brown disclosed many e-mails and letters had been received and copied to the Council by the City Clerk's Office. He had also received voice mails left on his home telephone asking him to vote no on the development order.

Councilor Lee disclosed he also had discussions with citizens via telephone and e-mails.

Councilor Pardee disclosed he had researched concurrency issues. He heard opposition from approximately 194 citizens, which was approximately 2% of the population of the city.

Mr. Sanders questioned if Council had discussions with the city staff regarding the development order.

Council replied with a unanimous yes.

Mr. Sanders questioned if council members had discussed the application with City Attorney White. Council replied with a unanimous yes.

Mr. Sanders called on witness Richard McCoven, Senior Traffic Engineer for CPH Engineers, 6675 Corporate Center Parkway, Jacksonville, Florida.

Mr. Sanders questioned Mr. McCoven regarding the traffic study prepared by CPH Engineers.

Mr. Sanders questioned City Manager Jarboe regarding Article VI. Concurrency. City Manager Jarboe replied in his opinion the development order did not meet any exemptions based on the number of proposed daily trips.

Mr. Sanders asked City Manager Jarboe if the city required Ace Hardware on Atlantic Boulevard to conduct a traffic study prior to their expansion. City Manager Jarboe stated the Ace Hardware property had vested rights and a traffic study was not required.

Mr. Sanders asked City Manager Jarboe if the Aqua East Surf Shop expansion was a legally conforming structure and if it was required to be setback 50 feet from Atlantic Boulevard. Mr. Jarboe replied the city was in the process of hiring a new Community Development Director and he would have to research the answer to the question.

Recess/Reconvene Mayor Brown called a recess at 9:10 p.m. and reconvened the meeting at 9:30 p.m.

City Attorney White stated he may not have disclosed earlier that he had met with each council member and Brenna Durden, Land Development Attorney, regarding the development order application, and would now like to disclose that information.

Mr. Sanders continued to question City Manager Jarboe regarding concurrency.

Michael Plasker, owner of the property, stated the current shopping center was 150,000 square feet and the proposed Wal-Mart would actually reduce the overall size of the building to 117,000 square feet.

Mr. Steve Bollock, attorney for Mr. Plasker, stated as the owner of the property Mr. Plasker had vested rights and Council should not be swayed by the constituents but should base their decision upon the laws and evidence presented, and thereby grant the development order.

A question and answer period ensued between the Council, Mr. Plasker, Mr. Bollock and Mr. Sanders regarding traffic and the level of service requirements of Atlantic Boulevard.

Ms. Martha Moore, Beachside Engineering, answered questions from Mr. Sanders and the Council regarding the traffic study she conducted for the city.

Mr. Karl Sanders stated the applicant met all Code requirements and asked the Council to apply the laws equally and grant the development order.

Moved by Pardee.

Motion: **TO APPROVE THE DEVELOPMENT ORDER.**

MOTION FAILED FOR LACK OF SECOND.

Moved by Weldon, seconded by Pruette.

Motion: **TO DENY THE APPLICATION PDRB06-06 BASED ON THE FAILURE TO MEET LEVEL OF SERVICE REQUIREMENTS OF THE COMP PLAN AND FAILURE TO CONFORM TO SCALE MASS AND BULK GUIDANCE OF THE CODE 27-222; AND FURTHER IN ACCORDANCE WITH SEC. 27-82(h)(2) TO REFUSE TO ISSUE A FINAL DEVELOPMENT ORDER IF IT IS NOT POSSIBLE FOR THE PROPOSED DEVELOPMENT, EVEN WITH REASONABLE MODIFICATION, TO MEET THE REQUIREMENT OF THIS CODE.**

Councilor Pardee was concerned if the development was denied due to the concurrency there could not be additional traffic in the future for future development orders.

Roll Call Vote:

Ayes: 4 – Lee, Pruette, Weldon, Brown

Noes: 1 – Pardee

MOTION CARRIED

V06-10
120 Lemon St.

VARIANCE REQUEST V06-10 – 120 LEMON STREET – ETIENNE LAGNIAPPE: Consider approval of variance request V06-10, for Etienne Lagniappe, 120 Lemon Street, for relief of two parking spaces as required in Section 27-540(a) Required off-street Parking, Table 27-540-1.

Moved by Weldon, seconded by Pruette.

Motion: **TO APPROVE V06-10, 120 LEMON STREET.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

PDRB06-09
120 Lemon St.

DEVELOPMENT ORDER PDRB06-09 – 120 LEMON STREET – ETIENNE LAGNIAPPE: Consider approval of development order PDRB06-09 for Etienne Lagniappe, 120 Lemon Street, for change of use from residential to commercial for use as an art gallery. (Subsequent to the approval of variance request V06-10)

Moved by Weldon, seconded by Pruette.

Motion: **TO APPROVE PDRB06-09, 120 LEMON STREET WITH THE STIPULATION THAT THE DEVELOPMENT COMPLY TO ALL ADA REQUIREMENTS.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

V06-11
696 Atlantic Blvd.

VARIANCE REQUEST V06-11 – 696 ATLANTIC BOULEVARD – SHAUNA MOORE D/B/A AQUA EAST: Consider approval of variance request V06-11 for Shauna Moore, 696 Atlantic Boulevard, proposing to vary the side yard, corner side yard, rear yard and impervious surface requirements for construction of an addition on the east side of the existing building.

Consensus: **TO DEFER VARIANCE REQUEST FOR SHAUNA MOORE – AQUA EAST SURF SHOP AS REQUESTED BY THE APPLICANT UNTIL SEPTEMBER 25TH 2006.**

Adjournment

There being no further business, the meeting adjourned at 10:45 p.m.

Richard A. Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
SPECIAL CITY COUNCIL MEETING
SEPTEMBER 11, 2006 AT 6:00 P.M.
CITY HALL, 116 FIRST STREET
NEPTUNE BEACH, FLORIDA

Pursuant to proper notice a Special Meeting of the City Council of the City of Neptune Beach was held September 11, 2006 at 6:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

Mayor Richard A. Brown
Vice Mayor Harriet Pruette
Councilor Fred Lee
Councilor Eric Pardee
Councilor John Weldon
City Manager James Jarboe
City Clerk Lisa Volpe, CMC

STAFF:

Senior Center Director Leslie Lyne
Director of Finance Steve Ramsey
Director of Public Services Leon Smith
Deputy City Clerk Karla Strait, CMC

Order Call

Mayor Brown called the special meeting to order at 6:00 p.m. and announced the purpose of the meeting was to consider the following ordinances.

Ord. No. 2006-18

ORDINANCE NO. 2006-18, FINAL MILLAGE RATES, FIRST READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, ADOPTING FINAL MILLAGE RATES AND LEVYING AD VALOREM TAXES FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2006, AND ENDING SEPTEMBER 30, 2007; SETTING FORTH CERTAIN INFORMATION REGARDING "ROLLED BACK RATES"; DIRECTING THE CITY MANAGER TO ADJUST THE ADOPTED RATES IN THE EVENT OF CHANGES IN THE ASSESSMENT ROLL AND TAXABLE VALUE; PROVIDING AN EFFECTIVE DATE.

Mayor Brown read Ordinance No. 2006-18 by title only and opened the public hearing.

Ed Vasso, owner of a vacant lot in Neptune Beach, felt his taxes were too high for an empty lot.

Wendy Griffis, 1036 Buddy Crout Lane, stated her tax bill increased 35% from last year. Finance Director Steve Ramsey explained the lot was empty last year and now that there was a house on the lot the assessment was higher.

Jeffrey Will, 218 Florida Boulevard, stated his tax bill more than doubled going from \$1,300.00 to \$2,300.00. City Manager Jarboe explained this was most likely due to the owner not being able to homestead the other half of the duplex.

There being no further comments from the public, the public hearing was closed.

Moved by Pruette, seconded by Weldon.

Motion: **TO PASS ORDINANCE NO. 2006-18 ON FIRST READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

Ord. No. 2006-19

ORDINANCE NO. 2006-19, ADOPTING FINAL BUDGET, FIRST READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, ADOPTING A FINAL BUDGET AND APPROPRIATING FUNDS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2006, AND ENDING SEPTEMBER 30, 2007, PROVIDING AN EFFECTIVE DATE.

Mayor Brown read Ordinance No. 2006-19 by title only and opened the public hearing.

There being no comments from the public, the public hearing was closed.

Moved by Pardee, seconded by Lee.

Motion: **TO PASS ORDINANCE NO. 2006-19 ON FIRST READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

Ord. No. 2006-20

ORDINANCE NO. 2006-06, BUDGET AMENDMENT, FIRST READ AND PUBLIC HEARING: AN ORDINANCE AMENDING THE BUDGET FOR THE CITY OF NEPTUNE BEACH, FLORIDA, FOR FISCAL YEAR 2006, BEGINNING OCTOBER 1, 2005, AND ENDING SEPTEMBER 30, 2006.

Mayor Brown read Ordinance No. 2006-20 by title only and opened the public hearing.

There being no comments from the public, the public hearing was closed.

Moved by Lee, seconded by Pardee.

Motion: **TO PASS ORDINANCE NO. 2006-20 ON FIRST READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

Ord. No. 2006-21

ORDINANCE NO. 2006-21, ABANDONING A PORTION OF PRADO FERRER, FIRST READ: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, ABANDONING, VACATING, AND CLOSING A PORTION OF PRADO FERRER; AND ESTABLISHING AN EFFECTIVE DATE.

Moved by Weldon, seconded by Pruette.

Motion: **TO PASS ORDINANCE NO. 2006-21 ON FIRST READ.**

Councilor Pardee questioned if the property would revert back to the city if the development order was not completed.

Friendly Amendment **THE PROPERTY WILL REVERT BACK TO THE CITY IF THE DEVELOPMENT ORDER IS NOT COMPLETED.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

Adjournment

There being no further business, the meeting adjourned at 6:20 p.m.

Richard Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
SPECIAL CITY COUNCIL MEETING
SEPTEMBER 25, 2006 AT 6:00 P.M.
CITY HALL, 116 FIRST STREET
NEPTUNE BEACH, FLORIDA

Pursuant to proper notice a Special Meeting of the City Council of the City of Neptune Beach was held September 25, 2006 at 6:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

Mayor Richard A. Brown
Councilor Fred Lee
Councilor Eric Pardee
Councilor John Weldon
City Manager James Jarboe
City Clerk Lisa Volpe, CMC

ABSENT:

Vice Mayor Harriet Pruette

STAFF:

Senior Center Director Leslie Lyne
Director of Finance Steve Ramsey
Deputy City Clerk Karla Strait, CMC

Order Call

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

V06-11
696 Atlantic Blvd.
Aqua East

VARIANCE REQUEST V06-11 – 696 ATLANTIC BOULEVARD – SHAUNA MOORE D/B/A AQUA EAST SURF SHOP: Consider approval of variance request V06-11 for Shauna Moore, 696 Atlantic Boulevard, proposing to vary the side yard, corner side yard, rear yard and impervious surface requirements for construction of an addition on the east side of the existing building.

Consensus: **TO DEFER AT THE REQUEST OF THE APPLICANT.**

Ord. No. 2006-17

ORDINANCE NO. 2006-17, AMENDING CHAPTER 8, BUILDINGS AND BUILDING REGULATIONS, SECOND READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 8, BUILDINGS AND BUILDING REGULATIONS, ARTICLE II, BUILDING CODE, SECTION 8-27, EXHIBIT A 101 GENERAL, 101.4.2.3.2 UNSAFE BUILDINGS, 101.4.3 ELECTRICAL, SECTION 8-29 BUILDING PERMIT FEES AND SECTION 8-35 MECHANICAL FEES AND PROVIDING AN EFFECTIVE DATE.

Mayor Brown read Ordinance No. 2006-17 by title only and opened the public hearing.

There being no comments from the public, the public hearing was closed.

Moved by Weldon, seconded by Lee.

Motion: **TO ADOPT ORDINANCE NO. 2006-17 ON SECOND READ AND PUBLIC HEARING.**

Councilor Pardee stated elevators were inspected by the state and therefore did not need to be in the ordinance. City Manager Jarboe replied that he would speak with Building Official Don Ford and amend the Ordinance if necessary.

Roll Call Vote:

Ayes: 4 – Lee, Pardee, Weldon, Brown

Noes: 0

MOTION CARRIED

Ord. No. 2006-18

ORDINANCE NO. 2006-18, ADOPTING FINAL MILLAGE RATES, SECOND READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA ADOPTING FINAL MILLAGE RATES AND LEVYING AD VALOREM TAXES FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2006, AND ENDING SEPTEMBER 30, 2007 SETTING FORTH CERTAIN INFORMATION REGARDING “ROLLED BACK RATES”; DIRECTING THE CITY MANAGER TO ADJUST THE ADOPTED MILLAGE RATES IN THE EVENT OF CHANGES IN THE ASSESSMENT ROLL AND TAXABLE VALUE; PROVIDING AN EFFECTIVE DATE.

Mayor Brown read Ordinance No. 2006-18 by title only and opened the public hearing.

There being no comments from the public, the public hearing was closed.

Moved by Lee, seconded by Pardee.

Councilor Weldon stated for the record the tax rate was lower than all surrounding cities.

Motion: **TO ADOPT ORDINANCE NO. 2006-18 ON SECOND READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 4 – Lee, Pardee, Weldon, Brown

Noes: 0

MOTION CARRIED

Ord. No. 2006-19

ORDINANCE NO. 2006-19, ADOPTING A FINAL BUDGET, SECOND READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, ADOPTING A FINAL BUDGET AND APPROPRIATING FUNDS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2006, AND ENDING SEPTEMBER 30, 2007; PROVIDING AN EFFECTIVE DATE.

Mayor Brown read Ordinance No. 2006-19 by title only and opened the public hearing.

There being no comments from the public, the public hearing was closed.

Council thanked City Manager Jarboe for his role in tailoring the budget and maintaining low cost.

Moved by Pardee, seconded by Lee.

Motion: **TO ADOPT ORDINANCE NO. 2006-19 ON SECOND READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 4 – Lee, Pardee, Weldon, Brown

Noes: 0

MOTION CARRIED

Ord. No. 2006-20

ORDINANCE NO. 2006-20, AMENDING THE OPERATING BUDGET FOR FISCAL YEAR 2006, SECOND READ AND PUBLIC HEARING: AN ORDINANCE AMENDING THE OPERATING BUDGET FOR THE CITY OF NEPTUNE BEACH, FLORIDA FOR FISCAL YEAR 2006, BEGINNING OCTOBER 1, 2005 AND ENDING SEPTEMBER 30, 2006.

Mayor Brown read Ordinance No. 2006-20 by title only and opened the public hearing.

There being no comments from the public, the public hearing was closed.

Made by Weldon, seconded by Lee.

Motion: **TO ADOPT ORDINANCE NO. 2006-20 ON SECOND READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 4 – Lee, Pardee, Weldon, Brown

Noes: 0

MOTION CARRIED

Res. No. 2006-15

RESOLUTION NO. 2006-15: A RESOLUTION APPOINTING MEMBERS TO THE PLANNING AND DEVELOPMENT REVIEW BOARD, THE POLICE OFFICERS' RETIREMENT FUND BOARD AND THE BOARD OF APPEALS.

Moved by Weldon, seconded by Lee.

Motion: **TO ADOPT RESOLUTION NO. 2006-15.**

Roll Call Vote:

Ayes: 4 – Lee, Pardee, Weldon, Brown

Noes: 0

MOTION CARRIED

Res. No. 2006-16

RESOLUTION NO. 2006-16: A RESOLUTION REAPPOINTING CARL HASHEY TO THE POLICE OFFICERS' RETIREMENT FUND BOARD AS SELECTED BY MAJORITY OF THE BAORD.

Moved by Weldon, seconded by Pardee.

Motion: **TO ADOPT RESOLUTION NO. 2006-16**

Roll Call Vote:

Ayes: 4 – Lee, Pardee, Weldon, Brown

Noes: 0

MOTION CARRIED

Caribbee Key

CARIBBEE KEY SIDEWALK LEASE AGREEMENT: Consider approval of a new sidewalk lease agreement with Caribbee Key.

Council Weldon stated he was not prepared to vote on the sidewalk agreement without a representative from Caribbee Key present.

Consensus: **DEFER TO THE OCTOBER 2ND REGULAR MEETING.**

Speed Humps

SPEED HUMPS – INDIAN WOODS / FOREST MARSH & KINGS ROAD: City Manager Jarboe suggested beginning with two speed humps in area by placing a speed hump on Kings Road and another one on Forest Marsh at Indian Woods.

Moved by Lee, seconded by Pardee.

Motion: **TO APPROVE SPEED HUMPS FOR KINGS ROAD, FOREST MARSH AND INDIAN WOODS.**

Roll Call Vote:

Ayes: 4 – Lee, Pardee, Weldon, Brown

Noes: 0

MOTION CARRIED

Generators

GENERATORS – CITY YARD AND WATER PLANT: City Manager Jarboe stated the one bid received for generators was too high. He suggested piggybacking off of the City of Jacksonville contract with Ring Power to obtain two generators, one for the city yard and one for the water plant. He asked Council to defer action until the October 2, 2006 Regular meeting in order to allow him time to receive and review the specs.

Consensus: **TO DEFER THE APPROVAL TO PURCHASE GENERATORS TO THE OCTOBER 2, 2006 REGULAR COUNCIL MEETING.**

Adjournment

There being no further business, the meeting adjourned at 6:35 p.m.

Richard Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
WORKSHOP CITY COUNCIL MEETING
SEPTEMBER 25, 2006 AT 6:35 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 September 25, 2006 at 6:3 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

Mayor Richard Brown
Councilor Fred Lee
Councilor Eric Pardee
Councilor John Weldon
City Attorney Chris White
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

STAFF:

Senior Center Activities Director Leslie Lyne
Director of Finance Steve Ramsey
Director of Public Safety David Sembach
Deputy City Clerk Karla Strait, CMC

ABSENT:

Vice Mayor Harriet Pruette

Call to Order/Roll Call Mayor Brown called the meeting to order at 6:35 p.m.

Mayor Brown congratulated Councilor Lee and Council Weldon for having no opposition in the upcoming election.

PRESENTATIONS / NONE

COMMITTEE REPORTS / NONE

CITY MANAGERS ACTION LIST

City Manager Jarboe reported on the following:

- The Budget FY 2006/2007 was completed.
- Plans were ongoing with the City of Jacksonville to provide partial funding for the new Kings Road Bridge.

PUBLIC COMMENTS / NONE

PROPOSED ORDINANCES

Animals

ORDINANCE NO. 2006-XX, ANIMALS CAUSING INJURY: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, ADDING SECTION 6-17 ANIMALS CAUSING INJURY.

City Manager Jarboe stated he felt this ordinance would encourage dog owners to keep their dogs leashed.

Consensus: **FORWARD TO THE OCTOBER 2, 2006 REGULAR MEETING FOR FIRST READ.**

Lot Front Setbacks

ORDINANCE NO. 2006-XX, LOT FRONTAGE REQUIREMENTS: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING TABLE 27-229-1 AND PROVIDING AN EFFECTIVE DATE.

City Attorney White stated the Ordinance needed to be heard by the Planning & Development Review Board for a recommendation to Council.

Consensus: **FORWARD TO THE OCTOBER PLANNING & DEVELOPMENT REVIEW BOARD MEETING AND TO THE NOVEMBER REGULAR COUNCIL MEETING FOR FIRST READ.**

CONTRACTS / AGREEMENTS / NONE

ISSUE DEVELOPMENT / NONE

Councilor Pardee provided the Council with paperwork recognizing a breakdown of the signatures on the petition opposing Wal-Mart by cities.

Mayor Brown reminded everyone of the upcoming 75th Anniversary Celebration.

Adjournment

There being no further business, the meeting adjourned at 6:55pm.

Richard A. Brown, Mayor

Attest:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
REGULAR CITY COUNCIL MEETING
AUGUST 7, 2006 7:00 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 August 7, 2006 at 7:00 p.m., in the City Hall Council Chambers, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

STAFF:

Mayor Richard A. Brown
Vice Mayor Harriet Pruette
Councilor Fred Lee
Councilor Eric Pardee
Councilor John Weldon
City Attorney Christopher White
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

Senior Center Activities Director Leslie Lyne
Director of Finance Steve Ramsey
Lieutenant Anthony Carrillo
Director of Public Services Leon Smith
Deputy City Clerk Karla Strait, CMC

Order Call/Pledge

Mayor Brown called the meeting to order at 7:00 p.m. and led the pledge of allegiance.

AWARDS / PRESENTATIONS / RECOGNITION OF GUESTS

RESOLUTION NO. 2006-14: A RESOLUTION OF THE CITY OF NEPTUNE BEACH HONORING FORMER COMMUNITY DEVELOPMENT DIRECTOR JASON CLEGHORN FOR SERVING THE CITIZENS OF NEPTUNE BEACH IN AN EXCELLENT MANNER DURING HIS TENURE WITH THE CITY.

Move by Pruette, seconded by Lee.

Motion: **TO APPROVE RESOLUTION 2006-14.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown.

Noes: 0

MOTION CARRIED

APPROVAL OF MINUTES

Moved by Weldon, seconded by Pruette.

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

JULY 10, 2006, REGULAR COUNCIL MEETING
JULY 17, 2006, BUDGET COUNCIL MEETING
JULY 17, 2006, WORKSHOP COUNCIL MEETING

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

COMMUNICATIONS AND CORRESPONDENCE

Vice Mayor Pruette disclosed she had spoken with Mr. Jonathon Plumb regarding his development order.

Vice Mayor Pruette stated the United States Post Office agreed to place a collection box in the Town Center area later this month.

Councilor Weldon disclosed he had spoken with Mr. Plumb regarding his development order at 2109 Atlantic Boulevard.

Councilor Lee disclosed he had spoken to a representative for the Neptune Mall regarding their development order at 241 Atlantic Boulevard.

Councilor Pardee disclosed he had spoken with a representative for Benchmark regarding their development order at 2109 Atlantic Boulevard.

City Clerk Lisa Volpe suggested rescheduling the September workshop meeting from the 18th to the 25th due to the Jaguars Monday night home game and to have an extras week between meetings.

Consensus: **TO SCHEDULE THE SEPTEMBER WORKSHOP COUNCIL MEETING FOR THE 25TH.**

CITY MANAGER REPORT

City Manager Jarboe reported the following:

- The drainage system was overworked after a rainstorm last week and there were problems with trucks creating wakes. He felt the flooding would have been worse if the tide had not been low at the time.
- He was concerned about the safety issues of trees located in the city rights of way after two large trees fell last week.

PUBLIC COMMENTS

Joe Quest, 1501 Atlantic Boulevard, thanked the Council for considering Ordinance No. 2006-10.

Chris Oakey, 620 Camellia Terrace, voiced concern regarding the enforcement of ordinances previously adopted.

CONSENT AGENDA / NONE

VARIANCES / NONE

ORDINANCES

AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 27 UNIFIED LAND DEVELOPMENT REGULATIONS, AMENDING SEC. 27-227, SPECIAL RESTRICTIONS AND CONDITIONS ON ALLOWABLE USES WITHIN ZONING DISTRICTS, AND AMENDING TABLE 27-226-1 PERMISSIBLE USES AND PROVIDING AN EFFECTIVE DATE.

Mayor Brown read Ordinance No. 2006-10 by title only and opened the public hearing.

There being no comments from the public, the public hearing was closed.

Councilor Weldon suggested the adding the following underscored language to Section 27-227(b)(14):

(b)(14) Moving business by exception only. No more than three (3) trucks, not to exceed thirty-three (33) feet each, shall be stored on site and no storage of items to be moved shall be permitted.

Moved by Pruette, seconded by Pardee.

Motion: **TO ADOPT ORDINANCE NO. 2006-10 AS AMENDED ON SECOND READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

Ord. No. 2006-11

ORDINANCE NO. 2006-11, AMENDING CHAPTER 27, USES IN ZONING DISTRICTS, SECOND READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 27 UNIFIED LAND DEVELOPMENT REGULATIONS SEC. 27-227 SPECIAL RESTRICTIONS AND CONDITIONS ON ALLOWABLE USES WITHIN ZONING DISTRICTS (B)(5) RETAIL, GENERAL AND PROVIDING AN EFFECTIVE DATE.

Mayor Brown read Ordinance No. 2006-11 by title only and opened the public hearing.

There being no comments from the public, the public hearing was closed.

Moved by Weldon, seconded by Pruette.

Motion: **TO ADOPT ORDINANCE NO. 2006-11 ON SECOND READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

Ord. No. 2006-14

ORDINANCE NO. 2006-14, AMENDING CHAPTER 22, TRAFFIC AND MOTOR VEHICLES, SECOND READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 22, TRAFFIC AND MOTOR VEHICLES, SECTION 22-3 CERTAIN MOTOR VEHICLES PROHIBITED FROM PARKING IN COMMERCIAL DISTRICTS AND PROVIDING AN EFFECTIVE DATE.

Mayor Brown read Ordinance No. 2006-14 by title only and opened the public hearing.

There being no comments from the public, the public hearing was closed.

Moved by Weldon, seconded by Pruette.

Motion: **TO ADOPT ORDINANCE NO. 2006-14 ON SECOND READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

Ord. No. 2006-15 **ORDINANCE NO. 2006-15, AMENDING SECTION 21, OCCUPATIONAL LICENSE TAXES, SECOND READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING SECTION 21, ARTICLE II, OCCUPATIONAL LICENSE TAXES AND ADDING SECTION 21-33 AND PROVIDING AN EFFECTIVE DATE.**

Mayor Brown read Ordinance No. 2006- 15 by title only and opened the public hearing.

There being no comments from the public, the public hearing was closed.

Moved by Pardee, seconded by Pruette.

Motion: **TO ADOPT ORDINANCE NO. 2006-15, ON SECOND READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

Ord. No. 2006-16 **ORDINANCE NO. 2006-16, AMENDING CHAPTER 2, ADMINISTRATION, ARTICLE V, EMPLOYEE BENEFITS, DIVISION 4, POLICE OFFICERS' RETIREMENT SYSTEM, SECOND READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH 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 2-345, DEFINITIONS, BY AMENDING THE DEFINITION OF "CREDITED SERVICE"; AMENDING SECTION 2-349.5 OPTIONAL FORMS OF BENEFITS; AMENDING SECTION 2-349.12, DISTRIBUTION OF BENEFITS; AMENDING SECTION 2-349.19, DIRECT TRANSFERS OF ELIGIBLE ROLLOVER DISTRIBUTIONS; AMENDING SECTION 2-349.24, DEFERRED RETIREMENT OPTION PLAN; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING AN EFFECTIVE DATE.**

Mayor Brown read Ordinance No. 2006-16 by title only and opened the public hearing.

There being no comments from the public, the public hearing was closed.

Moved by Pardee, seconded by Lee.

Motion: **TO ADOPT ORDINANCE NO. 2006-16 ON SECOND READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

Ord. No. 2006-17 **ORDINANCE NO. 2006-17, AMENDING CHAPTER 8, BUILDINGS AND BUILDING REGULATIONS, FIRST READ: AN ORDINANCE OF THE OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 8, BUILDINGS AND BUILDING REGULATIONS, ARTICLE II, BUILDING CODE, SECTION 8-27, EXHIBIT A, 101 GENERAL, 101.4.2.3.2 UNSAFE BUILDINGS, 101.4.3 ELECTRICAL, SECTION 8-29 BUILDING PERMIT FEES AND SECTION 8-24 MECHANICAL**

FEES AND PROVIDING AN EFFECTIVE DATE.

Moved by Pruette, seconded by Weldon.

Motion: **TO PASS ORDINANCE NO. 2006-17 ON FIRST READ.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

OLD BUSINESS

PDRB06-07
220 First St.
Goelz

DEVELOPMENT ORDER PDRB06-07, 220 FIRST STREET – GOELZ: Consider approval of development order for Mr. and Mrs. Thomas Goelz for an addition and remodel of Cobalt Moon located at 220 First Street.

Mr. Terry Simmons, architect for the project, explained the applicant wanted to renovate the building to provide for retail sales on the first floor and a dance studio on the second floor. In addition five more parking spaces would be created and the entire building would be brought up to code.

Moved by Weldon, seconded by Pruette.

Motion: **TO APPROVE PDRB06-07, 220 FIRST STREET, GOELZ.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

Fl. & 5th
Drainage Impr.

APPROVAL OF REQUEST FOR PROPOSAL DESIGN / BUILD DRAINAGE IMPROVEMENTS AT THE INTERSECTION OF FLORIDA BOULEVARD AND FIFTH STREET: City Manager Jarboe explained only one bid was received for the drainage improvements at Florida Boulevard and Fifth Street. The bid was from Gruhn May in the amount of \$77,150.00. He stated the bid was about \$2000 over what was expected but still recommended approval.

Moved by Weldon, seconded by Pruette.

Motion: **TO APPROVE THE BID RECEIVED FROM GRUHN MAY IN THE AMOUNT OF \$77,150.00 FOR THE DRAINAGE IMPROVEMENTS ON FIFTH STREET.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOITON CARRIED

NEW BUSINESS

PDRB06-02
2109 Atlantic Bl.
Benchmark

DEVELOPMENT ORDER PDRB06-02, 2109 ATLANTIC BOULEVARD, BENCHMARK COMMERCIAL GROUP: Consider approval of development order for Mr. Jonathan Plumb, Benchmark Commercial Group to construct a 24,400 square foot office building and request to abandon the remainder of Block 3 of Prado Ferrer Grant.

Mr. Jonathan Plumb, Benchmark Commercial Group, explained the proposal was to build a 25,000 square feet professional office building of modern design. They would also be constructing a two

lane road for approximately 300 feet ending in a cul-de-sac at the north end of Marsh Point Road and landscaping the right-of-way. In return for the construction cost of approximately \$72,000 for the roadway they request that the city deed over a portion of an alleyway for the development of the site.

Councilor Weldon questioned how many parking spaces would be provided. Mr. Plumb replied there would be 63 onsite parking spaces and 10 offsite parking spaces in the right of way on Marsh Point Road.

Councilor Lee questioned the height of the building. Mr. Plumb replied the building height was just under the 35' height limit at 34'8".

Councilor Pardee was concerned the monument sign may obstruct traffic. Mr. Plumb responded the sign would be 8' x 10', would be placed in front of the building, and would not obstruct traffic.

City Clerk Lisa Volpe stated the Council would need to adopt an Ordinance to abandon the property. The first reading would be at the September regular meeting and the second reading and adoption would take place at the October regular meeting. City Attorney White stated the applicant could apply for the building permit and proceed with construction while the abandonment ordinance was going through the process.

City Attorney White explained to Mr. Plumb the city needed a survey and description of the property in order to draw up the ordinance for the abandonment of the property. Mr. Plumb stated the survey and title search on the property was completed and had been turned in to the building department.

Moved by Weldon, seconded by Pruette.

Motion: **TO APPROVE PDRB06-02, 2109 ATLANTIC BOULEVARD, BENCHMARK COMMERCIAL GROUP AND DIRECT STAFF AND CITY ATTORNEY WHITE TO PREPARE AN ORDINANCE FOR THE ABANDONMENT OF THE PROPERTY RELATED TO THE SITE.**

Councilor Lee questioned the concurrency issues. City Manager Jarboe responded the project met all concurrency requirements. The project did not reach the number of trips required to have a traffic impact study.

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes 0

MOTION CARRIED

Recess/Reconvene Mayor Brown called a recess at 8:00 p.m. and reconvened the meeting at 8:10

PDRB06-08
241 Atlantic Blvd.
Southcoast **DEVELOPMENT ORDER PDRB06-08, 241 ATLANTIC BOULEVARD, SOUTHCOAST BEACHES, LLC:** Consider approval of development order for Southcoast Beaches LLC, to construct a two story building for retail sales on the first floor and office spaces on the second floor and consider allowing the balconies to extend over city right of way.

Lindley Tolbert, representing Southcoast Beaches, LLC, explained the concept of the project was to demolish the existing Neptune Mall and construct a 14,404 square feet two story commercial building to provide for retail sales on the first floor and office space on the second floor. The building would be positioned on the lot further to the east to provide a larger buffer zone on the west side abutting Second Street.

Vice Mayor Pruette questioned the amount of parking spaces that would be provided. Ms. Tolbert responded the property owned by Southcoast Capital currently had more parking spaces than the Code required for the existing retail and restaurant establishments in Town Center. They had a

total of 134 parking spaces of which they were only required to provide 86 spaces. However, they would be removing 12 of the current parking spaces in the lot to create another avenue for entering and exiting the existing parking lot. Three additional parking spaces would be added on the Atlantic Boulevard side in the city right-of-way.

Council Weldon asked if the 86 parking spaces were utilized by the properties owned by Southcoast Capital on the Atlantic Beach side of Atlantic Boulevard. Ms. Tolbert replied those spaces were not supposed to be used by those establishments. The properties on the Atlantic Beach side supported themselves for parking through the City of Atlantic Beach and had nothing to do with Neptune Beach.

Councilor Weldon again questioned if any of the 86 parking spaces in the parking lot in Neptune Beach were used to justify the developments in Atlantic Beach. Ms. Tolbert replied they were not used to justify those developments. However, they could not prevent people that were visiting other establishments from parking in their parking lot.

Vice Mayor Pruette pointed out that the signs in the parking lot allowed parking for Ragtime and other establishments on the Atlantic Beach side of Atlantic Boulevard. Ms. Tolbert replied that was because Southcoast Capital owned those buildings.

Councilor Weldon stated the plans required the removal of 12 parking spaces on the east side, 6 or 8 spaces on north side, and 8 or 10 more on the west side of the building. Ms. Tolbert explained the current building has 8 parking spaces plus the 13 spaces in the city right-of-way on the west side. They intended to remove those 13 spaces in the right-of-way and landscape that area. They also would be adding 22 parking spaces behind the building and the Code only required 21 spaces.

Councilor Weldon stated that created a net loss of 11 parking spaces in the Town Center area. Ms. Tolbert replied the net loss was actually 12 spaces.

Councilor Weldon agreed it was a nice project and he would like to see that type of building in Town Center, however, he could not support a project that would decrease the amount of parking in the Town Center area.

Councilor Weldon suggested one solution for the parking problem would be to build a parking garage in Town Center. He felt the city would be amenable to the idea of finding a way to make it attractive to Mr. Lovett and other potential partners.

Mr. Rad Lovett, Southcoast Beaches, LLC, stated the reality was that Southcoast Capital provided parking for the majority of the customers visiting Town Center establishments.

Councilor Weldon stated the city needed people in the community like Mr. Lovett to help solve the parking problem in the long term or it would get even worse.

Mr. Rad Lovett, Southcoast Beaches, LLC, pointed out the parking for the new retail and office building would mainly be used during daytime hours, making the spaces available for restaurant establishments during the evening hours.

Councilor Weldon asked if a parking garage would be totally unfeasible. Mr. Lovett asked William Ebert, ENB Architects to address the question.

Mr. William Ebert, ENB Architects, stated the cost to construct a parking garage would be approximately \$8,000 to \$10,000 per parking space.

Councilor Weldon asked if the community were to find a way to support the development of a parking garage would it be feasible to build one providing retail sales on the first floor of the building.

Mr. Lovett replied the City of Jacksonville provided incentives for developers in downtown Jacksonville for building parking garages. In order to meet the scale of a parking garage a larger

piece of property would be necessary and he did not own a larger property in Town Center.

Mr. William Ebert advised they had studied the possibility of building a parking garage. The most efficient way to build one would be to build two 60 feet wide bays totaling 120 feet wide, with 90 degree parking spaces. The Lemon Street lot was only 100' feet wide so it would not work efficiently.

Ms. Tolbert reiterated they only needed to provide 21 parking spaces by Code and their development order provided 22 parking spaces for the building. They wanted to position the building more toward the east in order to add a sidewalk and landscaping to make it pedestrian friendly. She added that theoretically they had 48 more spaces than they needed.

Mayor Brown asked if there was anyway to salvage those 12 parking spaces and still make the project attractive. Mr. Lovett stated they would consider repositioning the building more toward the west building restriction line. There would not be much space left for landscaping but there would still be enough room on the right-of-way to put in a sidewalk.

Ms. Tolbert stated another option would be to charge for parking or have people prove that they were visiting those properties that the parking provided for.

Vice Mayor Pruette questioned if Southcoast Capital owned the parking lot on Lemon Street. Mr. Lovett replied Ed Jones currently owned the property. Southcoast Capital had a long term lease agreement on the lot with an option to purchase in the year 2022.

Councilor Lee voiced concern about Southcoast Capital using a leased parking lot to meet the parking requirements. Mr. Lovett responded that it was certainly their intention to purchase the property at the end of the lease.

Councilor Pardee inquired as to how late the retail stores would stay open. Ms. Tolbert replied the retail stores would close around 8:00 p.m. Councilor Pardee asked if any of the parking spaces would be reserved. Ms. Tolbert replied if they were reserved they would only be reserved during certain daytime hours. Councilor Pardee was also concerned about the liability of the balconies on the north side of the building hanging over onto the city right-of-way, and where the water collected on the balconies would drain. Mr. Lovett replied the balconies were mainly for aesthetic appeal, they would only be 4' feet and there would be gutters on the roof of the building. Mr. Lovett acknowledged the Planning and Development Review Board also had concerns regarding the cities liability of the balconies on over the right-of-way.

City Attorney White stated the city allowed Caribbee Key to have the overhang on the city right-of-way.

City Manager Jarboe stated if the development order were approved he would require Southcoast to provide insurance indemnifying the city from any liabilities. He was also concerned about drainage off of the balconies and he felt the parking spaces should not be reserved. Ms. Tolbert explained the spaces would only be reserved Monday through Friday 9:00 a.m. to 7:00 p.m. Mr. Jarboe also voiced concern over the parking lot being leased and not owned by Southcoast.

City Attorney White explained the primary issue was the parking requirements were determined using a leased parking lot of which the city had no control over. The Council could approve the development order using the leased parking lot but would have no control over what happened in the future. Ms. Tolbert explained it would not be a smart business move on their part if they did not purchase the property.

Vice Mayor Pruette asked if they had included the outdoor dining area for Sunni Caribbee in the parking lot count. Mr. Lovett replied they did not consider parking for it because it was not his decision to allow the outdoor dining.

Councilor Weldon asked if Southcoast had any plans to expand their establishments in Town Center. Mr. Lovett answered no they did not.

Mayor Brown stated the applicant had the parking spaces that the Code required. He added they were just as much concerned about the parking issue as the city because they had a lot at stake in Town Center.

Mayor Brown asked if the Council would consider Mr. Lovett's suggestion of repositioning the building toward the west of the lot.

Councilor Pardee suggested a one story building would required less parking spaces. Ms .Tolbert stated they had enough parking spaces to meet the Code requirements.

Councilor Lee asked if Southcoast would be willing to sign an agreement relieving the city of any liability for the balconies. Mr. Lovett replied that he would sign such an agreement.

Councilor Lee questioned if the development order met the concurrency requirements. City Manager Jarboe replied the proposed development did not require a traffic study because it was under the threshold of 500 average daily trips or 50 daily trips at peak hours.

Councilor Weldon asked if the parking spaces would be standard size. Ms. Tolbert replied they would all be standard size with the exception of one handicap space.

Councilor Weldon asked if they could move the building toward the west of the lot leaving the 12 existing parking spaces. Ms. Tolbert stated that was a possibility.

Mr. Lovett stated to shift the building to the west the building would have to be smaller than he intended, but he could try to make it work. It would give back 9 spaces to the parking lot and the 3 spaces on the Atlantic Boulevard side would remain for a total of 12 more parking spaces leaving a zero net loss.

Mayor Brown asked the Council if they would consider having Mr. Lovett rework the plans and present them at the August workshop meeting.

Mr. Lovett asked if he would have to go back before the Planning and Development Review Board. City Attorney White advised that he would not need to go back before the Board.

Mr. Lovett stated it would be in the best interest of everyone if he could save the parking spaces and he would be happy to see if he could make that work.

Consensus: **TO RETURN TO THE AUGUST WORKSHOP MEETING WITH A REVISED PLAN.**

Adjournment

There being no further business, the meeting adjourned at 9:12 p.m.

Richard A. Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



**MINUTES
WORKSHOP CITY COUNCIL MEETING
AUGUST 21, 2006 AT 6:36 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 July 17, 2006 at 6:36 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

Mayor Richard Brown
Vice Mayor Harriet Pruette
Councilor Fred Lee
Councilor Eric Pardee
Councilor John Weldon
City Attorney Chris White
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

STAFF:

Senior Center Activities Director Leslie Lyne
Director of Finance Steve Ramsey
Director of Public Safety David Sembach
Director of Public Services Leon Smith
Deputy City Clerk Karla Strait, CMC

Call to Order/Roll Call Mayor Brown called the meeting to order at 7:00 p.m.

PRESENTATIONS / NONE

COMMITTEE REPORTS / NONE

CITY MANAGERS ACTION LIST

City Manager Jarboe reported on the following:

- An Ordinance amending the FY2006 budget was on the agenda.
- Funding for the Kings Road Bridge was secured with the Department of Transportation and waiting for approval from the City of Jacksonville.
- Staff was still working on the conversion and the training process on the new computer system.
- The nitrogen removal demonstration project for the wastewater plant was ongoing. Once completed a demonstration would be given to the Council.
- The capital improvements were included in the FY2007 budget and the first hearing was scheduled for September 11, 2006.

Councilor Lee questioned when the drainage improvements at Florida Boulevard and Fifth Street would begin. Public Services Director Leon Smith responded the project would begin in about one month.

Mayor Brown commended Public Services Director Leon Smith and the employees of the Public Services Department for their efforts in initiating the nitrogen system process. City Manager Jarboe stated the in-house project would save the city around 3 million dollars.

Councilor Pardee recognized the City Clerk's Office for placing all backup paperwork for council meeting agendas on the website. The backup information was now available to the public online.

PUBLIC COMMENTS

Hank Wilkinson, 203 North Street, suggested increasing animal citation fines for unleashed dogs.

Sheri Nicholson and her son Daven, 222 Oleander Street, favored the city contributing to the Neptune Beach Elementary School handicap playground.

Allison Moore, 401 McCollum Circle, supported the city contribution for the Neptune Beach Elementary School handicap playground.

Stephen Carter, 1723 Indian Woods Drive, supported placing speed humps on Forest Marsh Drive and Indian Woods Drive.

Scott Adeeb, 1507 Kings Road, supported the speed hump placement.

Bennie Furlong, 1820 Tanglewood Drive, Jacksonville Beach, supported the city contributing to Dial-a-Ride.

Susan Bolenbaugh, 2022 Shadow Lane, informed the Council she was impressed with Waste Pro when an employee could not find her trash cans and came to her door one morning to find out where they were located.

There being no further comments from the public, the public hearing was closed.

PROPOSED ORDINANCES

Ord. No. 2006-XX

ORDINANCE NO. 2006-XX, AMENDING FY2006 BUDGET: AN ORDINANCE AMENDING THE OPERATING BUDGET FOR THE CITY OF NEPTUNE BEACH, FLORIDA FOR FISCAL YEAR 2006, BEGINNING OCTOBER 1, 2005 AND ENDING SEPTEMBER 30, 2006.

Consensus: **FORWARD TO THE SEPTEMBER 11, 2006 REGULAR COUNCIL MEETING.**

CONTRACTS / AGREEMENTS

Caribbee Key

CARIBBEE KEY SIDEWALK LEASE AGREEMENT: Mr. John Bracato stated the outdoor seating had been well received by the public for the past two years and asked the Council to consider extending the sidewalk lease agreement for a period of one year.

City Manager Jarboe suggested amending the lease agreement to have Caribbee Key pressure wash the sidewalk area every six weeks. He also recommended placing a railing along the poles in an effort to control the boundary lines.

Councilor Weldon felt the planters currently identifying the outdoor seating area were appealing and requested the Council be able to approve the design of any railing.

Mr. Brocato stated he would work with the city to insure the boundary identification was attractive.

Vice Mayor Pruette recommended raising the rent 5%.

Consensus: **FORWARD TO THE SEPTEMBER REGULAR MEETING FOR APPROVAL WITH RECOMMENDED CHANGES.**

ISSUE DEVELOPMENT

PDRB06-08
241 Atlantic Blvd.

DEVELOPMENT ORDER PDRB06-08, 241 ATLANTIC BOULEVARD, SOUTHCOAST BEACHES, LLC: Consider approval of development order for Southcoast Beaches LLC, to construct a two story building for retail sales on the first floor and office spaces on the second floor and consider the balconies extending over city of way.

Mayor Brown stated due to concurrency concerns Mr. Rad Lovett would like to defer this development order until further notice.

Consensus: **TO DEFER PDRB06-08, 241 ATLANTIC BOULEVARD UNTIL FURTHER NOTICE.**

Speed Humps

SPEED HUMP PLACEMENT FOR INDIAN WOODS / FOREST MARSH / KINGS ROAD: City Manager Jarboe stated the residents of the area had met all requirements of the Speed Hump Policy. Chief Sembach felt the installation of speed humps may be justified at the following locations: 1) 1513 Indian Woods Drive, 2) 1710 Indian Woods Drive, 3) 1714 Indian Woods Drive, 4) 1407 Forest Marsh Drive, 5) 1422 Forest Marsh Drive.

City Manager Jarboe stated the speed humps would be installed according to budget and workload.

Chief Sembach recommended installing one speed hump at a time and measuring the traffic speed after each installation to see if more were necessary.

Mayor Brown suggested approving up to the number of humps recommended by Chief Sembach.

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

FY2007 Contributions **DONATIONS FOR FISCAL YEAR 2007:** Requests for contributions:

• Fireworks	\$ 5,000.00
• Playground (sidewalk)	5,000.00
• F.A.C.E.	1,775.00
• Beautification	1,000.00
• Beaches Resource Center	3,000.00
• Dial-A-Ride	<u>1,500.00</u>
Total Contributions	\$ 17,275.00

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

Councilor Weldon asked that Council reserve the right to use discretionary funds for other contributions if they were deemed worthy. City Clerk Volpe stated this list was in the budget and did not need to be voted on separately.

Setback
Requirements

LOT FRONTAGE REQUIREMENTS: Mayor Brown asked Steve Jarrett, developer, to address the assembly.

Mr. Steve Jarrett stated the Code currently required lots to have 100 feet of street frontage in order to build up to the 35 feet height limit. He explained that some of the largest lots were on cul-de-sacs and did not have much street frontage. Therefore he asked Council to consider changing the Code from 100 feet of street frontage to 100 feet of frontage at the front building line.

Councilor Pardee stated the new Community Development Director was to begin employment in September and suggested Council wait to hear her recommendations on the matter.

Consensus: **FORWARD TO THE SEPTEMBER WORKSHOP AGENDA.**

Tree Ordinance

DISCUSSION OF CURRENT TREE ORDINANCE: Councilor Fred Lee questioned why the tree ordinance required property owners to obtain a tree permit to trim trees located on their property. He also questioned the requirements for the city to obtain the Tree City USA designation.

Discussion ensued regarding the reasoning for requiring property owners to obtain tree permits to trim and/or remove trees.

Vice Mayor Pruette felt property owners should be allowed to trim trees located on their own private property.

Councilor Weldon explained the city did not charge a fee for tree permits. Permits to trim trees were only necessary if the limbs were over 8 inches in diameter. The ordinance was in place to protect the city's tree canopy.

Visioning Workshop

VISIONING WORKSHOP: Councilor Lee stated he would like the city to hold a visioning workshop meeting with an outside mediator, first with the citizens and a separate one for the Council.

City Manager Jarboe stated the 2010 Comprehensive Plan needed to be reevaluated and a new Comprehensive Plan would need to be created in the near future.

Vice Mayor Pruette asked City Manager Jarboe to provide a list of what the city wished to accomplish from the previous visioning workshop and a list of what has actually been accomplished.

Animal Control

ANIMAL CONTROL FINES: City Manager Jarboe suggested Council consider adding language to the Code to provide that the owner or guardian of any unleashed animal that attacks, injures or endangers the lives of others be fined up to a maximum of \$500.00.

Councilor Pardee questioned if the fine would be implemented on private property. City Manager Jarboe replied this would only be implemented on city property.

Councilor Pardee felt the term "injury" needed to be defined.

Consensus: **TO HAVE THE CITY MANAGER DRAFT AN AMENDMENT AND CLARIFY "INJURY".**

City Clerk Lisa Volpe stated the meeting to approve the FY2007 Budget was scheduled for September 11, 2007 at 6:00, before the regular meeting. She suggested relocating to a larger facility for the regular meeting due to the expected crowd for the Wal-Mart hearing.

Consensus: **TO HAVE THE BUDGET MEETING AT 6:00 P.M. AT CITY HALL AND RELOCATE THE REGULAR MEETING TO NEPTUNE BEACH**

ELEMENTARY SCHOOL OR FLETCHER HIGH SCHOOL.

Adjournment

There being no further business, the meeting adjourned at 9:05 pm.

Attest:

Richard A. Brown, Mayor

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
REGULAR CITY COUNCIL MEETING
JULY 10, 2006 7:00 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 July 10, 2006 at 7:00 p.m., in the City Hall Council Chambers, 116 First Street, Neptune Beach, Florida.

Attendance**IN ATTENDANCE:**

Mayor Richard A. Brown
Vice Mayor Harriet Pruette
Councilor Eric Pardee
Councilor John Weldon
City Attorney Christopher White
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

STAFF:

Community Development Director Jason Cleghorn
Senior Center Activities Director Leslie Lyne
Director of Finance Steve Ramsey
Director of Public Safety David Sembach
Director of Public Services Leon Smith
Deputy City Clerk Karla Strait, CMC

ABSENT:

Councilor Fred Lee

Order Call/Pledge

Mayor Brown called the meeting to order at 7:00 p.m. and led the pledge of allegiance.

AWARDS / PRESENTATIONS / RECOGNITION OF GUESTS

Mayor Brown presented the Employee of the Year Award to Police Officer Camille Burban.

APPROVAL OF MINUTES

Moved by Pruette, seconded by Weldon.

Minutes

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

JUNE 5, 2006, BUDGET WORKSHOP MEETING
JUNE 5, 2006, REGULAR COUNCIL MEETING
JUNE 19, 2006, WORKSHOP COUNCIL MEETING
JUNE 22, 2006, SPECIAL COUNCIL MEETING

Roll Call Vote:

Ayes: 4 – Pardee, Pruette, Weldon, Brown
Noes: 0

MOTION CARRIED

COMMUNICATIONS AND CORRESPONDENCE

Councilor Pardee disclosed he had spoken with Karl Sanders regarding the Wal-Mart traffic study. He had also previously spoken with the property owners for the proposed Wal-Mart site.

City Clerk Volpe reminded the Council that the deadline to register for the Florida League of Cities Conference was Friday, July 21, 2006.

CITY MANAGER REPORT

City Manager Jarboe reported the following:

- A meeting to review and discuss the General Fund Budget would be held before the July workshop.
- No flooding was reported during the previous rains.
- The resurfacing of the tennis courts in Jarboe Park was completed. He would like to thank City of Jacksonville Councilman Art Graham in writing.
- Construction of the headwall would soon begin at Fifth Street and Florida Boulevard.
- Testing of the nitrogen level for the wastewater plant was still in process.

PUBLIC COMMENTS

Sandy Leidy, 1810 Strand Street, opposed the proposed Wal-Mart development on Atlantic Boulevard.

Mark Hall, 1424 Bucknoll Cove, favored the Wal-Mart development adding that as a taxpayer he did not want to pay legal fees.

Rose Marie Campbell, 1412 Strand Street, was concerned because she had to stop the band from playing at her 4th of July party due to one complaint. She asked if there was a way she could prevent this from happening at future 4th of July parties.

JoAnne Hofmann, 130 Sand Castle Way, opposed the Wal-Mart development proposal. She also suggested that lifeguards have trash bags available for people to use to clean up the beach.

CONSENT AGENDA / NONE**VARIANCES / NONE****ORDINANCES**

Ord. No. 2006-09

ORDINANCE NO. 2006-09, ANIMALS, SECOND READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 6, ANIMALS, ARTICLE II DOGS AND CATS, ADDING SECTION 6-33 SUPPLEMENTAL ENFORCEMENT PROCEDURES AND PROVIDING AN EFFECTIVE DATE.

Mayor Brown read Ordinance No. 2006-09 by title only and opened the public hearing.

There being no comments from the public, the public hearing was closed.

Moved by Weldon, seconded by Pruette.

Motion: **TO ADOPT ORDINANCE NO. 2006-09 ON SECOND READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 4 – Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

Ord. No. 2006-11 ORDINANCE NO. 2006-11, AMENDING CHAPTER 27, USES IN ZONING DISTRICTS, PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 27 UNIFIED LAND DEVELOPMENT REGULATIONS SEC. 27-227 SPECIAL RESTRICTIONS AND CONDITIONS ON ALLOWABLE USES WITHIN ZONING DISTRICTS (B)(5) RETAIL, GENERAL AND PROVIDING AN EFFECTIVE DATE.

Mayor Brown read Ordinance No. 2006-11 by title only and opened the public hearing.

There being no comments from the public, the public hearing was closed.

Ord. No. 2006-12 ORDINANCE NO. 2006-12, AMENDING ARTICLE IX, SECTION 27-445, TREE REMOVAL, SECOND READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING ARTICLE IX, SECTION 27-445, PERMIT REQUIRED FOR TREE REMOVAL OR RELOCATION, AND PROVIDING AN EFFECTIVE DATE.

Mayor Brown read Ordinance No. 2006-12 by title only and opened the public hearing.

There being no comments from the public, the public hearing was closed.

Moved by Weldon, seconded by Pruette.

Councilor Pardee stated he was pleased to sponsor this ordinance because it eased the restrictions of tree removal.

Motion: **TO ADOPT ORDINANCE NO. 2006-12 ON SECOND READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 4 – Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

Ord. No. 2006-13 ORDINANCE NO. 2006-13, REPEALING ORDINANCE NO. 2006-08, SECOND READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA REPEALING ORDINANCE NO. 2006-08 AND AMENDING SECTION 27-222(2)(C) PURPOSE AND INTENT OF ZONING DISTRICTS; AMENDING SECTION 27-238 MAXIMUM LOT COVERAGE AND ADDING FOOTNOTE (6) TO TABLE 27-229-1 IN THE CODE OF ORDINANCES LIMITING FLOORSPACE IN C-1, C-2 AND C-3 ZONING DISTRICTS TO 60,000 SQUARE FEET AND PROVIDING AN EFFECTIVE DATE.

Mayor Brown read Ordinance No. 2006- 13 by title only and opened the public hearing.

Mark Hall, 1424 Bucknoll Cove, favored the Wal-Mart proposal. He felt the city was in for a large legal situation if the Wal-Mart is denied. He added he did not want his tax dollars foolishly spent on legal fees.

Michael Aston, 1523 Summer Sands Drive, opposed the Wal-Mart proposal. He asked to see the difference in tax revenue if development was or was not approved.

Sandy Leidy, 1810 Strand Street, stated the majority of citizens opposed the Wal-Mart development.

Kathy Landgon, 110 Cherry Street, did not oppose the Wal-Mart development, but did oppose any 24 hour business operation.

There being no further comments from the public, the public hearing was closed.

Moved by Weldon, seconded by Pruette.

Motion: **TO ADOPT ORDINANCE NO. 2006-13, ON SECOND READ AND PUBLIC HEARING.**

Mayor Brown disclosed he had spoken with the property owners of the proposed Wal-Mart site regarding the agenda and procedures.

For the Record Councilor Pardee stated the following for the record:

With this 60,000 square foot ordinance and the additional notes, what's very important on that, nobody ever brings up the additional notes about the 1,000 feet between common businesses. The extent of the staff study that I asked for, I had to do a public records request just to get information on something I'm voting for, was an anti-Wal-Mart website called newrules.org. Which states on its website, "why new rules, because we don't like the old ones anymore." In fact staff had no recommendation to the planning board about the 60,000 square foot ordinance. I don't think we can completely understand the impact this will have on our existing and future property owners and retailers. There are currently about a dozen available empty retail spaces in Neptune Beach right now that are less than 60,000 square feet. Why do we want to make more of what people don't want. This Council voted to pay taxpayer money on a study of this proposed ordinance. We have no results yet. To vote for this final approval before getting what we used taxpayers' money for is in my opinion a blatant misuse of public funds. In fact if any of the time spent by this law firm studying this ordinance is used to build a case to prevent any retailer from coming to Neptune Beach would in my opinion also be a misuse of public funds. This council never voted to spend money on anything other than this particular ordinance and how it relates to our comprehensive plan and existing ordinances. When I sit back and watch you use public funds to fight your personal agenda I want to publicly separate myself from any approval of this ordinance and the legal ramifications against the city. In Section 2-44 council members have the right to add the reasons for his dissent from or protest against any action of the city council entered into minutes. And I am requesting that now.

Roll Call Vote:

Ayes: 3 – Pruette, Weldon, Brown

Noes: 1 – Pardee

MOTION CARRIED

Ord. No. 2006-14

ORDINANCE NO. 2006-14, AMENDING CHAPTER 22, TRAFFIC AND MOTOR VEHICLES, FIRST READ: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 22, TRAFFIC AND MOTOR VEHICLES, SECTION 22-3 CERTAIN MOTOR VEHICLES PROHIBITED FROM PARKING IN COMMERCIAL DISTRICTS AND PROVIDING AN EFFECTIVE DATE.

Moved by Weldon, seconded by Pruette.

Motion: **TO PASS ORDINANCE NO. 2006-14 ON FIRST READ.**

Roll Call Vote:

Ayes: 4 – Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

Ord. No. 2006-15

ORDINANCE NO. 2006-15, AMENDING SECTION 21, OCCUPATIONAL LICENSE TAXES.

FIRST READ: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING SECTION 21, ARTICLE II, OCCUPATIONAL LICENSE TAXES AND PROVIDING AN EFFECTIVE DATE.

Moved by Weldon, seconded by Pruette.

Motion: **TO PASS ORDINANCE NO. 2006-15 ON FIRST READ.**

Roll Call Vote:

Ayes: 4 – Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

Ord. No. 2006-16

ORDINANCE NO. 2006-16, AMENDING CHAPTER 2, ADMINISTRATION, ARTICLE V, EMPLOYEE BENEFITS, DIVISION 4, POLICE OFFICERS' RETIREMENT SYSTEM, FIRST READ: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH 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 2-345, DEFINITIONS, BY AMENDING THE DEFINITION OF "CREDITED SERVICE", AMENDING SECTION 2-249.5, OPTIONAL FORMS OF BENEFITS; AMENDING SECTION 2-349.19 DIRECT TRANSFERS OF ELIGIBLE ROLLOVER DISTRIBUTIONS; AMENDING SECTION 2-349.24, DEFERRED RETIREMENT OPTION PLAN; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING AN EFFECTIVE DATE.

Moved by Pardee, seconded by Pruette.

Motion: **TO PASS ORDINANCE NO. 2006-16 ON FIRST READ.**

Roll Call Vote:

Ayes: 4 – Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

OLD BUSINESS / NONE

NEW BUSINESS

PDRB06-07
220 First St.
Goelz

DEVELOPMENT ORDER PDRB06-07, 220 FIRST STREET – GOELZ: Approval of development order for Mr. and Mrs. Thomas Goelz for an addition and remodel of Cobalt Moon located at 220 First Street.

Consensus: **TO DEFER APPROVAL OF THE DEVELOPMENT ORDER TO THE AUGUST REGULAR MEETING AGENDA DUE TO THE ABSENCE OF THE APPLICANT.**

Adjournment

There being no further business, the meeting adjourned at 7:55 p.m.

Richard A. Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



BUDGET WORKSHOP MEETING JULY 17, 2006, AT 6:00 P.M. CITY HALL, 116 FIRST STREET, NEPTUNE BEACH, FLORIDA

Pursuant to proper notice a Preliminary Budget Workshop Meeting of the City Council of the City of Neptune Beach was held July 17, 2006 at 6:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

Mayor Richard A. Brown
Vice Mayor Harriet M. Pruette
Councilor Fred Lee
Councilor Eric Pardee
Councilor John Weldon
City Manager James Jarboe
City Clerk Lisa Volpe, CMC

STAFF:

Community Development Director Jason Cleghorn
Senior Activity Center Director Leslie Lyne
Director of Finance Steve Ramsey
Director of Public Safety David Sembach
Director of Public Services Leon Smith
Deputy City Clerk Karla Strait, CMC

ABSENT:

City Attorney Chris White

Call to Order/Roll Call

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

Director of Finance Steve Ramsey explained the presentation would focus on the Proposed General Fund Budget FY 2007 which was balanced leaving a net income of \$1,581, without the need to raise taxes or pull from the reserves.

City Clerk Lisa Volpe suggested scheduling the first reading and public hearing for the budget on September 11, 2006.

Consensus: **TO SCHEDULE THE FIRST READING OF THE BUDGET ORDINANCE FOR SEPTEMBER 11TH.**

Proposed Revenue

PROPOSED REVENUE: The proposed revenue for the General Fund based on maintaining the millage rate of 2.9 was \$4,743,651, a decrease of 3.20% from the 2006 budget.

EXPENDITURES

Mayor & Council

MAYOR & COUNCIL: Total expenditures of \$38,107, a decrease of 0.12% from the 2006 budget.

City Manager's

CITY MANAGER'S OFFICE: Total expenditures of \$109,604, an increase of 5.67% from the 2006 budget. Mr. Ramsey explained the increase was due to insurance costs.

Finance	<u>FINANCE DEPARTMENT:</u> Total expenditures of \$139,142, an increase of 2.23% from the 2006 budget. Mr. Ramsey explained the increase was also due to insurance costs.
Legal Counsel	<u>LEGAL COUNSEL:</u> Total expenditures of \$117,950, an increase of 26.42% from the 2006 budget.
Building & Comm. Dev.	<u>BUILDING & COMMUNITY DEVELOPMENT DEPARTMENT:</u> Total expenditures of \$249,849 an increase of 3.38% from the 2006 budget. Mr. Ramsey explained the increase again was due to insurance costs.
City Clerk's Office	<u>CITY CLERK'S OFFICE:</u> Total expenditures of \$154,157, an overall increase of 7.40% from the proposed 2006 budget. Mr. Ramsey explained the increase was due to the election year.
Non-Departmental	<u>NON-DEPARTMENTAL:</u> Total expenditures of \$493,678, a decrease of 22.12% from the 2006 budget.
Police Department	<u>POLICE DEPARTMENT:</u> Total expenditures of \$2,598,688, an increase of 5.72%. Again the increase was due to insurance costs.
Animal Control	<u>ANIMAL CONTROL:</u> Total expenditures of \$107,754, a decrease of 5.61%.
Street Department	<u>STREET DEPARTMENT:</u> Total expenditures of \$353,968, a decrease of 37.33%. This decrease is the result of the completion of the A1A project.
Parks Department	<u>PARKS DEPARTMENT:</u> Total expenditures of \$149,866, an increase of 14.70%. The increase in this department was to replace a mower.
Lifeguards / Beach	<u>LIFEGUARD & BEACH CLEAN-UP:</u> Total expenditures of \$229,307, an increase of 3.07%. This increase was due to a cost of living increase.
Net Income/Loss	<p>With an overall decrease in expenses of 2.92% the City would be left with a net income of \$1,581.</p> <p>Councilor Pardee questioned if contributions to nonprofit organizations were included in the budget.</p> <p>Consensus: <u>TO DISCUSS CONTRIBUTIONS TO NONPROFIT ORGANIZATIONS AT THE AUGUST WORKSHOP MEETING.</u></p> <p>Mayor Brown thanked Director of Finance Steve Ramsey for the detailed budget presentation.</p> <p>City Manager Jarboe stated for the record the department heads also did a good job reducing their budgets in overtime and other areas.</p> <p>City Manager Jarboe also stated for the record he had met individually with council members earlier in the day for an overview of the proposed budget.</p>
Adjournment	There being no further business, the meeting adjourned at 6:35 p.m.

Richard A. Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



**MINUTES
WORKSHOP CITY COUNCIL MEETING
JULY 17, 2006 AT 6:36 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 July 17, 2006 at 6:36 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

Mayor Richard Brown
Vice Mayor Harriet Pruette
Councilor Fred Lee
Councilor Eric Pardee
Councilor John Weldon
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

STAFF:

Community Development Director Jason Cleghorn
Building Official Don Ford
Senior Center Activities Director Leslie Lyne
Director of Finance Steve Ramsey
Director of Public Safety David Sembach
Director of Public Services Leon Smith
Deputy City Clerk Karla Strait, CMC

ABSENT:

City Attorney Chris White

Call to Order/Roll Call Mayor Brown called the meeting to order at:6:36 p.m.

PRESENTATIONS / NONE

COMMITTEE REPORTS / NONE

CITY MANAGERS ACTION LIST

City Manager Jarboe reported on the following

- Funding for the Kings Road Bridge was secured with the Department of Transportation and waiting for approval from the City of Jacksonville.
- Staff was still working on the conversion and the training process on the new computer system.
- The nitrogen removal demonstration project for the Wastewater plant was ongoing and more information would be available in time for the August council meeting.

PUBLIC COMMENTS

Carl Peacock, 211 Cherry Street, stated he had received a courtesy notice from the code enforcement officer stating his landscaping located on the city right of way was in violation of the Code. He added he originally planted the landscaping on the right-of-way in order to prevent his neighbors from having their guests park their vehicles on his front lawn. He was concerned if he removed the landscaping they would start parking there once again.

There being no further comments from the public, the public hearing was closed.

Vice Mayor Pruette stated she was aware that more citizens were interested in speaking to the Council regarding the right-of-way issue and asked Mayor Brown if he would reopen the public hearing if anyone else arrived.

Mayor Brown agreed to reopen the public hearing should anyone else arrive.

PROPOSED ORDINANCES

Ord. No. 2006-15

ORDINANCE NO. 2006-15, AMENDING OCCUPATIONAL LICENSE TAXES: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING SECTION 21, ARTICLE II, OCCUPATIONAL LICENSE TAXES AND ADDING SECTION 21-33 AND PROVIDING AN EFFECTIVE DATE.

City Attorney Chris White recommended the following language be added at the end of the ordinance:

Section 21-33 Wherever found in this Code, the term occupational license shall refer to and mean the business tax referenced herein and in Chapter 205, Florida Statutes.

Consensus: **FORWARD TO THE AUGUST REGULAR MEETING FOR SECOND READ AND PUBLIC HEARING.**

Vice Mayor Pruette suggested Council consider, at a later date, increasing the business tax for the larger professional establishments.

Bldg. Restrictions

ORDINANCE CHANGING CHAPTER 8, BUILDINGS AND BUILDING RESTRICTIONS: Building Official Don Ford recommended the changes in Chapter 8 in order to bring the Code up to date and make it consistent with State Law. He also suggested raising some of the permit fees in order to be consistent with Jacksonville Beach and Atlantic Beach.

Consensus: **FORWARD TO THE AUGUST REGULAR MEETING FOR FIRST READ.**

CONTRACTS / AGREEMENTS NONE

ISSUE DEVELOPMENT

Fair Share

PROPORTIONATE FAIR – SHARE PROGRAM – COUNCILOR LEE: Councilor Lee stated the Proportionate Fair Share Program was a method that would require developers to share the expense of expanding transportation facilities and infrastructure. He added that City Manager Jarboe and City Attorney White would be assisting him in acquiring more information regarding the Fair Share Program for a future discussion.

Councilor Weldon felt for easier reading and for the city to have a more aggressive defense approach, the city should consider hiring an outside land use attorney to draft such an ordinance.

Councilor Pardee felt City Attorney Chris White would be capable of writing such an ordinance that was easy to read and defensible.

Mayor Brown felt it was well worth the Council's time to consider the Fair Share Program in the future.

Right- of- Way

RIGHT-OF-WAY ISSUES: City Manager Jarboe was concerned about property owners landscaping city rights-of-way abutting their property. In an effort to avoid creating public safety issues and to protect the infrastructure he recommended that citizens be required to obtain a right-of-way permit before any such landscaping of rights-of-way was permitted. He added another concern was mulching creating problems of blockage in the stormwater system.

Vice Mayor Pruette suggested the city go out and trim any landscaping or bushes currently blocking stop signs or fire hydrants. She also requested placing a list of acceptable plants on the right-of-way permit application to give citizens suggestions of what types of landscaping were permitted.

City Manager Jarboe replied that could be difficult because some types of landscaping may be acceptable in some areas and not acceptable in others.

Councilor Weldon stated the intention of landscaping rights-of-way was to improve property. He felt the city should support beautification if it was done in the interest of the community. However, if it was designed to convey the impression of private property the city should oppose it, and if necessary remove it. He also felt that a property owner should be consulted before the city trimmed or removed any landscaping.

Mayor Brown asked if carefully prepared guidelines calling attention to the fact that permit applications were available should be made public.

City Manager Jarboe stated he would place the permit application on the website and hand deliver notices to owners of corner lots.

Councilor Lee felt it was a matter of communication and public relations.

Mayor Brown reopened the public hearing for comments.

Ed Carney, 200 Walnut Street, felt the city maintenance of rights-of-way should be more consistent.

Fred Cattar, 110 Walnut Street, felt a maximum length for weeds and grass should be included in the ordinance.

Mayor Brown felt the permitting process would make people more aware.

Holiday Decorations

HOLIDAY DECORATIONS: City Manager Jarboe suggested creating an administrative policy in lieu of an ordinance to govern the installation of holiday decorations on city property. The policy would require all holiday decorations be provided and installed by the city. This was also recommended by the insurance carrier.

Consensus: **TO HAVE THE CITY MANAGER DRAFT A POLICY REGARDING HOLIDAY DECORATIONS.**

Visioning

LONG RANGE VISIONING – COUNCILOR LEE: Councilor Lee stated with the permission of the council he would like to work with the city manager and staff to create a long range visioning plan for the city and reevaluate the city's comprehensive plan.

Drainage Impr.
Florida & 5th

DRAINAGE IMPROVEMENTS – FLORIDA BOULEVARD AND FIFTH STREET: City Manager Jarboe stated due to erosion the headwall at Florida Boulevard and Fifth Street needed repairs. Only one bid was received and it was \$2,000 over the estimated expense. This item would be placed on the August regular meeting agenda for Council approval.

Adjournment

There being no further business, the meeting adjourned at 7:45 pm.

Attest:

Richard A. Brown, Mayor

Lisa Volpe, CMC, City Clerk

Approved: _____



**MINUTES
REGULAR CITY COUNCIL MEETING
JUNE 5, 2006 7:00 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 June 5, 2006 at 7:00 p.m., in the City Hall Council Chambers, 116 First Street, Neptune Beach, Florida.

Attendance**IN ATTENDANCE:****STAFF:**

Mayor Richard A. Brown
Vice Mayor Harriet Pruette
Councilor Fred Lee
Councilor Eric Pardee
Councilor John Weldon
City Attorney Christopher White
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

Community Development Director Jason Cleghorn
Director of Finance Steve Ramsey
Director of Public Safety David Sembach
Director of Public Services Leon Smith
Deputy City Clerk Karla Strait, CMC

Order Call/Pledge

Mayor Brown called the meeting to order at 7:00 p.m. and led the pledge of allegiance.

AWARDS / PRESENTATIONS / RECOGNITION OF GUESTS / NONE

APPROVAL OF MINUTES

Moved by Lee, seconded by Weldon.

Minutes

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

MAY 1, 2006, REGULAR COUNCIL MEETING, AS AMENDED
MAY 15, 2006, WORKSHOP COUNCIL MEETING

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

COMMUNICATIONS AND CORRESPONDENCE

Councilor Lee stated he met with attorney Mr. Karl Sanders on May 12, 2006 from 3:00 p.m. to 4:00 p.m. to discuss the proposed Wal-Mart development.

Councilor Pardee announced he attended the Florida Government Conference in Orlando and made a presentation for a story board competition in which he won first place in the state.

Councilor Pruette stated she was working with the post office to reinstall at least one of several mailboxes they removed from the city. She will consider bringing a resolution to council if necessary.

City Clerk Volpe announced the Florida League of Cities Conference was in Jacksonville this year and asked council members to contact the city clerk's office if they would like to attend.

CITY MANAGER REPORT

City Manager Jarboe reported the following:

- The city would like to upgrade the emergency notification equipment with a Code Red phone dialing system.
- The new garbage contract with Waste Pro has started and they were now picking up trash and recycling throughout the city. The city hopes to resolve any problems that may arise before penalties are charged. Waste Pro was kind enough to start their contract a couple of days early since the old contractor could not live up to their agreement.

PUBLIC COMMENTS

Paul Nicholson, 222 Oleander Street, stated the speed bump on Oleander Street had not been replaced with a speed hump and felt it was necessary.

Jo Anne Waddill, 115 Oleander Street, agreed the speed hump was needed on Oleander Street.

CONSENT AGENDA / NONE

VARIANCES / NONE

ORDINANCES

Ord. No. 2006-07

ORDINANCE NO. 2006-07, TRAFFIC & MOTOR VEHICLES, SECOND READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 22 TRAFFIC AND MOTOR VEHICLES BY ADDING SECTION 22-3 CERTAIN MOTOR VEHICLES PROHIBITED FROM PARKING IN COMMERCIAL DISTRICTS AND PROVIDING AN EFFECTIVE DATE.

Mayor Brown read Ordinance No. 2006-07 by title only and opened the public hearing.

There being no comments from the public, the public hearing was closed.

Moved by Weldon, seconded by Pruette.

Motion: **TO ADOPT ORDINANCE NO. 2006-07 ON SECOND READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

Ord. No. 2006-08

ORDINANCE NO. 2006-08, ZONING DISTRICTS, SECOND READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING SECTION 27-222(2)(C) PURPOSE AND INTENT OF ZONING DISTRICTS; AMENDING SECTION 27-238 MAXIMUM LOT COVERAGE AND ADDING FOOTNOTE (6) TO TABLE 27-229-1 IN THE CODE OF ORDINANCES LIMITING FLOOR SPACE IN C-1, C-2 AND C-3 ZONING DISTRICTS TO 60,000 SQUARE FEET AND PROVIDING AN EFFECTIVE DATE.

Mayor Brown read Ordinance No. 2006-08 by title only and opened the public hearing.

Karl Sanders, 6 East Bay Street, stated his client had a legal objection to the ordinance and requested council defer taking action.

Chris Matson, 540 Hopkins Street, asked what to expect at the Planning & Development Review Board meeting on June 20, 2006.

There being no further comments from the public, the public hearing was closed.

Councilor Pardee was concerned the ordinance would discourage businesses from moving to Neptune Beach. He questioned how the 60,000 square feet number was arrived at.

Councilor Weldon responded the 60,000 square foot number was arrived at through staff recommendation.

Councilor Weldon asked City Attorney White if the ordinance was properly noticed. Mr. White replied he would double check to see that the ordinance had been noticed correctly.

Moved by Weldon, seconded by Pruette.

Motion: **TO ADOPT ORDINANCE NO. 2006-08 ON SECOND READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 4– Lee, Pruette, Weldon, Brown

Noes: 1 – Pardee

MOTION CARRIED

Ord. No. 2006-09

ORDINANCE NO. 2006-09, ANIMALS, FIRST READ: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 6, ANIMALS, ARTICLE II DOGS AND CATS, ADDING SECTION 6-33 SUPPLEMENTAL ENFORCEMENT PROCEDURES AND PROVIDING AN EFFECTIVE DATE.

Moved by Pardee, seconded by Pruette.

Motion: **TO PASS ORDINANCE NO. 2006-09 ON FIRST READ.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

Ord. No. 2006-10

ORDINANCE NO. 2006-10, AMENDING CHAPTER 27, USES IN ZONING DISTRICTS, FIRST READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 27 UNIFIED LAND DEVELOPMENT REGULATIONS, AMENDING SEC. 27-227, SPECIAL RESTRICTIONS AND CONDITIONS ON ALLOWABLE USES WITHIN ZONING DISTRICTS, AND AMENDING TABLE 27-226-1 PERMISSIBLE USES AND PROVIDING AN EFFECTIVE DATE.

Mayor Brown read Ordinance No. 2006-10 by title only and opened the public hearing.

Mr. Joe Quest thanked the Council for considering the ordinance.

There being no further comments from the public, the public hearing was closed.

Councilor Weldon recommended the following changes:

Section 27-227(b)(14) Moving business by exception only. No more than three (3) trucks shall be stored on site and no storage of items to be moved shall be permitted.

Table 27-226-1, add moving business by exception only in the C-3 district as well as the C-2 district.

Discussion ensued regarding the size of moving trucks to be allowed.

Moved by Pruette, seconded by Lee.

Motion: **TO PASS ORDINANCE NO. 2006-10 AS AMENDED ON FIRST READ AND PUBLIC HEARING AND FORWARD TO THE JUNE WORKSHOP FOR DISCUSSION ON THE SIZE OF THE MOVING TRUCKS.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

Ord. No. 2006-11

ORDINANCE NO. 2006-11, AMENDING CHAPTER 27, USES IN ZONING DISTRICTS, FIRST READ: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 27 UNIFIED LAND DEVELOPMENT REGULATIONS SEC. 27-227 SPECIAL RESTRICTIONS AND CONDITIONS ON ALLOWABLE USES WITHIN ZONING DISTRICTS (B)(5) RETAIL, GENERAL AND PROVIDING AN EFFECTIVE DATE.

Moved by Weldon, seconded by Pruette.

Motion: **TO PASS ORDINANCE NO. 2006-11 ON FIRST READ.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

Ord. No. 2006-12

ORDINANCE NO. 2006-12, AMENDING ARTICLE IX, SECTION 27-445, TREE REMOVAL, FIRST READ: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING ARTICLE IX, SECTION 27-445, PERMIT REQUIRED FOR TREE REMOVAL OR RELOCATION, AND PROVIDING AN EFFECTIVE DATE.

City Clerk Volpe assured the council that no changes were being made to the ordinance. It was simply a correction in numbering.

Councilor Pardee agreed to sponsor the ordinance.

Moved by Weldon, seconded by Pruette.

Motion: **TO PASS ORDINANCE NO. 2006-12 ON FIRST READ.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

OLD BUSINESS

Land Use Atty.

HIRING OF A LAND USE ATTORNEY: City Manager Jarboe stated he had contacted the law firm of Lewis, Longman & Walker and agreed on the fee for services not to exceed \$10,000. The city has hired the firm in the past and they were familiar with the Code.

Moved by Weldon, seconded by Pruette.

Motion: **TO DIRECT THE CITY ATTORNEY TO EMPLOY THE LAW FIRM OF LEWIS, LONGMAN & WALKER**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

Wal-Mart
Traffic Study

TRAFFIC STUDY FOR WAL-MART DEVELOPMENT: City Manager Jarboe advised the Council that the cost of an independent traffic study for the proposed Wal-Mart development would be \$75.00 per hour not to exceed \$6,000.

Moved by Weldon, seconded by Lee.

Motion: **TO DIRECT STAFF TO HIRE MARTHA MOORE TO CONDUCT A TRAFFIC STUDY.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

Oleander St.
Speed Hump

OLEANDER STREET SPEED HUMP: The speed bump located on Oleander Street was not replaced with a speed hump after the street was repaved. The council discussed if it was necessary.

Moved by Weldon, seconded by Pruette.

Motion: **TO REPLACE THE REMOVED SPEED BUMP WITH A SPEED HUMP ON OLEANDER STREET.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

NEW BUSINESS

Res. No. 2006-12

RESOLUTION NO. 2006-12: A RESOLUTION ALLOWING THE CITY MANAGER TO EXECUTE AND DELIVER THE ATLANTIC BOULEVARD MAINTENANCE AGREEMENT TO THE FLORIDA DEPARTMENT OF TRANSPORTATION.

Moved by Pruette, seconded by Lee.

Motion: **TO APPROVE RESOLUTION NO. 2006-12.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

PDRB06-04
912 Ocean Front
Mr. Haycook

DEVELOPMENT ORDER PDRB06-04, 912 OCEAN FRONT, MR. WILLIAM HAYCOOK: Approval for Mr. William Haycook to subdivide the existing property and create a second lot. The council discussed the need for a driveway to be placed on the street end right-of-way. Staff assured council a right-of way permit would be needed and more review would be made at that point.

Moved by Pardee, seconded by Lee.

Motion: **TO APPROVE THE DEVELOPMENT ORDER FOR 912 OCEAN FRONT , MR. WILLIAM HAYCOOK.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

PDRB06-05
Sunset Point
Mr. May

DEVELOPMENT ORDER PDRB06-05, SUNSET POINT SUBDIVISION, TARA COURT, MR. PHILLIP MAY: Approval for Mr. Philip May and the Sunset Point Homeowners Association to construct a community dock. Community Development Director Jason Cleghorn stated it is a floating platform dock and the owners did have the necessary permits from DEP and the Army Corp of Engineers.

Council asked Mr. May who would use and have access to the dock. Mr. May stated it would be only used by the subdivision with a locked gate entrance and the homeowner's association would maintain it.

City Manager Jarboe asked for the name of the construction company who would be building it. Mr. May stated he pulled the permit but Beck Marine Construction would be building it. Mr. Jarboe stated this was the company whose barge hit the Kings Road Bridge over the weekend. Mr. Steve Jarrett stated he would give more information about the company to Mr. Jarboe if necessary.

Moved by Pardee, seconded by Lee.

Motion: **TO APPROVE THE DEVELOPMENT ORDER FOR SUNSET POINT SUBDIVISION TO CONSTRUCT A COMMUNITY DOCK.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

Res. 2006-13

RESOLUTION NO. 2006 -13: A RESOLUTION AUTHORIZING THE SETTLEMENT OF THE UTILX CORPORATION vs. CITY OF NEPTUNE BEACH, FLORIDA AND POST, BUCKLEY, SCHUH & JERNIGAN LITIGATION IN THE AMOUNT OF \$60,000.

City Attorney Chris White stated this was a settlement to the Utilx lawsuit. It was to the advantage of the city to settle for \$60,000 and not be open to a larger amount at the end of lengthy litigation. The original bid had been \$740,000 less than the closest bid.

Moved by Pruette, seconded by Lee.

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

Adjournment

There being no further business, the meeting adjourned at 8:45 p.m.

Richard A. Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



BUDGET WORKSHOP MEETING
JUNE 5, 2006 AT 6:00 P.M.
CITY HALL, 116 FIRST STREET,
NEPTUNE BEACH, FLORIDA

Pursuant to proper notice a Preliminary Budget Workshop Meeting of the City Council of the City of Neptune Beach was held June 5, 2006 at 6:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

Mayor Richard A. Brown
Vice Mayor Harriet M. Pruette
Councilor Fred Lee
Councilor Eric Pardee
Councilor John Weldon
City Manager James Jarboe
City Clerk Lisa Volpe, CMC

STAFF:

Director of Finance Steve Ramsey
Director of Public Services Leon Smith
Deputy City Clerk Karla Strait, CMC

Call to Order/Roll Call

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

Director of Finance Steve Ramsey explained the presentation would focus on the Proposed Enterprise Funds.

Proposed Revenue

PROPOSED REVENUE ENTERPRISE FUNDS: The proposed revenue for the enterprise funds was \$3,164,683. This amount includes a 2.40% increase in water and sewer rates as recommended by the previous rate study.

**Expenses
General**

GENERAL & ADMINISTRATION: The proposed total expenses for General & Administration of the Water and Sewer Departments are \$396,818. This included a 8.75% increase due to the cost increase of life and health insurance, property insurance, a \$10,000 bond issuance expense, and \$17,000 for a new rate study.

Sewer

SEWER SERVICES: The proposed total expenses for Sewer Services are \$951,853. This amount includes a 6.78% increase. The increase is due to capital requests. The expenses may need to be amended due the new nitrogen level requirements.

Water

WATER SERVICES: The proposed total expenses for Water Services are \$761,051. This amount includes a -7.00% decrease due to lower capital expenditures.

Sanitation Fund SANITATION FUND REVENUES AND EXPENSES: The proposed sanitation revenues are \$1,109,550 with expenses of \$1,086,435, a net income of \$23,115. This budget may need to be amended due to the new contract.

Stormwater STORMWATER UTILITY FUND REVENUES AND EXPENSES: The proposed stormwater utility fund revenues are \$213,750, with expenses of \$209,664, a net income of \$4,086.

Capital Requests Proposed Capital Requests:

<u>Wastewater</u>	Track Hoe (1/3 of cost)	\$16,000
	Rehab of Wet Wells or Manholes	25,000
	SCADA System	67,813
	Various Smaller Items	49,500
	<u>Total</u>	<u>\$158,313</u>
<u>Water</u>	Track Hoe(1/3 of cost)	\$ 16,000
	High Service Pumps	20,000
	Various Smaller Items	31,000
	<u>Total</u>	<u>\$ 67,700</u>
<u>Stormwater</u>	Track Hoe (1/3 of cost)	\$16,000
	Various Smaller Items	14,800
	<u>Total</u>	<u>\$30,800</u>

Adjournment There being no further business, the meeting adjourned at 6:25 p.m.

Richard A. Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



**MINUTES
WORKSHOP CITY COUNCIL MEETING
JUNE 19, 2006 AT 7:00 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 19, 2006 at 7:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

Vice Mayor Harriet Pruette
Councilor Fred Lee
Councilor Eric Pardee
Councilor John Weldon
City Manager Jim Jarboe
City Attorney Christopher White
City Clerk Lisa Volpe, CMC

STAFF:

Community Development Director Jason Cleghorn
Director of Finance Steve Ramsey
Director of Public Safety David Sembach
Director of Public Services Leon Smith
Deputy City Clerk Karla Strait, CMC

ABSENT:

Mayor Richard Brown

Call to Order/Roll Call Vice Mayor Pruette called the meeting to order at 7:00 p.m.

PRESENTATIONS

Volunteer of the Year Vice Mayor Pruette presented Wade Tucker the "2005 Volunteer of Year Award" for his hard work and dedication while serving on the Ish Brant Beautification Committee.

COMMITTEE REPORTS / NONE

CITY MANAGERS ACTION LIST

- The on site test for the nitrogen levels was below the new standards. The off site testing results should be received in a few weeks.
- The funding for the Kings Road Bridge was secured with the Department of Transportation but still needed the approval of the Jacksonville City Council.
- Staff was still waiting for the sales tax revenue figures to finish the budget.
- Staff was in the training process on the new information system.
- The menzi muck was being used to clean the retention pond in Jarboe Park.
- Staff had been preparing for the hurricane season.

Councilor Lee asked if the resurfacing of the tennis courts in Jarboe Park was complete. Mr. Jarboe responded the resurfacing of the tennis courts was completed by the City of Jacksonville.

Councilor Lee asked City Manager Jarboe to place the issue of "fair share" on the July workshop agenda.

PUBLIC COMMENTS / NONE**PROPOSED ORDINANCES**

Ord. No. 2006-XX

ORDINANCE NO. 2006-XX, AMENDING POLICE OFFICERS RETIREMENT FUND: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH 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 2-345, DEFINITIONS, BY AMENDING THE DEFINITION OF "CREDITED SERVICE", AMENDING SECTION 2-329.5, OPTIONAL FORMS OF BENEFITS; AMENDING SECTION 2-249.12, DISTRIBUTION OF BENEFITS; AMENDING SECTION 2-349.19, DIRECT TRANSFERS OF ELIGIBLE ROLLOVER DISTRIBUTIONS; AMENDING SECTION 2-329.24, DEFERRED RETIREMENT OPTION PLAN; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING AN EFFECTIVE DATE.

City Manager Jarboe stated these revisions to the police officers retirement fund were made in accordance with state statutes. There would be no additional costs to the city due to the revisions.

Councilor Lee agreed to sponsor the ordinance.

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

Ord. No. 2006-10

ORDINANCE NO. 2006-10, AMENDING CHAPTER 27, UNIFIED LAND DEVELOPMENT REGULATIONS: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 27 UNIFIED LAND DEVELOPMENT REGULATIONS, AMENDING SEC. 27-227, SPECIAL RESTRICTIONS AND CONDITIONS ON ALLOWABLE USES WITHIN ZONING DISTRICTS AND AMENDING TABLE 27-226-1 PERMISSIBLE USES AND PROVIDING AN EFFECTIVE DATE.

Mr. Joe Quest, owner of Day and Night Moves, Atlantic Boulevard, stated the Department of Transportation (DOT) did not require a commercial driver's license (CDL) for trucks less than 35 feet in length and 26,000 in weight when fully loaded.

Councilor Weldon requested staff verify the length and weight limits with the Department of Transportation before the second reading of the ordinance.

City Clerk Lisa Volpe stated to be in compliance with the state statute ordinances amending or revising Chapter 27, Unified Land Development Regulations, would now need to go before the Planning and Development Review Board before second read. Therefore this ordinance will be forwarded to the August regular meeting for second read.

Consensus: **STAFF TO VERIFY THE SIZE AND WEIGHT LIMITS FOR TRUCKS NOT REQUIRING A COMMERCIAL DRIVERS LICENSE (CDL) WITH DOT AND FORWARD TO THE AUGUST REGULAR MEETING FOR SECOND READ.**

Ord. No. 2006-XX

ORDINANCE NO. 2006-XX, OCCUPATIONAL LICENSES: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING SECTION 21, ARTICLE II, OCCUPATIONAL LICENSE TAXES AND PROVIDING AN EFFECTIVE DATE.

City Manager Jarboe explained the new state law that would take effect January 1, 2007, required changing the name of "occupational licenses" to "business tax receipts." The statute also indicated that the rates for occupational licenses could be increased up to 5%

every two years.

City Manager Jarboe recommended Council discuss the possibility of increasing the rates for occupational licenses during the budget process.

Councilor Weldon was concerned the name "business tax" would discourage businesses from moving into the city. He was also concerned that other areas of the Code that referred to occupational licenses would also need to be revised.

City Attorney White advised because it was state mandated the city would have to comply.

Councilor Pardee agreed to sponsor the ordinance. He felt the change would help prevent people from misrepresenting an occupational license as a contractor's license.

Director of Finance Steve Ramsey stated he would like to have the ordinance in place before occupational licenses were renewed in October.

Consensus: **FOR STAFF TO LOOK AT RAISING THE RATES DURING THE BUDGET PROCESS AND HAVE CITY ATTORNEY WHITE REVIEW THE ORDINANCE AND PREPARE LEGAL ISSUES TO PRESENT TO THE COUNCIL AND FORWARD TO THE JULY WORKSHOP.**

Ord. No. 2006-XX

ORDINANCE NO. 2006-XX, TRAFFIC AND MOTOR VEHICLES: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 22, TRAFFIC AND MOTOR VEHICLES, SECTION 22-3 CERTAIN MOTOR VEHICLES PROHIBITED FROM PARKING IN COMMERCIAL DISTRICTS AND PROVIDING AN EFFECTIVE DATE.

Chief Sembach recommended striking the following sentence from Section 22-3(a) ~~Storage i.e. parking in excess of twelve (12) consecutive hours) of any such vehicle within such zones shall be strictly prohibited.~~

Vice Mayor Pruette agreed to sponsor the ordinance.

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

CONTRACTS / AGREEMENTS NONE

ISSUE DEVELOPMENT

Parking

DEFINITION OF PARKING: Vice Mayor Pruette felt in it would be helpful for the Boards, in order to avoid misinterpretation, if parking was defined in the Code.

Chief Sembach stated if parking was defined in the Code there should be a definition of both legal parking and illegal parking. He added that he had never had anyone question the definition of parking.

City Attorney White stated the definition of parking was usually standard. He had never heard of anyone questioning the definition.

Vice Mayor Pruette withdrew the issue of defining parking.

Mixed Use

MIXED USE DEVELOPMENT IN COMMERCIAL DISTRICTS: City Manager Jarboe stated a draft ordinance for mixed use development was included the agenda packet for Council consideration. He added that a mixed use development may cause concerns regarding water, sewer, and traffic capacity.

Councilor Weldon was in favor of implementing mixed use development in commercial districts. But he felt the draft ordinance was too complex and suggested preparing simply a list of objections.

Councilor Pardee stated he supported mixed use development. However, he felt problems may arise with hours of operation of outdoor dining, traffic patterns, and signs. He felt it would be a good idea for a land use attorney to review the ordinance.

City Manager Jarboe advised that the ordinance would also require a change in the comprehensive plan. The ordinance would have to have certain components in order to make that change. He would have staff draft a simpler ordinance to bring back to the Council for consideration.

Consensus: **STAFF TO DRAFT A SIMPLER ORDINANCE TO BRING BACK TO THE COUNCIL.**

Neptune Beach
Elementary

NEPTUNE BEACH ELEMENTARY SCHOOL – DONATION FOR PLAYGROUND EQUIPMENT: Vice Mayor Pruette recommended discussing the possibility of a donation for the school during the budget process.

Councilor Weldon stated he would also be interested in the city contributing in kind like having the city install sidewalks, etc.

Councilor Lee supported a donation, adding the playground provided the opportunity for children to be more active and a contribution such as installing sidewalks would allow the city to become more involved in the community.

Principal Sharon Kinske thanked the city for considering helping with the playground.

Consensus: **TO DISCUSS CONTRIBUTING TO NEPTUNE BEACH ELEMENTARY SCHOOL PLAYGROUND DURING THE BUDGET PROCESS.**

Third St. Crossover

CROSSWALK OVER THIRD STREET / A1A: Vice Mayor Pruette stated the traffic on Third Street was increasing every year. She asked Council to consider the possibility of a constructing a crosswalk for pedestrians over Third Street. She suggested staff research the availability of grants that would contribute to the construction cost.

Councilor Weldon felt it was important for the Council to project the future needs of the community. He added the state would also need to be involved because it is a state highway.

Councilor Pardee stated he would support the crossover with cooperation from the cities of Jacksonville Beach and Atlantic Beach. He did not see the justification of using tax dollars for the project.

Councilor Lee felt a crossover on Third Street would solve some of the parking problems in the Town Center area, bringing more customers to the Town Center restaurants and shops, and more people to the beach.

Councilor Weldon felt Atlantic Beach would be interested in a cooperative plan. He added he would like to see some concept drawings.

Vice Mayor Pruette stated she would take pictures of the crossover on the University of North Florida campus.

CM Contract

CITY MANAGER CONTRACT: Vice Mayor Pruette stated Mayor Brown had requested Council consider the proposal of a three year extension to the City Manager's contract.

Councilor Lee questioned the process and procedures for the city manager's performance evaluation. He felt an question and ratings sheet should be drawn up.

City Manager Jarboe requested to remove the issue from the agenda.

Councilor Weldon stated Mayor Brown placed the issue on the agenda and asked that Councilor Lee finish stating his thoughts.

City Manager Jarboe stated he no longer wished to extend his contract and asked that it be removed from the agenda.

Vice Mayor Pruette withdrew the issue from the agenda at City Manager Jarboe's request.

Holiday Decor.

HOLIDAY DECORATIONS: Mayor Brown met with Atlantic Beach Mayor Wolfson to discuss holiday decorations. They both agreed that to avoid conflict between different religions that only decorations decided and installed by city personnel would be displayed on public property.

Councilor Weldon asked staff to create an ordinance similar to the one adopted by Atlantic Beach for Council consideration.

Consensus: **HAVE STAFF READ AND CREATE AN ORDINANCE MATCHING THE ATLANTIC BEACH ORDINANCE REGARDING HOLIDAY DECORATIONS AND FORWARD TO THE JULY WORKSHOP MEETING.**

Ord. No. 2006-08 &
Ord. No. 2006-13

Councilor Pardee stated he recently sent a memorandum to the City Manager and Council asking to table Ordinance No. 2006-08, until the land use attorney finished the review of the land development regulations and the traffic study was completed. He added the reason he voted to hire these professionals was to determine if the ordinance was legal.

City Attorney White replied the Council would be considering Ordinance No. 2006-13 at the June 22, 2006 special meeting. The text of the ordinance was to repeal Ordinance No. 2006-08 and pass Ordinance No. 2006-13.

Councilor Pardee was concerned about the correspondence and communication between City Manager Jarboe and Karl Sanders, Attorney for Wal-Mart. He felt it was reaching a level where the communication should be directly between City Attorney White and the attorney for Wal-Mart, Karl Sanders.

City Attorney White responded that because Mr. Sanders acted both as an agent and attorney for Wal-Mart the respondent to his correspondence depended on the subject matter in question. For example staff should respond to administrative correspondence and he would respond to legal issues.

Councilor Weldon cautioned Council members to be very circumspect in their communications with Mr. Sanders so as not to damage potential litigation.

FLC Conference

City Clerk Volpe reminded Council to notify her if they planned on attending the Florida League of Cities Conference so she could send in the registration.

Adjournment

There being no further business, the meeting adjourned at 8:15 p.m.

Richard A. Brown, Mayor

Attest:

Lisa Volpe, CMC, City Clerk

Approved: _____



**MINUTES
SPECIAL CITY COUNCIL MEETING
JUNE 22, 2006 AT 6:00 P.M.
CITY HALL, 116 FIRST STREET
NEPTUNE BEACH, FLORIDA**

Pursuant to proper notice a Special Meeting of the City Council of the City of Neptune Beach was held June 22, 2006 at 6:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

Mayor Richard A. Brown
Vice Mayor Harriet Pruette
Councilor Fred Lee
Councilor Eric Pardee
Councilor John Weldon
City Attorney Chris White
City Manager James Jarboe
City Clerk Lisa Volpe, CMC

STAFF:

Community Development Director Jason Cleghorn
Deputy City Clerk Karla Strait, CMC

Order Call

Mayor Brown called the special meeting to order at 6:00 p.m. and announced the purpose of the meeting was to consider Ordinance No. 2006-13.

ORDINANCE NO. 2006-13, REPEALING ORDINANCE NO. 2006-28, FIRST READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA REPEALING ORDINANCE NO. 2006-08 AND AMENDING SECTION 27-222(2)(c) PURPOSE AND INTENT OF ZONING DISTRICTS; AMENDING SECTION 27-238 MAXIMUM LOT COVERAGE AND ADDING FOOTNOTE (6) TO TABLE 27-229-1 IN CODE OF ORDINANCES LIMITING FLOOR SPACE IN C-1, C-2, AND C-3 ZONING DISTRICTS TO 60,000 SQUARE FEET AND PROVIDING AN EFFECTIVE DATE.

City Attorney White explained other than repealing Ordinance No. 2006-08, Ordinance No. 2006-13 contained the exact same text. Representatives for Wal-Mart threatened to challenge the legality of Ordinance No. 2006-08 on the basis that it was not voted on by the Planning & Development Review Board. Therefore Ordinance No. 2006-13 if passed on first read would repeal Ordinance No. 2006-08 and pass the same. The ordinance would then be heard by the Planning & Development Review Board on June 27, 2006 and appear before Council for second read and final adoption on July 10, 2006.

City Attorney White advised Council to disclose all ex parte communications regarding this ordinance and to give the City Clerk any public record of written correspondence they may have received outside of City Hall.

Vice Mayor Pruette disclosed she had spoken with many citizens regarding Wal-Mart. She further disclosed she had briefly spoken with Mr. Karl Sanders in a telephone call to her home.

Councilor Weldon asked City Attorney White to clarify that council members were allowed to speak with board members regarding city issues outside of a public meeting. City Attorney White confirmed the Sunshine Law did not apply to council members speaking with board members regarding city issues.

Councilor Lee disclosed he discussed the ordinance with City Manager Jarboe and citizens who were both in favor of or opposed to the Wal-Mart development.

Councilor Pardee disclosed he had spoken with City of Jacksonville officials and Mr. Karl Sanders regarding Ordinance No. 2006-13.

Mayor Brown read Ordinance No. 2006-13 by title only and opened the public hearing.

John Holmes, 914 Fourth Street, felt a Wal-Mart would be an asset for the community.

Lynn Lazarus, Hopkins Street, opposed the Wal-Mart based on traffic and safety concerns.

Michael Aston, 1523 Summer Sands Drive, opposed the Wal-Mart based on additional traffic and future concerns.

Moved by Pruette, seconded by Lee.

Motion: **TO PASS ORDINANCE NO. 2006-13, ON FIRST READ AND PUBLIC HEARING.**

Councilor Pardee stated he did not see the urgency for adopting the ordinance. He suggested waiting for the completion of the traffic study and the land use attorney's advise on the legality of the ordinance before moving it forward.

City Attorney White stated he did not expect the land use attorney to advise the Council whether or not to adopt the ordinance.

Councilor Pardee stated he thought that was the reason the land use attorney was hired.

City Attorney White stated the land use attorney was hired to review the ordinance to see how it would affect the city and comprehensive plan in the future.

Roll Call Vote:

Ayes: 4 – Lee, Pruette, Weldon, Brown

Noes: 1 – Pardee

MOTION CARRIED

Councilor Weldon stated the outpouring of the community reflected a large majority of citizens that were opposed to the Wal-Mart development.

Councilor Lee was also impressed with the community involvement.

City Manager recognized Chairman of the Planning & Development Review Board Fred Cattar and thanked him for conducting the meeting and his handling of the crowd.

Adjournment

There being no further business, the meeting adjourned at 6:37 p.m.

Richard Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
REGULAR CITY COUNCIL MEETING
MAY 1, 2006 7:00 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 May 1, 2006 at 7:00 p.m., in the City Hall Council Chambers, 116 First Street, Neptune Beach, Florida.

Attendance**IN ATTENDANCE:****STAFF:**

Mayor Richard A. Brown
Vice Mayor Harriet Pruette
Councilor Fred Lee
Councilor Eric Pardee
Councilor John Weldon
City Attorney Christopher White
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

Community Development Director Jason Cleghorn
Director of Finance Steve Ramsey
Director of Public Safety David Sembach
Director of Public Services Leon Smith
Deputy City Clerk Karla Strait, CMC

Order Call/Pledge

Mayor Brown called the meeting to order at 7:00 p.m. and led the pledge of allegiance.

AWARDS / PRESENTATIONS / RECOGNITION OF GUESTS

Res. No. 2006-09

RESOLUTION NO. 2006-09: A RESOLUTION OF THE CITY OF NEPTUNE BEACH HONORING DIRECTOR OF PUBLIC SERVICES, LEON SMITH, FOR SERVING THE COMMUNITY OF NEPTUNE BEACH IN AN OUTSTANDING MANNER FOR THIRTY YEARS.

Moved by Weldon, seconded by Lee.

Motion: **TO APPROVE RESOLUTION NO. 2006-09.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

Mayor Brown and Council presented a plaque of the adopted resolution to Director of Public Services Leon Smith for recognition of his 30 years of service with the city.

Mayor Brown and Vice Mayor Pruette presented a Proclamation to Curves in appreciation for their community service for collecting food for the Beaches Emergency Assistance Ministry.

Dufresne & Associates, Auditors for the city, presented the annual audit.

APPROVAL OF MINUTES

Moved by Weldon, seconded by Pruette.

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

APRIL 3, 2006, REGULAR CITY COUNCIL MEETING

APRIL 17, 2006, WORKSHOP CITY COUNCIL MEETING

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

COMMUNICATIONS AND CORRESPONDENCE

Councilor Lee stated he would like the Council to take a proactive approach dealing with growth changes in zoning and the comprehensive plan. He had sent a memo requesting this be placed on the workshop agenda.

Councilor Weldon stated he received a call from the Dalton Agency, a public relations firm, regarding the Wal-Mart proposal.

CITY MANAGER REPORT

- A beard and mustache contest would be held at the City's 75th Anniversary celebration.
- The Public Service Department was cleaning out the pond in Jarboe Park.
- The work on the tennis courts should be completed within a week.
- The lifeguards were now on duty.
- A group called the Neptune Volunteers rode in the "Opening of the Beaches Parade". The group was made up of former Neptune Beach volunteer fire fighters.

Councilor Weldon commended City Manager Jarboe for advising the city to purchase the menzi muck.

Councilor Lee was concerned about the number of trash and yard waste complaints. City Manager Jarboe responded that the waste services provider had been fined. The contract with the new provider, Waste Pro, would begin June 1, 2006.

PUBLIC COMMENTS

Karl Sanders, 6 East Bay Street, Jacksonville, Attorney for Wal-Mart, stated he had listened to and read the different opinions of the citizens regarding the Wal-Mart proposal. He further stated that if the plans for the Wal-Mart met the city code requirements that the Council had no legal reason to deny the proposal.

CONSENT AGENDA

Approval to allow the City Manager to cancel the service contract with Utility Services Co., for maintenance service of the water tower if necessary.

Approval of expenditure of forfeiture funds for the purchase of public safety equipment.

RESOLUTION NO. 2006-10: A RESOLUTION OF THE CITY COUNCIL OF NEPUTNE BEACH, FLORIDA, SUPPORTING THE ELIMINATION OF THE CAP OF THE FLORIDA

HOUSING TRUST FUNDS BEGINNING IN FISCAL YEAR 2007-2008 AND SUPPORTING FULL FUNDING FROM THE HOUSING TRUST FUNDS OF \$939.5 MILLION FOR HOUSING IN THE STATE FISCAL YEAR 2006-2007 BUDGET; AND PROVIDING FOR AN EFFECTIVE DATE.

Approval of a \$500.00 contribution for the commissioning of the USS Farragut.

Moved by Weldon, seconded by Pardee.

Motion: **TO APPROVE THE CONSENT AGENDA.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

VARIANCES / NONE

ORDINANCES

Ord. No. 2006-04 **ORDINANCE NO. 2006-04, ELECTIONS, SECOND READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 9 ELECTIONS SECTION 9-02 SCHEDULE FOR ELECTIONS AND PROVIDING AN EFFECTIVE DATE.**

Mayor Brown read Ordinance No. 2006-04 by title only and opened the public hearing.

There being no comments from the public, the public hearing was closed.

Moved by Weldon, seconded by Pruette.

Motion: **TO ADOPT ORDINANCE NO. 2006-04 AS AMENDED ON SECOND READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

Ord. No. 2006-05 **ORDINANCE NO. 2006-05, RECYCLING, SECOND READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 11, GARBAGE, TRASH AND INDUSTRIAL WASTE; SECTION 11-106 ESTABLISHED; FEES; CONTAINERS; CURBSIDE COLLECTIONS; TYPES OF MATERIALS TO BE COLLECTED AND PROVIDING AN EFFECTIVE DATE.**

Mayor Brown read Ordinance No. 2006-05 by title only and opened the public hearing.

There being no comments from the public, the public hearing was closed.

Moved by Pardee, seconded by Pruette.

Motion: **TO ADOPT ORDINANCE NO. 2006-05 ON SECOND READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

Ord. No. 2006-06 ORDINANCE NO. 2006-06, DEFINITION OF FAMILIES, SECOND READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA RELATING TO DEFINING FAMILIES; PROHIBITING OCCUPANCY OF FAMILY DWELLING UNITS BY UNRELATED PERSONS ABOVE A SPECIFIED NUMBER; PROVIDING PENALTIES AND VIOLATIONS; AMENDING SECTION 27-15 DEFINITION OF FAMILY; AMENDING SECTION 27-333 RELATING TO PROHIBITED ACTIVITIES AND PROVIDING AN EFFECTIVE DATE.

Mayor Brown read Ordinance No. 2006-06 by title only and opened the public hearing.

There being no comments from the public, the public hearing was closed.

Moved by Weldon, seconded by Lee.

Motion: **TO ADOPT ORDINANCE NO. 2006-06 ON SECOND READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

Ord. No. 2006-08 ORDINANCE NO. 2006-08, ZONING DISTRICTS, FIRST READ: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING SECTION 27-222(2)(C) PURPOSE AND INTENT OF ZONING DISTRICTS; AMENDING SECTION 27-238 MAXIMUM LOT COVERAGE AND ADDING FOOTNOTE (6) TO TABLE 27-229-1 IN THE CODE OF ORDINANCES LIMITING FLOOR SPACE IN C-1, C-2 AND C-3 ZONING DISTRICTS TO 60,000 SQUARE FEET AND PROVIDING AN EFFECTIVE DATE.

Councilor Weldon stated he and City Attorney Chris White amended the language as follows: Located within 1,000 feet of each other that operate under common business ownership or management, share warehouse or distribution facilities or otherwise operated as an associated integrated or cooperative business shall not combine to exceed 60,000 square feet of total gross floor area.

Councilor Pardee voiced concern regarding the legality of the ordinance and the possibility of a lawsuit. He questioned each councilor, if this ordinance was adopted, and the square footage limited to 60,000 square feet, would they accept a 60,000 square foot Wal-Mart.

Councilor Lee redirected the question and stated that he viewed this ordinance as unrelated to Wal-Mart. He agreed with the ordinance if it limited all stores to 60,000 square feet in order to prevent big boxes.

Mayor Brown replied if the ordinance passed and held up he would have to welcome anybody who occupied the space.

Vice Mayor Pruette felt the Bert Harris Act did not apply to this ordinance because it limited actual floor space and did not take any property from the property owner. She added that applicants could always request a variance.

Councilor Weldon questioned Councilor Pardee why he was so concentrated on discussing the Bert Harris Act. He felt the litigation should be left to the attorneys and not be speculated on. He stated if Wal-Mart came in with a proposal for a 60,000 square foot store which met the other perimeters of the Code and was successfully processed through the planning and

development review he would reconsider.

City Attorney White advised that the city had the right to adopt this type of ordinance adding that other cities throughout the United States had adopted similar ordinances. The timing of the proposed ordinance may be an issue. He felt it was critical under Florida law that Wal-Mart had full knowledge of the proposed ordinance when they submitted there application.

Councilor Pardee was concerned about the cost of a lawsuit.

Moved by Weldon, seconded by Pruette.

Motion: **TO PASS ORDINANCE NO. 2006-08 ON FIRST READ.**

Roll Call Vote:

Ayes: 4 – Lee, Pruette, Weldon, Brown

Noes: 1 – Pardee

MOTION CARRIED

OLD BUSINESS / NONE

NEW BUSINESS

PDRB06-02

DEVELOPMENT ORDER PDRB06-02, 2109 ATLANTIC BOULEVARD, JONATHAN PLUMB, FOR THE PROPERTY FORMERLY KNOWN AS VIXEN'S: Mr. Jonathon Plumb, 2801 Ocean Drive South, Jacksonville Beach, property owner, described the project. He wanted to demolish the old Vixen's Show Bar and construct a professional office building on the site. Mr. Plumb added there was a triangle portion of property owned by the city abutting the site that he would like to acquire for the project.

City Attorney White stated before the city could approve the request they would need Mr. Plumb to provide the city with a survey at his expense. The city would also hire a surveyor at his expense to make sure the property belonged to the city. Mr. Plumb would also need to provide a title search.

Consensus: **TO APPROVE THE PLANS CONCEPTUALLY AND HAVE MR. PLUMB REAPPEAR BEFORE THE COUNCIL WITH FINAL PLANS AND PLACE THE ABANDONMENT OF PROPERTY ON THE MAY WORKSHOP AGENDA.**

PDRB06-03

DEVELOPMENT ORDER PDRB06-03, 1311 ATLANTIC BOULEVARD, PENMAN PLAZA ASSOCIATES, SONIC: City Manager Jarboe stated that currently traffic had to make a U-turn to enter the Sonic. This would provide a driveway entrance through the traffic light on Atlantic Boulevard. The driveway would be on the Penman Plaza property and used by Sonic through an easement agreement. Signage would also be provided to direct traffic flow.

Moved by Weldon, seconded by Lee.

Motion: **TO APPROVE THE DEVELOPMENT ORDER FOR 1311 ATLANTIC BOULEVARD, SONIC.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

Res. No. 2006-11

RESOLUTION NO. 2006-11: A RESOLUTION IN SUPPORT FOR THE EXPANSION OF JTA BUS SERVICE TO NORTHERN ST. JOHNS COUNTY.

Moved by Weldon, seconded by Pruette.

Motion: **TO ADOPT RESOLUTION NO. 2006-11.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

Councilor Weldon stated one of the items Wal-Mart would need to submit to the Planning and Development Review Board was a traffic study. He was concerned that a traffic study commissioned by Wal-Mart would be in their favor. He felt the city should commission an independent traffic study.

City Manager Jarboe stated he was in the process of receiving quotes for obtaining a traffic study.

Councilor Pruette suggested the City write a letter to Wal-Mart representatives asking them to pay for a traffic study commissioned by the city.

Consensus: **TO HAVE THE CITY SEND A LETTER TO KARL SANDERS, THE ATTORNEY FOR WAL-MART ASKING THEM TO COOPERATE AND PAY FOR A TRAFFIC STUDY COMMISSIONED BY THE CITY.**

City Attorney White suggested that the letter come from the City Manager.

Fred Cattar, Chairman of the Planning & Development Review Board, questioned if the planning board should delay their meeting scheduled for May 16, 2006 until the traffic study was received.

City Manager Jarboe advised that staff would determine if the meeting needed to be postponed depending on the all the information being received.

Councilor Weldon advised Mr. Fred Cattar that the Planning & Development Review Board should consider the development order cautiously and not rush into a decision.

Adjournment

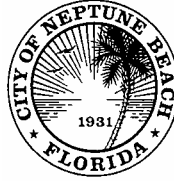
There being no further business, the meeting adjourned at 8:45 p.m.

Richard A. Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



**MINUTES
WORKSHOP CITY COUNCIL MEETING
MAY 15, 2006 AT 7:00 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 May 15, 2006 at 7:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

Mayor Richard A. Brown
Vice Mayor Harriet Pruette
Councilor Fred Lee
Councilor Eric Pardee
Councilor John Weldon
City Manager Jim Jarboe
City Attorney Christopher White
City Clerk Lisa Volpe, CMC

STAFF:

Lieutenant Anthony Carrillo
Community Development Director Jason Cleghorn
Senior Center Activities Director Leslie Lyne
Director of Public Services Leon Smith
Deputy City Clerk Karla Strait, CMC

Call to Order/Roll Call Mayor Brown called the meeting to order at 7:00 p.m.

PRESENTATIONS

The presentation acknowledging Dayne Etherton, former Chairman of the Ish Brant Beautification Committee, was postponed due to his absence.

COMMITTEE REPORTS / NONE

CITY MANAGERS ACTION LIST

City Manager Jarboe reported the following:

- The Emergency Management Plan was completed and had been copied to Council and staff.
- The city's fire rating decreased from seven (7) to three (3) due to the upgraded water system. This should decrease the cost of home owners insurance for residents.
- The budgeting process was currently underway at the departmental level.
- Residents were concerned about the mobilization area near the water plant so the city was looking for a new place to have utility/construction companies set up.

Mayor Brown stated the Florida Department of Transportation has budgeted \$100,000 to match the city funds for the construction of the new Kings Road Bridge. This came due to efforts by the City of Jacksonville Beach.

Vice Mayor Pruette complemented City Manager Jarboe on his beard.

City Clerk Volpe advised that the regular meeting in July would fall on July 3, 2006 and recommended scheduling the meeting for July 5, 2006 or July 10, 2006.

Consensus: **TO HOLD THE JULY REGULAR MEETING ON JULY 10, 2006.**

City Manager Jarboe introduced Tim Slater, as the new chairperson of the Ish Brant Beautification Committee.

PUBLIC COMMENTS

Mary Ann Padrta, 1030 Second Street, was concerned about the definitions of parking and storage in the code.

Michael Aston, 1523 Summer Sands Drive, asked the Council to consider allowing temporary parking permits for visitors in recreational vehicles.

Lyn Lazarus, 540 Hopkins Street, cited an article in a Boston newspaper in opposition of Wal-Mart.

Dale Baker, 106 Pine Street, voiced concern regarding shrubs and plants obstructing the view of motorists, specifically at Pine Street and First Street.

Joseph Quest, 960 Hagler Drive, thanked the Council for their efforts to revise the Code to allow a moving business in the C-2 district.

Emilie Christenson, 112 Oleander Street, voiced concerned regarding the negative effect of Wal-Mart on small businesses.

Rona Brinlee, owner of the Book Mark at 299 Atlantic Boulevard, voiced concern about the economic welfare of small businesses if a Wal-Mart were to open in on our small community.

Buford Brinlee, owner of the Book Mark at 299 Atlantic Boulevard, suggested Atlantic Beach and Neptune Beach conduct a study on the economic impact that Wal-Mart or any new large store would have on small businesses.

Michael Spranger, 14138 Inlet Drive, Jacksonville, stated he was new to the area and offered to do volunteer work for the city.

Vice Mayor Pruette asked that citizens in opposition of Wal-Mart voice their concerns at the Planning and Development Review Board meeting in June.

PROPOSED ORDINANCES

Ord. No. 2006-07

ORDINANCE NO. 2006-07, TRAFFIC AND MOTOR VEHICLES: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 22 TRAFFIC AND MOTOR VEHICLES BY ADDING SECTION 22-3 CERTAIN MOTOR VEHICLES PROHIBITED FROM PARKING IN COMMERCIAL DISTRICTS AND PROVIDING AN EFFECTIVE DATE.

Councilor Weldon suggested the following change in paragraph b:

b) It shall be unlawful for any person or entity to park on commercial property an automobile, a boat or any of the ~~motor~~ vehicles listed above for the purpose of displaying same for sale.

Councilor Weldon questioned why it was necessary to have the permission of the property owner to tow vehicles or boats in violation of this section.

City Manager Jarboe explained permission of the property owner was necessary to allow entrance on the property. If the property owner denied access to their property then the property owner would be fined.

Consensus: **FORWARD AS AMENDED TO THE JUNE REGULAR MEETING FOR SECOND READ AND PUBLIC HEARING.**

Vice Mayor Pruette asked if the ordinance should contain a definition of parking.

City Manager Jarboe explained a definition would be better suited in Chapter 27. He would draft a definition of parking with Chief Sembach and have a draft ordinance at the June Workshop.

Ord. No. 2006-XX
Animals

ORDINANCE NO. 2006-XX, ANIMALS: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 6 ANIMALS, ARTICLE II DOGS AND CATS, ADDING SECTION 6-33 SUPPLEMENTAL ENFORCEMENT PROCEDURES AND PROVIDING AN EFFECTIVE DATE.

City Manager Jarboe explained this ordinance would enforce collection of animal citations through the county court.

Vice Mayor Pruette agreed to sponsor the ordinance.

Consensus: **FORWARD TO THE JUNE REGULAR MEETING FOR FIRST READ.**

Ord. No. 2006-XX
Zoning

ORDINANCE NO. 2006-XX, SPECIAL RESTRICTIONS IN ZONING DISTRICTS FOR OUTSIDE SALES: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING SECTION 27-227, SPECIAL RESTRICTIONS AND CONDITIONS ON ALLOWABLE USES WITHIN ZONING DISTRICTS (b)(5) RETAIL, GENERAL AND PROVIDING AN EFFECTIVE DATE.

City Manager Jarboe explained this ordinance would allow licensed businesses to have outside sales events four (4) times annually.

Council discussed and agreed upon the following amendments:

(5)a. Sale, display, preparation, and storage shall be conducted within a primarily enclosed building. ~~Outside~~ Special outdoor sales events by Neptune Beach general retail stores may be held ~~at on~~ on the premises of their licensed store ~~twice~~ three times a year.

Add (5)f. Outdoor sales of fireworks are prohibited.

Consensus: **FORWARD AS AMENDED TO THE JUNE REGULAR MEETING FOR FIRST READ.**

Ord. No. 2006-XX
Zoning

ORDINANCE NO. 2006-XX, SPECIAL RESTRICTIONS IN ZONING DISTRICTS FOR MOVING AND STORAGE: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING SECTION 27-227, SPECIAL RESTRICTIONS AND CONDITIONS ON ALLOWABLE USES WITHIN ZONING DISTRICTS (B)(14) AND PROVIDING AN EFFECTIVE DATE.

City Manager Jarboe stated this ordinance would allow moving and storage facilities, by exception only, in the C-2 zoning district.

Councilor Weldon stated there was pending code enforcement action on the current owner of a moving business on Atlantic Boulevard. He felt the ordinance should not be adopted until such action was resolved.

Other Council members were in favor of the ordinance if storage facility was removed.

Council discussed and agreed upon the following amendments.

(14) Moving and storage facility business: No more than three (3) trucks shall be stored on site, unless otherwise approved through the special exception process by the City Council. No other storage of any items to be moved.

Consensus: **FORWARD AS AMENDED TO THE JUNE REGULAR MEETING FOR FIRST READ.**

Mixed Use

MIXED USE DEVELOPMENT IN COMMERCIAL ZONING DISTRICTS: Carlos Asensio, a representative for Flagler Development Company, which owns Penman Plaza, stated his clients would be a prime candidate for a mixed used development. He described mixed use development as a combination of retail/commercial and/or service uses with residential or office use in the same building or on the same site. He felt that issues relating to density, signage, parking and height would have to be discussed in order to make a project viable.

Councilor Weldon felt that the issue of density needed to be addressed by staff before adoption of the ordinance.

Consensus: **HAVE THE CITY MANAGER PREPARE A DRAFT ORDINANCE FOR MIXED USE DEVELOPMENT FOR THE JUNE WORKSHOP.**

CONTRACTS / AGREEMENTS / NONE

ISSUE DEVELOPMENT

Future Development

FUTURE DEVELOPMENT: Councilor Lee felt the city should take more of a leadership role in future development of the city by cultivating a dialog between citizens, staff, property owners, developers, and having frequent discussions at council meetings. He added he would develop a road map for this process to present to council and staff at a future workshop meeting.

Recess/Reconvene

Mayor Brown called a recess at 9:10 p.m. and reconvened the meeting at 9:20 p.m.

Bike Path

STUDY TO DETERMINE THE COST OF COMPLETION OF THE BICYCLE / PEDESTRIAN PATH ON SEAGATE AVENUE WEST OF PENMAN ROAD: Councilor Pardee stated he would like the city to conduct a study to determine the cost of the completion of the bicycle/pedestrian path along Seagate Avenue west of Penman Road as outlined in the comprehensive plan.

City Manager Jarboe stated he would have the cost to complete the bicycle and pedestrian

path during the budget process for council to consider.

Consensus: **TO HAVE THE COST TO COMPLETE THE BICYCLE AND PEDESTRAIN PATH DURING THE BUDGET PROCESS FOR COUNCIL CONSIDERATION.**

State Legislation **MAYOR PAYTON'S STATEMENT OF POLICIES AND PRIORITIES FOR THE 2006 STATE LEGISLATIVE SESSION:** Councilor Pardee asked the Council to review the Mayor's Statement of Policies and Priorities of the 2006 State Legislative Session to see if it would benefit the city in anyway.

Wal-Mart Traffic Study Councilor Weldon asked if the city received a response from the Wal-Mart representatives in regards to Wal-Mart paying for a traffic study commissioned by the city.

City Manager Jarboe stated there has been no response from Wal-Mart representatives to date.

Consensus: **TO DIRECT STAFF TO RESEARCH THE COST OF AN INDEPENDENT TRAFFIC STUDY AND PLACE ON THE JUNE REGULAR MEETING AGENDA.**

City Manager Jarboe stated Wal-Mart had thirty (30) days, after the initial submission of application, to provide the information to complete their application.

Councilor Weldon recommended the city hire a land use attorney to defend the city against Wal-Mart.

Consensus: **TO PLACE THE ESTIMATED COST OF HIRING OF A LAND USE ATTORNEY ON THE JUNE REGULAR MEETING.**

Adjournment There being no further business, the meeting adjourned at 9:31p.m.

Richard A. Brown, Mayor

Attest:

Lisa Volpe, CMC, City Clerk

Approved: _____



**MINUTES
REGULAR CITY COUNCIL MEETING
APRIL 3, 2006 7:00 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 April 3, 2006 at 7:00 p.m., in the City Hall Council Chambers, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

STAFF:

Mayor Richard A. Brown
Vice Mayor Harriet Pruette
Councilor Fred Lee
Councilor Eric Pardee
Councilor John Weldon
City Attorney Christopher White
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

Community Development Director Jason Cleghorn
Senior Activities Center Director Leslie Lyne
Director of Finance Steve Ramsey
Director of Public Safety David Sembach
Director of Public Services Leon Smith
Deputy City Clerk Karla Strait, CMC

Order Call/Pledge

Mayor Brown called the meeting to order at 7:00 p.m.

AWARDS / PRESENTATIONS / RECOGNITION OF GUESTS

Mayor Brown presented a Proclamation of Appreciation to Mr. James Stinekraus honoring him for his many years of service on the Board of Appeals.

Director of Beaches Emergency Assistance Ministry (BEAM), Mrs. Cindy Funkhouser asked the Council to consider adopting a Resolution supporting the elimination of the CAP of the Florida Housing Trust Funds.

APPROVAL OF MINUTES

Moved by Weldon, seconded by Pruette.

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

MARCH 6, 2006, REGULAR COUNCIL MEETING
MARCH 20, 2006 WORKSHOP COUNCIL MEETING

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

COMMUNICATIONS AND CORRESPONDENCE

Mayor Brown commended Chief Sembach and the Police Department for being re-accredited.

Vice Mayor Pruette, announced the annual "Spring in the Park" event would be held on Friday, April 14th, 2006. The Easter Egg Hunt will start at 10:00 a.m. and there will be a lot of other activities for the children to enjoy.

Councilor Lee had written a memo to place supporting the commissioning of the new navy destroyer and welcoming it to our community on the May workshop agenda.

Senior Center Activities Director Leslie Lyne announced the annual "Relay for Life," presented by the American Cancer Society, would take place on Saturday, April 8, 2006, beginning at 12:00 noon in Jarboe Park. Several events were scheduled to take place throughout the day.

CITY MANAGER REPORT

City Manager Jarboe reported the new palm trees in the medians on Third Street / A1A were under warranty for one year, if they should need to be replaced. He reminded the council that the trees were planted with City of Jacksonville money which would have been given to Jacksonville Beach if we had not used it.

The City of Jacksonville Beach had a lobbyist in Tallahassee asking for the Kings Road Bridge to be placed higher on the DOT replacement list.

The proposals for the design/build of the Kings Road Bridge were recently received. A structural engineer would compare the proposals and a recommendation would be made to the Council at a future workshop meeting.

City Clerk Lisa Volpe introduced the following citizens, who wished to be appointed to serve on the Code Enforcement Board: Mary Ann Padrta, Janet Johnson, and John Jolly. The Resolution would arise further on the agenda.

Proposed
Wal-Mart

Mayor Brown asked City Manager Jarboe to give an update on the proposed new Wal-Mart at the location of the old Food Lion store.

City Manager Jarboe explained the city had spoken with representatives and engineers for Wal-Mart. At the present time the City has not received a formal request. Before Wal-Mart could proceed they would have to have permission from the owner of the properties.

City Attorney White stated Wal-Mart or any other entity interested in the property would have to present plans to city staff and the Planning and Development Review Board and would have to be in compliance of the Code.

PUBLIC COMMENTS

Susan Miller, 106 Myra Street, asked for the speed bump on Myra Street to be replaced, additional one-way street signs on Strand Street, and stricter enforcement of alcohol on the beach.

Paul Nicholson, 222 Oleander Street, asked to replace the speed bump on Oleander Street.

Richard Keene, 733 Bay Street, asked Council to consider adding parking of boats and watercraft to Ordinance No. 2006-07.

Michael Adams, 320 First Street, asked that the speed bumps be taken up on Cherry street and just leave the humps in place.

The following citizens spoke in opposition of the proposed Wal-Mart Store:

- Michael Adams, 320 First Street
- Hayes Bishop, 1443 Spindrift Circle East
- Sarah Gibbs, 1501 First Street
- Wes Gibbs, 1501 First Street
- Rachel Barreau, 120 Davis Street
- Steve Barreau, 120 Davis Street
- Michael Aston, 1523 Summer Sands Drive, also delivered a petition signed by 107 residents living in the Summer Sands community that were opposed to a Wal-Mart.

Dana Pardee, 1421 Penman Road, spoke in favor of the proposed Wal-Mart Store.

CONSENT AGENDA

Res. No. 2006-05

RESOLUTION NO. 2006-05: A RESOLUTION OF THE CITY OF NEPTUNE BEACH, FLORIDA ESTABLISHING CHARGES OR FEES FOR SOLID WASTE COLLECTION SERVICES.

Moved by Pruette, seconded by Pardee.

Motion: **TO APPROVE THE CONSENT AGENDA.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

VARIANCES / NONE

ORDINANCES

Ord. No. 2006-04

ORDINANCE NO. 2006-04, ELECTIONS, FIRST READ: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 9 ELECTIONS SECTION 9-02 SCHEDULE FOR ELECTIONS AND PROVIDING AN EFFECTIVE DATE.

City Clerk Lisa Volpe stated the Supervisor of Elections' office had suggested additional changes to the ordinance since the March workshop meeting.

Moved by Weldon, seconded by Pruette.

Motion: **TO PASS ORDINANCE NO. 2006-04 ON FIRST READ AND FORWARD TO THE APRIL WORKSHOP FOR DISCUSSION OF THE ADDITIONAL CHANGES.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

Ord. No. 2006-05

ORDINANCE NO. 2006-05, RECYCLING, FIRST READ: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 11, GARBAGE, TRASH AND INDUSTRIAL WASTE; SECTION 11-106 ESTABLISHED; FEES; CONTAINERS; CURBSIDE COLLECTIONS; TYPES OF MATERIALS TO BE COLLECTED AND PROVING AN EFFECTIVE DATE.

Councilor Weldon agreed to sponsor Ordinance No. 2006-05.

Moved by Weldon, seconded by Lee.

Motion: **TO PASS ORDINANCE NO. 2006-06 ON FIRST READ.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

Ord. No. 2006-06

ORDINANCE NO. 2006-06, DEFINITION OF FAMILIES, FIRST READ: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA RELATING TO DEFINING FAMILIES; PROHIBITING OCCUPANCY OF FAMILY DWELLING UNITS BY UNRELATED PERSONS ABOVE A SPECIFIED NUMBER; PROVIDING PENALTIES AND VIOLATIONS; AMENDING SECTION 27-15 DEFINITION OF FAMILY; AMENDING SECTION 27-333 RELATING TO PROHIBITED ACTIVITIES AND PROVIDING AN EFFECTIVE DATE.

Moved by Weldon, seconded by Pruette.

Councilor Weldon agreed to sponsor Ordinance. No. 2006-06.

Motion: **TO PASS ORDINANCE NO. 2006-06 ON FIRST READ.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

Ord. No. 2006-07

ORDINANCE NO. 2006-07, PARKING OF LARGE TRUCKS, FIRST READ: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 22 TRAFFIC AND MOTOR VEHICLES BY ADDING SECTION 22-3 CERTAIN MOTOR VEHICLES PROHIBITED FROM PARKING IN COMMERCIAL DISTRICTS AND PROVIDING AN EFFECTIVE DATE.

Moved by Weldon, seconded by Pruette.

Motion: **TO PASS ORDINANCE NO. 2006-07 ON FIRST READ.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

OLD BUSINESS

Res. No. 2006-06

RESOLUTION NO. 2006-06, APPOINTMENT OF BOARD MEMBERS: A RESOLUTION APPOINTING BOARD MEMBERS TO THE CODE ENFORCEMENT BOARD.

Moved by Pardee, seconded by Lee.

Motion: **TO ADOPT RESOLUTION NO. 2006-06.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0 – Pardee

MOTION CARRIED

Res. No. 2006-07

RESOLUTION NO. 2006-07: A RESOLUTION OF THE CITY OF NEPTUNE BEACH, FLORIDA

AMENDING THE "SPEED HUMP POLICY."

Moved by Weldon, seconded by Pruette.

Motion: **TO ADOPT RESOLUTION NO. 2006-07.**

Roll Call Vote:

Ayes: 4 – Lee, Pruette, Weldon, Brown

Noes: 1 – Pardee

MOTION CARRIED

Res. NO. 2006-08

RESOLUTION NO. 2006-08: A RESOLUTION OF THE CITY OF NEPTUNE BEACH IN APPRECIATION OF JOHN DELANEY, FORMER MAYOR OF JACKSONVILLE, WHO SERVED THE BEACHES' COMMUNITY OF NEPTUNE BEACH IN AN OUTSTANDING MANNER.

Moved by Weldon, Seconded by Pruette.

Motion: **TO ADOPT RESOLUTION NO. 2006-08**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

Councilor Lee stated he appreciated and encouraged comments from the citizens regarding the Wal-Mart proposal.

Adjournment

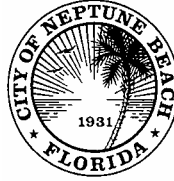
There being no further business, the meeting adjourned at 8:07 p.m.

Richard A. Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



**MINUTES
WORKSHOP CITY COUNCIL MEETING
APRIL 17, 2006 AT 7:00 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 17, 2006 at 7:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

Mayor Richard A. Brown
Vice Mayor Harriet Pruette
Councilor Fred Lee
Councilor Eric Pardee
Councilor John Weldon
City Manager Jim Jarboe
City Attorney Christopher White
City Clerk Lisa Volpe, CMC

STAFF:

Community Development Director Jason Cleghorn
Senior Center Activities Director Leslie Lyne
Director of Finance Steve Ramsey
Director of Public Safety David Sembach
Director of Public Services Leon Smith
Deputy City Clerk Karla Strait, CMC

Call to Order/Roll Call Mayor Brown called the meeting to order at 7:00 p.m.

PRESENTATIONS

Mayor Brown publicly thanked City of Jacksonville Councilman Art Graham for having the City of Jacksonville provide the labor and material for mending the fence and resurfacing the tennis courts in Jarboe Park.

Jeff Sheffield, Director of Planning, First Coast Metropolitan Planning Organization, made a brief presentation explaining the planned future projects for highway improvements in our area through the year 2011.

Mayor Brown presented a plaque resolution to John Delaney, Former Mayor of the City of Jacksonville, for obtaining funding, in the amount of \$250,000, from the City of Jacksonville during his term as Mayor for landscaping of the medians on A1A / Third Street.

COMMITTEE REPORTS / NONE

CITY MANAGERS ACTION LIST

City Manager Jarboe reported the following:

- A maintenance plan for the Third Street / A1A Landscaping was in the process.
- Wal-Mart submitted plans to the Community Development Director for a small super center to be constructed on Atlantic Boulevard at the old Food Lion site.
- The sewer nitrogen project had been started.

Councilor Weldon asked if the Wal-Mart representatives were aware of the proposed ordinance limiting floor space to 60,000 square feet. City Manager Jarboe replied the representatives had stated they read the information in the newspaper.

PUBLIC COMMENTS

James Gilbert, 1546 Emma Lane, felt big box stores did not fit into the character of Neptune Beach and made suggestions to attract small businesses.

Vita Hope, 324 Driftwood Road, opposed the development of a Wal-Mart on Atlantic Boulevard.

Steven Kuti, 1132 Linkside Drive, Atlantic Beach, opposed the development of a Wal-Mart on Atlantic Boulevard voicing concerns regarding traffic congestion.

Jo Anne Waddill, 115 Oleander Street, felt Joe Quest, owner of Day and Night Moves, Inc. on Atlantic Boulevard should be allowed to park his moving trucks on his property.

Mary Ann Padrta, 1030 Second Street, also supported allowing Joe Quest to park moving trucks on his property on Atlantic Boulevard.

PROPOSED ORDINANCES

Ord. No. 2006-04

ORDINANCE NO. 2006-04, AMENDING ELECTION DATES: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 9 ELECTIONS SECTION 9-2 SCHEDULE FOR ELECTIONS AND PROVIDING AN EFFECTIVE DATE.

Councilor Weldon suggested the following changes: Sec 9-2 Schedule of Elections. (a) The regular election ~~by the electors of the city to elect for the choice of all municipal officers to be elected and to determine~~ issues by referendum ~~by the electors of the city~~ shall be held once every two years on the first Tuesday following the First Monday in November. (b) Following a tie vote, or in the event that no candidate or issue by referendum receives a clear majority of all votes cast in any ~~municipal~~ regular election, a ~~special~~ runoff election will be held on the first Tuesday following the first Monday in December.

Councilor Weldon also suggested the winner in a tie vote of a runoff election be selected by a majority vote of the current city council in lieu of drawing lots to determine who shall be elected.

City Attorney White stated most cities drew lots in an effort to keep politics out of the decision.

After Council discussion, Councilor Weldon stated he would go along with the majority and leave the language in to draw lots to determine who would be elected in case of a tie vote in a runoff election.

Consensus: **FORWARD TO THE MAY REGULAR MEETING FOR SECOND READ WITH THE AGREED UPON AMENDMENTS.**

Ord. No. 2006-07

ORDINANCE NO. 2006-07: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 22 TRAFFIC AND MOTOR VEHICLES BY ADDING SECTION 22 CERTAIN MOTOR VEHICLES PROHIBITED FROM PARKING IN COMMERCIAL DISTRICTS AND PROVIDING AN EFFECTIVE DATE.

City Manager Jarboe stated this Ordinance dealt with parking of tractor trailers and recreational vehicles in shopping center parking lots.

Vice Mayor Pruette asked City Attorney White to provide a definition of "parking" and a definition of "storage" and have those definitions added to the ordinance. She also submitted a draft of changes to the ordinance that she and City Manager Jarboe had worked on.

Consensus: **TO LOOK AT THE NEW DRAFT AND THE DEFINITIONS OF PARKING AND STORAGE AND FORWARD TO THE MAY WORKSHOP MEETING FOR DISCUSSION.**

Ord. No. 2006-XX
Zoning

ORDINANCE NO. 2006-XX: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING SECTION 27-222(2)(C) PURPOSE AND INTENT OF ZONING DISTRICTS; AMENDING SECTION 27-238 MAXIMUM LOT COVERAGE AND ADDING FOOTNOTE (6) TO TABLE 27-229-1 IN THE CODE OF ORDINANCES LIMITING FLOOR SPACE IN C-1, C-2 AND C-3 ZONING DISTRICTS TO 60,000 SQUARE FEET AND PROVIDING AN EFFECTIVE DATE.

City Attorney White stated these types of ordinances limiting floor space in commercial districts were rising in cities throughout the country. He had some questions regarding the language and the Bert Harris Act. He added that the existing businesses in commercial districts would be grandfathered.

Councilor Lee questioned if the ordinance would have an affect on the plans submitted by Wal-Mart representatives.

City Attorney White explained that Wal-Mart representatives were aware and put on notice that the ordinance was pending. The city was also aware of Wal-mart's interest so both the City and Wal-Mart would have arguments in a court of law.

Councilor Pardee stated the Ordinance was proposed in reaction to the interest shown by Wal-Mart. He voiced concern regarding a potential lawsuit while referencing the U.S. Constitution and the Bert Harris Act.

Councilor Weldon suggested the following change: Table 27-229-1 (6) No retail store, wholesale warehouse, or other permitted use's building shall exceed 60,000 square feet in total gross floor area, as defined in Section 27-15 of this Code, and further, any retail store, wholesale warehouse, or other permitted use's building located within 1000 feet of each other ~~that are engaged in the selling of similar goods, wares, or merchandise and or~~ operate under common ownership or management, share a warehouse or distribution facility, or otherwise operate as an associated, integrated or cooperative business shall not combine to exceed 60,000 square feet of total gross floor area in aggregate.

Councilor Weldon stated that the 1000 feet verbiage was to stop large retailers from opening a 60,000 square foot store and then a garden center right next door. This has happened in other parts of the country.

Vice Mayor Pruette stated the community was speaking out against Wal-Mart and she was

elected to serve the public. She asked City Attorney White to review the Ordinance to make sure it protected the city against a lawsuit.

Councilor Lee referred to the Comprehensive Plan statement that "the City of Neptune Beach was a residential community" and therefore the citizens did not feel a large Wal-Mart fit the character of the city.

Mayor Brown suggested moving forward with the ordinance while City Attorney White looked at the language and the council was continuing to gather information.

Consensus: **FORWARD TO THE MAY REGULAR MEETING FOR FIRST READ WITH THE CHANGE REQUESTED BY COUNCILOR WELDON AND COMMENTS BY CITY ATTORNEY WHITE.**

CONTRACTS / AGREEMENTS

Utility Service Co. **CANCELATION OF SERVICE WITH UTILITY SERVICE CO., INC. FOR MAINTENANCE SERVICE OF THE WATER TOWER:** City Manager Jarboe explained the contract with Utility Service Co, Inc. to maintain the water tower expires in June of 2007. The contract could not be terminated without a 120 day notice and the signatures of three council members. He asked the Council to go ahead and give him the authority to give notice in February if at that time he felt it was necessary to terminate the contract.

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

Recess/Reconvene Mayor Brown called a recess at 8:25 p.m. and reconvened the meeting at 8:35

ISSUE DEVELOPMENT

C-3 Zoning District **MIXED USE IN THE C-3 ZONING DISTRICT:** Vice Mayor Pruette felt allowing mixed use, as a special exception in commercial districts, would give developers more options.

Michael Dunlap gave a slide presentation on the definition of mixed use which provided a combination of residential, retail, and office space, thereby offering developers a mixture of alternatives.

City Manager Jarboe stated he had spoken with two shopping center owners who found the concept interesting. Council discussed how this could be a positive change in the cities code and would help developers have more options than just big box stores.

Consensus: **TO HAVE STAFF BRING A DRAFT OF THE ORDINANCE DEFINING MIXED USE AND ADDING IT AS A SPECIAL EXCEPTION IN C-1, C-2, AND C-3 ZONING DISTRICTS TO THE MAY WORKSHOP.**

F.A.C.E. Children Programs **REQUEST FUNDING FOR F.A.C.E. CHILDREN PROGRAMS – KIRK FARBER:** Mr. Kirk Farber, The Working Warrior, Inc. explained the Fitness and Character Education (F.A.C.E.) and "Don't be a Bully - Be a Buddy" program. The program helps build self esteem and confidence in troubled children by teaching leadership qualities. The program also focused on fitness and character education. Mr. Farber requested a contribution of \$1,775.00 from the city to provide a program this fall at Neptune Beach Elementary.

Consensus: **TO CONSIDER THE CONTRIBUTION OF 1,775.00 FOR THE PROGRAM DURING THE UPCOMING BUDGET PROCESS.**

City Manager Jarboe asked Mr. Farber to provide a letter from the school principal endorsing the program.

Neptune Fire Engine No. 2 REQUEST TO PURCHASE NEPTUNE FIRE ENGINE NO. 2 – MILLER NORTON: Due to the absence of Miller Norton the request to purchase the fire engine will be forwarded to the May workshop meeting agenda.

Consensus: **TO DEFER TO THE MAY WORKSHOP MEETING.**

Forfeiture Funds REQUEST FOR EXPENDITURE OF FORFEITURE FUNDS – CHIEF SEMBACH: Chief Sembach submitted a list of items he wished to purchase with the use of the forfeiture funds. Councilor Weldon felt the request was acceptable because the forfeiture fund was a special fund that could only be used for the purposes of public safety equipment.

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

Fla. Housing Trust Fund RESOLUTION SUPPORTING THE ELIMINATION OF THE CAP OF THE FLORIDA HOUSING TRUST FUNDS: The Resolution was being adopted by Florida cities in an effort to restore funds for affordable housing.

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

USS Farragut REQUEST FOR SUPPORT OF THE “COMMISSIONING OF USS FARRAGUT” EVENT AT NAVAL STATION MAYPORT: Councilor Lee asked the Council to consider supporting “The Commissioning of the USS Farragut” by making a small contribution for the welcoming ceremony.

Discussion ensued regarding the amount of the contribution.

Consensus: **FORWARD TO THE MAY CONSENT AGENDA – A CONTRIBUTION OF \$500.00 FOR THE COMMISSIONING.**

Vice Mayor Pruette acknowledged the artwork by Linda Olsen that was hanging on the wall in the Council Chambers.

City Manager Jarboe acknowledged Councilor Pardee, as an employee of the City of the Jacksonville, was able to have Florida Boulevard and Fifth Street restriped by the City of Jacksonville.

City Manager Jarboe stated the Council may want to consider an alternative location for the upcoming Wal-Mart hearings.

Adjournment There being no further business, the meeting adjourned at 9:30p.m.

Richard A. Brown, Mayor

Attest:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
REGULAR CITY COUNCIL MEETING
MARCH 6, 2006 7:00 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 March 6, 2006 at 7:25 p.m., in the City Hall Council Chambers, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

Mayor Richard A. Brown
Vice Mayor Harriet Pruette
Councilor Fred Lee
Councilor Eric Pardee
Councilor John Weldon
City Attorney Christopher White
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

STAFF:

Community Development Director Jason Cleghorn
Director of Finance Steve Ramsey
Director of Public Safety David Sembach
Director of Public Services Leon Smith
Deputy City Clerk Karla Strait, CMC

Order Call/Pledge

Mayor Brown called the meeting to order at 7:00 p.m.

AWARDS / PRESENTATIONS / RECOGNITION OF GUESTS

City Manager Jarboe introduced Don Ford, the new Building Official.

CITY OF ATLANTIC BEACH COMMISSIONER DEZMOND WATERS - WELCOME SIGN: City of Atlantic Beach Commissioner Dezmond Waters, urged the Council to consider sharing the cost of a welcome sign with Atlantic Beach. He suggested using the money from the bed tax revenue.

GARY FISKE, NEPTUNE BEACH VOLUNTEERS: Former Neptune Beach Volunteer Firefighter Gary Fiske presented Mayor Brown and the City of Neptune Beach a framed photograph taken at their first reunion. Cathy Tucker, representing Firehouse Sub's presented Mayor Brown and the City an original photograph of the Neptune Beach Volunteer Firefighters taken back in 1965.

Councilor Weldon had to leave due to a family emergency at 7:40 p.m.

APPROVAL OF MINUTES

City Clerk Lisa Volpe explained after distribution of the minutes to the Council an error was located in the "Speed Hump Policy" and had since been corrected.

Moved by Pruette, seconded by Pardee.

Motion: **TO APPROVE THE FOLLOWING MINUTES WITH AN AMENDMENT TO THE FEBRUARY 13, 2006 WORKSHOP MEETING:**

JANUARY 30, 2006 WORKSHOP COUNCIL MEETING
FEBRUARY 6, 2006 REGULAR COUNCIL MEETING
FEBRUARY 13, 2006 SPECIAL COUNCIL MEETING
FEBRUARY 13, 2006 WORKSHOP COUNCIL MEETING (AS AMENDED)

Roll Call Vote:

Ayes: 4 – Lee, Pardee, Pruette, Brown

Noes: 0

MOTION CARRIED

COMMUNICATIONS AND CORRESPONDENCE

Vice Mayor Pruette stated she had written a memo to City Manager Jarboe requesting an increase in the wattage on the streetlight bulb at the Margaret Street beach access. This would be a one time exception for Mr. Warren, who is legally blind. City Manager Jarboe explained the streetlight policy was created by the Council and needed Council approval for exceptions.

Consensus: **FORWARD TO THE MARCH WORKSHOP MEETING FOR DISCUSSION.**

Mayor Brown stated the Beaches Historical Society Museum had their grand opening celebration over the past weekend. It was very successful and he urged everyone to visit the museum.

CITY MANAGER REPORT

City Manager Jarboe stated the islands on Third Street / A1A had been cleared for the new landscaping. The landscape contractor was waiting for the new palm trees to be delivered. The old palm trees already in the islands were being relocated throughout the city.

City Manager Jarboe asked the Council if they had any objections to asking Town Center merchants to place a fence around garbage dumpsters located on public property.

Consensus: **TO ALLOW THE CITY MANAGER TO ASK TOWN CENTER MERCHANTS TO FENCE GARBAGE DUMPSTERS LOCATED ON PUBLIC PROPERTY.**

PUBLIC COMMENTS

The following citizens spoke in opposition of Resolution 2006-04, feeling that some amendments needed to be made to the "Speed Hump Policy" :

- Patrick Clyne, 1210 Ocean Front
- James Lee, 244 Myra Street
- David Miller, 101 Rose Place

Candy Sullivan, 220 South Street, spoke in favor of Resolution 2006-04, "Speed Hump Policy".

CONSENT AGENDA / NONE**VARIANCES / NONE****ORDINANCES**

Ord. No. 2006-01

ORDINANCE NO. 2006-01, AMENDING CHAPTER 27, UNIFIED LAND DEVELOPMENT REGULATIONS, ADVERTISING, SECOND READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 27 UNIFIED LAND DEVELOPMENT REGULATIONS ARTICLE XV ADVERTISING BY AMENDING SECTION 27-595 PROCEDURE FOR APPEAL AND PROVIDING AN EFFECTIVE DATE.

Mayor Brown read Ordinance No. 2006-01 by title only and opened the public hearing.

There being no comments from the public, the public hearing was closed.

Moved by Pruette, seconded by Lee.

Motion: **TO ADOPT ORDINANCE NO. 2006-01 ON SECOND READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 4 – Lee, Pardee, Pruette, Brown

Noes: 0

MOTION CARRIED

Ord. No. 2006-02

ORDINANCE NO. 2006-02, AMENDING CHAPTER 27, UNIFIED LAND DEVELOPMENT REGULATIONS, TRE PROTECTION & LANDSCAPING, SECOND READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 27 UNIFIED LAND DEVELOPMENT REGULATIONS ARTICLE IX TREE PROTECTION BY AMENDING SEC. 27-445(a)(4) PERMIT REQUIRED FOR TREE REMOVAL OR RELOCATION; SEC. 27-448(2)(A)(7-11) CHAMPION AND HERITAGE TREES; SEC. 27-542(1) & (2) UNAUTHORIZED REMOVAL OF OR DAMAGE TO REGULATED TREES; SEC. 27-453 PROCEDURE FOR APPEAL; SEC. 27-445(10) MINIMUM LANDSCAPE REQUIREMENTS AND PROVIDING AN EFFECTIVE DATE.

Mayor Brown read Ordinance No. 2006-02 by title only and opened the public hearing.

There being no comments from the public, the public hearing was closed.

City Manager Jarboe stated Councilor Weldon suggested adding the following language at the of the sentence in Section 27-445(a)(4):

Pine and palm trees of all species are not considered regulated trees by this Article and no arbor permit is needed for their removal from private property.

Consensus: **TO ADD “FROM PRIVATE PROPERTY” TO THE END OF THE SENTENCE AT SECTION 27-445(A)(4) AS SUGGESTED BY COUNCILOR WELDON.**

Moved by Pruette, seconded by Pardee.

Motion: **TO ADOPT ORDINANCE NO. 2006-02 AS AMENDED ON SECOND READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 4 – Lee, Pardee, Pruette, Brown

Noes: 0

MOTION CARRIED

Ord. No. 2006-03

ORDINANCE NO. 2006-03, AMENDING CHAPTER 27, UNIFIED LAND DEVELOPMENT REGULATIONS, ARTICLE I, SECTION 27-15 DEFINITIONS, SECOND READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 27 UNIFIED LAND DEVELOPMENT REGULATIONS ARTICLE I IN GENERAL BY AMENDING SECTION 27-15 DEFINITIONS AND PROVIDING AN EFFECTIVE DATE.

Mayor Brown read Ordinance No. 2006-03 by title only and opened the public hearing.

There being no comments from the public, the public hearing was closed.

Moved by Pardee, seconded by Pruette.

Motion: **TO ADOPT ORDINANCE NO. 2006-03 ON SECOND READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 4 – Lee, Pardee, Pruette, Brown

Noes: 0

MOTION CARRIED**OLD BUSINESS / NONE****NEW BUSINESS**

Res. No. 2006-04

RESOLUTION NO. 2006-04: A RESOLUTION OF THE CITY OF NEPTUNE BEACH, FLORIDA ESTABLISHING A "SPEED HUMP POLICY".

Vice Mayor Pruette stated after hearing from citizens during public comments she had concerns about the Speed Hump Policy. She would support the policy; however she would like to address those concerns at the March workshop meeting.

Councilor Lee stated he also had concerns after listening to the citizens during the public comments.

Moved by Pruette, seconded by Lee.

Motion: **TO ADOPT RESOLUTION NO. 2006-04 WITH THE UNDERSTANDING IT WOULD BE FORWARDED TO THE WORKSHOP MEETING.**

Roll Call Vote:

Ayes: 4 – Lee, Pruette, Brown

Noes: 1 – Pardee

MOTION CARRIED

Res. No. 2006-05

RESOLUTION NO. 2006-05: A RESOLUTION APPOINTING BOARD MEMBERS TO THE CODE ENFORCEMENT BOARD.

The appointee's were absent from the assembly and therefore could not be introduced to the Council.

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

Verizon

VERIZON SPECIAL USE PERMIT AS REQUIRED BY CHAPTER 29: City Manager Jarboe explained the Verizon Lease Agreement on the water tower was previously approved by the Council. They have met all of the requirements in Section 29 in order to be issued the special use

permit.

Mayor Brown opened the public hearing.

There being no comments from the public, the public hearing was closed.

Moved by Pardee, seconded by Lee.

Motion: **TO APPROVE A SPECIAL USE PERMIT FOR VERIZON WIRELESS.**

Roll Call Vote:

Ayes: 4 – Lee, Pardee, Pruette, Brown

Noes: 0

MOTION CARRIED

Adjournment

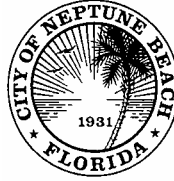
There being no further business, the meeting adjourned at 8:30 p.m.

Richard A. Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



**MINUTES
WORKSHOP CITY COUNCIL MEETING
MARCH 20, 2006 AT 7:00 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 March 20, 2006 at 7:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

Mayor Richard A. Brown
Vice Mayor Harriet Pruette
Councilor Fred Lee
Councilor Eric Pardee
Councilor John Weldon
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

ABSENT:

City Attorney Christopher White

STAFF:

Community Development Director Jason Cleghorn
Senior Center Activities Director Leslie Lyne
Director of Finance Steve Ramsey
Director of Public Services Leon Smith
Deputy City Clerk Karla Strait, CMC

Call to Order/Roll Call Mayor Brown called the meeting to order at 7:00 p.m.

PRESENTATIONS / NONE

COMMITTEE REPORTS / NONE

CITY MANAGERS ACTION LIST

City Manager Jarboe reported the following:

- The A1A / Third Street Landscaping is completed.
- The information system conversion was still in progress.
- The Audit was complete the city is waiting for the report.
- The Freedom Shine on the wall in the Council Chamber's had been removed and replaced with Vice Mayor Pruette's art work. He would like to use the area to display local artists work.

City Manager Jarboe suggested adopting a Resolution in appreciation of the \$250,000 for the A1A / Third Street Landscaping that was made available through the City of Jacksonville by former Mayor John Delaney.

Consensus: **TO PREPARE A RESOLUTION FOR MAYOR JOHN DELANEY FOR PRESENTATION AT THE APRIL 3, 2006 MEETING.**

City Clerk Lisa Volpe announced the Supervisor of Elections Office would be conducting a Candidate's Workshop on April 4, 2006 at 6:30 p.m. at Fletcher High School. The workshop was free of charge to interested parties. Due to limited seating participants are required to pre-register. The forms were available in the City Clerk's Office.

PUBLIC COMMENTS / NONE

PROPOSED ORDINANCES

Election Dates

ORDINANCE NO. 2006-XX, AMENDING ELECTION DATES: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 9 ELECTIONS SECTION 9-2 SCHEDULE FOR ELECTIONS AND PROVIDING AN EFFECTIVE DATE.

City Clerk Lisa Volpe explained the Supervisor of Elections Office requested the city change the date of the runoff election to allow them time to prepare the ballots, mail out absentee ballots, and also to coincide with the City of Jacksonville Beach's runoff election.

Consensus: **FORWARD TO THE APRIL REGULAR MEETING FOR FIRST READ.**

Recycling Bins

ORDINANCE NO. 2006-XX, AMENDING RECYCLING BIN COST: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 11 GARBAGE, TRASH AND INDUSTRIAL WASTE; SECTION 11-106 ESTABLISHED; FEES; CONTAINERS; CURBSIDE COLLECTIONS; TYPES OF MATERIALS TO BE COLLECTED AND PROVIDING AN EFFECTIVE DATE.

City Manager Jarboe explained the grants previously received from the county for recycling containers, were no longer available. This ordinance would allow the cost of \$7.75 per container to be charged to the residents.

Consensus: **FORWARD TO THE APRIL REGULAR MEETING FOR FIRST READ.**

Land Use / Definition of Family

LAND DEVELOPMENT UPDATE – DEFINITION OF FAMILY: Vice Mayor Pruette explained the reference to the definition of "family" as described in Ordinance No. 2003-02 Section 27-333, adopted May 5, 2003, was not included in the Revised Land Development Regulations. She asked if Council would like for this to be included or reconsidered.

City Manager Jarboe stated the reference to the definition of "family" would need to be added to the Ordinance for enforcement purposes.

Councilor Weldon felt Ordinance No. 2003-02 should never have been omitted and requested it be included in the exact same form as adopted on May 5, 2003. He further requested the City Clerk's Office conduct a formal review of the entire Revised Land Use Code for any further items that may have been omitted.

Consensus: **FORWARD TO THE APRIL REGULAR MEETING FOR FIRST READ.**

CONTRACTS / AGREEMENTS / NONE

ISSUE DEVELOPMENT

Speed Hump Policy

RESOLUTION NO. 2006-04: A RESOLUTION OF THE CITY OF NEPTUNE BEACH, FLORIDA ESTABLISHING A "SPEED HUMP POLICY."

Discussion ensued regarding several items within the "Speed Hump Policy."

The following revisions to Resolution No. 2006-04 were discussed and agreed upon by the Council:

ADVANTAGE OF SPEED HUMPS:

1. ~~Speed reduction on local streets.~~
2. ~~Decrease traffic volume~~
3. ~~May reduce incidence of vehicular accidents.~~
4. ~~Traffic noise may be reduced.~~

DISADVANTAGES OF SPEED HUMPS:

1. ~~Speed may increase after hump as drivers try to make up for lost time.~~
2. ~~Increased noise level at the hump due to vehicle brakes, tires, suspension and engine.~~
3. ~~Traffic may be diverted to other neighborhood streets creating new problem areas.~~
4. ~~Possible increased response time of emergency vehicles.~~
5. ~~Possible increased vehicle emissions due to acceleration and deceleration.~~
6. ~~Motorist may try to drive around the humps damaging private property.~~

PROCEDURES FOR INSTALLATION OF SPEED HUMPS:

1. The initial request for the installation of speed humps shall be made in writing to the City Manager from at least five (5) ~~residents~~ registered voters from different households on the street in question.
2. If the street meets the necessary criteria, the City Manager will provide petition forms and instruct residents on the requirement to obtain 55% approval of the speed hump proposal from ~~effected residents~~ registered voters in residences along the effected street (one signature per household).

REMOVAL OF SPEED HUMPS:

Once installed, Speed Humps must be in place for at least ~~one (1) year~~ (3) years before removal will be considered unless unanticipated safety problems arise.

Consensus: **TO DELETE ADVANTAGES OF SPEED HUMPS AND DISADVANTAGES OF SPEED HUMPS, TO CHANGE NUMBER 1. & 2. IN PROCEDURES FOR INSTALLATION TO DELETE EFFECTED RESIDENTS AND INSERT REGISTERED VOTERS LIVING IN RESIDENCES ALONG THE EFFECTED STREET, AND TO CHANGE THE REMOVAL OF SPEED HUMPS FROM ONE YEAR TO THREE YEARS.**

Waste Collection
Fees

RESOLUTION NO. 2006-XX, A RESOLUTION OF THE CITY OF NEPTUNE BEACH, FLORIDA ESTABLISHING CHARGES OR FEES FOR SOLID WASTE COLLECTION SERVICES.

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

Welcome Sign

WELCOME SIGN – NEPTUNE BEACH AND ATLANTIC BEACH: At the previous Council meeting, Atlantic Beach Commissioner Dezmond Waters requested our Council to consider sharing the cost of an \$80,000 proposed welcome sign with the City of Atlantic Beach.

Consensus: **TO HAVE NO FURTHER CONSIDERATION OF AN \$80,000 WELCOME SIGN WHERE THE COST WOULD BE DIVIDED BETWEEN NEPTUNE BEACH AND ATLANTIC BEACH.**

Streetlights

MARGARET STREET – STREETLIGHT BULB WATTAGE UPGRADED: Vice Mayor Pruette pulled this item from the agenda.

Day of Prayer

NATIONAL DAY OF PRAYER: Mayor Brown asked the Council if they would support the request from The Beaches Area – National Day of Prayer by proclaiming the first Thursday of May, which would be May 4, 2006 a “National Day of Prayer. “

Consensus: **TO PREPARE A PROCLAMATION SIMILAR TO THE ONE PREPARED BY JACKSONVILLE BEACH, PROCLAIMING MAY 4, 2006, AS THE BEACHES AREA NATIONAL DAY OF PRAYER.**

Parking of Trucks

PARKING OF LARGE TRUCKS ON PRIVATE PROPERTY: City Manager Jarboe was concerned about large trucks and school buses parking overnight in shopping centers and on other private properties in the city. He felt an ordinance allowing the city to fine owners of said vehicles was in order.

Discussion ensued regarding a time limit of 12 to 24 hours for parking, the amount of the fine, the size commercial trucks, and the effect of residents living in the CBD.

Consensus: **DRAFT AN ORDINANCE AND FORWARD TO THE APRIL REGULAR MEETING FOR FIRST READ.**

Commercial Setbacks

SETBACK REQUIREMENTS FOR COMMERCIAL DEVELOPMENT: Mayor Brown stated he recently received a telephone call from a Wal-mart representative regarding commercial setbacks. He was concerned after reviewing preliminary drawings of the plot plan for a proposed Wal-Mart Store to be constructed at the site of the old Food Lion Store in the Neptune Square Shopping Center.

Under the current 50 feet setback, the preliminary drawing showed the front of the store facing west, the rear facing to the east, and the garden center to the north very close to Atlantic Boulevard.

A second plot plan for the Wal-Mart showed a more traditional building placed further back on the lot, facing Atlantic Boulevard with the parking lot in the front.

He asked the Council if they would be interested in reconsidering the setback requirements in commercially zoned districts.

Councilor Weldon stated the concept of bringing the buildings closer to the highway was simply to create a more pedestrian and user friendly shopping area and encourage creative landscaping. Councilor Weldon stated he was not in favor of allowing Wal-Mart to open in Neptune Beach

Councilor Pardee stated he would be interested in changing the front setback from 50 feet in order to accommodate any store that was interested in building on the property. Councilor Pardee stated he would gladly welcome Wal-Mart to the community.

Mayor Brown stated Council needed to be aware that there were rules in place driving this type of concept.

SJRWMD

ST. JOHN'S RIVER WATER MANAGEMENT – TWO DAY PER WEEK LANDSCAPE IRRIGATION RULE: Mayor Brown stated the ordinance would require local enforcement of the two day per week landscape irrigation rule.

City Manager Jarboe stated Section 23-27 of the Code of Ordinances addressed the issue of irrigation restrictions; however it was not as comprehensive as St. Johns River Water Management would like local governments to be. Council discussed the proposed ordinance.

Consensus: **NO COUNCIL ACTION NECESSARY.**

Adjournment

There being no further business, the meeting adjourned at 8:30p.m.

Attest:

Richard A. Brown, Mayor

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
REGULAR CITY COUNCIL MEETING
FEBRUARY 6, 2006 7:00 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 February 6, 2006 at 7:00 p.m., in the City Hall Council Chambers, , 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

Mayor Richard A. Brown
Vice Mayor Harriet Pruette
Councilor Fred E. Lee
Councilor Eric Pardee
City Attorney Christopher White
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

ABSENT:
Councilor John Weldon

STAFF:
Director of Public Safety David Sembach
Director of Finance Steve Ramsey
Director of Public Services Leon Smith
Deputy City Clerk Karla Strait, CMC

Order Call/Pledge

Mayor Brown called the meeting to order at 7:00 p.m. and asked Councilor Lee to lead the pledge of allegiance.

AWARDS / PRESENTATIONS / RECOGNITION OF GUESTS

Res. No. 2006-02

RESOLUTION NO. 2006-02: A RESOLUTION OF THE CITY OF NEPTUNE BEACH HONORING FORMER PATROL OFFICER SAM BASS FOR SERVING THE COMMUNITY OF NEPTUNE BEACH IN AN OUTSTANDING MANNER FOR THIRTY YEARS.

Moved by Pruette, seconded by Pardee.

Motion: **TO ADOPT RESOLUTION NO. 2006-02.**

Roll Call Vote:

Ayes: 4 – Lee, Pardee, Pruette, Brown

Noes: 0

MOTION CARRIED

Mayor Brown and Chief Sembach presented the Resolution to Officer Sam Bass.

APPROVAL OF MINUTES

Moved by Pruette, seconded by Pardee.

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

JANUARY 9, 2006, WORKSHOP COUNCIL MEETING
JANUARY 9, 2006, REGULAR COUNCIL MEETING
JANUARY 23, 2006, SPECIAL COUNCIL MEETING

Roll Call Vote:

Ayes: 4 – Lee, Pardee, Pruette, Brown

Noes: 0

MOTION CARRIED

COMMUNICATIONS AND CORRESPONDENCE

City Clerk Lisa Volpe reminded Council that a special meeting to select a waste services provider and determine the level of garbage services was scheduled for February 13, 2006, at 6:30 p.m. and would be followed by the February workshop.

CITY MANAGER REPORT

Mayor Brown stated it was the anniversary of the City Manager's contract and his annual salary increase needed Council approval.

Moved by Pruette, seconded by Lee.

Motion: **TO APPROVE THE COST OF LIVING SALARY INCREASE FOR CITY MANAGER JARBOE.**

Roll Call Vote:

Ayes: 4 – Lee, Pardee, Pruette, Brown

Noes: 0

MOTION CARRIED

City Manager Jarboe reported the following:

The demonstration for the new state requirements on sewer nitrogen levels was underway and reports would be forthcoming.

The specifications for the Request for Proposals for the Florida Boulevard Landscaping were almost complete and should be ready for advertisement this week.

The Public Services Department would soon be using the menzi muck to clear out ditches.

PUBLIC COMMENTS

The following residents spoke in opposition of speed humps:

- Robert Shord, 214 Oleander Street
- James Lee, 246 Myra Street
- Patrick Clyne, 1210 Ocean Front

The following residents spoke in favor of speed humps:

- John Reeve, 132 Hopkins Street
- Candy Sullivan, 220 South Street

CONSENT AGENDA

911 Reimbursements	<u>911 SALARY REIMBURSEMENT – INTERLOCAL AGREEMENT:</u> An annual interlocal agreement reimbursing dispatchers salaries using the 911 tax collected from the telephone service.
Beaches Resource Center	<u>BEACHES RESOURCE CENTER - \$3,000 DONATION:</u> An annual contribution request of \$3,000 supporting the Beaches Resource Center.
Tasers	<u>TASER PURCHASE FROM THE FORFEITURE FUND:</u> Purchase of tasers for the police officers.
Speed Humps	<u>REPLACEMENT OF SPEED BUMPS WITH SPEED HUMPS ON SPECIFIED STREETS:</u> To replace the old speed bumps for speed humps on the following streets: Cherry Street (200 block); Camellia Terrace Drive; Hagler Drive; South Street (400 block); Cedar Street and Hagler Drive; Goldenrod Lane and Oleander Street (200 block).

Moved by Pruette, seconded by Pardee.

Motion: **TO APPROVE THE CONSENT AGENDA.**

Roll Call Vote:

Ayes: 4 – Lee, Pardee, Pruette, Brown

Noes: 0

MOTION CARRIED

VARIANCES

203 Ocean Front & 101 Lemon St.	<u>VARIANCE REQUEST OF MR. LOUIS STUART – 203 OCEAN FRONT & 101 LEMON STREET:</u> Mr. Buddy Hooten, Attorney for Louis Stuart, explained the history of the variance request. Beginning on November 19, 2003 the Board of Appeals approved the variance request for a 10' block wall to the end of the house, an 8' section from the end of the house to the end of the pool deck and a 6' section from the end of the pool deck to the end of the property for the purpose of eliminating noise. Mr. Stuart had health problems and was unable to complete the wall within the time period requirement of one year.
---------------------------------	--

The Planning & Development Review Board heard the request on June 21, 2005 and recommended Council approval.

On August 1, 2005 the City Council heard the request and recommendation of the Planning & Development Review Board. At that time they approved the request with amendments as follows: To erect a masonry wall no greater than 8' from the northwest corner of the property line to the northeast corner of the dwelling, and then slope to four feet from the northeast corner of the dwelling to the eastern end of the property line – if the land owner wishes to landscape the exterior side of the wall he needs to position the wall so as to leave adequate property for landscaping purposes so that landscaping is not on public property.

Vice Mayor Pruette asked Mr. Hooten to explain the purpose of the 10' concrete wall. Mr. Hooten replied the area is in the Central Business District and changed dramatically when the Lemon Bar was opened. Since then there has been a murder in Mr. Stuart's driveway, the noise, traffic and trash had become intolerable. The concrete wall would help eliminate some of the noise and discourage people from coming onto his property.

Discussion ensued regarding the history and height of the concrete wall. Mayor Brown felt the property was unique and the request was reasonable and not precedent setting. Vice Mayor Pruette stated the City, when they allowed the Lemon Bar, created the hardship for Mr. Stuart.

Moved by Pardee.

Motion: **TO APPROVE THE VARIANCE AS RECOMMENDED BY THE PLANNING & DEVELOPMENT REVIEW BOARD WITH AN 8' WALL TO THE CORNER OF THE HOUSE AND THEN 6' TO THE END OF THE POOL AND 4' TO THE PROPERTY LINE WITH LANDSCAPING ON MR. STUART'S PROPERTY.**

MOTION DIED FOR LACK OF A SECOND.

Moved by Pruette, seconded by Lee.

Motion: **TO ALLOW THE 10' FROM HOUSE TO HOUSE SLOPING DOWN TO 6' AND 4' IN THE BACK WITH THE UNDERSTANDING THERE WILL BE STRUCTURAL PLANS TO THE CITY AND THERE WILL BE SOME LANDSCAPING ON BOTH SIDES.**

City Manager Jarboe stated the Building Department can not issue a permit unless it the structure complied with the Building Code.

Discussion ensued regarding landscaping.

Councilor Pardee was concerned that without the landscaping requirement the concrete wall would become susceptible to graffiti. He asked for clarification of sloping or stepping. Mr. Hooten replied the wall would step down and not slope at an angle.

City Attorney White questioned if the wall would begin at the Northwest corner of the structure or the Northwest corner of the property. Mr. Stuart responded it would begin at the property line .

City Attorney White clarified the intent of the motion was for the concrete wall to be 10 feet from the northwest corner of the property to the northeast corner of the structure and step down to 6 feet to the end of the pool area and step down to 4 feet to the remaining northeast corner of the property.

Vice Mayor Pruette agreed to amend the motion as follows:

Moved by Pruette, seconded by Lee.

Amended Motion: **FOR THE CONCRETE WALL TO BE 10 FEET FROM THE NORTHWEST CORNER OF THE PROPERTY TO THE NORTHEAST CORNER OF THE STRUCTURE AND STEP DOWN TO 6 FEET TO THE END OF THE POOL AREA AND STEP DOWN TO 4 FEET TO THE REMAINING NORTHEAST CORNER OF THE PROPERTY.**

Roll Call Vote:

Ayes: 4 – Lee, Pardee, Pruette, Brown

Noes: 0

MOTION CARRIED

ORDINANCES

Ord. No. 2006-01

ORDINANCE NO. 2006-01, AMENDING CHAPTER 27, UNIFIED LAND DEVELOPMENT REGULATIONS, ARTICLE XV, SECTION 27-595, FIRST READ: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 27 UNIFIED LAND DEVELOPMENT REGULATIONS ARTICLE XV ADVERTISING BY AMENDING SECTION 27-595 PROCEDURE FOR APPEAL AND PROVIDING AN EFFECT DATE.

Moved by Pruette, seconded by Pardee

Motion: **TO PASS ORDINANCE NO. 2006-01 ON FIRST READ.**

Roll Call Vote:

Ayes: 4 – Lee, Pardee, Pruette, Brown

Noes: 0

MOTION CARRIED

Ord. No. 2006-02

ORDINANCE NO. 2006-02, AMENDING CHAPTER 27, UNIFIED LAND DEVELOPMENT REGULATIONS, ARTICLE IX, FIRST READ: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 27 UNIFIED LAND DEVELOPMENT REGULATIONS ARTICLE IX TREE PROTECTION BY AMENDING SEC. 27-445(A)(4) PERMIT REQUIRED FOR TREE REMOVAL OR RELOCATIONS; SEC. 27-446(1)(D) PERMIT APPLICATION PROCEDURES; SEC. 27-448(2)(A)(7-11) CHAMPION AND HERITAGE TREES; SEC. 27-542(1) & (2) UNAUTHORIZED REMOVAL OF OR DAMAGE TO REGULATED TREES; SEC. 27-453 PROCEDURE FOR APPEAL; SEC. 27-445(10) MINIMUM LANDSCAPE REQUIREMENTS AND PROVIDING AN EFFECTIVE DATE.

Moved by Lee, seconded by Pruette.

Vice Mayor Pruette agreed to sponsor Ordinance No. 2006-02.

Motion: **TO PASS ORDINANCE NO. 2006-02 ON FIRST READ.**

Roll Call Vote:

Ayes: 4 – Lee, Pardee, Pruette, Brown

Noes: 0

MOTION CARRIED

Ord. No. 2006-03

ORDINANCE NO. 2006-03, AMENDING CHAPTER 27, UNIFIED LAND DEVELOPMENT REGULATIONS, ARTICLE I, SECTION 27-15, FIRST READ: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 27 UNIFIED LAND DEVELOPMENT REGULATIONS ARTICLE I IN GENERAL BY AMENDING SECTION 27-15 DEFINITIONS AND PROVIDING AN EFFECTIVE DATE.

Moved by Pardee, seconded by Lee.

Councilor Pardee agreed to sponsor Ordinance No. 2006-03.

Motion: **TO PASS ORDINANCE NO. 2006-03 ON FIRST READ.**

Roll Call Vote:

Ayes: 4 – Lee, Pardee, Pruette, Brown

Noes: 0

MOTION CARRIED

OLD BUSINESS / NONE**NEW BUSINESS**

Dev. Order
1425 Atlantic Blvd.

DEVELOPMENT ORDER – 1425 ATLANTIC BOULEVARD – ATLANTIC COAST FEDERAL: Nichole Braun, Connelly & Wicker Engineers, 1711 South Fifth Street, Jacksonville Beach, came forward and introduced herself as the representative for Atlantic Coast Federal.

City Attorney White stated the concerns of the owner of J.C. & Associates Real Estate & Investment Company, 1415 Atlantic Boulevard, regarding access to his business had been resolved.

Moved by Lee, seconded by Pruette.

Motion: **TO APPROVE THE FINAL DEVELOPMENT ORDER FOR – 1425 ATLANTIC BOULEVARD – ATLANTIC COAST FEDERAL AS RECOMMENDED BY THE PLANNING AND DEVELOPMENT REVIEW BOARD.**

Roll Call Vote:

Ayes: 4 – Lee, Pardee, Pruette, Brown

Noes: 0

MOTION CARRIED

Dev. Order
696 Atlantic Blvd.

DEVELOPMENT ORDER – 696 ATLANTIC BOULEVARD – AQUA EAST SURF SHOP: Steve Manis, Connelly & Wicker Engineers, 1711 South Fifth Street, introduced himself as the representative for Aqua East Surf Shop.

Moved by Pardee, seconded by Pruette.

Motion: **TO APPROVE THE DEVELOPMENT ORDER FOR 696 ATLANTIC BOULEVARD – AQUA EAST SURF SHOP AS RECOMMENDED BY THE PLANNING AND DEVELOPMENT REVIEW BOARD.**

Roll Call Vote:

Ayes: 4 – Lee, Pardee, Pruette, Brown

Noes: 0

MOTION CARRIED

Res. No. 2006-03

RESOLUTION NO. 2006-03: A RESOLUTION APPOINTING BOARD MEMBERS TO THE PLANNING & DEVELOPMENT REVIEW BOARD, BOARD OF APPEALS AND THE CODE ENFORCEMENT BOARD.

Moved by Pruette, seconded by Pardee.

Motion: **TO APPROVE RESOLUTION NO. 2006-03.**

Roll Call Vote:

Ayes: 4 – Lee, Pardee, Pruette, Brown

Noes: 0

MOTION CARRIED

Adjournment

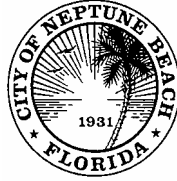
There being no further business, the meeting adjourned at 8:35 p.m.

Richard A. Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
WORKSHOP CITY COUNCIL MEETING
FEBRUARY 13, 2006 AT 7:15 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 February 13, 2006 at 7:15 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

Mayor Richard A. Brown
Vice Mayor Harriet Pruette
Councilor Fred Lee
Councilor Eric Pardee
Councilor John Weldon
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

ABSENT:

City Attorney Christopher White

STAFF:

Community Development Director Jason Cleghorn
Director of Finance Steve Ramsey
Director of Public Safety David Sembach
Director of Public Services Leon Smith
Deputy City Clerk Karla Strait, CMC

Call to Order/Roll Call Mayor Brown called the meeting to order at 7:15 p.m.

PRESENTATIONS

FAMILY INITIATIVE PROGRAM – ROBYN CENIZAL: Councilor Pardee introduced Robyn Cenizal, Executive Administrator, Jacksonville Mayor's Initiative to Strengthen Families.

Ms. Robyn Cenizal gave a presentation on the Mayor's Family Strengthening Initiative Program explaining how the federal funded program helped families in crisis situations.

COMMITTEE REPORTS / NONE

CITY MANAGERS ACTION LIST

City Manager Jarboe reported the following:

- Negotiations for antennas on the water tower were underway.
- The A1A Landscaping Project had been started.
- The Florida Department of Transportation would be updating the streetlights on A1A during the upcoming repaving project.

- The budget process would begin once the Audit Report was concluded.
- Councilor Pardee reported that the City of Jacksonville would working on the re-striping of Florida Boulevard.

PUBLIC COMMENTS

Candy Sullivan, 220 South Street, favored speed humps and was concerned about the Speed Hump Policy requirement that speed humps not be placed within 25 feet of a driveway.

Harriet Christovich, 110 Seagate Avenue, questioned when Seagate Avenue would be repaved.

For the Record Vice Mayor Pruette stated for the record that she would support addressing the repaving of Seagate Avenue during the budget preparation.

PROPOSED ORDINANCES / NONE

CONTRACTS / AGREEMENTS / NONE

ISSUE DEVELOPMENT

Speed Hump Policy SPEED HUMP POLICY: Councilor Weldon announced he revised his original draft of the Speed Hump Policy to incorporate the Mayor's draft.

Vice Mayor Pruette felt a resident should have to live on the block for at least one year before they could sign a petition for a speed hump placement.

A lengthy discussion ensued regarding the placement of speed humps and the percentage of signatures required.

For the Record Councilor Pardee stated for the record that five members on the Council could not decide on a Speed Hump Policy. He felt residents living on the street should make the decision of whether or not they wanted a speed hump without involving the City Council.

Councilor Weldon agreed to revise his latest draft of the policy as follows:

Criteria for Installation of Speed Humps: 4. A petition, with verified signatures, shall be submitted from at least ~~60~~ 55% of households on the street requesting Speed Hump installation. Only one signature per household will be allowed.

Location of Speed Humps: 1. Speed Humps should not be installed ~~within 25 feet of a driveway~~ within 25 feet of a fire hydrant.

REMOVAL OF SPEED HUMPS: ~~2. If safety problems arise due to improper installation, maintenance or emergency response issues, steps may be taken to modify or remove the Speed Humps.~~

Procedures for is Installation of Speed Humps: 3. Upon receipt and verification of a petition with 55% of effected residents requesting a speed hump, the City Manager will direct Staff to conduct a thorough traffic study to include volume and speed measurements. Citizen comment and input from residents of the effected street shall be solicited. If the petition fails a new petition can not be brought up for a period of one year.

Consensus: **TO FORWARD THE SPEED HUMP POLICY WITH THE ABOVE REVISIONS TO THE MARCH CONSENT AGENDA IN THE FORM OF A RESOLUTION.**

Adjournment

There being no further business, the meeting adjourned at 8:45p.m.

Richard A. Brown, Mayor

Attest:

Lisa Volpe, CMC, City Clerk

Approved: _____



**MINUTES
SPECIAL CITY COUNCIL MEETING
FEBRUARY 13, 2006 AT 6:30 P.M.
CITY HALL, 116 FIRST STREET
NEPTUNE BEACH, FLORIDA**

Pursuant to proper notice a Special Meeting of the City Council of the City of Neptune Beach was held February 13, 2006 at 6:30 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

Mayor Richard A. Brown
Vice Mayor Harriet Pruette
Councilor Fred Lee
Councilor Eric Pardee
Councilor John Weldon
City Manager James Jarboe
City Clerk Lisa Volpe, CMC

ABSENT:

City Attorney Chris White

STAFF:

Community Development Director Jason Cleghorn
Director of Finance Steve Ramsey
Director of Public Safety David Sembach
Director of Public Services Leon Smith
Deputy City Clerk Karla Strait, CMC

Order Call

Mayor Brown called the special meeting to order at 6:30 p.m. and announced the purpose of the meeting was to select a waste service provider and level of waste services.

The following are the low bids for three available options with various levels of services:

OPTION 1 – WASTE PRO

This residential option would keep services as they are currently including two day per week garbage pickup (side yard), one day per week recycling and Monday yard waste pickup. The lowest bid for this option was Waste Pro at \$19.45 per month. Accepting this option would result in an increase from the present \$13.00 per month to approximately \$20.00 per month.

OPTION 2 – WASTE PRO

This residential option would keep services as they are currently including two day per week garbage pickup (side yard), one day per week recycling and any weekday yard waste pickup. The lowest bid for this option was Waste Pro at \$17.78 per month. Accepting this option would result in an increase from the present \$13.00 per month to approximately \$18.25 per month.

OPTION 3 – WASTE PRO

This residential option would eliminate side yard pickup and includes a two day per week garbage pickup, one day per week recycling and Monday yard waste pickup. The lowest bid for this option was Waste Pro at \$16.12 per month. Accepting this option would result in an increase from the present \$13.00 per month to approximately \$16.50 per month.

PUBLIC COMMENTS

Mayor Brown opened the public hearing.

Harriet Christovich, 110 Seagate Avenue, favored option three.

There being no further comments from the public, the public hearing was closed.

Councilor Lee was concerned that Summer Sands and Secluded Woods had covenants and restrictions that prevented garbage cans from being placed in side yards. He felt two days per week trash pickup and Monday yard waste pickup is important, therefore he favored option three.

Councilor Pardee favored side yard pickup and option two.

Councilor Weldon felt side yard waste pickup was an advantage because residents would not have to remember when to take the cans out to the curb. He supported option one or two.

Mayor Brown felt the option with the least amount of dollar impact and maintaining the level of service was option two, with trash pickup remaining the same while being flexible with the yard waste pickup.

Councilor Pruette was concerned about residents living on a fixed income. She felt the cost increase for option one was too high and favored option three. Councilor Pruette added that side yard pickup has always been available and would continue to be available for elderly and handicapped residents.

Councilor Lee felt it was important that storm debris clean up was included in the contract regardless of the option chosen.

City Manager Jarboe stated communities with covenants and restrictions such as Summer Sands had the option of providing dumpsters for their residents.

Moved by Weldon, seconded by Pardee.

Motion: **TO APPROVE OPTION TWO WITH WASTE PRO.**

Roll Call Vote:

Ayes: 3 – Pardee, Weldon, Brown

Noes: 2 – Lee, Pruette

MOTION CARRIED

Adjournment

There being no further business, the meeting adjourned at 7:10 p.m.

Richard Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
REGULAR CITY COUNCIL MEETING
JANUARY 9, 2006 7:11 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 9, 2006 at 7:11 p.m., in the City Hall Council Chambers, , 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

Mayor Richard A. Brown
Vice Mayor Harriet Pruette
Councilor Eric Pardee
Councilor John Weldon
City Attorney Christopher White
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

STAFF:

Community Development Director Jason Cleghorn
Sergeant at Arms Officer Ryan Hall
Director of Finance Steve Ramsey
Director of Public Services Leon Smith
Deputy City Clerk Karla Strait, CMC

Order Call/Pledge

Mayor Brown called the meeting to order at 7:11 p.m.

AWARDS / PRESENTATIONS / RECOGNITION OF GUESTS /NONE

APPROVAL OF MINUTES

Moved by Pruette, seconded by Pardee.

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

DECEMBER 5, 2005, REGULAR COUNCIL MEETING
DECEMBER 19, 2005, WORKSHOP COUNCIL MEETING

Roll Call Vote:

Ayes: 4 – Pardee, Pruette, Weldon, Brown
Noes: 0

MOTION CARRIED

Agenda Amendment Mayor Brown amended the agenda to approve Resolution No. 2006-01.

RESOLUTION NO. 2006-01 – APPRECIATION OF SERVICE FOR COUNCILOR LARRY SHEALY: A RESOLUTION OF THE CITY OF NEPTUNE BEACH IN APPRECIATION OF FORMER COUNCILOR LARRY SHEALY WHO HAS SERVED THE COMMUNITY OF NEPTUNE BEACH IN AN OUTSTANDING MANNER.

Moved by Pruette, seconded by Pardee.

Motion: **TO APPROVE RESOLUTION NO. 2006-01.**

Roll Call Vote:

Ayes: 4 – Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

COMMUNICATIONS AND CORRESPONDENCE

Vice Mayor Pruette stated she would like for the council to discuss the topic of subdividing lots in a future workshop meeting.

City Manager Jarboe stated the bids were received and opened for the waste services contract and he would provide information to Council for the January workshop meeting.

CITY MANAGER REPORT

The January 6th, 2006 payroll was prepared using the new software and the entire computer system should be completed and converted by the end of January.

PUBLIC COMMENTS

Mary Ann Padrta, 1030 Second Street, was concerned about traffic and asked that the stop signs east of Third Street be kept in place.

George Felts, 100 Rose Place, objected to spending tax payer money for the installation of speed humps. He suggested residents pay for speed humps if they felt they were necessary.

Patrick Cline, 1210 Ocean Front, opposed the installation of speed humps before a policy was place.

Agenda Amendment Mayor Brown interrupted the public comments session in order to present Resolution 2006-01 of appreciation to former Councilor Larry Shealy.

Res, No. 2006-01 RESOLUTION NO. 2006-01 – APPRECIATION OF SERVICE FOR COUNCILOR LARRY SHEALY: A RESOLUTION OF THE CITY OF NEPTUNE BEACH IN APPRECIATION OF FORMER COUNCILOR LARRY SHEALY WHO HAS SERVED THE COMMUNITY OF NEPTUNE BEACH IN AN OUTSTANDING MANNER.

City Clerk Lisa Volpe read Resolution 2006-01.

Mayor Brown presented the Resolution to former Councilor Larry Shealy.

Vice Mayor Pruette thanked Councilor Larry Shealy for his dedicated service and presented him with a key to the City.

PUBLIC COMMENTS CONTINUED

Paul Nicholson, 222 Oleander Street, stated there was a speed bump in front of his house before the repaving and requested that it be added to the list.

Leslie Karlin, 1506 Spindrift Circle West, was concerned that the Atlantic Coast Federal Development Order would interfere with the entrance to the Summer Sands subdivision.

Candy Sullivan, 220 South Street, favored the installation of speed humps. She added that she knew of a citizen that was moving from Neptune Beach because it was taking too long to replace the speed bump on his street.

William Doyle, Attorney representing Mr. Gonzales, JCI Associates, Inc., 1415 Atlantic Boulevard, stated his client was concerned Atlantic Coast Federal would deny him access to his property in which an easement was conveyed with his deed. Mayor Brown explained the Council would listen to his concerns when the Development Order came up later on the agenda.

CONSENT AGENDA

JARRETT DEVELOPMENT – PROVISION OF WATER & SEWER SERVICES BY JACKSONVILLE BEACH:

REPLACEMENT OF SPEED BUMPS WITH SPEED HUMPS:

Vice Mayor Pruette asked to remove "Replacement of Speed Humps" from the consent agenda for discussion.

Consensus: **REMOVE ITEM B "REPLACEMENT OF SPEED HUMPS" FROM THE CONSENT AGENDA.**

Moved by Weldon, seconded by Pruette.

Motion: **TO APPROVE THE CONSENT AGENDA WITH ITEM A "JARRETT DEVELOPMENT" ONLY.**

Roll Call Vote:

Ayes: 4 – Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

Vice Mayor Pruette was opposed to the placement of speed humps on North Street and Magnolia Street.

Councilor Pardee was concerned about the consistency of future speed hump placement and the responsibility of the cost.

Councilor Weldon explained these were streets that had speed bumps before the repaving began and those residents went through a process and procedures to have them placed. He felt they should go ahead and move forward with the installation eliminating North Street and Magnolia Street as Vice Mayor Pruette suggested.

Moved by Pruette, seconded by Weldon.

Motion: **TO REPLACE SPEED BUMPS WITH SPEED HUMPS ON CHERRY, HAGLER DRIVE, 400 AND 500 BLOCK OF SOUTH & CEDAR, HAGLER, GOLDENROD & CAMELIA WITH I.T.E. COMPLIANT SPEED HUMPS.**

Roll Call Vote:

Ayes: 2 – Pruette, Weldon

Noes: 2 – Pardee, Brown

MOTION FAILED.Consensus: **FORWARD SPEED BUMP REPLACEMENT TO THE JANUARY WORKSHOP MEETING.****VARIANCES / NONE****ORDINANCES / NONE****OLD BUSINESS / NONE****NEW BUSINESS**

1422 Tree Split Ln.

APPEAL OF ADMINISTRATIVE DECISION – 1422 TREE SPLIT LANE: City Manager Jarboe stated a heritage tree was removed without a permit at 1422 Tree Split Lane. The Board of Appeals fined both the homeowner and the tree company \$200.00.

Moved by Weldon.

Motion: **TO FINE THE HOMEOWNER AND THE TREE COMPANY \$500.00 EACH.**MOTION DIED FOR LACK OF SECOND.

Vice Mayor Pruette felt the contractor should be aware of the laws and regulations regarding tree permits and it was his responsibility to obtain a permit before starting the work.

Discussion ensued regarding the Tree Ordinance.

Moved by Weldon.

Motion: **TO UPHOLD THE BOARD OF APPEALS DECISION TO FINE THE HOMEOWNER \$200.00 AND INCREASE THE FINE FOR THE TREE COMPANY FROM \$200.00 TO \$500.00.**

Seconded by Pardee with the following amendment:

Amendment: **PLACE THE ISSUE OF THE TREE ORDINANCE ON THE JANUARY WORKSHOP AGENDA FOR CLARIFICATION.**

Roll Call Vote:

Ayes: 4 – Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

Dev. Order
1425 Atlantic Blvd.

DEVELOPMENT ORDER – 1425 ATLANTIC BOULEVARD – ATLANTIC COAST FEDERAL: Community Development Director Jason Cleghorn stated the applicant was not present. He requested deferring approval of the development order to the February regular meeting.

Councilor Weldon stated he would like to hear from the person on the opposing side that was present.

William Doyle, Attorney representing Mr. Gonzales, 1415 Atlantic Boulevard, stated his client had an easement on 1425 Atlantic Boulevard which he used for access to his property. The easement had been in place since 1986. He was concerned the new owner, Atlantic Coast Federal, would not allow him access through the easement. He was also concerned parking for his building would be disrupted.

City Attorney White asked Mr. Doyle to send him a letter addressing the issue and concerns.

Consensus: **TO DEFER ACTION ON THE DEVELOPMENT ORDER UNTIL THE FEBRUARY.**

A1A Landscaping **APPROVAL OF BID FOR A1A LANDSCAPING:** City Manager Jarboe asked Council to approve the low bid for the A1A Landscaping Project from Hickory Creek Nursery.

Moved by Pruette, seconded by Pardee.

Motion: **TO ACCEPT THE BID FROM HICKORY CREEK NURSERY.**

Roll Call Vote:

Ayes: 4 – Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

Influent Line Repair **APPROVAL FOR INFLUENT LINE REPAIR:** City Manager Jarboe stated Integrated Environmental Solutions, Inc., accidentally drilled into a sewer line. An emergency call was placed to Gruhn May, Inc. to repair the line. Jarboe asked the Council to approve the emergency purchase authorization for payment. The cost would be reimbursed by Integrated Environmental Solutions, Inc.

Moved by Weldon, seconded by Pruette.

Motion: **TO APPROVE THE PURCHASE AUTHORIZATION FOR GRUHN MAY, INC.**

Roll Call Vote:

Ayes: 4 – Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

Surplus Equipment **SURPLUS OF CITY EQUIPMENT:** Approval to surplus city vehicles, police vehicles and miscellaneous equipment.

Surplus Equipment:

Item:	Make:	Model:	Serial or VIN Number
Truck ¾ Ton LWB	Ford 1990	F250	1FTEF25N9LNA88445
Truck Knuckle Boom	Ford 1997	N8000	1FDXR80U6JAV12904
Detective Vehicle	Dodge 2000	Durango	1B4hs28N8YF177023
Detective Vehicle	Chevy 2003	Suburban	3GNGK26GX2G192204
Detective Vehicle	Dodge 2001	Durango	1B4HS28N71F530793
Patrol Vehicle	Dodge 2002	Durango	1B4H528N51F530793
Patrol Vehicle	Ford 1999	Crown Victoria	2FAFP71W8XX172795
Forfeiture Vehicle	Mitsubishi 1998	Eclipse	4A3AK44Y6WE034507

Moved by Weldon, seconded by Pruette.

Motion: **TO APPROVE THE CITY SURPLUS LIST AS PRESENTED.**

Roll Call Vote:

Ayes: 4 – Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

Adjournment

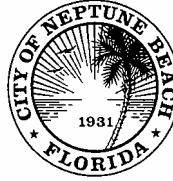
There being no further business, the meeting adjourned at 8:20 p.m.

Richard A. Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
WORKSHOP CITY COUNCIL MEETING
January 9, 2006, AT 6:30 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 December 19, 2005 at 6:30 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

Mayor Richard A. Brown
Vice Mayor Harriet Pruette
Councilor Eric Pardee
Councilor John Weldon
City Attorney Christopher White
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

STAFF:

Community Development Director Jason Cleghorn
Sergeant at Arms Officer Ryan Hall
Director of Finance Steve Ramsey
Director of Public Services Leon Smith
Deputy City Clerk Karla Strait, CMC

Call to Order/Roll Call Mayor Brown called the meeting to order at 6:30 p.m.

**Council Seat
Vacancy**

DISCUSSION – COUNCIL SEAT 4 VACANCY SELECTION: Mayor Brown stated he was pleased that eleven resumes were submitted for consideration for the council seat vacancy. The Council now needed to determine the selection process and schedule a special meeting to interview and select a candidate.

City Manager Jarboe received a total of thirteen questions from Council members for each applicant to respond to in writing. Council reviewed the questions and agreed on six.

Discussion ensued regarding the selection process.

Councilor Weldon suggested after reviewing the written responses and interviewing the candidates that each council member rank their choices 1 through 11.

Mayor Brown suggested using a scale of 1 to 5 for each candidate and selecting the one with the highest amount of points.

Councilor Weldon suggested allowing a one week period for applicants to respond to the questions and allowing Council a week to review them. At the special meeting applicants could have a three minute period to introduce themselves and make a

statement.

City Clerk Lisa Volpe stated she would send out the questions for the applicants tomorrow, Tuesday, January 10, 2006 with a January 17, 2006, 12:00 p.m. deadline for responses. She suggested the workshop meeting be moved from January 23, 2006 to January 30, 2006 at 7:00 p.m. and the special meeting for interviewing, selecting and swearing in of the new councilor be held on January 23, 2006 at 6:30 p.m. This would allow the new councilor to take part in the workshop discussion and knowingly vote at the February regular council meeting

Consensus: **RESPONSES TO SIX QUESTIONS TO BE RECEIVED BY JANUARY 17, 2006 AT 12:00 P.M.; TO RANK THE CANDIDATES ON A SCALE OF 1 TO 5; TO HOLD A SPECIAL MEETING ON JANUARY 23, 2006 AT 6:30 P.M. TO INTERVIEW, SELECT AND SWEAR IN THE NEW COUNCILOR; TO MOVE THE JANUARY WORKSHOP MEETING TO JANUARY 30, 2006 AT 7:00 P.M.**

Adjournment

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

Richard A. Brown, Mayor

Attest:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
SPECIAL CITY COUNCIL MEETING
JANUARY 23, 2006 AT 6:30 P.M.
CITY HALL, 116 FIRST STREET
NEPTUNE BEACH, FLORIDA

Pursuant to proper notice a Special Meeting of the City Council of the City of Neptune Beach was held January 23, 2006 at 6:30 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

Mayor Richard A. Brown
Vice Mayor Pruette
Councilor Eric Pardee
Councilor John Weldon
City Manager James Jarboe
City Clerk Lisa Volpe, CMC

STAFF:

Director of Finance Steve Ramsey
Administrative Assistant to the City Manager Terry Klein
Director of Public Safety David Sembach
Director of Public Services Leon Smith
Deputy City Clerk Karla Strait, CMC

Order Call

Mayor Brown called the special meeting to order at 6:30 p.m. and announced the purpose of the meeting was to select one of the eleven candidates to fill the vacant council seat. Mayor Brown asked City Clerk Volpe to call the roll to ensure each candidate was present.

Candidates

CANDIDATES:

Sybil Ansbacher
Connie Green Austin
Thomas Byerly
Nicole Hahl
Teresa Hunnewell-McCaulie
Richard Keene
Fred Lee
James Lee
David Smith
Kara Tucker

ABSENT:

John Jolly (out of the country)

**Appointment
Councilor Seat 4**

APPOINTMENT TO FILL VACACY OF COUNCIL SEAT NUMBER TWO – CHARTER PROVISION SECTION 2.06: City Clerk Lisa Volpe explained each of the eleven candidates, with the exception of Mr. John Jolly, who was out of the country, would be allowed a three minute introduction. The candidates would draw numbers one through ten to determine the order of introductions. Once the introductions were completed, the Council would rate the candidates on a scale of one to five. She would tally the score; announce the winner and the winner would be sworn into office.

City Manager Jarboe stated under the terms of Section 2.02, Election and Terms, of the Charter of the City of Neptune Beach, council members could only serve a total of eight consecutive years. Therefore, the person selected would serve the remaining ten months of the current term, until the 2006 election. The candidate would be able to run for election in 2006 to serve a full four term. However, if the candidate decided to run for reelection in 2010 they would not be able to serve the entire four year term and could only serve three years and two months for a total of eight years.

Each Councilor personally thanked the candidates for applying for the position.

THE CANDIDATE INTRODUCTIONS BEGAN IN THE FOLLOWING ORDER:

Thomas Byerly, 527 South Street, stated he moved to Neptune Beach in 1956 as a child with his parents. After he moved away, he would return periodically for a three or four week visit. He returned permanently in 2000 after retiring from the United Nations. He felt his affiliation with the community and awareness of changes in the community made him a good choice.

Richard Keene, 733 Bay Street, Member of the Code Enforcement Board, stated his primary concern was to preserve the Interlocal agreements with the City of Jacksonville. He was also concerned with the following: solving the issue of the Kings Road Bridge, realignment of the intersection at Florida Boulevard and Third Street, control of expenses for outside consultants, budget control, adoption of a commercial blight ordinance, preservation of public beach accesses, development of a fee based parking garage in the commercial area, and traffic calming.

Sybil Ansbacher, 2008 Strand Street, Chairperson for the Board of Appeals, stated she had lived in Neptune Beach since 1978 and was active in the community during most of that period. She was employed part time as a counselor at the Beaches Resource Center. She was previously employed as the Director of the Beaches Truancy Center. She was appointed to serve on the Board of Appeals by the Council in February of 2002 and elected Chairperson of that Board in June of 2002. Her experience on the Board has taught her the diversity in the community. She has no special interests except for the City as a whole. Her past performance should be an indication of her willingness and ability. She is available to give the time necessary to do the job. She is dependable, a team player, a good listener, and a good consensus builder. She felt the challenge is to maintain the quality of the community. She has enjoyed the opportunity to serve the community and would like to continue to do so as member of the City Council.

Connie Green Austin, 1509 Strand Street, Member of the Code Enforcement Board, stated she was a lifelong resident of North Florida and deeply appreciated the neighborhood. She has been a member of the Code Enforcement Board for the past two years. She felt the biggest challenge of the council was to maintain the quality of life with the changing environment. She felt property rights should be protected while insuring the community would not be harmfully impacted. Some of her concerns were drainage, Town Center parking and Penman Road. Her most critical concern is the preservation of community character and the development of a tax base in the commercial area. She also felt code enforcement and rules must be reasonable and enforceable. If she were chosen she would respectfully listen to all input, do her homework and remain trustworthy.

Kara Tucker, 1650 Leeward Landing, Alternate Member of the Planning & Development Review Board and Member of the Ish Brant Beautification Committee, stated she was proud to say she has lived in Neptune Beach her entire life and attended the local schools. She was familiar with the different neighborhoods and has watched the city grow and prosper. While serving on the IBBC she was instrumental in Neptune Beach becoming a

Tree City. She has learned from her position on the PDRB how to listen to both sides of an issue and the importance of being fair when making decisions. She was appointed by Mayor Payton as a member of the Mayor's Disability Council. She was familiar with ADA Regulations, Roberts Rules of Order, and the Florida Sunshine Law. With her interaction skills she felt she had the ability to handle difficult problems and assist with conflict resolutions. Her love for the city and the people in it would guide her while making important decisions. She has no preconceived opinions and is very open minded. If selected she would strive to maintain the community spirit and the small town atmosphere.

Nicole Habl, 119 Margaret Street, stated she has lived in Neptune Beach for three years. She moved here from New York City after the September 11th tragedy. She received her J.D. at Brooklyn Law School and was currently a member of New York, New Jersey, Florida, and Georgia Bar. With her experience as a prosecutor she felt her greatest attribute was the ability to listen to others and remedy problems.

Davis Smith, 1053 Kings Road, stated he has lived in Duval County for ten years, most of which in Neptune Beach. He felt his experience as a high school Spanish teacher and activist would be an asset to the council. He works with the Concerned Tax Payers of Duval County, a lobbying group to the Jacksonville City Council. His priority as a councilor would be to find ways to get in touch with residents so that he could represent them better. He was available to attend meetings and would do his best to serve the city.

Fred Lee, 1501 Big Tree Road, Chairperson of the Planning & Development Review Board, stated he has been involved in the community for five years. He is a straight forward person who takes a common sense approach. He has lived in the Jacksonville area his entire life and has children currently attending local schools. He has a strong record of serving with leadership, integrity and commitment. He works as a team member. When there is a disagreement he will agree to disagree and move forward. He has shown commitment being involved at the city level. He has a good understanding of the Code of Ordinances and is knowledgeable about current issues. He has no agenda except for the betterment of the community.

Thereasa Hunnewell-McCaulie 1219 Trailwood Drive, stated she was seeking a seat with the City Council because she felt she could assist the Council in making Neptune Beach the best place to live. She has vast wealth of personal and professional experience that would benefit the Council and the citizens of Neptune Beach. She has been a mother, a student, a prosecuting attorney and is currently a practitioner with her own business. Throughout her career she has learned to treat people fairly and honestly. She knows how to interpret the law and how to apply it. She looked forward to having a more direct effect in the community by working on the City Council.

James Lee, 246 Myra Street, stated Neptune Beach had changed since he grew up here. He felt the citizens should control future changes based on their wants and needs. He would make recommendations for changes in the Code. He would like to see more sidewalks, tree planting, jogging trails and bike paths.

That concluded the introductions and each Council member rated the candidates.

Recess

Mayor Brown called for a recess at 7:15 p.m. while City Clerk Lisa Volpe tallied up the points. The meeting reconvened at 7:30 p.m.

City Clerk Lisa Volpe announced the winner was Fred E. Lee, Jr. with a total score of 20 at which time Mr. Lee formally resigned at Chairman of the Planning & Development Review Board and accepted the appointment.

City Clerk Lisa Volpe administered the Oath of Office to Fred Lee, whereupon he would respectfully assume the duties of his appointed office effective January 24, 2006.

Adjournment

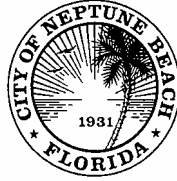
There being no further business, the meeting adjourned at 7:35 p.m.

Richard Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
WORKSHOP CITY COUNCIL MEETING
JANUARY 30, 2006 AT 7:00 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 30, 2006 at 7:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

Mayor Richard A. Brown
Vice Mayor Harriet Pruette
Councilor Fred Lee
Councilor Eric Pardee
Councilor John Weldon
City Attorney Christopher White
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

STAFF:

Community Development Director Jason Cleghorn
Assistant to the City Manager Terry Klein
Director of Finance Steve Ramsey
Director of Public Safety David Sembach
Director of Public Services Leon Smith
Deputy City Clerk Karla Strait, CMC

Call to Order/Roll Call Mayor Brown called the meeting to order at 7:00 p.m.

PRESENTATIONS / NONE

COMMITTEE REPORTS / NONE

CITY MANAGERS ACTION LIST

City Manager Jarboe reported the following:

- Florida Boulevard Landscaping is waiting to be bid.
- Kings Road Bridge was on the agenda for discussion.
- The contract for the A1A Landscaping Project was signed and work should begin tomorrow.
- The new computer software system was in the conversion process and should be completed March 1st.
- Efforts were underway at Public Services to bring the level of sewer nitrogen up to new state requirements.
- The budget process for FY2006-2007 would begin soon.

- The Audit Report should be completed within the next 60 days.

PUBLIC COMMENTS

Hays Bishop, 1443 Spindrift Circle East, supported side yard garbage collection one day per week, recycling collection one day per week and Monday yard waste pick up.

John Moreland, 1702 Second Street, Jacksonville Beach, President of the Beaches Resource Center Foundation, requested a contribution from the city for support the of center.

Steven Carter, 1723 Indian Woods Drive, supported continuing maintenance of the Kings Road Bridge in lieu of a total replacement, due to the excessive costs.

Jay Ambler, 1424 Forest Avenue, questioned when the joint council meeting with the City of Jacksonville Beach, regarding the Kings Road Bridge, would take place.

Tracey Lakey, 227 South Street, supported speed humps.

James Lee, 246 Myra Street, supported having a Speed Hump Policy in place before replacement of the old speed bumps in order to ensure fairness.

David Wicker, 427 South Street, supported speed humps.

Ernie Clark, 420 South Street, supported speed humps.

Donald Rogers, 1400 Neptune Grove Drive West, favored the continuance of side yard garbage collection.

Jo Anne Hoffman, 130 Sand Castle Way, preferred yard waste collection on Monday's.

PROPOSED ORDINANCES

Ord. No. 2006-XX

ORDINANCE NO. 2006-XX, AMENDING CHAPTER 27, UNIFIED LAND DEVELOPMENT REGULATIONS, ARTICLE XV: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 27 UNIFIED LAND DEVELOPMENT REGULATIONS ARTICLE XV ADVERTISING BY AMENDING SECTION 27-595 PROCEDURE FOR APPEAL AND PROVIDING AN EFFECTIVE DATE.

City Attorney Chris White explained the ordinance would bring the City into compliance with a recent court ruling allowing appeals for sign permits immediate access to the court system, bypassing the Board of Appeals.

Councilor Weldon agreed to sponsor the Ordinance.

Consensus: **FORWARD TO THE FEBRUARY REGULAR COUNCIL MEETING FOR FIRST READ.**

CONTRACTS / AGREEMENTS

Garbage Proposals

GARBAGE REQUEST FOR PROPOSALS INFORMATION: City Manager Jarboe stated the current contract for waste services would expire in June. An Executive Summary explaining six different options and their associated cost was provided to the Council in the agenda packets. He would like to begin the contract negotiation as soon as possible.

OPTION 1: This residential option would keep services as they are currently, including 2 day per week side yard garbage pickup, one day per week recycling, and Monday yard waste pickup. The rates for this option would increase from the current \$13.00 per month to approximately \$20.00 per month.

OPTION 2: This residential option would keep services as they are currently, including 2 day per week side yard garbage pickup, one day per week recycling, but changing to any weekday yard waste pickup. The rates for this option would increase from the current \$13.00 per month to approximately \$18.25 per month.

OPTION 3: This residential option would eliminate side yard pickup and include 2 day per week garbage pickup, one day per week recycling and Monday yard waste pickup. The rates for this option would increase from the current \$13.00 per month to approximately \$16.50 per month.

OPTION 4: This residential option would eliminate side yard pickup and include 2 day per week garbage pickup, one day per week recycling and any weekday yard waste pickup. The rates for this option would increase from the current \$13.00 per month to approximately \$14.75 per month.

OPTION 5: This residential option would eliminate side yard pickup and include 1 day per week garbage pickup, one day per week recycling and Monday yard waste pickup. The rates for this option would increase from the current \$13.00 per month to approximately \$16.00 per month.

OPTION 6: This residential option would eliminate side yard pickup and includes 1 day per week garbage pickup, one day per week recycling and any weekday yard waste pickup. The rates for this option would increase from the current \$13.00 per month to approximately \$14.25 per month.

A lengthy discussion ensued regarding the various options and rates.

City Manager Jarboe stated he checked the references of each of the firms and they were all qualified and reputable.

For the Record Councilor Weldon stated for the record he preferred option number one; of which Waste Pro had the most attractive rate proposal.

Mayor Brown stated he would like to gather more information and public input before making a final decision.

City Manager Jarboe suggested holding a special meeting before the February workshop to select the service and provider.

City Clerk Lisa Volpe stated City Hall would be closed February 20th for Presidents Day and asked Council to schedule the Workshop meeting for February 13th or 27th.

Consensus: **TO HOLD A SPECIAL MEETING TO SELECT A WASTE SERVICES PROVIDER BEFORE THE WORKSHOP MEETING ON FEBRUARY 13TH.**

911 Salary

911 SALARY REIMBURSEMENTS FY 2005-2006: City Manager Jarboe explained the annual interlocal agreement reimbursed dispatchers salaries using the 911 tax collected from the telephone service.

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

ISSUE DEVELOPMENT**Beaches Resource Center**

REQUEST FOR CONTRIBUTION FOR BEACHES RESOURCE CENTER: This annual contribution request was for the support of the Beaches Resource Center. The city donated \$2,000 in 2005 and \$4,000 in 2004.

City Manager Jarboe explained the donation would come from the contingency funds.

Discussion ensued regarding budget restraints and the amount of the contribution.

Councilor Weldon questioned the remainder of the contingency fund from the previous year. Director of Finance Steve Ramsey replied the remainder of the contingency fund for the 2005 was \$25,000.

Mayor Brown suggested the city contribute \$3,000.00 this year.

Vice Mayor Pruette requested that a separate fund for contributions be included in future budgets.

Consensus: **TO CONTRIBUTE \$3,000 TO THE BEACHES RESOURCE CENTER AND FORWARD TO THE FEBRUARY CONSENT AGENDA.**

Taser Purchase

APPROVAL OF TASER PURCHASE WITH FORFIETURE FUNDS: City Manager Jarboe stated the tasers would provide another option for police officers, other than the use of a deadly weapon.

Consensus: **FORWARD THE APPROVAL OF TASERS TO THE FEBRUARY CONSENT AGENDA.**

Speed Hump Policy

SPEED HUMP POLICY: Chief Sembach and Councilor Weldon both submitted a draft for the proposed speed hump policy.

Councilor Pardee felt Chief Sembach's policy covered all of the issues.

Councilor Weldon stated his draft avoided pitting neighbor against neighbor. He did not agree with the following language presented in Chief Sembach's drafted policy:

Justification for the Place of Speed Humps:

- 1) The 85th percentile speed of the street being 5 miles per hour or greater than the posted speed limit.
- 2) A petition, with verified signatures, will be submitted from at least 67% of households on the street approving the installation.
- 3) An average daily traffic volume will be no less than 200 vehicles per day.

Vice Mayor Pruette supported replacing the old speed bumps with speed humps.

Councilor Lee supported moving forward with the replacement of speed bumps with ITE compliant speed humps, providing the work would be completed by the Public Services Department, and from there move forward with a speed hump policy.

Mayor Brown suggested moving forward with the replacement of the bumps with humps while continuing to work on the language for a Speed Hump Policy.

Consensus: **TO FORWARD THE REPLACEMENT OF SPEED BUMPS FOR SPEED**

HUMPS ON THE FOLLOWING STREETS: CHERRY STREET (200 BLOCK); CAMILLIA TERRACE DRIVE; HAGGLER DRIVE; SOUTH STREET (400 BLOCK) CEDAR STREET AND HAGLER DRIVE; GOLDENROD LANE AND OLEANDER STREET (200 BLOCK)- TO THE FEBRUARY CONSENT AGENDA AND FORWARD THE SPEED HUMP POLICY TO THE FEBRUARY WORKSHOP AGENDA.

Recess/ Reconvene Mayor Brown called a recess at 9:00 p.m. and reconvened the meeting at 9:12 p.m.

Kings Rd. Bridge KINGS ROAD BRIDGE: City Manager Jarboe stated the following options and estimates for the Kings Road Bridge issue were included in the agenda packet.

OPTION # 1: Concrete Replacement Bridge at Kings Road, total estimated cost of \$1,000,000.

OPTION # 2: Wood Replacement Bridge at Kings Road, total estimated cost of \$200,000 to \$275,000 depending on the width of bridge to widen flow.

OPTION # 3: Seagate Avenue Causeway Rebuild, total estimated cost of \$1,500,000 to \$2,000,000.

OPTION # 4: Opening of Jacksonville Beach Gate, total estimated cost of \$0.

OPTION # 5: Opening Jacksonville Beach gate and Enlarging the Creeks Flow, total estimated cost of \$300,000 plus.

OPTION # 6: Maintenance of Existing Bridge, total estimated cost of \$100,000 over a thirty year period.

Councilor Pardee agreed replacement of the Kings Road Bridge was not a crisis and the city should continue maintaining the current bridge.

Councilor Weldon stated the longer the city waited to replace the bridge the more it would cost. He suggested acquiring a realistic cost estimate for a wooden bridge.

Vice Mayor Pruette felt the concrete bridge was out of our price range and the replacement of the bridge was not an immediate problem.

Councilor Lee questioned how long the Kings Road Bridge had been on the list for replacement by the Florida Department of Transportation. Director of Public Services Leon Smith responded it has been on the list for 2 or 3 years and it could be another 7 to 10 years before they considered it a priority but there was no guarantee.

Councilor Lee agreed with Councilor Weldon that the bridge needed to be replaced. He supported the request for a real cost estimate for a wooden bridge.

City Manager Jarboe explained to acquire a real estimate the city would need to advertise requests for proposals for a design/build project with basic specifications.

Councilor Lee questioned how a new bridge would be paid for. City Manager Jarboe replied \$350,000 had been set aside from the Better Jacksonville Plan. The remainder would need to be borrowed.

Consensus: **TO REQUEST PROPOSALS FOR A DESIGN / BUILD PROJECT FOR A WOODEN BRIDGE TO REPLACE THE KINGS ROAD BRIDGE.**

Tree Protection &
Landscaping

ARTICLE 9. TREE PROTECTION AND LANDSCAPING: City Manager Jarboe explained the following proposed changes to the Tree Protection & Landscaping:

Section 27-445 Permit required for tree removal or relocation (4) Pine and Palm trees of all species are not considered regulated trees by this Article and no arbor permit is needed for their removal.

Section 27-446 Permit application procedures (1)(d) For pruning of ~~six-inch~~ eight (8) inch or larger diameter limbs on regulated trees, an arbor permit will be required. This provision relates to pruning or alteration only, and applies to any development.

Section 27-448 Champion and Heritage Trees (2)(a)(7) ~~Longleaf pine (pinus palustris) 20 inches in diameter or greater.~~

Section 27-452 Unauthorized removal of or damage to regulated trees (1) If a regulated tree, to include heritage or champion trees as defined in Section 27-448, is removed without permit, or is altered or damaged such that the likelihood for disease or premature death is increased, the tree removal contractor and / or property owner shall pay a fine of one hundred dollars (\$100.00) per diameter inch of the trunk, measured at four and one-half (4.5) feet above the ground. In the event that a tree has been completely removed from the site, the measurement will be taken as the diameter of the remaining stumps. In the event that no portion of a stump remains, documents such as a tree survey, building plans, etc. may be used to determine the size of the regulated tree removed. ~~The city manager may, at his discretion, allow other appropriate remedial action in lieu of this fine. Such decisions shall be made on a case by case basis. No Exceptions to this fine shall be made by the city manager in the case of heritage or champion trees that are illegally removed. All violations of Section 27-452 shall be reviewed by the Code Enforcement Board for disposition.~~

Section 27-452 Unauthorized removal of or damage to regulated trees (3) All fines imposed by the Code Enforcement Board for unauthorized removal or damage of regulated trees shall be paid to the City of Neptune Beach.

Section 27-453 Procedure for appeal Any decision that is made in the administration ~~or enforcement~~ of this article may be appealed within thirty (30) fifteen (15) days of said decision to the ~~City Council as provided for in article III~~ Board of Appeals for final disposition as specified in Section 27-133. The Board of Appeals through competent testimony may, in their discretion, affirm, overturn, or modify any decision made in the administration of this article.

Appeals of the enforcement of this article by the Code Enforcement Board shall be made as provided for in Section 2-445.

Councilor Weldon suggested making the following changes:

Section 27-452(1) All violations of Section 27-452 shall be ~~reviewed by~~ deferred to the Code Enforcement Board for disposition.

Section 27-453 Any ~~decision that is made in the administration~~ denial made by city staff ~~or enforcement of this article~~ may be appealed to the Board of Appeals.

Consensus: **FORWARD WITH SUGGESTED CHANGES TO THE FEBRUARY REGULAR MEETING FOR FIRST READ.**

Fences, Walls, &
Hedges

SECTION 27-330, FENCES, WALLS AND HEDGES: The proposal would change the definition of Hedge in the ULDC Article 1, Chapter 27, currently defined as "a continuous, dense planting of shrubs." The new definition would be "Hedge means a fence formed by a row of closely planted shrubs or bushes, typically of such species as English Privet, Indian Hawthorne, Ligustrum or other such evergreen species. This definition is not intended to include other closely planted species commonly referred to as flowering plants such as azaleas, roses, or other such plants that are not usually planted to establish a boundary or fence-like effect."

Mayor Brown stated regulating hedges was unrealistic and he was uncomfortable doing so.

Councilor Pardee stated he would prefer to completely remove hedges from the Section.

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

Subdividing of Lots

SUBDIVIDING OF LOTS: City Manager Jarboe stated this item would be forwarded to a future agenda. He was concerned that lots were being subdivided and sold illegally without approval of the city or the awareness of the buyer.

Mayor Brown stated the City of Jacksonville has opened the Interlocal Agreement for review and it could have a severe impact on the beaches' cities.

Councilor Pardee attended several courses on hurricane preparedness for elected officials and was looking forward to the FEMA Workshop meetings.

Adjournment

There being no further business, the meeting adjourned at 10:14 p.m.

Richard A. Brown, Mayor

Attest:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
REGULAR CITY COUNCIL MEETING
DECEMBER 5, 2005, 7:00 P.M.
PUBLIC SAFETY BUILDING, 200 LEMON STREET
NEPTUNE BEACH, FLORIDA

Pursuant to proper notice a Regular Meeting of the City Council of the City of Neptune Beach was held December 5, 2005 at 7:00 p.m., in the City Hall Council Chambers, , 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

Mayor Richard A. Brown
Vice Mayor Harriet Pruette
Councilor Eric Pardee
Councilor Larry Shealy
Councilor John Weldon
City Attorney Christopher White
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

STAFF:

Community Development Director Jason Cleghorn
Director of Finance Steve Ramsey
Director of Public Safety David Sembach
Director of Public Services Leon Smith
Deputy City Clerk Karla Strait, CMC

Order Call/Pledge

Mayor Brown called the meeting to order at 7:00 p.m.

AWARDS / PRESENTATIONS / RECOGNITION OF GUESTS

RESOLUTION 2005-13: A RESOLUTION RECOGNIZING PLAYERS BY THE SEA FOR THE ORGANIZATIONS 40TH ANNIVERSARY.

City Clerk Lisa Volpe read Resolution 2005-13.

Moved by Pardee, seconded by Pruette.

Motion: **TO APPROVE RESOLUTION NO. 2005-13.**

Roll Call Vote:

Ayes: 5 – Pardee, Pruette, Shealy, Weldon, Brown
Noes: 0

MOTION CARRIED

Mayor Brown presented the Resolution to Fred Ortell, Players by the Sea.

APPROVAL OF MINUTES

Moved by Pruette, seconded by Weldon.

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

NOVEMBER 7, 2005, REGULAR COUNCIL MEETING
NOVEMBER 28, 2005, SPECIAL COUNCIL MEETING
NOVEMBER 28, 2005, WORKSHOP COUNCIL MEETING

Roll Call Vote:

Ayes: 5 – Pardee, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

COMMUNICATIONS AND CORRESPONDENCE

Vice Mayor Pruette thanked Leslie Lyne and staff for their efforts in making Christmas in the Park a success.

Mayor Brown questioned the date of the December 19, 2005 workshop meeting.

City Clerk Lisa Volpe asked if Council would like to reschedule the December Workshop meeting and the January meetings due to the upcoming holidays.

Consensus: **TO HOLD THE WORKSHOP MEETING ON DECEMBER 19, 2005**
AT 7:00 P.M. THE JANUARY REGULAR MEETING ON JANUARY
9, 2006 AND THE JANUARY WORKSHOP ON JANUARY 23, 2006.

CITY MANAGER REPORT

Requests for proposals for waste services have been advertised. The proposals will be opened on January 9, 2006 and will be presented to Council at the January Workshop meeting for consideration.

The bids received for the Third Street / A1A Landscaping Project did not include all of the required documents and therefore the project has been readvertised with a new bid opening on December 15, 2005.

PUBLIC COMMENTS

Bee Jay Lester, 907 Second Street, felt the beach cities should work together to adopt consistent times to allow leashed dogs to be on the beach.

The following citizens opposed reopening the Seagate Avenue causeway:

- Bonnie Ackerman, 1506 Seagate Avenue
- Debbie McDonald, 2028 Shadow Lane
- Wayne Faulkenbury, 2016 Shadow Lane
- John Sheddan, 2010 Shadow Lane

The following citizens opposed rebuilding the Kings Road bridge:

- Jay Ambler, 1424 Forest Avenue

- Bob Walter, 1728 Indian Woods Drive
- Gary Kirkland, 1811 Indian Woods Drive
- Steve Carter, 1723 Indian Woods Drive
- Chris Orum, 1123 Kings Road
- Michael Little, 1107 Kings Road

CONSENT AGENDA

NPDES Interlocal agreement between the City of Neptune Beach and the City of Jacksonville for NPDES monitoring.

Personnel Policy Personnel Policy Update.

Foreclosures Approval to proceed with foreclosures on 914 Fifth Street and 1602-1604 First Street.

Moved by Pruette, seconded by Weldon.

Motion: **TO APPROVE THE CONSENT AGENDA.**

Roll Call Vote:

Ayes: 5 – Pardee, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

VARIANCES / NONE

ORDINANCES

Ord. No. 2005-21 **ORDINANCE NO. 2005-21, AMENDING CHAPTER 23, UTILITIES, SECOND READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 23 UTILITIES ARTICLE IV WATER AND SEWER SERVICE CHARGES AMENDING SECTION 23-83(g) SECURITY DEPOSITS AND PROVIDING AN EFFECTIVE DATE.**

Mayor Brown read Ordinance No. 2005-21 by title only and opened the public hearing.

There being no comments from the public, the public hearing was closed.

Moved by Weldon, seconded by Pruette.

Motion: **TO ADOPT ORDINANCE NO. 2005-21 ON SECOND READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 5 – Pardee, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

Ord. No. 2005-22 **ORDINANCE NO. 2005-22, AMENDING CHAPTER 18, STREETS, SIDEWALKS AND OTHER PUBLIC PLACES, SECOND READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING THE EXISTING CHAPTER 18, STREETS, SIDEWALKS AND OTHER PUBLIC PLACES, ADDING SECTION 18-4, USE OF PUBLIC RIGHT OF WAY, AND PROVIDING AN EFFECTIVE DATE.**

Mayor Brown read Ordinance No. 2005-22 by title only and opened the public hearing.

There being no comments from the public, the public hearing was closed.

Moved by Pardee, seconded by Pruette.

Motion: **TO ADOPT ORDINANCE NO. 2005-22 ON SECOND READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 5 – Pardee, Pruette, Shealy, Weldon, Brown.

Noes: 0

MOTION CARRIED

Ord. No. 2005-23

ORDINANCE NO. 2005-23, AMENDING CHAPTER 6, SECTION 6-31, DOGS ON THE BEACH, SECOND READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 6, SECTION 6-31 DOGS ON THE BEACH AND PROVIDING AN EFFECTIVE DATE.

Mayor Brown read Ordinance No. 2005-23 by title only and opened the public hearing. City Manager Jarboe stated the ordinance has changed slightly in order for it to be easier to understand.

There being no comments from the public, the public hearing was closed.

Moved by Weldon, seconded by Pruette.

Motion: **TO ADOPT ORDINANCE NO. 2005-23 ON SECOND READ AND PUBLIC HEARING AS AMENDED.**

Roll Call Vote:

Ayes: 5 – Pardee, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

OLD BUSINESS / NONE

NEW BUSINESS

Res. No. 2005-12

RESOLUTION NO. 2005-12: A RESOLUTION APPOINTING BOARD MEMBERS TO THE PLANNING AND DEVELOPMENT REVIEW BOARD AND THE CODE ENFORCEMENT BOARD.

City Clerk Lisa Volpe stated James Lee informed her earlier in the day that he wished to wait for opening on the Planning & Development Review Board instead of being appointed to the Code Enforcement Board.

Moved by Weldon, seconded by Pruette.

Motion: **APPROVE RESOLUTION NO. 2005-12 WITH THE AMENDMENT REMOVING JAMES LEE FROM BEING PLACED ON THE CODE ENFORCEMENT BOARD.**

Roll Call Vote:

Ayes: 5 – Pardee, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

Adjournment

There being no further business, the meeting adjourned at 8:10 p.m.

Richard A. Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
WORKSHOP CITY COUNCIL MEETING
DECEMBER 19, 2005, AT 6:30 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 December 19, 2005 at 6:30 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

Mayor Richard A. Brown
Vice Mayor Harriet Pruette
Councilor Eric Pardee
Councilor John Weldon
City Attorney Christopher White
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

ABSENT:

Councilor Larry Shealy

STAFF:

Community Development Director Jason Cleghorn
Assistant to the City Manager Terry Klein
Director of Finance Steve Ramsey
Director of Public Safety David Sembach
Director of Public Services Leon Smith
Deputy City Clerk Karla Strait, CMC
Code Enforcement Officer & Fire Marshal John Webber

Call to Order/Roll Call Mayor Brown called the meeting to order at 6:30 p.m.

City Manager Jarboe stated Councilor Shealy submitted his letter of resignation effective December 31, 2005. He then read the letter into the record:

To: The Mayor Brown, City Council of Neptune Beach
From: Larry Shealy
Subject: Resignation
Date: December 19, 2005

As you are probably aware and I've discussed with Mr. Jarboe on several occasions, my business has begun to consume a tremendous amount of my time. What was a hobby for many years, has evolved into a full time business here in Neptune Beach. It is unfortunate, but my work schedule continues to interfere with planned and impromptu Council and Workshop Meetings. I have attended every meeting that I can possibly attend, but I must put my family, my students and my business first.

As I can no longer give 100% of my self and my time, I believe it is in the best interest of the City of Neptune Beach and to this Council that I offer my resignation, effective December 31, 2005.

I wish to thank the Citizens of Neptune Beach for this awesome opportunity to serve the city. I have thoroughly enjoyed my time on the Council. I also wish to thank Mayor Brown, Councilor Weldon, Councilor Pruette, past Councilor Gilbert and Councilor Pardee for a fun and productive time together. I trust that our work together has had a positive impact on the City of Neptune Beach.

I also wish to thank Mr. Jarboe and his Directors and staff for doing an absolutely fantastic job for our City. Jim, Steve, Leon, Chief Sembach, Lisa, Karla, Terry, Jason, Piper and many, many others, you all are awesome. We are lucky to have such a professional and dedicated group using their many talents to so effectively manage our city. Thank you for what you do.

May God Bless you all!!!

Sincerely,
Larry Shealy

Mayor Brown asked City Manager Jarboe to explain the procedure for filling the vacancy.

Mr. Jarboe explained Council would need to appoint someone to fill the vacancy until the November 7, 2006 election. The vacancy would be publicly announced for interested parties to submit resumes. Council could have the applicants answer a questionnaire and vote for the candidate of their choice.

Councilor Weldon felt it would be too long and drawn out of a process for candidates to answer questions in a public forum. He suggested that each Council member submit questions and create a questionnaire for each candidate to respond to in writing.

City Manager Jarboe asked the Council members to submit their questions to him so he could present the questionnaire to the Council for approval at the January 9, 2006 meeting.

City Clerk Volpe stated she would advertise for candidates to submit resumes no later than 5:00 p.m. January 9, 2006, and advertise a special meeting for January 23, 2006 for selection.

Consensus: **ADVERTISE FOR CANDIDATES TO SUBMIT RESUMES NO LATER THAN 5:00 P.M. JANUARY 9, 2006 AND ADVERTISE A SPECIAL MEETING FOR JANUARY 23, 2006 FOR SELECTION.**

PRESENTATIONS / NONE

COMMITTEE REPORTS / NONE

CITY MANAGERS ACTION LIST

City Manager Jarboe reported on the following:

- The information for the Florida Boulevard Landscaping Project had been sent to the City of Jacksonville and advertised for bids.
- He would present the bids to Council for the A1A Landscape Project at the

January workshop meeting.

- The new computer system was in the process of being installed and the old system was being converted.
- The audit was underway.
- He would like to schedule a budget meeting soon after the first of the year.

PUBLIC COMMENTS

Steven Carter, 1723 Indian Woods Drive, thanked the City Clerk's Office for providing him with copies of the Kings Road Bridge Plans and the Hydraulic Report. He thanked the Public Safety Department for installing the new speed limit signs.

Candy Sullivan, 220 South Street, favored the speed humps. She submitted a letter from her neighbor Mr. Ernest Clarke, 420 South Street also in favor of the speed humps.

Tracey Lakey, 227 South Street, felt speed humps were necessary for the safety of children and asked that they remain in place.

PROPOSED ORDINANCES / NONE

CONTRACTS / AGREEMENTS / NONE

ISSUE DEVELOPMENT

Sewer Connection

JARRETT DEVELOPMENT – SEAGATE SUBDIVISION SEWER LINES: Mr. Steve Jarrett, Developer of Seagate Subdivision, explained the utility problem was no longer an issue. The City of Neptune Beach and the City of Jacksonville Beach had come to an agreement for providing the utilities as per Daniel Livermore's letter.

Consensus: **FORWARD TO THE JANUARY REGULAR MEETING CONSENT AGENDA.**

Tree Protection

ARTICLE 9 – TREE PROTECTION & LANDSCAPING: Vice Mayor Pruette felt the Tree Protection Ordinance was too restrictive and encroached on private property rights. She suggested revising the ordinance to strike pine trees and common variety palm trees from the protected tree list and to allow pruning without having to obtain a permit.

City Manager Jarboe stated under the current ordinance a permit was needed to prune trees limbs over six inches in diameter.

Councilor Pardee was concerned about being fair in enforcement of the fines and penalties involved with removing and pruning trees without a permit. Discussion ensued over the language pertaining to fines.

City Manager Jarboe stated it was up to the Board of Appeals to determine the fines after hearing the appeals from violators. He also felt violators should not be able to appeal to Council once the Board of Appeals has made a decision.

Councilor Weldon agreed the Board of Appeals should be the final authority. He would support a revision to the ordinance allowing pruning of trees up to eight inches in diameter without a permit.

Consensus: **TO ALLOW STAFF TO INCORPORATE THE DISCUSSED CHANGES: 8 INCH LIMBS FOR PRUNING, DELETING PINE TREES, APPEALS STOPPING AT THE BOARD OF APPEALS AND DELETING THE LAST SENTENCE OF SECTION 27-452(1); INTO THE ORDINANCE FOR DISCUSSION AT THE JANUARY WORKSHOP MEETING.**

Fences, Walls &
Hedges

SECTION 27-330 – FENCES, WALLS, & HEDGES: Councilor Pardee was concerned about the 4' height limit of hedges. The definition of hedges was not clarified and it could not be fairly enforced. He suggested that hedges be struck completely from the ordinance.

Councilor Weldon stated the language was included in the new Land Development Regulations in order to prevent blocking ocean views. He suggested staff change the verbiage in order to clarify the definition of hedges.

Discussion ensued about the purpose of having a height restriction for hedges close to the road.

Consensus: **TO ALLOW STAFF LOOK INTO THE RESTRICTIONS ON HEDGES AND THE DEFINITION AND TO DISCUSS IT AT THE JANUARY WORKSHOP.**

Sidewalks &
Bikeways

SECTION 27-479 – SIDEWALKS & BIKEWAYS: Councilor Pardee questioned the requirement of sidewalks for a development of three more lots.

Councilor Weldon explained the requirement for sidewalks to be installed for development of three or more lots shifted the cost from the city or property owner to the developer. He did feel that four feet was sufficient and the requirement of five feet was extensive.

City Manager Jarboe stated 48" was required for a sidewalk. Discussion ensued over the required size for a sidewalk

Speed Humps

REPLACEMENT OF SPEED BUMPS WITH SPEED HUMPS: City Manager Jarboe prepared a list, which was included in the packet, of streets where the speed bumps needed to be replaced with speed humps.

Mayor Brown asked if the speed humps could be phased in due to the cost. City Manager Jarboe replied the cost to install the speed humps in house would be \$750.00 and to have them installed by a contractor would cost \$2,400.00. The money would be paid from the contingency fund.

Consensus: **FORWARD TO THE JANUARY CONSENT AGENDA TO REPLACE THE SPEED BUMPS WITH SPEED HUMPS ON ALL NINE STREETS ON THE LIST: CHERRY STREET, CAMELLIA STREET, SOUTH STREET, HAGLER DRIVE, NORTH STREET(200 BLOCK), MAGNOLIA STREET(200 BLOCK), SOUTH STREET(400 BLOCK), CEDAR STREET AND HAGLER, AND GOLDENROD.**

Code Enforcement

CODE ENFORCEMENT: This item was originally placed on the agenda for discussion by Councilor Shealy.

Consensus: **TO TABLE DISCUSSION OF CODE ENFORCEMENT.**

Councilor Weldon publicly thanked Councilor Shealy for his service stating the Council

accomplished many things during his tenure.

Vice Mayor Pruette stated Councilor Shealy would be missed. He always agreed to disagree agreeably.

Mayor Brown stated he enjoyed working with Councilor Shealy, his resignation was understandable and Council would move forward with selecting a replacement.

Adjournment

There being no further business, the meeting adjourned at 8:10 p.m.

Attest:

Richard A. Brown, Mayor

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
REGULAR CITY COUNCIL MEETING
NOVEMBER 7, 2005, 7:00 P.M.
PUBLIC SAFETY BUILDING, 200 LEMON STREET
NEPTUNE BEACH, FLORIDA

Pursuant to proper notice a Regular Meeting of the City Council of the City of Neptune Beach was held November 7, 2005 at 7:00 p.m., in the Police Training Room, Public Safety Building, 200 Lemon Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

Mayor Richard A. Brown
Vice Mayor Harriet Pruette
Councilor Eric Pardee
Councilor Larry Shealy
Councilor John Weldon
City Attorney Christopher White
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

STAFF:

Community Development Director Jason Cleghorn
Director of Finance Steve Ramsey
Director of Public Safety David Sembach
Director of Public Services Leon Smith
Deputy City Clerk Karla Strait, CMC

Order Call/Pledge

Mayor Brown called the meeting to order at 7:00 p.m.

AWARDS / PRESENTATIONS / RECOGNITION OF GUESTS / NONE

APPROVAL OF MINUTES

Moved by Weldon, seconded by Pruette.

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

OCTOBER 3, 2005, REGULAR CITY COUNCIL MEETING
OCTOBER 17, 2005, SPECIAL CITY COUNCIL MEETING
OCTOBER 17, 2005, WORKSHOP CITY COUNCIL MEETING

Roll Call Vote:

Ayes: 5 – Pardee, Pruette, Shealy, Weldon, Brown
Noes: 0

MOTION CARRIED**COMMUNICATIONS AND CORRESPONDENCE**

City Clerk Lisa Volpe suggested rescheduling the November workshop meeting to November 28, 2005, due to the Thanksgiving holiday and also the mold problem in City Hall.

Consensus: **TO RESCHEDULE THE NOVEMBER WORKSHOP MEETING TO NOVEMBER 28, 2005 AT 7:00 P.M.**

City Attorney Christopher White stated a shade meeting needed to be scheduled before the November workshop meeting to discuss on going litigation.

Consensus: **TO HOLD A SHADE MEETING NOVEMBER 28, 2005 AT 6:30 P.M.**

CITY MANAGER REPORT

City Manager Jarboe stated action was currently being taken to remove the mold of the City Hall building.

City Manager Jarboe reported more tree permits were being issued by the building department now that it was well known that they were required.

Councilor Weldon stated tree permit applications were free and could be downloaded from the city website.

PUBLIC COMMENTS

Candy Sullivan, 220 South Street, favored the increase of hours to allow leashed dogs on the beach.

David Wicker, 427 South Street, was concerned about trash and debris in the ditch in Basil Park and asked that it be cleaned up.

Bob McAteer, 1731 Penman Road, requested an update from the Council on his desire to designate an area on the beach to allow dogs to run.

Councilor Weldon explained to Mr. MacAteer that Council action was taken when the majority chose not to move forward with the issue.

Ann Hindman, 113 Bay Street, questioned if any unused land was available within the city that could be used for a dog park.

Mayor Brown replied Council would consider ideas from the public in regards to a dog park.

CONSENT AGENDA / NONE**VARIANCES / NONE****ORDINANCES**

Ord. No. 2005-21

ORDINANCE NO. 2005-21, AMENDING CHAPTER 23, UTILITIES, FIRST READ: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 23 UTILITIES ARTICLE IV WATER AND SEWER SERVICE CHARGES AMENDING SECTION 23-83(g) SECURITY DEPOSITS

AND PROVIDING AN EFFECTIVE DATE.

Moved by Weldon, seconded by Shealy.

Motion: **TO PASS ORDINANCE NO. 2005-21 ON FIRST READ.**

Roll Call Vote:

Ayes: 5 – Pardee, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

Ord. No. 2005-22

ORDINANCE NO. 2005-22, AMENDING CHAPTER 18, STREETS, SIDEWALKS AND OTHER PUBLIC PLACES, FIRST READ: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING THE EXISTING CHAPTER 18, STREETS, SIDEWALKS AND OTHER PUBLIC PLACES, ADDING SECTION 18-4, USE OF PUBLIC RIGHT OF WAY, AND PROVIDING AN EFFECTIVE DATE.

Moved by Pardee, seconded by Shealy.

Councilor Weldon suggested adding the following language: The cost of such repair will be limited to the City's cost for replacing such driveway with concrete or asphalt.

Motion: **TO PASS ORDINANCE NO. 2005-22 WITH THE ADDED SUGGESTION OF COUNCILOR WELDON ON FIRST READ.**

Roll Call Vote:

Ayes: 5 – Pardee, Pruette, Shealy, Weldon, Brown.

Noes: 0

MOTION CARRIED

Ord. No. 2005-23

ORDINANCE NO. 2005-23, AMENDING CHAPTER 6, SECTION 6-31, DOGS ON THE BEACH, FIRST READ: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 6, SECTION 6-31 DOGS ON THE BEACH AND PROVIDING AN EFFECTIVE DATE.

Moved by Weldon, seconded by Pruette.

Motion: **TO PASS ORDINANCE NO. 2005-23 ON FIRST READ.**

Roll Call Vote:

Ayes: 5 – Pardee, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

OLD BUSINESS

Fl. Blvd.
Landscaping

APPROVAL OF THE AGREEMENT WITH THE CITY OF JACKSONVILLE FOR FLORIDA BOULEVARD STREETSCAPE: Approval of the Agreement between the City of Jacksonville and the City of Neptune Beach for funding assistance for the construction of the streetscape along the western side of Florida Boulevard between Kings Circle and Bay Road.

Moved by Shealy, seconded by Pruette.

Motion: **TO AUTHORIZE MAYOR BROWN TO SIGN THE AGREEMENT WITH THE CITY OF JACKSONVILLE FOR FUNDING ASSISTANCE FOR FLORIDA BOULEVARD STREETScape.**

Roll Call Vote:

Ayes: 5 – Pardee, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

Fuel Increase for
Waster Services

FUEL INCREASE FOR WASTE SERVICES: Approval of fuel increase of 2% for Waste Services of Florida.

Moved by Pardee, seconded by Shealy.

Motion: **TO APPROVE A 2% FUEL INCREASE FOR WASTE SERVICES OF FLORIDA.**

Roll Call Vote:

Ayes: 5 – Pardee, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

Res. No. 2005-10

RESOLUTION 2005-10: A RESOLUTION INCREASING THE SALARY OF THE CITY CLERK.

Moved by Shealy, seconded by Pruette.

Roll Call Vote:

Ayes: 5 – Pardee, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

RFP's Garbage
Services

APPROVAL TO ADVERTISE REQUEST FOR PROPOSALS FOR GARBAGE SERVICES: City Manager Jarboe stated the current contract with Waste Services of Florida expired June 1, 2006. He would like to start the process of proposals using various levels of services for the Council to select.

Moved by Pruette, Seconded by Weldon.

Motion: **TO AUTHORIZE THE CITY MANAGER TO ADVERTISE REQUEST FOR PROPOSALS FOR GARBAGE SERVICES.**

Roll Call Vote:

Ayes: 5 – Pardee, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

NEW BUSINESS

Res. No. 2005-11

RESOLUTION NO. 2005-11: A RESOLUTION REAPPOINTING BOARD MEMBERS TO THE PLANNING AND DEVELOPMENT REVIEW BOARD AND THE BOARD OF APPEALS.

Moved by Weldon, seconded by Shealy.

Roll Call Vote:

Ayes: 5 – Pardee, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

City Manager Jarboe stated in response to citizen complaints, motorcycle police have been on patrol in certain areas.

Adjournment

There being no further business, the meeting adjourned at 7:40 p.m.

Richard A. Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
SPECIAL CITY COUNCIL MEETING
NOVEMBER 28, 2005 AT 6:15 P.M.
CITY HALL, 116 FIRST STREET
NEPTUNE BEACH, FLORIDA

Pursuant to proper notice a Special Meeting of the City Council of the City of Neptune Beach was held November 28, 2005 at 6:15 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

Mayor Richard A. Brown
Vice Mayor Pruette
Councilor Eric Pardee
Councilor John Weldon
City Attorney Chris White
City Manager James Jarboe
City Clerk Lisa Volpe, CMC

ABSENT:

Councilor Larry Shealy

STAFF:

Director of Community Development Jason Cleghorn
Director of Finance Steve Ramsey
Administrative Assistant to the City Manager Terry Klein
Director of Public Safety David Sembach
Director of Public Services Leon Smith
Deputy City Clerk Karla Strait, CMC

Order Call

Mayor Brown called the special meeting to order at 6:15 p.m. and announced the purpose of the meeting.

WASTEWATER DEMONSTRATION PROJECT: City Manager Jarboe explained the Wastewater Demonstration Project, for the cost of \$12,000, would provide information on the removal of nitrogen in order to meet the new state regulations.

Moved by Weldon, seconded by Pruette.

Motion: **TO APPROVE THE WASTEWATER DEMONSTRATION PROJECT.**

Roll Call Vote:

Ayes: 4 – Pardee, Pruette, Weldon, Brown
Noes: 0

MOTION CARRIED

DEP COMMUNICATION: City Manager Jarboe explained the proper papers for the sewer on Emma Lane were not filed with the Department of Environmental Protection (DEP). The city had signed off on the Public Water Construction Permit for the development, therefore, it is legally responsible to pay the fine of \$1,600.00 and a \$100.00 administration fee. Public Services Director Leon Smith was working with the developer in an effort to recuperate the cost.

Moved by Weldon, seconded by Pruette.

Motion: **TO AUTHORIZE THE CITY MANAGER TO SIGN THE PAPERS AND PAY THE FINES.**

Roll Call Vote:

Ayes: 4 – Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

Adjournment

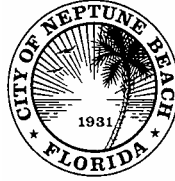
There being no further business, the meeting adjourned at 6:24 p.m.

Richard Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



**MINUTES
WORKSHOP CITY COUNCIL MEETING
NOVEMBER 28, 2005, AT 7:10 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 November 28, 2005 at 7: p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

Mayor Richard A. Brown
Vice Mayor Harriet Pruette
Councilor Eric Pardee
Councilor Larry Shealy
Councilor John Weldon
City Attorney Christopher White
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

STAFF:

Community Development Director Jason Cleghorn
Administrative Assistant to the City Manager Terry Klein
Director of Finance Steve Ramsey
Director of Public Safety David Sembach
Director of Public Services Leon Smith
Deputy City Clerk Karla Strait, CMC
Fire Marshall & Code Enforcement Officer John Weber

Call to Order/Roll Call Mayor Brown called the meeting to order at 7:10 p.m.

PRESENTATIONS / NONE

COMMITTEE REPORTS / NONE

CITY MANAGERS ACTION LIST

City Manager Jarboe reported there were currently ten active projects and 51 completed projects on the list. Thirty-seven Ordinances had been adopted in 2004 & 2005, three of which were on the December regular meeting for second read.

PUBLIC COMMENTS

Carl Peacock, 211 Cherry Street, favored speed humps.

Marsha Coker, 206 Margaret Street, favored the speed humps and the stop signs on First Street.

Candy Sullivan, 220 South Street, favored the speed humps on South Street and was grateful for the increased police patrol.

Mary Ann Padrta, 1030 Second Street, favored the stop signs on First Street and was concerned about the appearance of a dead cedar tree across the street from her.

James Lee, 246 Myra Street, voiced concerned regarding the agenda format which placed public comments at the beginning of the meeting. He stated he and the majority of residents he had spoken with, opposed speed humps.

Patrick Clyne, 1210 Ocean Front, was concerned regarding the agenda format which placed public comments at the beginning. He felt the city should remove the stop signs on First Street if that was Chief Sembach's recommendation. He also voiced concern about bicyclist not being ticketed for not stopping at stop signs..

David Miller, 101 Rose Place, felt the volume of traffic did not support speed humps.

Dick Crane, 120 Sand Castle Way, felt that due to the lack of maintenance on city property, the city was partially responsible for the deterioration of the fence in Summer Sands. On behalf of the Summer Sands Homeowners Association, he requested the city contribute 50% of the replacement cost.

John Shedden, 2010 Shadow Lane, felt the most economical solution for the Kings Road bridge issue would be for the City of Jacksonville Beach to open the rear entrance.

David Baker, 1102 First Street, opposed removing the stop signs and speed humps. He suggested widening First Street and installing angled parking on the east side for visitor parking.

Lynda Padrta, 1113 First Street, opposed removing stop signs on First Street without having an alternate plan in place for traffic calming.

Wayne Scarborough, Jr., 224 Bowles Street, supported speed humps.

Agenda Format

Councilor Weldon explained the meeting agenda format allowed residents to speak early as a courtesy for residents who did not wish to stay for the duration of the meeting. He added that Council did not take action at workshop meetings and the public would have other opportunities to speak prior to Council action on agenda items.

PROPOSED ORDINANCES / NONE

CONTRACTS / AGREEMENTS

NPDES

INTERLOCAL AGREEMENT BETWEEN THE CITY OF NEPTUNE BEACH AND THE CITY OF JACKSONVILLE FOR NPDES MONITORING: An agreement allowing the City of Jacksonville to perform periodic water quality and stormwater system monitoring at a cost of \$11,000 annually.

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

ISSUE DEVELOPMENT

Dog Park

DOG PARK DISCUSSION: Councilor Shealy questioned the feasibility of a dog park in the city. City Manager Jarboe reported he had spoken with the two interested residents. They were looking at two locations and would report back to him.

Kings Rd. Bridge

KINGS ROAD BRIDGE DISCUSSION: City Manager Jarboe had spoken to the City of Jacksonville Public Works Director who informed him the cost to reopen the Seagate Avenue bridge would be over one million dollars. Meanwhile he had spoken with a bridge builder working in Jacksonville Beach who told him he could replace the current bridge with a timber bridge for the cost of \$1,000 per lineal foot, approximately \$200,000 in total.

Vice Mayor Pruette felt the City of Jacksonville Beach should temporarily open the rear gate Monday through Friday from 8:00 a.m. to 5:00 p.m. for the large trucks to enter. She felt the issue was a City of Neptune Beach and Jacksonville Beach problem and they needed to work together.

City Manager Jarboe stated large trucks were currently allowed entrance through the rear gate by calling the City of Jacksonville Beach and making an appointment.

Councilor Weldon felt it was too expensive to reopen the Seagate Avenue bridge and impractical to demolish the Kings Road bridge. He felt Council should reassert the decision to rebuild the Kings Road bridge and take an effort to find the resources. He suggested having staff bring specific proposals to Council within 90 days.

Councilor Pardee stated he surveyed the residents north of Seagate Avenue and found they were concerned about traffic. He felt the best option was to rebuild the Seagate Avenue bridge.

Councilor Pruette questioned the status of a letter the Mayor was supposed to have written, by consensus of the Council, to Jacksonville Beach requesting their help with funding. City Manager Jarboe stated he had spoken with City of Jacksonville Beach City Manager George Forbes and Mr. Forbes was going to speak with a representative of the Florida Department of Transportation in an effort to move the Kings Road bridge further up on the state's list to rebuild.

Councilor Weldon asked Council if there was a consensus to pursue reopening of the Seagate Avenue causeway.

Consensus: **NOT TO PERSUE THE REBUILDING OF THE SEAGATE AVENUE CAUSEWAY.**

Councilor Weldon asked Council if there was a consensus to move forward with rebuilding of the Kings Road bridge.

Consensus: **TO MOVE FORWARD WITH THE REBUILDING THE KINGS ROAD BRIDGE AND FOR STAFF TO BRING SPECIFIC PROPOSALS TO COUNCIL WITHIN 90 DAYS.**

Councilor Shealy suggested holding a joint council meeting with the City of Jacksonville Beach Council to discuss the issue of the Kings Road bridge.

Traffic Calming

TRAFFIC CALMING STUDY: Chief Sembach presented to the Council his Traffic Calming Study for east of Third Street. The study indicated there was not enough traffic or speeding to justify speed humps. He explained the advantages and disadvantages of speed humps and recommended the city adopt a Speed Hump Policy. He also recommended forming a committee that would consider other traffic calming options and make recommendations.

Councilor Weldon suggested the Planning & Development Review Board be tasked with finding traffic calming options.

Consensus: **TO HAVE THE PLANNING & DEVELOPMENT REVIEW BOARD ALONG WITH STAFF DISCUSS TRAFFIC CALMING OPTIONS.**

Trees & Landscape **ARTICLE 9 – TREE PROTECTION AND LANDSCAPING:** Mayor Brown suggested deferring this item to the December workshop meeting.

Consensus: **DEFER TO THE DECEMBER WORKSHOP MEETING.**

Fences, Walls & Hedges **SECTION 27-330 – FENCES, WALLS AND HEDGES:** Mayor Brown suggested deferring this item to the December workshop meeting.

Consensus: **DEFER TO THE DECEMBER WORKSHOP MEETING.**

Sidewalks & Bikeways **SECTION 27-479 – SIDEWALKS AND BIKEWAYS:** Mayor Brown suggested deferring this item to the December workshop meeting.

Consensus: **DEFER TO THE DECEMBER WORKSHOP MEETING.**

Personnel Policy **PERSONNEL POLICY UPDATE:** City Manager Jarboe stated the personnel policy had been updated and needed Council approval.

Consensus: **FORWARD TO THE DECEMBER REGULAR MEETING CONSENT AGENDA.**

Foreclosures
914 Fifth St. &
1602-1604 First St. **FORECLOSURE AUTHORIZATION – 914 FIFTH STREET AND 1602 & 1604 FIRST STREET:** City Manager Jarboe stated these homeowners have refused to cooperate with the Code Enforcement Board. Code Enforcement Officer John Weber explained the previous violations and non-compliances.

City Attorney White advised the lien would need to be filed for 90 days before foreclosure.

Consensus: **FORWARD TO THE DECEMBER REGULAR MEETING CONSENT AGENDA.**

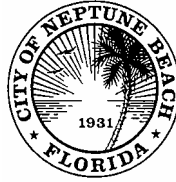
Adjournment There being no further business, the meeting adjourned at 10:05 p.m.

Richard A. Brown, Mayor

Attest:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
REGULAR CITY COUNCIL MEETING
OCTOBER 3, 2005, 7:00 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 October 3, 2005 at 7:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

Mayor Richard A. Brown
Vice Mayor Harriet Pruette
Councilor Eric Pardee
Councilor Larry Shealy
Councilor John Weldon
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

ABSENT:
City Attorney Christopher White

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

Order Call/Pledge

Mayor Brown called the meeting to order at 7:00 p.m. and led the pledge of allegiance.

AWARDS / PRESENTATIONS / RECOGNITION OF GUESTS

Mayor Brown mentioned that Michelle Barth, a representative from Senator Nelson's office, was in the conference room and welcomed any comments or questions that citizens may have for the Senator.

APPROVAL OF MINUTES

Moved by Shealy, seconded by Pruette.

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

SEPTEMBER 12, 2005, SPECIAL CITY COUNCIL MEETING
SEPTEMBER 12, 2005, REGULAR CITY COUNCIL MEETING
SEPTEMBER 19, 2005, SPECIAL CITY COUNCIL MEETING
SEPTEMBER 19, 2005, WORKSHOP CITY COUNCIL MEETING
SEPTEMBER 26, 2005, SPECIAL CITY COUNCIL MEETING
SEPTEMBER 26, 2005, WORKSHOP CITY COUNCIL MEETING

Roll Call Vote:

Ayes: 5 – Pardee, Pruette, Shealy, Weldon, Brown
Noes: 0

MOTION CARRIED

COMMUNICATIONS AND CORRESPONDENCE**Dogs on Beach**

Vice Mayor Pruette asked to place the issue of extending the hours for leashed dogs to be allowed on beach during the winter months, on the October workshop agenda.

Kings Rd. Bridge

Vice Mayor Pruette questioned if Mayor Brown had sent the letter to the City of Jacksonville Beach requesting their Council consider providing aid for rebuilding the Kings Road Bridge, notifying them of the 15 Ton weight limit, and the need for heavier vehicles to have access through their rear gate.

Mayor Brown stated he had spoken with City Manager Jarboe and was informed there was still discussion relating to the bridge among the staff.

City Manager Jarboe stated the bid for the latest design had increased another \$29,000 and the project would need to be rebid. He spoke with the bridge inspectors and was informed that if the load capacity was lowered to 10 tons and used for residential traffic only it would have a longer life span. Notification had been given to contractors and the City of Jacksonville Beach regarding the 10 ton weight limit and the need for the rear gate access.

Councilor Weldon stated Council agreed to a 15 ton weight limit and questioned why it was changed to 10 tons. City Manager Jarboe stated after discussions with the Florida Department of Transportation it was decided to lower the limit to 10 tons.

Councilor Weldon commented that the challenge of rebuilding the Kings Road Bridge needed to be addressed, the cost had already increased \$29,000, and this Council needed to take action and not prolong it for future Councils to deal with.

CITY MANAGER REPORT

City Manager Jarboe reported the total number of tree permits issued by the Building Department this past fiscal year was 101. They were mostly due to hurricane damage.

Councilor Weldon asked the City Manager if the revised tree permit application, eliminating the need to have it notarized, had been updated on the webpage. City Manager Jarboe stated he would make sure that the revised tree permit application was put on the webpage.

PUBLIC COMMENTS

Linda Clyne, 1210 Ocean Front, voiced concern about the dangers of bicyclists not stopping at stop signs on First Street.

City Manager Jarboe advised Ms. Clyne that Chief Sembach was currently conducting a traffic study which would be presented at the October workshop meeting.

CONSENT AGENDA / NONE**VARIANCES / NONE****ORDINANCES****Ord. No. 2005-18**

ORDINANCE NO. 2005-18, AMENDING THE OPERATING BUDGET FOR FISCAL YEAR 2004-2005. SECOND READ AND PUBLIC HEARING: AN ORDINANCE AMENDING THE OPERATING BUDGET FOR THE CITY OF NEPTUNE BEACH, FLORIDA FOR FISCAL YEAR 2005 BEGINNING OCTOBER 1, 2004 AND ENDING SEPTEMBER 30, 2005.

Mayor Brown read Ordinance No. 2005-18 by title only and opened the public hearing.

There being no comments from the public, the public hearing was closed

Moved by Pruette, seconded by Shealy.

Motion: **TO ADOPT ORDINANCE NO. 2005-18 ON SECOND READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 5 – Pardee, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

Ord. No. 2005-19

ORDINANCE NO. 2005-19, AMENDING SECTION 9(A), QUALIFYING OF CANDIDATES, SECOND READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING SECTION 9-5(A), QUALIFYING OF CANDIDATES AND PROVIDING AN EFFECTIVE DATE.

Mayor Brown read Ordinance No. 2005-19 by title only and opened the public hearing.

There being no comments from the public, the public hearing was closed.

Moved by Weldon, seconded by Pruette.

Motion: **TO ADOPT ORDINANCE NO. 2005-19 ON SECOND READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 5 – Pardee, Pruette, Shealy, Weldon, Brown.

Noes: 0

MOTION CARRIED

Ord. No. 2005-20

ORDINANCE 2005-20, AMENDING CHAPTER 27, SECTION 27-479 SIDEWALKS & BIKEWAYS, SECOND READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 27, SECTION 27-479 SIDEWALKS AND BIKEWAYS AND PROVIDING AN EFFECTIVE DATE.

Mayor Brown read Ordinance No. 2005-20 by title only and opened the public hearing.

There being no comments from the public, the public hearing was closed.

Moved by Shealy, seconded by Weldon.

Motion: **TO ADOPT ORDINANCE NO. 2005-20 ON SECOND READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 5 – Pardee, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

OLD BUSINESS

Caribbee Key

CARIBBEE KEY SIDEWALK LEASE AGREEMENT: Amending the lease agreement to require a police officer presence on Friday and Saturday nights between the hours of 10:00 p.m. and 2:00 a.m., and extending the hours for the sidewalk dining area until 11:00 p.m.

Vice Mayor Pruette stated that Councilor Weldon had asked to add to the lease agreement that guest must be completely out of the outdoor dining area by 11:00 p.m. City Clerk Volpe advised the lease did say that, but she would be correct the time to 11 pm.

Moved by Shealy, seconded by Pardee.

Motion: **TO APPROVE THE AMENDED LEASE AGREEMENT AND THE EXTENDED HOURS.**

Roll Call Vote:

Ayes: 5 – Pardee, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

NEW BUSINESS / NONE

Vice Mayor Pruette stated she would share the email she received from Councilor Weldon regarding affordable housing with the City of Atlantic Beach.

Councilor Weldon explained the article showed the idea of taking a place like the condemned Palm Garden Apartments in Atlantic Beach and offering developers incentives to design affordable housing for teachers, firemen, police officers, etc.

Adjournment

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

Richard A. Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
SPECIAL CITY COUNCIL MEETING
OCTOBER 17, 2005 AT 6:00 P.M.
CITY HALL, 116 FIRST STREET
NEPTUNE BEACH, FLORIDA

Pursuant to proper notice a Special Meeting of the City Council of the City of Neptune Beach was held October 17, 2005 at 6:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

Mayor Richard A. Brown
Vice Mayor Pruette
Councilor Eric Pardee
Councilor John Weldon
City Manager James Jarboe
City Clerk Lisa Volpe, CMC

ABSENT:

Councilor Larry Shealy
City Attorney Chris White

STAFF:

Director of Community Development Jason Cleghorn
Director of Finance Steve Ramsey
Director of Public Safety David Sembach
Director of Public Services Leon Smith
Deputy City Clerk Karla Strait, CMC
Assistant to the Building Official Piper Turner
Code Enforcement Officer John Webber

Order Call

Mayor Brown called the special meeting to order at 6:00 p.m. and announced the purpose of the meeting.

PRESENTATION OF DONATION TO NORTH EAST FLORIDA AMERICAN RED CROSS: Senior Activities Director Leslie Lyne explained the hurricane relief function held in Town Center on September 24th raised \$13,100.00 for the victims of Hurricane Katrina. She presented a check for said amount to Jack Morgan of the Northeast Florida Red Cross.

**Appeal
Wood / Big Ben's
1309 Big Tree**

APPEAL OF ADMINISTRATIVE DECISION – MARK WOOD, 1309 BIG TREE ROAD: City Manager Jarboe explained in accordance with Section 27-452 of the Code of Ordinances, Mr. Mark Wood and Big Ben's Tree Service were each fined \$4,700.00 for removal of a heritage tree without a permit. The Board of Appeals heard both appeals September 21st and upheld the decision of the city.

Code Enforcement Officer John Webber explained he and Community Development Director Jason Cleghorn witnessed Big Ben's Tree Service cutting up a large oak tree at 1309 Big Tree Road. Upon further investigation they determined a permit had not been issued for removal of the tree. They did not observe any decay throughout any of the remaining tree sections and the stump appeared to be completely healthy.

Mr. Mark Wood, 1309 Big Tree Road, stated in advance of the approaching hurricane season he hired Big Ben's Tree Service to inspect the trees on his property. Big Ben's Tree Service determined at the time of their inspection that this particular tree was in danger of falling and needed to be removed. The next day the company came out to remove the tree. He was asked by a representative of the tree company if he had obtained a permit in which he replied "no" he was not aware that one was needed. At that time, around 7:00 a.m., his wife telephoned City Hall to inquire about obtaining a permit and received no answer from City Hall. She called back later that day and the line was busy.

Councilor Weldon asked Mr. Wood how much money Big Ben's Tree Service charged him to remove the tree. Mr. Wood responded \$1,600.00.

Bennett Geiger, owner of Big Ben's Tree Service, 2717 St. Johns Bluff Road, explained the tree was not safe due to a separation of the wood and he felt the tree needed to be removed as soon as possible. He advised the lady of the house she needed to get a permit from the city.

Councilor Weldon asked Mr. Geiger if his crew was aware that a permit had not been obtained for the tree removal, to which Mr. Geiger replied "yes".

Councilor Weldon asked Mr. Geiger why the crew did not insist on seeing a permit before beginning the work. Mr. Geiger responded due to safety purposes it was against his better judgment to wait for the permit to be obtained. Mr. Geiger added it was preprinted on the invoice that it was the property owner's responsibility to obtain the permit.

Councilor Pruette stated citizens relied on professional contractors for guidance and the contractor should be held responsible.

Councilor Pardee stated citizens relied on contractors to be aware of the laws and he felt it was the contractor's responsibility to obtain a permit and have it on site before beginning the work.

Councilor Weldon felt blame was shared however he felt the penalty was too extreme. He recommended fining the property owner \$500.00 and Big Ben's Tree Service \$1,600.00, the amount the property owner was charged to have the tree removed.

Councilor Pardee felt it should be contractor's responsibility and recommended not fining the property owner but fining Big Ben's the full amount of \$4,700.

Councilor Pruette agreed the property owner should not be fined.

Mayor Brown felt the penalty was too extreme and recommended the property owner be fined \$100.00 and the contractor \$250.00.

Councilor Weldon emphasized the decision would create a precedent and Big Ben's Tree Service should at the least not profit.

Moved by Weldon.

Motion: **TO FINE THE HOMEOWNER \$250.00 FOR FAILING TO GET A PERMIT AND FINE BIG BEN'S TREE SERVICE \$1,600.00.**

MOTION DIED FOR LACK OF A SECOND.

Moved by Pardee, seconded by Pruette.

Motion: **TO FINE THE CONTRACTOR \$3,600, \$100.00 PER DIAMETER INCH OF THE TREE AND NOT FINE THE HOMEOWNER FOR FAILURE TO PULL A PERMIT.**

Councilor Weldon stated that would be setting a bad precedent for property owners.

Roll Call Vote:

Ayes: 2 – Pardee, Pruette

Noes: 2 – Weldon, Brown

MOTION FAILED

Moved by Weldon.

Motion: **TO FINE THE CONTRACTOR \$1,600.00 AND THE PROPERTY OWNER \$100.00.**

MOTION DIED FOR LACK OF SECOND.

Moved by Pruette, seconded by Pardee.

Motion: **TO FINE THE HOMEOWNER \$100.00 AND THE CONTRACTOR \$3,600.**

Roll Call Vote:

Ayes: 3 – Pardee, Pruette, Weldon

Noes: 1 – Brown

MOTION CARRIED

Adjournment

There being no further business, the meeting adjourned at 7:05 p.m.

Richard Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



**MINUTES
WORKSHOP CITY COUNCIL MEETING
OCTOBER 17, 2005, AT 7:15 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 October 17, 2005 at 7:15 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

Mayor Richard A. Brown
Vice Mayor Harriet Pruette
Councilor Eric Pardee
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

ABSENT:

Councilor Larry Shealy
Councilor John Weldon
City Attorney Christopher White

STAFF:

Community Development Director Jason Cleghorn
Director of Finance Steve Ramsey
Director of Public Safety David Sembach
Director of Public Services Leon Smith
Deputy City Clerk Karla Strait, CMC

Call to Order/Roll Call Mayor Brown called the meeting to order at 7:15 p.m.

PRESENTATIONS / NONE

COMMITTEE REPORTS / NONE

CITY MANAGERS ACTION LIST

City Manager Jarboe stated due to the lengthy workshop agenda for tonight's meeting, the presentation of the traffic study by Chief Sembach was deferred to the November workshop meeting.

City Clerk Lisa Volpe advised the Council since the regularly scheduled November workshop would fall on the week of the Thanksgiving holiday and they may wish to change the date due to holiday plans.

PUBLIC COMMENTS

The following citizens were in favor of closing the Kings Road Bridge:

- Gary Kirkland, 1811 Indian Woods Drive
- Ben Franco, 1806 Indian Woods Drive
- Stephen Carter, 1723 Indian Woods Drive
- Mark Dillon, 1550 Kings Road
- Greg Bossow, 1872 Seagate Avenue

PROPOSED ORDINANCES

Ord. No. 2005-xx
Public Right of Way

ORDINANCE NO. 2005-XX, AMENDING CHAPTER 18, STREETS, SIDEWALKS AND OTHER PUBLIC PLACES: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING THE EXISTING CHAPTER 18, STREETS, SIDEWALKS AND OTHER PUBLIC PLACES, ADDING SECTION 18-3, USE OF PUBLIC RIGHT OF WAY, AND PROVIDING AN EFFECTIVE DATE.

City Manager Jarboe stated this was so the city would not be responsible for redoing expensive driveways that were on city right of ways.

Vice Mayor Pruette agreed to sponsor the Ordinance.

Consensus: **FORWARD TO THE NOVEMBER REGULAR MEETING FOR FIRST READ.**

Ord. 2005-xx
Utility Deposits

ORDINANCE NO. 2005-XX, AMENDING CHAPTER 23, UTILITIES: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 23 UTILITIES ARTICLE IV WATER AND SEWER SERVICE CHARGES AMENDING SECTION 23-83(G) SECURITY DEPOSITS AND PROVIDING AN EFFECTIVE DATE.

City Manager Jarboe stated the verbiage on multi unit water meters had been accidentally left out of the prior ordinance change. He also stated the additional deposit was not necessary.

Consensus: **STRIKE OUT THE ADDITIONAL DEPOSIT REQUIREMENT AND FORWARD TO NOVEMBER FOR FIRST READ.**

CONTRACTS / AGREEMENTS

Florida Blvd.
Landscape

AGREEMENT BETWEEN THE CITY OF JACKSONVILLE AND THE CITY OF NEPTUNE BEACH FOR FUNDING ASSISTANCE FOR THE CONSTRUCTION OF STREETScape ALONG THE WESTERN SIDE OF FLORIDA BOULEVARD BETWEEN KINGS CIRCLE AND BAY ROAD:

Consensus: **TO ALLOW CITY MANAGER JARBOE TO NEGOTIATE THE CONTRACT AND PRESENT IT TO THE COUNCIL FOR APPROVAL AT THE NOVEMBER REGULAR COUNCIL MEETING.**

ISSUE DEVELOPMENT

Kings Rd. Bridge

KINGS ROAD BRIDGE DISCUSSION: Councilor Pardee had sent a letter to the residents within the Kings Road bridge area. The letter offered alternate plans to rebuilding the bridge and asked for their feedback. After consideration of the responses from the residents Councilor Pardee suggested rebuilding the Seagate Avenue bridge. He had checked with the City of Jacksonville's engineering department and found because the road previously existed mitigation fees would not be required. He stated culverts could be installed. The cost of the Seagate bridge would be considerably less than the cost to rebuild the Kings Road bridge and could be shared by Jacksonville Beach. The second part of Councilor Pardee's plan was to remove the Kings Road bridge and restore the wetlands.

City Manager Jarboe asked Councilor Pardee if the City of Jacksonville had prepared a cost estimate. Councilor Pardee stated he had inquired as to a cost estimate and was

informed that City of Jacksonville Councilman Art Graham, representative for the beaches, would need to become involved. City Council discussed this idea.

Consensus: **FOR CITY MANAGER JARBOE TO PRESENT THE IDEA TO JACKSONVILLE BEACH CITY MANAGER GEORGE FORBES AND CONTACT THE CITY OF JACKSONVILLE AND TO PROVIDE INFORMATION TO THE COUNCIL AT THE NOVEMBER WORKSHOP MEETING.**

Waste Services of FL.

WASTE SERVICES OF FLORIDA FUEL SURCHARGE: City Manager Jarboe recommended a fuel increase for Waste Services of Florida of 1.5 or 2% for the next six or seven months of their contract.

Consensus: **OKAY A 2% FUEL INCREASE FOR WASTE SERVICES OF FLORIDA AND FORWARD TO THE NOVEMBER REGULAR MEETING FOR APPROVAL.**

RFP's for Garbage Services

REQUEST FOR PROPOSALS FOR GARBAGE SERVICES: City Manager Jarboe stated Waste Services of Florida was nearing the end of their five year contract. He would like for the Council to allow him to start gathering information and prepare a bid sheet for request for proposals.

Consensus: **FOR CITY MANAGER JARBOE TO MOVE FORWARD WITH GATHERING INFORMATION FOR REQUESTS FOR PROPOSALS FOR WASTE SERVICE.**

Res. No. 2005-XX
Players by the Sea

RESOLUTION NO. 2005-XX, RECOGNIZING THE PLAYERS BY THE SEA FOR THE ORGANIZATION'S 40TH ANNIVERSARY: Mayor Brown stated he would be presenting the Resolution to Player's by the Sea at the December regular meeting.

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

Res. No. 2005-XX
City Clerk Salary

RESOLUTION NO. 2005-XX, INCREASING THE SALARY OF THE CITY CLERK:

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

Vice Mayor Pruette asked to place the tree ordinance on the November workshop meeting for discussion.

Adjournment

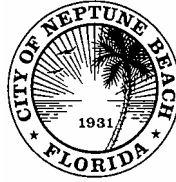
There being no further business, the meeting adjourned at 8:10 p.m.

Attest:

Richard A. Brown, Mayor

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
REGULAR CITY COUNCIL MEETING
SEPTEMBER 12, 2005, 6:08 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 September 12, 2005 at 6:08 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

Mayor Richard A. Brown
Vice Mayor Harriet Pruette
Councilor Eric Pardee
Councilor Larry Shealy
Councilor John Weldon
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

ABSENT:

City Attorney Christopher White

STAFF:

Community Development Director Jason Cleghorn
Director of Public Safety David Sembach
Director of Public Services Leon Smith
Deputy City Clerk Karla Strait, CMC

Order Call/Pledge

Mayor Brown called the meeting to order at 6:08 p.m. and led the pledge of allegiance.

AWARDS / PRESENTATIONS / RECOGNITION OF GUESTS / NONE

APPROVAL OF MINUTES

Moved by Shealy, seconded by Pruette.

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

AUGUST 1, 2005, REGULAR COUNCIL MEETING
AUGUST 15, 2005, WORKSHOP COUNCIL MEETING

Roll Call Vote:

Ayes: 5 – Pardee, Pruette, Shealy, Weldon, Brown
Noes: 0

MOTION CARRIED

COMMUNICATIONS AND CORRESPONDENCE

Mayor Brown stated he received a telephone call from City of Jacksonville Mayor John Peyton regarding hurricane preparedness procedures. Mayor Peyton would like to work with the beaches cities in providing information to citizens regarding the seriousness of hurricanes.

City Manager Jarboe received a letter from the Florida Department of Transportation stating they were unable to assist with the reconstruction of the Kings Road Bridge at this time, but the project would remain on the list.

Vice Mayor Pruette asked the City Manager to provide information regarding the Council's and City's role in hurricane preparedness and evacuation procedures at the September workshop meeting,

Councilor Weldon asked staff to research the weight limits and restrictions of the Kings Road Bridge for the September workshop. He felt the City of Jacksonville Beach was not taking the need for the replacement of the bridge seriously. He added since it also served Jacksonville Beach residents, the access on the Jacksonville Beach side may need to be opened.

Councilor Pardee advised that the Federal Emergency Management Association provided online disaster training. It would be useful to not only staff but city councilors.

Vice Mayor Pruette stated a hurricane relief function would be held in Town Center on Saturday, September 24th from 12:00 p.m. to 7:00 p.m. The proceeds would be donated to the American Red Cross in order to assist the victims of Hurricane Katrina.

CITY MANAGER REPORT

City Manager Jarboe reported the following:

- He had written a letter regarding the city's accomplishments during the year that was placed at the beginning of the Fiscal Year Budget.
- The drainage project on Orange Street that was designed and completed by the Public Services Department had worked well. There was no standing water during the recent storms.
- He met with department heads regarding storm preparations during the recent hurricane watches.

Agenda Amendment City Manager Jarboe asked to move the first read of Ordinance No. 2005-18 to the beginning of the agenda.

Ord. No. 2005-18 ORDINANCE NO. 2005-18, AMENDING THE OPERATING BUDGET FOR FISCAL YEAR 2004-2005, FIRST READ: AN ORDINANCE AMENDING THE OPERATING BUDGET FOR THE CITY OF NEPTUNE BEACH, FLORIDA FOR FISCAL YEAR 2005 BEGINNING OCTOBER 1, 2004 AND ENDING SEPTEMBER 30, 2005.

Moved by Shealy, seconded by Pardee.

Motion: **TO PASS ORDINANCE NO. 2005-18 ON FIRST READ.**

Roll Call Vote:

Ayes: 5 – Pardee, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

PUBLIC COMMENTS

Don Snyder, 572 Seagate Avenue, was concerned about traffic problems during the hours before and after school. He suggested placing a stop sign at the westbound intersection of Seagate Avenue and Fifth Street, thereby creating a three way stop.

CONSENT AGENDA

Generator **APPROVAL OF BID FOR PURCHASE OF A GENERATOR:** Approval of bid from Flint Power Systems in the amount of \$20,750 for the purchase of a generator.

Res. No. 2005-09 **RESOLUTION NO. 2005-09: A RESOLUTION FOR A LEGISLATIVE BODY RELATING TO A MONEY PURCHASE PLAN.**

Moved by Pruette, seconded by Shealy.

Motion: **TO APPROVE THE CONSENT AGENDA.**

Roll Call Vote:

Ayes: 5 – Pardee, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

ORDINANCES

Ord. No. 2005-13 **ORDINANCE NO. 2005-13, AMENDING CHAPTER 23, UTILITIES, SECOND READ AND PUBLIC HEARING:** AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 23 UTILITIES, ARTICLE IV WATER AND SEWER SERVICE CHARGES, AMENDING SECTION 23-83(G) SECURITY DEPOSITS AND PROVIDING AN EFFECTIVE DATE.

Mayor Brown read Ordinance No. 2005-13 by title only and opened the public hearing.

There being no comments from the public, the public hearing was closed

Moved by Weldon, seconded by Pruette.

Motion: **TO ADOPT ORDINANCE NO. 2005-13 ON SECOND READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 5 – Pardee, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

Ord. No. 2005-14 **ORDINANCE NO. 2005-14, AMENDING CHAPTER 2, ADMINISTRATION, SECOND READ AND PUBLIC HEARING:** AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 2 ADMINISTRATION, ARTICLE VI FINANCE BY ADDING SECTION 2-364 SURPLUS PROPERTY AND PROVIDING AN EFFECTIVE DATE.

Mayor Brown read Ordinance No. 2005-14 by title only and opened the public hearing.

There being no comments from the public, the public hearing was closed.

Moved by Pardee, seconded by Pruette.

Motion: **TO ADOPT ORDINANCE NO. 2005-14 ON SECOND READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 5 – Pardee, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

Ord. No. 2005-15

ORDINANCE NO. 2005-15, AMENDING CHAPTER 6, SECOND READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 6, SECTION 6-4 NUISANCES CAUSED BY ANIMALS, SEC. 6-32 DOGS ON THE BEACH AND SEC. 6-33 EXCEPTIONS; DELETING SEC. 6-31 REGISTRATION AND LICENSING REQUIRED AND PROVIDING AN EFFECTIVE DATE.

Mayor Brown read Ordinance No. 2005-15 by title only and opened the public hearing.

There being no comments from the public, the public hearing was closed.

Moved by Pardee, seconded by Weldon.

Motion: **TO ADOPT ORDINANCE NO. 2005-15 ON SECOND AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 5 – Pardee, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

Ord. No. 2005-19

ORDINANCE NO. 2005-19, AMENDING SECTION 9(A), QUALIFYING OF CANDIDATES, FIRST READ: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING SECTION 9-5(A), QUALIFYING OF CANDIDATES AND PROVIDING AN EFFECTIVE DATE.

Councilor Weldon agreed to sponsor Ordinance No. 2005-19.

Moved by Weldon, seconded by Pruette.

Motion: **TO PASS ORDINANCE NO. 2005-19 ON FIRST READ.**

Roll Call Vote:

Ayes: 5 – Pardee, Pruette, Shealy, Weldon, Brown.

Noes: 0

MOTION CARRIED

Ord. No. 2005-20

ORDINANCE 2005-20, AMENDING CHAPTER 27, SECTION 27-479 SIDEWALKS & BIKEWAYS, FIRST READ: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 27, SECTION 27-479 SIDEWALKS AND BIKEWAYS AND PROVIDING AN EFFECTIVE DATE.

Mayor Brown stated that although Mr. John Brocato, owner of Caribbee Key, withdrew his request to extend the outdoor seating from 10:00 p.m. to 11:00 p.m., he felt the request was not handled properly and asked for Ordinance be placed back on the agenda.

Councilor Weldon felt once a proposal was made to the Council at a workshop meeting and forwarded for a vote by the council, the applicant should not be allowed to take the item off the agenda, only council could take something off the agenda.

Vice Mayor Pruette suggested placing language in the Ordinance that would require the establishment to hire an off duty police officer.

Councilor Shealy stated an off duty officer should not be a problem because Mr. Brocato agreed to it at the workshop meeting.

Mayor Brown stated Council had total control over the lease agreement. He felt the city should not micromanage businesses by requiring them to hire off duty police officers.

Moved by Weldon, seconded by Shealy.

Motion: **TO PASS ORDINANCE NO. 2005-20 ON FIRST READ AND FORWARD TO THE WORKSHOP FOR FURTHER DISCUSSION.**

Roll Call Vote:

Ayes: 5 – Pardee, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

OLD BUSINESS / NONE

VARIANCES

V05-26
220 First St.
Goelz

VARIANCE REQUEST OF TOM AND DONNALEA GOELZ, 220 FIRST STREET: The proposed variance was for the north side setback and the number and size of parking spaces. The entire project was to renovate the structure and add an elevator to comply with fire codes. The first floor would be for retail sales and the second floor would be used as a dance studio.

Vice Mayor Pruette suggested, because the access to the parking lot was so small, that Mr. Goelz post a sign prohibiting trucks and sports utility vehicles from entering.

Moved by Shealy, seconded by Weldon.

Motion: **TO APPROVE VARIANCE REQUEST V05-26 AS RECOMMENDED BY THE PLANNING AND DEVELOPMENT REVIEW BOARD.**

Roll Call Vote:

Ayes: 5 – Pardee, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

Recess/Reconvene

Mayor Brown called a recess at 7:06 p.m. and reconvened the meeting at 7:15 p.m.

NEW BUSINESS

Replat
1008 Ocean Front

APPROVAL OF REPLAT FOR MR. BARRY GRAHEK, 1008 OCEAN FRONT: Mr. Joe Cronk, Cronk Duch Architects, stated the application was to replat thereby creating two conforming lots and to allow access to the northern lot through the Bay Street beach access.

Mayor Brown asked for clarification as to Mr. John Kowkabany's concerns about the driveway. Mr. Cronk passed out an alternate drive plan that moved the driveway seven feet to the east to allow more room for a right of way in the rear of Mr. John Kowkabany's

property. Mr. Cronk explained that he spoke with the majority of abutting neighbors to address their concerns. He also reworked the house so that an adjacent property owner would have some view of the ocean.

Councilor Weldon question the turning radius of the driveway which Mr. Cronk said was the minimum for a normal vehicle to turn.

Mayor Brown complemented the proposal in keeping within the character of the neighborhood.

Councilor Weldon asked if it was now one lot. Mr. Cronk stated it was already two lots. They are just rotating the lots. Councilor Weldon asked what was Mr. Grahek's role in the process? Mr. Cronk stated when the process began Mr. Grahek was the owner but since then they closed on the property and now they were on the owner.

Mr. Cronk clarified they were going to build a new house on the northern lot and refurbish the existing house on the southern lot.

Councilor Weldon asked Mr. Cronk if they had considered access through a Palm Place easement across the southern lot. Mr. Cronk answered, they had considered all options. Palm Place is an alley and adding traffic would cause more problems.

Councilor Weldon questioned the type of material that would be used for the driveway. Mr. Cronk replied pervious architectural pavers would be used. He had also suggested landscaping but the Planning and Development review board had stated the idea was to minimize the intrusion into the right of way and maximize the effect of the beach access.

Councilor Weldon felt the northern most landscaping may leave an impression of a private drive and it would better to save all landscaping for the southern edge of the drive. Discussion ensued regarding the landscaping of the northern lot and the appearance of private property on the beach access. Especially the fact that there should not be bushes on the north side of the driveway.

Vice Mayor Pruette felt the access would be detrimentally affected especially since Mr. Haycock would be accessing his lot from the other side of the Bay Street access. This would negatively impact the access. She asked if Mr. Cronk could use the Palm Place easement for access to the northern lot and city would allow him to use the beach access until the houses was built. Mr. Cronk stated he had difficulty with this because it would require an easement between two property owners. He had discussed this with the city staff and been led to understand that type of easement would not be permanently binding. There would also be drainage issues.

Councilor Weldon pointed out there would be a lot of vegetation cut out of the access because of Mr. Haycock's impending drive. He suggested that Mr. Cronk coordinate with the property owner on the opposite side so they are consistent. This would allow for the public beach access not to appear to be private property. Councilor Shealy felt the council would need the other property owner's plan before they ask for them to coordinate. Mayor Brown did not see the need.

Vice Mayor Pruette felt there is another access to the property other than beach access. She felt the access would be adversely affected by the driveways. Mayor Brown commented that it would always be an access regardless of the driveways. Councilor Weldon stated he would support the replat and asked Mr. Cronk to be aware of the impact made by the northern access neighbors.

Mr. Cronk assured Council the driveway on the beach access would be minimal and would not be made to look as though it were a private drive. He agreed to coordinate with the other property owners.

Moved by Shealy, seconded by Pardee.

Motion: **TO APPROVE PLANNING BOARDS APPROVAL OF THE VARIANCE FOR THE REPLAT AMENDED TO INCLUDE THE MINOR ADJUSTMENT OF THE DRIVEWAY.**

Mr. Eliot Hindman, 113 Bay Street, spoke in favor of the replat.

Roll Call Vote:

Ayes: 4 – Pardee, Shealy, Weldon, Brown

Noes: 1 – Pruette.

MOTION CARRIED

Adjournment

There being no further business, the meeting adjourned at 7:48 p.m.

Richard A. Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
SPECIAL CITY COUNCIL MEETING
SEPTEMBER 12, 2005 AT 6:00 P.M.
CITY HALL, 116 FIRST STREET
NEPTUNE BEACH, FLORIDA

Pursuant to proper notice a Special Meeting of the City Council of the City of Neptune Beach was held September 12, 2005 at 6:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

Mayor Richard A. Brown
Vice Mayor Pruette
Councilor Eric Pardee
Councilor Larry Shealy
Councilor John Weldon
City Manager James Jarboe
City Clerk Lisa Volpe, CMC

ABSENT:

City Attorney Christopher White

STAFF:

Director of Community Development Jason Cleghorn
Director of Finance Steve Ramsey
Director of Public Safety David Sembach
Director of Public Services Leon Smith
Deputy City Clerk Karla Strait, CMC

Order Call

Mayor Brown called the special meeting to order at 6:00 p.m. and announced the purpose of the meeting was the first reading and public hearings for adopting the final millage rate and budget.

Ord. No. 2005-16

ORDINANCE NO. 2005-16, ADOPTING THE FINAL MILLAGE RATE, FIRST READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, ADOPTING FINAL MILLAGE RATES AND LEVYING AD VALOREM TAXES FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2005 AND ENDING SEPTEMBER 30, 2006; SETTING FORTH CERTAIN INFORMATION REGARDING "ROLLED BACK RATES"; DIRECTING THE CITY MANAGER TO ADJUST THE ADOPTED MILLAGE RATES IN THE EVENT OF CHANGES IN THE ASSESSMENT ROLL AND TAXABLE VALUE; PROVIDING AN EFFECTIVE DATE.

Mayor Brown read Ordinance No. 2005-16 by title only and opened the public hearing.

There being no comments from the public, the public hearing was closed.

Moved by Pruette, seconded by Weldon.

Motion: **TO PASS ORDINANCE NO. 2005-16 ON FIRST READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 5 – Pardee, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

Ord. No. 2005-17

ORDINANCE NO. 2005-17, ADOPTING A FINAL BUDGET, FIRST READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA ADOPTING A FINAL BUDGET AND APPROPRIATING FUNDS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2005, AND ENDING SEPTEMBER 30, 2006, PROVIDING AN EFFECTIVE DATE.

Mayor Brown read Ordinance No. 2005-17 by title only and opened the public hearing.

There being no comments from the public, the public hearing was closed.

Moved by Weldon, seconded by Pruette.

Motion: **TO PASS ORDINANCE NO. 2005-17 ON FIRST READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 5 – Pardee, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

Adjournment

There being no further business, the meeting adjourned at 6:08 p.m.

Richard Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
SPECIAL CITY COUNCIL MEETING
SEPTEMBER 19, 2005 AT 7:00 P.M.
CITY HALL, 116 FIRST STREET
NEPTUNE BEACH, FLORIDA

Pursuant to proper notice a Special Meeting of the City Council of the City of Neptune Beach was held September 19, 2005 at 7:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

Mayor Richard A. Brown
Vice Mayor Pruette
Councilor Eric Pardee
Councilor John Weldon
City Manager James Jarboe
City Clerk Lisa Volpe, CMC

ABSENT:

Councilor Larry Shealy
City Attorney Christopher White

STAFF:

Director of Community Development Jason Cleghorn
Director of Finance Steve Ramsey
Director of Public Safety David Sembach
Director of Public Services Leon Smith
Deputy City Clerk Karla Strait, CMC

Order Call

Mayor Brown called the special meeting to order at 7:00 p.m. and announced the purpose of the meeting was to approve the Beaches Hurricane Katrina Relief event.

Hurricane Katrina Event

APPROVAL OF THE BEACHES HURRICANE KATRINA RELIEF EVENT:

Moved by Weldon, seconded by Pruette.

Motion: **TO AUTHORIZE THE CITY MANAGER TO WAIVE THE CODE PROHIBITING ALCOHOL SALES FOR THE HURRICANE KATRINA RELIEF EVENT.**

Roll Call Vote:

Ayes: 4 – Pardee, Pruette, Weldon, Brown
Noes: 0
Absent 1 - Shealy

MOTION CARRIED

Adjournment

There being no further business, the meeting adjourned at 7:05 p.m.

Richard Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
WORKSHOP CITY COUNCIL MEETING
SEPTEMBER 19, 2005, AT 7:05 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 September 19, 2005 at 7:05 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

Mayor Richard A. Brown
Vice Mayor Harriet Pruette
Councilor Eric Pardee
Councilor John Weldon
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

ABSENT:

Councilor Larry Shealy
City Attorney Christopher White

STAFF:

Community Development Director Jason Cleghorn
Assistant to the City Manager Terry Klein
Director of Finance Steve Ramsey
Director of Public Safety David Sembach
Director of Public Services Leon Smith
Deputy City Clerk Karla Strait, CMC

Call to Order/Roll Call Mayor Brown called the meeting to order at 7:05 p.m.

PRESENTATIONS / NONE

COMMITTEE REPORTS / NONE

CITY MANAGERS ACTION LIST

City Manager Jarboe stated there were eleven uncompleted items on his Action List. He expected them to be completed by the end of October. He asked the Council if they had any questions regarding the list.

Vice Mayor Pruette questioned the status of the Florida Boulevard Landscaping project. Mr. Jarboe replied he was waiting on the City of Jacksonville to approve the funding.

Vice Mayor Pruette asked when citizens would receive the 5% rate reduction on flood insurance. Mr. Jarboe replied it should be noted on their next insurance bill.

PUBLIC COMMENTS

The following citizens supported a designated area on the beach in which dogs would be allowed to run unleashed during a designated time period.

- Candy Sullivan, 220 South Street
- Joshua Bolton, 1320 South Street
- Linda Clyne, 1210 Ocean Front
- Chuck Chambliss, 1632 Strand Street
- Ann Hindman, 113 Bay Street (or any other designated area within the city)
- Madonna Williams, 207 Davis Street

The following citizens opposed allowing a designated area and time period for unleashed dogs to run on the beach.

- Mary Ann Padrta, 1030 Second Street
- Alan Martin, 1115 First Street
- Lynda Padrta, 1113 First Street
- Edith Butner, 226 Magnolia Street

Candy Sullivan, 220 South Street, also suggested increasing the hours to allow leashed dogs on the beach during the winter months, because it was dark much earlier. The following citizens supported the suggestion:

- Joshua Bolton, 1320 First Street
- Linda Clyne, 1210 Ocean Front
- Chuck Chambliss, 1632 Strand Street
- Ann Hindman, 113 Bay Street
- Madonna Williams, 207 Davis Street

PROPOSED ORDINANCES / NONE**CONTRACTS / AGREEMENTS / NONE****ISSUE DEVELOPMENT****Dogs on the Beach**

DOGS ON THE BEACH: Robert McAteer, 1731 Penman Road, proposed designating the area on the beach between Seagate Avenue and Hopkins Street to be a restricted area from 6:00 p.m. to 7:00 p.m. where dog owners could allow their dogs to run unleashed. He felt the benefits would be: 1) Dogs and their owners could run and exercise, 2) dogs could play in the water, 3) dogs could play with each other, and 4) the dogs would be able to fetch. He asked Council to consider the suggestion for a 30 day trial period.

Councilor Pardee was concerned that the one block area would be overcrowded once it became well known throughout the beach cities.

Mayor Brown stated the area behind the church would be a good location because it was not residential, however, his mission tonight was only to hear the proposal.

Vice Mayor Pruette was concerned about liability issues and how the dogs would be contained within the restricted area. She suggested Mr. McAteer propose a dog park somewhere else within the city limits where the dogs could be contained. She added that she would support increasing the hours for dogs to be allowed on the beach during the winter months.

Mayor Brown voiced concern about how the designated area would be organized and controlled.

Councilor Weldon stated the proposal appeared good on the surface, but he felt it was not practical. He was open to supporting a fenced dog park elsewhere in the city. He supported increasing the hours for leashed dogs to be allowed on the beach during the winter months.

Mayor Brown thanked Mr. McAteer for his proposal and stated the Council would discuss the issue with staff.

Hurricane
Preparedness Plan

HURRICANE PREPAREDNESS PLAN: City Manager Jarboe briefed the Council on the Hurricane Preparedness Plan and each departments' duties and responsibilities during pre-hurricane conditions, evacuation procedures, and post-hurricane recovery procedures.

Councilor Weldon asked the City Manager to prepare a registry of elderly and disabled citizens to have on hand in order to provide them assistance during hurricane evacuation orders.

City Manager Jarboe replied the City of Jacksonville kept a registry of elderly and disabled citizens at the Emergency Preparedness Center. He would retrieve that information and duplicate only the Neptune Beach citizens.

Vice Mayor Pruette felt citizens needing transportation to public shelters needed to be reminded every three to four months that there would be a staging point at Fletcher High School where buses would load and transport them to safety.

Councilor Pardee agreed the elderly and disabled needed to be provided assistance. He felt the Hurricane Preparedness Plan held people accountable and was very thorough.

Councilor Pardee cautioned citizens on the dangers of generators and the need to have them installed by a licensed electrician.

Park Place Apts.

PARK PLACE APARTMENTS FENCING: Roger Van Dusen, 131 32nd Avenue, Jacksonville Beach, and Fred Cattar, 1501 Big Tree Road, Neptune Beach, both of whom had partial ownership in Park Place Apartment buildings stated they had spoken with the other owners regarding the possibility of converting the apartments into condominiums. They had also hired an attorney to help guide them through the necessary steps. The owners were in agreement of fencing the property facing Third Street, but would like to consider all options for fencing while at the same time converting the property to condominiums. They should have a proposal before Council within a few months.

Councilor Weldon stated he appreciated their efforts and hoped the Council would hear back from them within a timely fashion.

Kings Rd. Bridge

KINGS ROAD BRIDGE REPLACEMENT: City Manager Jarboe stated there were still problems with heavy trucks crossing the Kings Road Bridge. The Florida Department of Transportation suggested posting a 15 Ton Weight Limit sign on the bridge, which Public Works was working on completing. He would be meeting with Jacksonville Beach City Manager George Forbes next week in an effort to arrange to have the back entrance, from Jacksonville Beach, opened for the heavy truck traffic.

Councilor Weldon was concerned about the liabilities of personal injuries and vehicular damages. He felt the replacement of the bridge should not be dismissed just because the previous bids were too high. He felt a plan of action needed to be implemented for the replacement Kings Road Bridge.

Councilor Pardee agreed with the 15 Ton Weight Limit and with having the heavy trucks enter the area through the rear entrance, however, he opposed the permanent opening of the rear entrance.

City Manager Jarboe explained the Florida Department of Transportation still had outstanding projects waiting to be completed. Contractors were back logged due to last year's hurricane season. He stated if the Council wished to move forward with replacing the bridge they should follow through with the current design on hand. A new design would cost in excess of \$200,000. The total amount for the replacement could be in excess of one million dollars. He proposed Council draft a Resolution asking for the City of Jacksonville Beach to contribute to the funding or authorize Mayor Brown write a letter to the Mayor of Jacksonville Beach requesting they contribute.

Mayor Brown stated the City of Jacksonville Beach needed to be notified immediately of the intent to close the Kings Road Bridge to heavy trucks weighing in excess of 15 tons so they could arrange the opening of the rear gate entrance.

Councilor Weldon asked the Council if they agreed to the following consensuses, in which they all agreed.

Consensus: **TO AUTHORIZE MAYOR BROWN TO WRITE A LETTER TO THE MAYOR OF THE CITY OF JACKSONVILLE BEACH REQUESTING THEIR COUNCIL SERIOUSLY CONSIDER SUBSTANCIAL AID IN THIS PROJECT AND ALSO NOTIFYING THEM THAT WE HAVE LIMITED THE LOAD CAPACITY TO 15 TONS AND THEREFORE ARE GOING TO NEED ACCESS THROUGH THE BACK GATE FOR UNTIL THE BRIDGE IS REBUILT.**

Consensus: **DIRECT THE CITY MANAGER AND FINANCE DIRECTOR TO REPORT WITHIN 30 DAYS AT THE OCTOBER WORKSHOP MEETING WITH FINANCING OPTIONS FOR MOVING FORWARD WITH THE CONSTRUCTION OF THIS BRIDGE.**

Permissible Uses
Table

TABLE OF PERMISSIBLE USES DISCUSSION: City Manager Jarboe stated Councilor Weldon had suggested the discussion of the Table of Permissible Uses go before the Planning and Development Review Board for a recommendation to Council.

Consensus: **TO FORWARD THE DISCUSSION OF THE TABLE OF PERMISSIBLE USES TO THE PLANNING AND DEVELOPMENT REVIEW BOARD.**

Ord. No. 2005-20

ORDINANCE 2005-20, AMENDING CHAPTER 27, SIDEWALKS & BIKEWAYS: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING THE EXISTING CHAPTER 27, SECTION 27-479 SIDEWALKS & BIKEWAYS AND PROVIDING AN EFFECTIVE DATE.

Mr. John Bracato, owner of Caribbee Key, stated he would provide an off duty police officer to be on his premises, between the hours of 10:00 p.m. to 2:00 a.m. on Fridays and Saturdays, if he were allowed to extend the hours of operation for the outdoor seating area from 10:00 p.m. to 11:00 p.m.

Councilor Weldon stated he would also add to the contract that guests must be completely out of the area by 11:00 p.m.

Consensus: **FORWARD TO THE OCTOBER REGULAR MEETING FOR SECOND READ AND PUBLIC HEARING AND AMEND THE CONTRACT TO ALLOW FOR THE HIRING OF A POLICE OFFICER FOR APPROVAL.**

Adjournment

There being no further business, the meeting adjourned at 8:52 p.m.

Richard A. Brown, Mayor

Attest:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
SPECIAL CITY COUNCIL MEETING
SEPTEMBER 26, 2005 AT 6:00 P.M.
CITY HALL, 116 FIRST STREET
NEPTUNE BEACH, FLORIDA

Pursuant to proper notice a Special Meeting of the City Council of the City of Neptune Beach was held September 26, 2005 at 6:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

IN ATTENDANCE:

Mayor Richard A. Brown
Vice Mayor Pruette
Councilor Eric Pardee
Councilor Larry Shealy
Councilor John Weldon
City Manager James Jarboe
City Clerk Lisa Volpe, CMC

ABSENT:

City Attorney Christopher White

Attendance

STAFF:

Director of Community Development Jason Cleghorn
Director of Finance Steve Ramsey
Deputy City Clerk Karla Strait, CMC
Administrative Assistant to the Building Official Piper Turner

Order Call

Mayor Brown called the special meeting to order at 6:00 p.m. and announced the purpose of the meeting.

Ord. No. 2005-16

ORDINANCE NO. 2005-16, ADOPTING FINAL MILLAGE RATES, SECOND READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, ADOPTING FINAL MILLAGE RATES AND LEVYING AD VALOREM TAXES FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2005, AND ENDING SEPTEMBER 30, 2006 SETTING FORTH CERTAIN INFORMATION REGARDING "ROLLED BACK RATES"; DIRECTING THE CITY MANAGER TO ADJUST THE ADOPTED MILLAGE RATES IN THE EVENT OF CHANGES IN THE ASSESSMENT ROLL AND TAXABLE VALUE; PROVIDING AN EFFECTIVE DATE.

Mayor Brown read Ordinance No. 2005-16 by title only and opened the public hearing.

There being no comments from the public, the public hearing was closed.

Moved by Shealy, seconded by Pruette.

Motion: TO ADOPT ORDINANCE NO. 2005-16, ON SECOND READ AND PUBLIC HEARING.

Roll Call Vote:

Ayes: 5 – Pardee, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

Ord. No. 2005-17

ORDINANCE NO. 2005-17, ADOPTING A FINAL BUDGET, SECOND READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, ADOPTING A FINAL BUDGET AND APPROPRIATING FUNDS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2005, AND ENDING SEPTEMBER 30, 2006 AND PROVIDING AN EFFECTIVE DATE.

Mayor Brown read Ordinance No. 2005-17 by title only and opened the public hearing.

There being no comments from the public, the public hearing was closed.

Moved by Pardee, second by Shealy.

Motion: **TO ADOPT ORDINANCE NO. 2005-17, ON SECOND READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 5 – Pardee, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

Replat
424 Davis St.

PDRB05-09, REPLAT – 424 DAVIS STREET: Application of final replat made by Beaches Church of the Nazarene for east 425 feet of the south ½ of block 22, Merimar. The subdivision will be named Sea Rose.

Moved by Pruette, seconded by Shealy.

Motion: **TO APPROVE THE FINAL PLAT PDRB05-09, 424 DAVIS STREET AS RECOMMENDED BY THE PLANNING AND DEVELOPMENT REVIEW BOARD.**

Roll Call Vote:

Ayes: 5 – Pardee, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

Adjournment

There being no further business, the meeting adjourned at 6:07 p.m.

Richard Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
WORKSHOP CITY COUNCIL MEETING
SEPTEMBER 26, 2005, AT 6:07 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 September 26, 2005 at 6:07 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

Vice Mayor Harriet Pruette
Councilor Eric Pardee
Councilor Larry Shealy
Councilor John Weldon
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

ABSENT:

Mayor Richard A. Brown
City Attorney Christopher White

PLANNING & DEVELOPMENT REVIEW BOARD MEMBERS:

David Antico, Member
Fred Cattar, Member
Kerry Chin, Member
Joanne Doherty, Member
Fred Lee, Member

BOARD OF APPEALS MEMBERS:

Sybil Ansbacher, Chairperson
Chris Chin, Member
John Reeve, Member
Elaine Reiss, Member

STAFF:

Community Development Director Jason Cleghorn
Deputy City Clerk Karla Strait, CMC
Assistant to the Building Official Piper Turner

Call to Order/Roll Call Vice Mayor Pruette called the meeting to order at 6:07 p.m.

PRESENTATIONS

NEFRPC

NORTHEAST FLORIDA REGIONAL PLANNING COUNCIL – PLANNING 101, ED LEHMAN: Ed Lehman, Representative for the Northeast Florida Regional Planning Council gave a presentation on the basics of planning and the comprehensive plan.

Mr. Lehman stated there would be a Department of Community Affairs Workshop Meeting at the Ramada Inn in Mandarin September 29, 2005 if anyone would like to attend.

Adjournment

There being no further business, the meeting adjourned at 6:50 p.m.

Attest:

Richard A. Brown, Mayor

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
REGULAR CITY COUNCIL MEETING
AUGUST 1, 2005, 7:00 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 August 1, 2005 at 7:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

Mayor Richard A. Brown
Vice Mayor Harriet Pruette
Councilor Eric Pardee
Councilor Larry Shealy
Councilor John Weldon
City Attorney Christopher White
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

STAFF:

Lieutenant Anthony Carrillo
Community Development Director Jason Cleghorn
Director of Public Services Leon Smith
Deputy City Clerk Karla Strait, CMC

Order Call/Pledge

Mayor Brown called the meeting to order at 7:00 p.m. and led the pledge of allegiance.

AWARDS / PRESENTATIONS / RECOGNITION OF GUESTS / NONE

APPROVAL OF MINUTES

Moved by Pruette, seconded by Shealy.

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

JULY 11, 2005, BUDGET COUNCIL MEETING
JULY 11, 2005, REGULAR COUNCIL MEETING
JULY 18, 2005, BUDGET COUNCIL MEETING
JULY 18, 2005, WORKSHOP COUNCIL MEETING

Roll Call Vote:

Ayes: 5 – Pardee, Pruette, Shealy, Weldon, Pruette
Noes: 0

MOTION CARRIED

COMMUNICATIONS AND CORRESPONDENCE

Vice Mayor Pruette stated she would like to review the data and accident reports pertaining to the traffic east of Third Street before Chief Sembach makes his recommendation regarding speed humps.

Vice Mayor Pruette thanked the city for completing the beach walkways.

Councilor Pardee thanked Public Services for cleaning up an overgrown sidewalk area on Penman Road.

CITY MANAGER REPORT

The Public Services Department was in the process of completing the drainage improvements on Orange Street.

The city received more sand for the beach renourishment project than previously expected.

The Public Safety Department continued to rotate the traffic counter east of Third Street and would make a recommendation regarding placement of speed humps once completed.

The Sea Turtle Patrol had relocated sea turtle nests between North Street and Lemon Street, where they would be least disturbed by beach renourishment. The Patrol would be sending out letters to the neighbors in nesting areas that may like to see the turtles released. Beaches Energy Service had changed a number of street lights to lower wattage to help the sea turtle hatchlings.

PUBLIC COMMENTS

Robert McAteer, 1731 Penman Road, suggested designating an area of the beach for dogs to run unleashed for a specified amount of time after 7:00 p.m.

Candy Sullivan, 220 South Street, challenged citizens opposed to speed humps to drive over the new speed hump on South Street. She requested painting white stripes on the speed hump so it would be visible drivers. She recommended the "Speed Limit" signs and "Slow Children" signs be placed closer to Third Street and First Street so people understood the signs were for the entire two block stretch of each east/west road. She was also concerned about early morning fireworks.

Deb DeMars, 1310 Forest Avenue, opposed the special exception for Mr. and Mrs. Osborne to construct a single family dwelling on the land zoned conservation. She was concerned about flooding in the neighborhood especially her property and asked Council to deny the request.

Harriet Christovich, 110 Seagate Avenue, thanked the city for installing the speed humps. She asked if the agenda was on the website prior to the meeting. City Clerk Volpe responded the agenda was posted on the website the Wednesday or Thursday before the meeting and could also be e-mailed upon request. Ms. Christovich also suggested that comments from the public be heard when that particular item of interest came up on the agenda and not just at the beginning of the meeting.

Lynda Padrta, 1113 First Street, opposed dogs being unleashed on any public property. She questioned how animal control would identify dog owners if Neptune Beach tags were being eliminated. City Manager Jarboe responded dogs were required to have rabies tags with identification. Ms. Padrta felt hazardous driving was just as important as speeding. She was also concerned about early morning fireworks.

Violet Warzecha, 445 Davis Street, was in favor of zoning the church property on Davis Street for no more than six lots.

CONSENT AGENDA

Res. No. 2005-06

RESOLUTION NO. 2005-06, SIDEWALK LEASE AGREEMENT: A RESOLUTION OF THE CITY OF NEPTUNE BEACH, FLORIDA AUTHORIZING THE LEASE AGREEMENT BETWEEN THE CITY OF NEPTUNE BEACH AND CARRIBBEE ASSOCIATES, LLC.

WASTE SERVICES OF FLORIDA: A 3.5% Cost of Living Increase.

Moved by Pruette, seconded by Weldon.

Motion: **TO APPROVE THE CONSENT AGENDA**

Roll Call Vote:

Ayes: 5 – Pardee, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

Councilor Weldon asked Mr. Brocato, owner of Carribbee Key, to have his staff observe the boundaries and exits that were established for the outdoor seating and adhere to the no smoking stipulation.

VARIANCES

V05-18
Stuart
203 Ocean Front

VARIANCE REQUEST OF MR. LOUIS STUART, 203 OCEAN FRONT: Rebecca Darlington, 203 Ocean Front, representative for Mr. Stuart, explained they had approval for the reconstruction of the block wall but the deadline for the variance, which they were not aware of, had expired. So they needed to go through the process again. The wall would help to relieve some of the noise from the Lemon Bar and beach access.

Community Development Director Jason Cleghorn explained the applicant's request was to build a concrete masonry wall on his property adjacent to Lemon Street. The request for the wall would be ten feet from the beginning of the house to the end of the house, then from the end of the house to the end of the pool it would slope down to eight feet, and from the end of the pool to the end of the property slope down to six feet. The Planning and Development Review recommended approval of the request. Mr. Cleghorn stated he was not comfortable with the ten foot wall and recommended granting him a six feet wall.

City Manager Jarboe added Mr. Stuart planned on hiding the wall with landscaping that would be planted on the city right of way.

Councilor Weldon was concerned about blocking the ocean view and the protection of the oceanfront. He stated he would be willing to support an eight foot wall from the northwest edge of property to the northeast edge of the house, then slope to four foot, which was the standard height for oceanfront lots. The wall would need to be inward of the property line two to three feet for exterior landscaping of the wall.

Vice Mayor Pruette supported the recommendation of the Planning and Development Review Board. She added that Mr. Stuart's house was built before the Lemon Bar and the noise and crime associated was not anticipated.

Councilor Shealy supported Mr. Cleghorn's suggestion of the wall being erected no higher than six foot.

Councilor Pardee supported the Planning and Development Review Board recommendation. But the landscaping in the right of way could not be more than four feet high.

Moved by Weldon, seconded by Pruette.

Motion: **TO PERMIT MR. STUART TO ERECT A MASONRY WALL NO GREATER THAN EIGHT FEET IN HEIGHT FROM THE NORTHWEST CORNER OF THE PROPERTY LINE TO THE NORTHEAST CORNER OF THE DWELLING, AND THEN SLOPE TO FOUR FEET FROM THE NORTHEAST CORNER OF THE DWELLING TO THE EASTERN END OF THE PROPERTY LINE – IF THE LAND OWNER WISHES TO LANDSCAPE THE EXTERIOR SIDE OF THE WALL HE NEEDS TO POSITION THE WALL SO AS TO LEAVE ADEQUATE PROPERTY FOR LANDSCAPING PURPOSES SO THAT LANDSCAPING IS NOT INSTALLED ON PUBLIC PROPERTY.**

Councilor Weldon felt the Council was setting a negative precedent if six foot fences are allowed to go all the way the dune structure along the accesses. He indicated that property in the Central Business District was subject to change over time in order to maximize the use of the land.

For the Record Vice Mayor Pruette agreed with the eight feet height but was concerned that four feet would be too low.

Councilor Pardee stated the Board of Appeals heard and approved the request on November 19, 2003, but it had expired after one year. The Planning and Development Review Board heard the request June 21, 2005 and recommended approval. So therefore, both Boards previously approved the request.

Councilor Weldon stated the request should never have been heard by the Board of Appeals because that Board was not responsible for variances in the Central Business District. He was startled that the Planning and Development Review Board recommended approval. He explained this was not an appeal to the Council but rather a recommendation and the Council could deny or amend the request.

Roll Call Vote:

Ayes: 4 – Pardee, Pruette, Weldon, Brown.

Noes: 1 – Shealy

MOTION CARRIED

ORDINANCES

Ord. No. 2005-13

ORDINANCE NO. 2005-13, NON – RESIDENTIAL UTILITIES, FIRST READ: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 23 UTILITIES, ARTICLE IV WATER AND SEWER SERVICE CHARGES, AMENDING SECTION 23-83(G) SECURITY DEPOSITS AND PROVIDING AN EFFECTIVE DATE.

Moved by Weldon, seconded by Pruette.

Vice Mayor Pruette agreed to sponsor the Ordinance.

Motion: **TO PASS ORDINANCE NO. 2005-13 ON FIRST READ.**

Roll Call Vote:

Ayes: 5 – Pardee, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

Ord. No. 2005-14

ORDINANCE NO. 2005-14, SURPLUS PROPERTY, FIRST READ: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 2 ADMINISTRATION, ARTICLE VI FINANCE BY ADDING SECTION 2-364 SURPLUS PROPERTY AND PROVIDING AN EFFECTIVE DATE.

Moved by Shealy, seconded by Pruetto.

Motion: **TO PASS ORDINANCE NO. 2005-14 ON FIRST READ.**

Councilor Pardee agreed to sponsor the Ordinance.

Roll Call Vote:

Ayes: 5 – Pardee, Pruetto, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

Ord. No. 2005-15

ORDINANCE NO. 2005-15, NUISANCES CAUSED BY ANIMALS, FIRST READ: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 6, SECTION 6-4 NUISANCES CAUSED BY ANIMALS, SEC. 6-32 DOGS ON THE BEACH AND SEC. 6-33 EXCEPTIONS; DELETING SEC. 6-31 REGISTRATION AND LICENSING REQUIRED AND PROVIDING AN EFFECTIVE DATE.

Moved by Weldon, seconded by Pruetto.

Motion: **TO PASS ORDINANCE NO. 2005-15 ON FIRST READ.**

Roll Call Vote:

Ayes: 5 – Pardee, Pruetto, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

OLD BUSINESS / NONE

NEW BUSINESS

Res. No. 2005-07

RESOLUTION NO. 2005-07: A RESOLUTION ESTABLISHING FEES TO BE CHARGED FOR VARIOUS APPLICATIONS.

Moved by Weldon, seconded by Pruetto.

Councilor Pardee felt the boards should be trained to provide better service before the rates were increased.

Motion: **TO ADOPT RESOLUTION NO. 2005-07.**

Roll Call Vote:

Ayes: 4 – Pruetto, Shealy, Weldon, Brown

Noes: 1 – Pardee

MOTION CARRIED

Res. No. 2005-08

RESOLUTION NO. 2005-08: A RESOLUTION ALLOWING THE CITY MANAGER TO EXECUTE AND DELIVER THE ATLANTIC BOULEVARD MAINTENANCE AGREEMENT TO THE FDOT.

City Manager Jarboe explained the Florida Department of Transportation paid the city to maintain Atlantic Blvd from the east end of the ICW Bridge to Florida Blvd. This Resolution allowed him to sign the agreement in order for the city to receive the money.

Moved by Weldon, seconded by Shealy.

Councilor Weldon stated and Vice Mayor Pruette agreed, if the Florida Department of Transportation was not going to keep the ditch on Fifth Street clean enough to provide efficient drainage, they should pay the city to maintain it.

Motion: **TO ADOPT RESOLUTION NO. 2005-08.**

Roll Call Vote:

Ayes: 5 – Pardee, Pruette, Shealy, Weldon, Brown.

Noes: 0

MOTION CARRIED

Platting
424 Davis St.

APPLICATION FOR PLATTING – 424 DAVIS STREET: Beaches Church of the Nazarene, 424 Davis Street, request to plat six new building lots. Richard Wood was present to represent the church.

Moved by Pruette, seconded by Pardee.

Motion: **TO APPROVE THE PRELIMINARY REPLAT FOR 424 DAVIS STREET – BEACHES CHURCH OF THE NAZARENE FOR SIX LOTS.**

Roll Call Vote:

Ayes: 5 – Pardee, Pruette, Shealy, Weldon, Brown.

Noes: 0

MOTION CARRIED

Recess/Reconvene

Mayor Brown called for a recess at 8:05 p.m. and reconvened the meeting at 8:15 p.m.

Special Exception

APPLICATION FOR SPECIAL EXCEPTION: Mr. & Mrs. David R. Osborn, Jr., parcel number 177484-1000, which lies adjacent to Forest Avenue, request is to construct a single family dwelling on land zoned as conservation.

Mr. David Osborne explained his family had owned this 150' x 150' piece of property for 45 years. The property was zoned conservation area in the 1990 Comprehensive Plan. He was thereby executing his right for a special exception to build a house on the lot. He submitted a letter from the Department of Environment Protection stating his property is on an upland area. He assured the council there would not be drainage problems because of the building on his property.

City Council discussed the drainage issues on Forest Blvd. City Manager Jarboe stated he would have the Public Services Department look into the drainage problems in the area to see if the city could do anything to help.

Moved by Weldon, seconded by Pruette.

Motion: **TO APPROVE THE SPECIAL EXCEPTION WITH THE STIPULATION THAT THE JURISDICTIONAL LINES ARE ACCURATE AND VERIFIED BY STAFF AND THE DWELLING IS BUILT WITH AN AVERAGE 25 FOOT BUFFER ZONE FROM THE JURISDICTIONAL LINE.**

For the Record

Councilor Weldon asked Mr. Osborne for the record if he would be willing to accept the 25 foot buffer zone. Mr. Osborne agreed to comply with the stipulation.

Roll Call Vote:

Ayes: 5 – Pardee, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIEDV05-25
98 Orange St.APPLICATION FOR VARIANCE – 98 ORANGE STREET: Mr. & Mrs. James Williams, 98 Orange Street, request is to erect a six foot fence on the sides and front of the property.

Mrs. Judy Williams explained they would like to erect a five foot aluminum privacy fence on the sides and ocean side of the property in order to lower the noise level from the Orange Street beach access and keep people out of their swimming pool.

Moved by Pruette, seconded by Shealy.

Motion: **TO APPROVE THE VARIANCE REQUEST FOR MR. & MRS. WILLIAMS, 98 ORANGE STREET, AS RECOMMENDED BY THE PLANNING AND DEVELOPMENT REVIEW BOARD.**

Councilor Weldon voiced concern that the fence would obscure the ocean view and if the variance was granted it would set a precedent for other ocean front property owners to request privacy fencing as well.

Councilor Pardee stated a four foot high fence for security around the pool was permitted by State Code and asked if they would agree to a four foot fence.

Vice Mayor Pruette stated Orange Street was one of the busiest beach accesses of the three in the Central Business District. She felt a five foot fence was a fair compromise.

Roll Call Vote:

Ayes: 3 – Pruette, Shealy, Brown

Noes: 2 – Pardee, Weldon

MOTION CARRIEDV05-26
220 First St.APPLICATION FOR VARIANCE – 220 FIRST STREET: Mr. & Mrs. Tom Goelz, 220 First Street, request to use the existing building while adding an elevator and stairs for ADA requirements. There was no one present to represent the Goelz's.

Consensus: **TO DEFER THE VARIANCE REQUEST FOR GOELZ – 220 FIRST STREET TO THE SEPTEMBER REGULAR MEETING.**

Adjournment

There being no further business, the meeting adjourned at 8:55 p.m.

Richard A. Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
WORKSHOP CITY COUNCIL MEETING
AUGUST 15, 2005, AT 7:00 P.M.
CITY HALL, 116 FIRST STREET
NEPTUNE BEACH, FLORIDA

Pursuant to proper notice a Workshop Meeting of the City Council of the City of Neptune Beach was held August 15, 2005 at 7:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

Mayor Richard A. Brown
Vice Mayor Harriet Pruette
Councilor Eric Pardee
Councilor Larry Shealy
Councilor John Weldon
City Attorney Christopher White
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

STAFF:

Assistant to the City Manager Terry Klein
Director of Finance Steve Ramsey
Director of Public Safety David Sembach
Director of Public Services Leon Smith
Deputy City Clerk Karla Strait, CMC

Call to Order/Roll Call Mayor Brown called the meeting to order at 7:00 p.m.

PRESENTATIONS

Mayor Brown announced Officer Larry Dean would be retiring after thirty two years of service with the City. This would be his last meeting as Sergeant at Arms. City Manager Jarboe informed the Council and audience that a retirement luncheon was planned for Officer Dean on Wednesday, August 17, 2005 at 11:30 a.m.

COMMITTEE REPORTS / NONE

CITY MANAGERS ACTION LIST

The new computer software was in the process of being installed. The software conversion was expected to be completed by February 1, 2005.

The Public Services Department painted the recently repaired Kings Road Bridge.

Vice Mayor Pruette questioned the progress of the replacement of the Kings Road Bridge. City Manager Jarboe stated the project was under review by the Florida Department of Transportation for funding.

Councilor Weldon stated the replacement of the Kings Road Bridge was the number one priority at the Goal Setting Workshop Meeting. He suggested allowing FDOT sixty days to respond. If they did not to consider other options.

Mayor Brown added the Public Services Department recently completed extensive repairs to the bridge and he did not feel the need to rush FDOT for a response.

Councilor Weldon requested that the City Manager add a column for an estimated completion date on the City Manager Action List.

Vice Mayor Pruette questioned if there was a response from FDOT regarding the maintenance of the ditches. Mayor Brown stated he would speak with the new secretary of FDOT.

Mayor Brown recognized Councilor Pardee who was featured in the City of Jacksonville Newsletter, regarding using his skills as an employee with the City of Jacksonville, while serving as a Councilor for the City of the Neptune Beach.

Councilor Pardee suggested safety precautions for operating generators be included in the city newsletter.

Councilor Pardee was concerned with the traffic on and around Seagate Avenue, near Fletcher High School, during the hours directly before and after school. He asked if the traffic could flow better. Chief Sembach responded that officers had orders to be at Fletcher High School during those hours if they were available.

City Clerk Lisa Volpe advised because September 5, 2005 was Labor Day, the Regular Council Meeting would be held on September 12, 2005. A meeting was tentatively scheduled with the Florida Regional Planning Council to provide training for the Board of Appeals and the Planning & Development Review Board for September 26th if approved by the Council.

Consensus: **TO SCHEDULE A MEETING WITH FLORIDA REGIONAL PLANNING COUNCIL, THE BOARD OF APPEALS AND THE PLANNING & DEVELOPMENT REVIEW BOARD FOR SEPTEMBER 26, 2005.**

PUBLIC COMMENTS / NONE

PROPOSED ORDINANCES

Ord. No. 2005-XX **ORDINANCE NO: 2005-XX, AMENDING THE OPERATING BUDGET FOR FISCAL YEAR 2005: AN ORDINANCE AMENDING THE OPERATING BUDGET FOR THE CITY OF NEPTUNE BEACH, FLORIDA FOR FISCAL YEAR 2005, BEGINNING OCTOBER 1, 2004 AND ENDING SEPTEMBER 30, 2005.**

Consensus: **FORWARD TO THE SEPTEMBER REGULAR COUNCIL MEETING FOR FIRST READ.**

Ord. No. 2005-XX **ORDINANCE NO. 2005-XX, AMENDING SECTION 9-5(A) QUALIFYING OF CANDIDATES: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING SECTION 905(A), QUALIFYING OF CANDIDATES AND PROVIDING AN EFFECTIVE DATE.**

Consensus: **FORWARD TO THE SEPTEMBER REGULAR MEETING FOR FIRST**

READ.**CONTRACTS / AGREEMENTS**

Caribbee Associates CARIBBEE ASSOCIATES, LLC: Request for extension of hours for outdoor seating as described in Section 10 of the sidewalk lease agreement.

John Brocato, owner of Caribbee Key, stated the terra cotta planters he was using to create boundary lines for the sidewalk seating encroached 8 to 9 inches and he requested permission for the encroachment. He also requested to extend the hours of operation for the outdoor seating from 10:00 p.m. to 11:00 p.m.

Discussion ensued regarding problems associated with alcohol use.

Chief Sembach informed the Council that Caribbee Key was the second most active area in the city for police calls. He recommended waiting a period of one year before extending the hours. This time would allow him the opportunity to work with Mr. Brocato to reduce the amount of problems and police calls.

Councilor Shealy asked if an off duty police officer stationed on site would be effective in reducing the number of police calls. Chief Sembach replied an off duty officer would be effective and would help discourage and reduce negative behavior.

Councilor Weldon suggested allowing the hours to be extended until 11:00 p.m. on a provisional basis during which time Chief Sembach could accumulate data.

Consensus: **DIRECT STAFF TO REVISE THE CONTRACT AND THE ORDINANCE FOR FIRST READ AT THE SEPTEMBER REGULAR MEETING.**

Consensus: **TO HAVE MR. BROCATO COMPLY WITH THE CURRENT BOUNDARY LIMITS.**

ISSUE DEVELOPMENT

Generator PURCHASE OF GENERATOR: Bids were received for the purchase of a generator. The low bid was from Flint Power Systems for the amount of \$20,750.

Consensus: **FORWARD TO THE SEPTEMBER CONSENT AGENDA FOR APPROVAL.**

Permissible Uses Table DISCUSSION OF TABLE 27-226-1, PERMISSIBLE USES: Mayor Brown stated Community Development Director Jason Cleghorn was absent, therefore this item would be deferred.

Consensus: **TO DEFER THE DISCUSSION OF TABLE 27-226-1 UNTIL COMMUNITY DEVELOPMENT DIRECTOR JASON CLEGHORN COULD BE PRESENT.**

Welcome Sign CONCEPTUAL STUDY FOR THE NEPTUNE BEACH AND ATLANTIC BEACH WELCOME SIGN: City Manager Jarboe presented a conceptual design for a welcome sign for both Atlantic Beach and Neptune Beach on Atlantic Boulevard. The estimated cost of the sign was \$75,000 and would be shared by both cities.

Discussion ensued over the type and cost of the sign. Councilor Pardee stated he received negative input regarding welcoming people to the beaches. He felt a welcome

sign would not fix the problem and the city should create a welcoming atmosphere for residents and visitors before spending the money for a sign.

Consensus: **DIRECT STAFF TO NEGOTIATE WITH ATLANTIC BEACH AND COME BACK WITH A CONCRETE PROPOSAL.**

Res. No. 2005-XX **RESOLUTION NO. 2005-XX: A RESOLUTION FOR LEGISLATIVE BODY RELATING TO A MONEY PURCHASE PLAN.**

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

Vice Mayor Pruette asked City Manager Jarboe to have Public Services trim the bushes located in the Myrtle Street beach access. Councilor Weldon suggested that the City Manager contact the adjacent property owner and ask him to trim the bushes before sending in a city crew.

Adjournment There being no further business, the meeting adjourned at 8:25 p.m.

Attest:

Richard A. Brown, Mayor

Lisa Volpe, CMC, City Clerk

Approved: _____



**BUDGET WORKSHOP MEETING
JULY 11, 2005, AT 6:00 P.M.
CITY HALL, 116 FIRST STREET,
NEPTUNE BEACH, FLORIDA**

Pursuant to proper notice a Preliminary Budget Workshop Meeting of the City Council of the City of Neptune Beach was held July 11, 2005 at 6:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

Mayor Richard A. Brown
Vice Mayor Harriet M. Pruette
Councilor Eric Pardee
Councilor Larry Shealy
Councilor John Weldon
City Manager James Jarboe
City Attorney Christopher White
City Clerk Lisa Volpe, CMC

STAFF:

Community Development Director Jason Cleghorn
Director of Finance Steve Ramsey
Director of Public Safety David Sembach
Director of Public Services Leon Smith
Deputy City Clerk Karla Strait, CMC

Call to Order/Roll Call

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

Director of Finance Steve Ramsey explained the presentation would focus on the Proposed Enterprise Funds.

Proposed Revenue

PROPOSED REVENUE: The proposed revenue for the enterprise funds was \$3,090,476. This amount includes a 3.88% increase in water and sewer rates as recommended by the previous rate study and a 50% increase in reconnection fees due to the amount of reconnects.

**Expenses
General**

GENERAL & ADMINISTRATION: The proposed total expenses for General & Administration of the Water and Sewer Departments are \$364,877. This included a 36.36% increase in Special Pay and a 183.33% increase in Professional Services. The increase in Professional Services was for a new rate study required this year.

Sewer

SEWER SERVICES: The proposed total expenses for Sewer Services are \$902,732. This amount includes a 10.93% increase in Professional Services for the lower nitrogen level requirements.

Water WATER SERVICES: The proposed total expenses for Water Services are \$821,678. This amount includes a 66.83% increase in machinery & equipment.

The proposed total expenses for the enterprise fund amounts to \$3,048,280 an overall increase of 3.59% from the previous year. The proposed net income is \$42,197.

Sanitation Fund SANITATION FUND: The proposed sanitation revenues are \$912,550 with expenses of \$911,103, a net income of \$1,447.

Stormwater STORMWATER UTILITY FUND: The proposed stormwater utility fund revenues are \$272,640, with expenses of \$272,638, a net income of \$2.

Capital Requests Proposed Capital Requests:

<u>Wastewater</u>	Truck Replacement & Rehab	\$35,000
	S-250 Skidsteer Loader 1/3	18,770
	Rehab of Wet Wells or Manholes	25,000
	Stainless Steel Suction Lines	10,000
	Generator (20%)	10,000
	Touch Read Meter Conversion	15,000

<u>Total</u>	<u>\$113,770</u>
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<u>Water</u>	Truck Replacement	\$36,000
	S-250 Skidsteer Loader 1/3	18,770
	Building Repairs & Shutters	25,000
	Generator	50,000
	Generator (20%)	10,000
	Touch Read Meter Conversion	15,000
	Utility Truck Bed	4,500
	Utility Trailer	3,200
	Grade Level & Transit	1,500

<u>Total</u>	<u>\$163,970</u>
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<u>Stormwater</u>	S-250 Skidsteer Loader 1/3	\$18,770
	Culvert & Headwall	75,000
	Bobcat Chipper	7,700

<u>Total</u>	<u>\$101,470</u>
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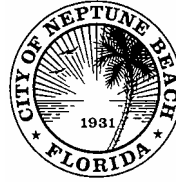
Adjournment There being no further business, the meeting adjourned at 6:55 p.m.

Richard A. Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
REGULAR CITY COUNCIL MEETING
JULY 11, 2005, 7:05 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 July 11, 2005 at 7:05 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

Mayor Richard A. Brown
Vice Mayor Harriet Pruette
Councilor Eric Pardee
Councilor Larry Shealy
Councilor John Weldon
City Attorney Christopher White
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

STAFF:

Community Development Director Jason Cleghorn
Director of Finance Steve Ramsey
Director of Public Safety David Sembach
Director of Public Services Leon Smith
Deputy City Clerk Karla Strait, CMC

Order Call/Pledge

Mayor Brown called the meeting to order at 7:05 p.m. and led the pledge of allegiance.

AWARDS / PRESENTATIONS / RECOGNITION OF GUESTS / NONE

APPROVAL OF MINUTES

Moved by Weldon, seconded by Shealy.

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

JUNE 6, 2005, REGULAR CITY COUNCIL MEETING
JUNE 13, 2005, WORKSHOP, FIRST AMENDMENT FOUNDATION
JUNE 20, 2005, WORKSHOP COUNCIL MEETING

Roll Call Vote:

Ayes: 5 – Pardee, Pruette, Shealy, Weldon, Pruette
Noes: 0

MOTION CARRIED

COMMUNICATIONS AND CORRESPONDENCE / NONE**CITY MANAGER REPORT**

City Manager Jarboe stated the Fourth of July holiday was less of a problem this year. Signs were placed notifying the public that fireworks were not allowed. Police Officers patrolled the city on bicycles & motorcycles and only one arrest was made.

City Manager Jarboe introduced David Sembach as the new Chief of Police and Public Safety Director.

PUBLIC COMMENTS

Jo Anne Waddill, 115 Oleander Street, presented a petition with 50 signatures requesting the enforcement of the animal leash law.

The following citizens spoke in opposition of installing of speed humps east of Third Street.

- Tom Byerly, 527 South Street
- Patrick Clyne, 1210 Ocean Front
- Mike Maloney, 1916 Strand Street
- David Miller, 101 Rose Place
- Pat Sowerby, 1910 Strand Street
- James Lee, 246 Myra Street

Diana Anderson, 207 Walnut Street, requested more animal control enforcement and offered some suggestions.

Candy Sullivan, 220 South Street, favored the speed humps installation east of Third Street. She asked Council to consider changing the hours for leashed dogs to be allowed on the beach.

CONSENT AGENDA

FLC/Voting Delegate **DESIGNATION OF VOTING DELEGATE FOR THE FLORIDA LEAGUE OF CITIES 79TH ANNUAL CONFERENCE:** To designate Mayor Brown to serve as voting delegate for the Florida League of Cities 79th Annual Conference or Vice Mayor in his absence.

Speed Humps **PUBLIC SERVICES TO INSTALL SPEED HUMPS:** Approval for the Public Services Department to install speed humps east of Third Street from Florida Boulevard to Hopkins Street.

Moved by Weldon, seconded by Shealy.

Councilor Weldon suggested removing speed humps from the consent agenda.

Consensus: **TO REMOVE THE SPEED HUMPS FROM THE CONSENT AGENDA AND DISCUSS SEPARATELY.**

Motion: **TO APPROVE ITEM A OF THE CONSENT AGENDA ONLY.**

Roll Call Vote:

Ayes: 5 – Pardee, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

Councilor Weldon was dissatisfied with the design of the speed hump on South Street. He felt the speed humps should be installed consistently according to Institute of Transportation Engineers' standards. He also suggested looking at reducing the speed limit in order to slow traffic east of Third Street.

Vice Mayor Pruette stated the present speed humps were not installed by standards and the streets were being abused.

City Manager Jarboe recommended forwarding the installation of speed humps east of Third Street to the August workshop meeting.

Councilor Pardee asked to hear from Chief Sembach regarding the traffic issues east of Third Street.

Chief Sembach stated he found only five speed limit signs posted east of Third Street. He advised the Council that 56 new signs with a speed limit of 20 miles per hour had been ordered and would be installed on every other block east of Third Street. He felt without speed humps a 20 mile per hour speed limit would be fair.

Council instructed staff to leave the South Street hump as is until the workshop.

Consensus: **FORWARD THE INSTALLATION OF SPEED HUMPS EAST OF THIRD STREET TO THE JULY WORKSHOP MEETING.**

VARIANCES

V05-18
Stewart
203 Ocean Front

VARIANCE REQUEST OF MR. LOUIS STEWART, 203 OCEAN FRONT: Due to the absence of the applicant, Mr. Louis Stewart, the variance request was deferred to the regular August meeting.

Consensus: **DEFER THE VARIANCE REQUEST OF MR. LOUIS STEWART, 203 OCEAN FRONT TO THE AUGUST REGULAR MEETING.**

ORDINANCES

Ord. 2005-09

ORDINANCE NO. 2005-09 DANGEROUS DOGS, SECOND READ & PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 6 SEC. 6-1 DEFINITIONS, SEC. 6-2 BIRD SANCTUARY; EXCEPTION, SEC. 6-4 NUISANCES CAUSED BY ANIMALS, SEC. 6-27 LEASH REQUIRED; EXCEPTION, SEC. 6-31 REGISTRATION AND LICENSING REQUIRED AND SEC. 6-32 DOGS ON THE BEACH; ADDING SEC. 6-10 INTERFERENCE WITH AUTHORIZED PERSONNEL IN PERFORMANCE OF DUTIES; BREAKING INTO OFFICIAL PROPERTY, ETC, SEC. 6-11 LEGISLATIVE FINDINGS, SEC. 6-12 INJURIES CAUSED BY ANIMALS, SEC. 6-13 DANGEROUS DOGS, SEC. 6-14 CLASSIFICATION OF DOGS AS DANGEROUS; CERTIFICATION OF REGISTRATION; NOTICE AND HEARING REQUIREMENTS; CONFINEMENT OF ANIMAL EXEMPTION; APPEALS; UNLAWFUL ACTS, SEC. 6-15 ATTACK OR BITE BY DANGEROUS DOG; PENALTIES; CONFISCATION; DESTRUCTION AND SEC. 6-16E BITE BY A POLICE OR SERVICE DOG; EXEMPTION FROM QUARANTINE AND PROVIDING AN EFFECTIVE DATE.

Mayor Brown read Ordinance 2005-09 by title only and opened the public hearing.

Lynda Padrta, 1113 First Street, favored Ordinance No. 2005-09.

Harriet Christovich, 110 Seagate Avenue, favored Ordinance No. 2005-09.

Alan Martin, 1113 First Street, felt animal licensing law should be enforced. He also favored Ordinance No. 2005-09.

There being no further comments from the public, the public hearing was closed.

Councilor Pardee stated he had some concerns regarding various sections of the Ordinance.

Vice Mayor Pruette supported taking Ordinance No. 2005-09 to the July workshop meeting to consider Councilor Pardee's concerns.

Consensus: **TO SEND THE ANIMAL ORDINANCE TO THE JULY WORKSHOP TO ADDRESS COUNCIL PARDEE'S CONCERNS.**

Moved by Weldon, seconded by Pruette.

Motion: **TO APPROVE ORDINANCE NO. 2005-09 AS AMENDED.**

Roll Call Vote:

Ayes: 4 – Shealy, Pruette, Weldon, Brown

Noes: 1 – Pardee

MOTION CARRIED

NEW BUSINESS

Waste Services

COST OF LIVING RATE INCREASE FOR WASTE SERVICES OF FLORIDA: City Manager Jarboe stated the contract with Waste Services allowed them to request a cost of living increase.

City Attorney White stated he would like to review the contract with the City Manager and asked to forward the cost of living increase to the August workshop meeting.

Consensus: **FORWARD THE COST OF LIVING INCREASE FOR WASTE SERVICES TO THE JULY WORKSHOP MEETING.**

Res. No. 2005-06

RESOLUTION NO. 2005-06. BOARD APPOINTMENTS: A RESOLUTION APPOINTING BOARD MEMBERS TO THE PLANNING AND DEVELOPMENT REVIEW BOARD.

Moved by Weldon, seconded by Pruette.

Motion: **TO APPROVE RESOLUTION NO. 2005-06.**

Roll Call Vote:

Ayes: 5 – Shealy, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

Adjournment

There being no further business, the meeting adjourned at 8:33 p.m.

Richard A. Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved:



**BUDGET WORKSHOP MEETING
JULY 18, 2005, AT 6:00 P.M.
CITY HALL, 116 FIRST STREET,
NEPTUNE BEACH, FLORIDA**

Pursuant to proper notice a Preliminary Budget Workshop Meeting of the City Council of the City of Neptune Beach was held July 18, 2005 at 6:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

Mayor Richard A. Brown
Vice Mayor Harriet M. Pruette
Councilor Eric Pardee
Councilor Larry Shealy
Councilor John Weldon
City Manager James Jarboe
City Clerk Lisa Volpe, CMC

STAFF:

Community Development Director Jason Cleghorn
Director of Finance Steve Ramsey
Director of Public Safety David Sembach
Director of Public Services Leon Smith
Deputy City Clerk Karla Strait, CMC

Call to Order/Roll Call

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

Director of Finance Steve Ramsey explained the presentation would focus on the Proposed General Fund.

Mr. Ramsey explained the following:

- 1) The State Shared Revenues for Fiscal Year 2006 were projected to remain flat. If the trend continued the City may be forced to raise millage in the future in order to maintain the service level.
- 2) The General Fund Budget presented maintained the reserve level at 25% as recommended for governments located in risk areas.
- 3) An additional transfer of \$45,000 has been added to the Fiscal Year 2006 Budget to help fund the Senior Activity Center due to a decrease in funding received from the Community Development Block Grant.
- 4) The City Manager had already made the following deductions:
 - \$80,000 from the City Hall Administration expenditures
 - \$33,000 from Public Safety
 - \$69,900 from the Street Department
 - \$40,000 from the Parks Department

Proposed Revenue	<u>PROPOSED REVENUE:</u> The proposed revenue for the General Fund based on maintaining the millage rate of 2.9 was \$4,610,747. The 3.03% increase was due to the transfers.
Expenditures	<u>EXPENDITURES</u>
Mayor & Council	<u>MAYOR & COUNCIL:</u> Total expenditures of \$38,152, an increase of 1.15%.
City Manager's	<u>CITY MANAGER'S OFFICE:</u> Total expenditures of \$95,111, an increase of 4.21%.
Finance	<u>FINANCE DEPARTMENT:</u> Total expenditures of \$136,110, an increase of 2.25%.
Legal Counsel	<u>LEGAL COUNSEL:</u> Total expenditures of \$93,300, an increase of 47.39%, due to litigations the amount of Professional Services had dramatically increased. The estimated amount may not cover all of the expenses.
Consensus:	<u>DIRECT THE CITY MANAGER TO REVIEW THE CITY ATTORNEY'S CONTRACT AND THE CODE ENFORCEMENT BOARD ATTORNEY'S CONTRACT.</u>
Building & Comm. Dev.	<u>BUILDING & COMMUNITY DEVELOPMENT DEPARTMENT:</u> Total expenditures of \$241,683, an increase of 7.23%. Mr. Ramsey explained the increase was in Professional Services in order to hire additional help with building inspections. Councilor Weldon pointed out that when the City created the position of and hired a Community Development Director part of the objective was to eliminate the need for subcontracting an additional inspector.
City Clerk's Office	<u>CITY CLERK'S OFFICE:</u> Total expenditures of \$141,038, an overall increase of 2.01%. Mr. Ramsey explained this department budget varied during election years due to the cost of elections.
Non-Departmental	<u>NON-DEPARTMENTAL:</u> Total expenditures of \$632,920, a decrease of -7.28%.
Police Department	<u>POLICE DEPARTMENT:</u> Total expenditures of \$2,448,103, an increase of 5.14%. Councilor Weldon stated the Police Department had the most rapidly increasing budget and challenged Chief Sembach to look at ways the department could save on expenditures in the future.
Animal Control	<u>ANIMAL CONTROL:</u> Total expenditures of \$120,156, an increase of 5.02%.
Street Department	<u>STREET DEPARTMENT:</u> Total expenditures of \$306,862, a decrease of 3.07%.
Parks Department	<u>PARKS DEPARTMENT:</u> Total expenditures of \$130,655, an increase of 5.59%.
Lifeguards / Beach	<u>LIFEGUARD & BEACH CLEAN-UP:</u> Total expenditures of \$222,468, an increase of 2.91%.
Net Income/Loss	With an overall increase in expenses of 3.03% the City would be left with a net income of \$89.00.
Adjournment	There being no further business, the meeting adjourned at 6:59 p.m.

Richard A. Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
WORKSHOP CITY COUNCIL MEETING
JULY 18, 2005, AT 7:08 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 July 18, 2005 at 7:08 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

Mayor Richard A. Brown
Vice Mayor Harriet Pruette
Councilor Eric Pardee
Councilor Larry Shealy
Councilor John Weldon
City Attorney Christopher White
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

STAFF:

Community Development Director Jason Cleghorn
Director of Finance Steve Ramsey
Director of Public Safety David Sembach
Director of Public Services Leon Smith
Deputy City Clerk Karla Strait, CMC

Call to Order/Roll Call Mayor Brown called the meeting to order at 7:08 p.m.

PRESENTATIONS / NONE

COMMITTEE REPORTS / NONE

CITY MANAGERS ACTION LIST

City Manager Jarboe explained the Corp of Engineers made a mistake in their calculations and therefore would be adding 1500 linear feet of sand for beach renourishment in Neptune Beach.

Councilor Weldon questioned the status of the replacement of the Kings Road Bridge adding that it was a number one priority at the Goal Setting Session. City Manager Jarboe stated he was continuing to work with Florida Department of Transportation for funding. Councilor Weldon suggested exploring alternate routes.

Vice Mayor Pruette asked if the Florida Department of Transportation had completed the Hopkins Creek Project. City Manager Jarboe replied the project was complete and he was working on getting a representative from FDOT to attend a Council meeting and give an update.

Councilor Pardee explained there may have been a misunderstanding regarding the Dangerous Dog Ordinance at the previous Council meeting. Dogs on the beach were still required to be leashed.

PUBLIC COMMENTS

City Manager Jarboe explained for the benefit of the public that Director of Public Safety Chief Sembach was currently conducting an in house electronic study monitoring the number of vehicles and speed of which they were traveling, on every street east of Third Street. He hoped to have the results in four to six weeks and would make a recommendation regarding the placement of speed humps.

The following residents favored the placement of speed humps east of Third Street:

1. Candy Sullivan, 220 South Street
2. Bryan Croft, 218 South Street
3. Skip Lakey, 227 South Street
4. Tracey Lakey, 227 South Street
5. Paul Nicholson, 222 Oleander Street
6. Dina Sayar, 318 Oleander Street
7. Lynda Padrta, 1113 First Street
8. Mary Ann Padrta, 1030 Second Street
9. Chris Oakley, 620 Camellia Terrace Drive
10. Charlotte Wilson, 556 Hopkins Street
11. Robert McGinty, 209 South Street
12. Lynn Sweeney, 1500 Strand Street
13. Marsha Coker, 206 Margaret Street
14. Tom Shaw, 202 Margaret Street
15. Wayne Scarborough, Jr., 224 Bowles Street
16. Geynell Mohr, 225 Margaret Street
17. Paul West, 236 Bowles Street
18. Chris Chin, 227A Margaret Street

The following residents opposed the placement of speed humps east of Third Street:

1. Patrick Clyne, 1210 Ocean Front
2. James Lee, 246 Myra Street
3. Bryan McDonald, 107 North Street
4. John Northrup, 255 Myra Street
5. Tom Byerly, 527 South Street
6. Jeff Peterson, 1300 Strand Street
7. David Miller, 101 Rose Place
8. George Felts, 100 Rose Place
9. Mary Ellen Young, 246 Myra Street
10. Helen Felts, 100 Rose Place
11. Lynne Womack, 101 Rose Place
12. Lynn Shimp, 1109 First Street
13. Lynn Lacey, 1110 First Street
14. Tina Bernardi, 120 Rose Place
15. Wendy McDonald, 107 North Street
16. Charlie Miller, 512 South Street
17. Julie Peterson, 1300 Strand

Mary Ann Padrta, 1030 Second Street, also felt homeowners should receive copies of animal citations issued to their tenants.

Recess / Reconvene Mayor Brown called for a recess at 8:30 p.m. and reconvened the meeting at 8:40 p.m.

PROPOSED ORDINANCES

Ord. No. 2005-XX ORDINANCE NO. 2005-XX, AMENDING THE PROCESS FOR SURPLUS OF CITY EQUIPMENT: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 2, ADMINISTRATION ARTICLE VI FINANCE BY ADDING SECTION 2-364 SURPLUS PROPERTY AND PROVIDING AN EFFECTIVE DATE.

City Manager Jarboe explained this Ordinance would allow the City to dispose of surplus items valued under \$750.00 without the consent of Council, which was currently allowed under the current state law.

Consensus: **FORWARD TO THE AUGUST REGULAR MEETING FOR FIRST READ.**

Ord. No. 2005-XX ORDINANCE NO. 2005-XX, AMENDING THE SECURITY DEPOSITS FOR COMMERCIAL UTILITIES: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 23 UTILITIES ARTICLE IV WATER AND SEWER SERVICE CHARGES AMENDING SECTION 23-83(G) SECURITY DEPOSITS AND PROVIDING AN EFFECTIVE DATE.

City Manager Jarboe explained the auditors requested the amount of commercial utility deposits be raised due to the number of delinquencies from businesses going out of business.

Consensus: **FORWARD TO THE AUGUST REGULAR MEETING FOR FIRST READ.**

CONTRACTS / AGREEMENTS

Waste Services WASTE SERVICES OF FLORIDA – REQUESTS FOR FUEL INCREASE AND COST OF LIVING INCREASE: City Manager Jarboe stated at the previous workshop the Council agreed to the 3.5% cost of living increase and had forwarded the requested fuel increase for further discussion.

City Attorney White stated under the current contract either side could request adjustments. The adjustment should be granted if requested 60 days before the anniversary date of the contract. His opinion was the cost of living increase adjustment could be granted but Waste Services of Florida were not entitled to the fuel increase.

Steve Wright, General Manager, Waste Services of Florida, explained their three year contract for fuel at a cost of \$1.31 per gallon had expired in March and they were now paying \$2.12 per gallon. The proposed increase was calculated based on the amount of fuel used. Mr. Wright also stated the City of Atlantic Beach had granted the fuel increase.

Councilor Weldon stated he would like to review further information before granting a fuel adjustment.

Consensus: **TO GRANT THE 3.5% COST OF LIVING INCREASE FOR WASTE MANAGEMENT EFFECTIVE JUNE 1, 2005, AND FORWARD THE REQUESTED FUEL INCREASE TO THE AUGUST WORKSHOP MEETING PROVIDING WASTE MANAGEMENT PRESENTS FURTHER DATA SUPPORTING THE REQUEST.**

Carribbee Key

CARRIBBEE KEY – RENEWAL OF ANNUAL SIDEWALK LEASE AGREEMENT: John Brocato, owner of Carribbee Key explained the outdoor seating arrangement was working well and he would like to extend the lease agreement for another year.

Vice Mayor Pruette suggested a 5% increase in the lease amount and questioned Mr. Brocato regarding the relocation of the personalized bricks.

Mr. Brocato agreed to the 5% increase and agreed to meet with Patsy Bishop of the Town Center Agency to replace and relocate the personalized bricks.

Consensus: **INCREASE THE LEASE AMOUNT 5% AND FORWARD THE LEASE RENEWAL TO THE AUGUST REGULAR MEETING CONSENT AGENDA.**

ISSUE DEVELOPMENT

Traffic Calming

TRAFFIC CALMING STUDY – SPEED HUMPS: City Manager Jarboe restated that Director of Public Safety David Sembach was currently using equipment to measure traffic and speed on the streets east of Third Street. The Chief would then make a recommendation based on the results of the study. He hoped to have the study completed in four to six weeks. Mr. Jarboe added the Chief was also concerned about bicyclist on First Street being a potential danger.

Vice Mayor Pruette suggested while the Chief was gathering information to go ahead and bring the speed humps on Hopkins Street and South Street into compliance with ITE standards. She also felt the city should have a speed hump policy.

Councilor Weldon recommended placing the speed limit signs on the east/west streets before the data was collected by the chief.

Mayor Brown felt time should be allowed for the study without rushing.

Chief Sembach stated he could only study one street every two days. He also stated the city should adopt a speed hump policy.

Councilor Weldon would like to review data on accidents and would like to hear recommendations regarding safety on First Street.

Consensus: **BRING THE SPEED HUMPS ON HOPKINS STREET AND SOUTH STREET INTO COMPLIANCE WITH ITE STANDARDS.**

Third St. Fencing

FENCE REQUIREMENTS FOR BACKYARDS FACING THIRD STREET: Mayor Brown suggested an Ordinance requiring backyards facing Third Street to have a privacy fence in order to benefit the tenants as well the city's appearance.

City Attorney White suggested looking at what the city requirements were when the properties were built. If fences were not required at the time of construction the Ordinance would be difficult to enforce.

Community Development Director Jason Cleghorn advised the Council he would gather information on the history of the property.

Res. No. 2005-XX

RESOLUTION NO. 2005-XX: A RESOLUTION RENAMING ELEVENTH STREET – SANDY'S WAY.

Councilor Pardee recommended renaming Eleventh Street after Sandy Forsyth, the owner of Aqua East Surf Shop, who recently passed away.

Councilor Weldon felt careful attention should be given when assigning a personal name to public property. It should also be required that the person had been active in community.

Councilor Shealy did not feel it was necessary to rename the street.

Vice Mayor Pruette stated she did not believe in renaming public property. She recommended naming the easement on the opposite side of Aqua East after Mr. Forsyth.

Consensus: **TO DEFER RESOLUTION NO. 2005-XX AND EXPLORE OTHER IDEAS.**

Res. No. 2005-XX

RESOLUTION NO. 2005-XX: A RESOLUTION ESTABLISHING FEES TO BE CHARGED FOR VARIOUS APPLICATIONS.

Community Development Director Jason Cleghorn explained the current fees for variance requests, special exceptions, and tree permits did not cover the city's cost of postage, copies, signs, and advertising. He recommended increasing the fees for variances and special exceptions from \$110.00 to \$250.00 and establishing a \$10.00 fee for tree permits.

Councilor Weldon stated when the tree ordinance was adopted it was agreed there would be no charge for tree permits. He did not oppose increasing the fees for variances and special exceptions.

Vice Mayor Pruette did not oppose increasing the fees for variances and special exceptions. She opposed the tree permit fee but wanted to discuss the tree ordinance at a future workshop meeting because it may be too restrictive.

Councilor Pardee stated the council was in the process of scheduling meetings with the boards in order to become informed in the process and procedures and did not want to raise the fees unless the city could provide better service.

Mayor Brown also agreed to support the \$250.00 increase for variances and special exceptions.

Consensus: **REMOVE THE \$10.00 FEE FOR ARBOR PERMITS AND FORWARD THE RESOLUTION TO THE AUGUST REGULAR MEETING.**

Animal Ord.

ANIMAL ORDINANCE CONCERNS: City Manager Jarboe stated Councilor Pardee had some concerns regarding the animal ordinance that was adopted at the July Regular Council meeting.

Councilor Pardee was concerned that Neptune Beach residents had to pay for animal license tags and non-residents did not.

Consensus: **TO ELIMINATE SECTION 6-31, REGISTRATION AND LICENSING REQUIREMENTS.**

Councilor Pardee was concerned that Section 6-4(a)(2) Nuisances caused by animals,

was not necessary because it was covered under the noise ordinance.

Consensus: **TO ELIMINATE SECTION 6-4(a)(2).**

Councilor Pardee felt the definition of an animal control officer needed to include that they should be bound, trained and certified as directed in Florida State Statute 828.27.

Discussion ensued regarding the definition of animal control officer. The Council did not feel it was necessary to change the definition in the ordinance because it was in the State Statute.

Vice Mayor Pruette suggested changing the time limit in Section 6-4(b) from seven (7) full calendar days to fifteen (15) full calendar days.

Consensus: **TO CHANGE SECTION 6-4(b) FROM SEVEN (7) TO FIFTEEN (15) FULL CALENDAR DAYS.**

Consensus: **TO FORWARD THE ORDINANCE TO THE REGULAR AUGUST COUNCIL MEETING FOR FIRST READ.**

75TH Anniversary

CITY OF NEPTUNE BEACH – 75TH ANNIVERSARY CELEBRATION FAIR / FESTIVAL:
Director of the Senior Activity Center Leslie Lyne asked the Council for their approval of the tentatively scheduled dates of Friday, October 20th through Sunday October 22nd, 2006 for the 75th Anniversary Celebration. This was the best weekend available for the carnival company. She stated there would be rides and the city would receive 20% of the profit.

Consensus: **TO MOVE AHEAD WITH PLANS FOR THE CELEBRATION ON THE SCHEDULED DATES OF OCTOBER 20-22, 2006.**

Adjournment

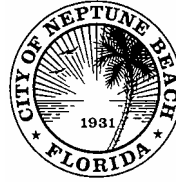
There being no further business, the meeting adjourned at 10:30 p.m.

Richard A. Brown, Mayor

Attest:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
REGULAR CITY COUNCIL MEETING
JUNE 6, 2005 7:00 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 June 6, 2005 at 7:18 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

Mayor Richard A. Brown
Vice Mayor Harriet Pruette
Councilor Eric Pardee
Councilor Larry Shealy
Councilor John Weldon
City Attorney Christopher White
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

STAFF:
Community Development Director Jason Cleghorn
Senior Center Director Leslie Lyne
Director of Finance Steve Ramsey
Director of Public Safety David Sembach
Director of Public Services Leon Smith
Deputy City Clerk Karla Strait, CMC
Fire Marshall and Animal Control Officer John Webber

Order Call/Pledge

Mayor Brown called the meeting to order at 7:18 p.m. and led the pledge of allegiance.

AWARDS / PRESENTATIONS / RECOGNITION OF GUESTS

Linda Dufresne, CPA, of Dufresne & Associates, presented the audit report for fiscal year 2003-2004.

APPROVAL OF MINUTES

Moved by Shealy, seconded by Pardee.

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

MAY 2, 2005, REGULAR CITY COUNCIL MEETING
MAY 16, 2005, SPECIAL COUNCIL MEETING
MAY 16, 2005, WORKSHOP COUNCIL MEETING.

Roll Call Vote:

Ayes: 5 – Pardee, Pruette, Shealy, Weldon, Pruette
Noes: 0

MOTION CARRIED

COMMUNICATIONS AND CORRESPONDENCE

Mayor Brown recently represented Neptune Beach at an Emergency Preparedness Executive Committee Meeting to coordinate efforts in the event of a hurricane.

City Attorney White gave an update on the litigation regarding Solantic. He stated the 11th Circuit Court of Appeals declared the city's sign ordinance to be unconstitutional. He would file a motion for a rehearing within 15 days.

Councilor Pardee asked that the proposal to change the name of Eleventh Street be placed on the June workshop meeting agenda.

Councilor Shealy stated the principle of Fletcher High School was interested in meeting with the new Chief as soon as possible.

Vice Mayor Pruette requested the wildlife sanctuary on Florida Boulevard be placed on the June workshop meeting agenda.

City Clerk Lisa Volpe reminded the Council and audience members that the First Amendment Foundation would be presenting a seminar on the Public Records Law and the Sunshine Law on Monday, June 13, 2005 at 6:00 p.m. in the Council Chambers.

City Clerk Lisa Volpe state she would be out of town at a City Clerk's Conference for the June workshop meeting. Deputy City Clerk Karla Strait would be filling in for her.

City Attorney White stated he would be out of town for trail for the June workshop meeting. He asked that he be contacted before the workshop if Council had any questions.

CITY MANAGER REPORT

City Manager Jarboe stated because the Court ruled the Sign Ordinance unconstitutional Ordinance 2005-12 should be adopted quickly. He asked Council to declare the Ordinance an emergency to be adopted immediately.

Moved by Weldon, seconded by Shealy.

Motion: **TO DECLARE ORDINANCE 2005-12 AN EMERGENCY.**

Roll Call Vote:

Ayes: 5 – Pardee, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

Councilor Weldon pointed out a typo in Section 27-581(4). Following is the corrected section: Section 27-581(4) ~~Public signs, flags, banner signs,~~ traffic signs, street name signs, legal notices of public meetings, danger signs and temporary emergency, ~~informational or non-advertising signs~~ when erected by city, county, state or federal authorities.

Moved by Weldon, seconded by Pruette.

Motion: **TO ADOPT ORDINANCE NO. 2005-12 AS AN EMERGENCY.**

Roll Call Vote:

Ayes: 5 – Pardee, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

A public hearing for Ordinance No. 2005-12 will be conducted at the July Council meeting.

PUBLIC COMMENTS / NONE

CONSENT AGENDA

A1A Maintenance

SR A1A / THIRD STREET MAINTENANCE AGREEMENT: Florida Department of Transportation State Highway System Lighting, Maintenance and Compensation Agreement for SR A1A / Third Street.

Moved by Pruette, seconded by Pardee.

Motion: **TO APPROVE THE CONSENT AGENDA.**

Roll Call Vote:

Ayes: 5 – Pardee, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

VARIANCES / NONE

ORDINANCES

Ord. 2005-09

ORDINANCE NO. 2005-09, CHAPTER 6, DEFINITIONS REGARDING DANGEROUS DOGS, SECOND READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 6 SEC. 6-1 DEFINITIONS, SEC. 6-2 BIRD SANCTUARY; EXCEPTION, SEC. 6-4 NUISANCES CAUSED BY ANIMALS AND SEC. 6-32 DOGS ON THE BEACH; ADING SEC. 6-10 INTERFERENCE WITH AUTHORIZED PERSONNEL IN PERFORMANCE OF DUTIES; BREAKING INTO OFFICIAL PROPERTY, ETC. SEC. 6-11 LEGISLATIVE FINDINGS, SEC. 6-12 INJURIES CAUSED BY ANIMALS, SEC. 6-13 DANGEROUS DOGS, SEC. 6-14 CLASSIFICATION OF DOGS AS DANGEROUS; CERTIFICATION OF REGISTRATION; NOTICE AND HEARING REQUIREMENTS; CONFINEMENT OF ANIMAL EXEMPTION; APPEALS; UNLAWFUL ACTS, SEC. 6-15 ATTACK OR BITE BY DANGEROUS DOG; PENALTIES; CONFISCATION; DESTRUCTION AND SEC. 6-16 BITE BY A POLICE OR SERVICE DOG; EXEMPTION FROM QUARANTINE AND PROVIDING AN EFFECTIVE DATE.

City Manager Jarboe asked to defer action on Ordinance No. 2005-09 in order to allow Chief Sembach time for review.

Mayor Brown read Ordinance 2005-09 by title only and opened the public hearing.

There being no comments from the public, the public hearing was closed.

Ord. No. 2005-10

ORDINANCE NO. 2005-10, FENCES, WALLS & HEDGES, SECOND READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 27 UNIFIED LAND DEVELOPMENT REGULATIONS SECTION 27-330 FENCES, WALLS AND HEDGES AND PROVIDING AN EFFECTIVE DATE.

Mayor Brow read Ordinance No. 2005-10 by title only and opened the public hearing.

There being no comments from the public, the public hearing was closed.

Moved by Pruette, seconded by Shealy.

Motion: **TO ADOPT ORDINANCE NO. 2005-10 ON SECOND READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 5 – Pardee, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

NEW BUSINESS

Res. No. 2005-05

RESOLUTION NO. 2005-05: A RESOLUTION TO APPOINT BOARD MEMBERS TO THE BOARD OF APPEALS.

Moved by Pruette, seconded by Pardee.

Motion: **TO APPROVE RESOLUTION NO. 2005-05.**

Roll Call Vote:

Ayes: 5 – Pardee, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

75th Anniversary

75TH ANNIVERSARY – FESTIVAL IN JARBOE PARK: City Manager Jarboe stated a formal vote was necessary to move forward with planning the event. Details would be provided by Senior Center Director Leslie Lyne at the June workshop.

Moved by Weldon, seconded by Pruette.

Motion: **TO PROCEED WITH THE PLANNING AND EVALUATION OF A 75TH ANNIVERSARY FESTIVAL IN THE PARK.**

Roll Call Vote:

Ayes: 5 – Pardee, Pruette, Shealy, Weldon, Brown.

Noes: 0

MOTION CARRIED

Surplus Equipment

SURPLUS OF CITY EQUIPMENT: Surplus of a Ford F-350 Utility Truck and a 2000 Dodge Durango.

City Manager Jarboe explained the Dodge Durango would be used as a trade in for a new patrol car for Chief Sembach.

Moved by Weldon, seconded by Pruette.

Motion: **TO APPROVE THE SURPLUS OF CITY EQUIPMENT TO INCLUDE A FORD F-350 UTILITY TRUCK AND A DODGE DURANGO.**

Roll Call Vote:

Ayes: 5 – Pardee, Pruette, Shealy, Weldon, Brown.

Noes: 0

MOTION CARRIED

Adjournment

There being no further business, the meeting adjourned at 8:03 p.m.

Richard A. Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
WORKSHOP CITY COUNCIL MEETING
JUNE 13, 2005, 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 13, 2005 at 6:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

Mayor Richard A. Brown
Vice Mayor Harriet Pruette
Councilor Eric Pardee
Councilor Larry Shealy
Councilor John Weldon
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

STAFF:

Assistant to the City Manager Terry Klein
Deputy City Clerk Karla Strait, CMC

Call to Order/Roll Call Mayor Brown called the meeting to order at 6:00 p.m.

PRESENTATIONS

First Amendment Foundation City Clerk Lisa Volpe introduced Barbara Peterson, President, of the First Amendment Foundation.

Barbara Peterson, President, First Amendment Foundation gave a presentation to Council, Board Members, and members of the audience and answered questions regarding the Sunshine Law and the Public Records Law.

Adjournment There being no further business, the meeting adjourned at 8:00 p.m.

Richard A. Brown, Mayor

Attest:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
WORKSHOP CITY COUNCIL MEETING
JUNE 20, 2005, AT 7:00 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 20, 2005 at 7:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

Mayor Richard A. Brown
Vice Mayor Harriet Pruette
Councilor Eric Pardee
City Manager Jim Jarboe
Deputy City Clerk Karla Strait, CMC

ABSENT:

Councilor Larry Shealy
Councilor John Weldon
City Attorney Christopher White
City Clerk Lisa Volpe, CMC

STAFF:

Community Development Director Jason Cleghorn
Director of Public Safety David Sembach
Director of Public Services Leon Smith

Call to Order/Roll Call Mayor Brown called the meeting to order at 7:00 p.m.

PRESENTATIONS / NONE

COMMITTEE REPORTS / NONE

CITY MANAGERS ACTION LIST

City Manager Jarboe reported on the following items and asked if there were any questions regarding the Action List enclosed in the agenda packet.

- The Kings Road Bridge repairs were complete and the bridge was reopened.
- The beach walkovers constructed in house by our Public Services Department were being well used by the public.

Mayor Brown and Council thanked Director of Public Services Leon Smith and his department for repairing the Kings Road Bridge at a significantly lower cost than the city would have paid a contractor.

City Manager Jarboe stated the Public Services Department also completed major water repairs without the use of an outside contractor.

Vice Mayor Pruette announced the Disabled Services Division of the Community Services Department was working on providing the city with an additional beach wheelchair and hoped to have it a couple weeks.

Vice Mayor Pruette suggested adopting a Resolution thanking the Florida Department of Transportation for the reconstruction of the Hopkins Creek drainage ditch. City Manager Jarboe replied he was currently in the process of drafting such a Resolution.

Vice Mayor Pruette announced she had spoken with some citizens regarding the new street lights and they were very pleased with them.

City Manager Jarboe stated the wastewater department was working on innovative approaches in order to meet the new nitrogen level now required by the Environmental Protection Agency and the Department of Environmental Protection.

PUBLIC COMMENTS

Candy Sullivan, 220 South Street, was pleased with the recently installed speed hump on South Street.

Inez Ellis, 809 Davis Street, would like for the city easement adjacent to Florida Boulevard to remain a Wildlife Sanctuary.

Camille Burban, would like the city easement adjacent to Florida Boulevard to remain a Wildlife Sanctuary.

Wayne Scarborough, Jr., 224 Bowles Street, requested speed humps be placed on Bowles Street.

Anna Kuhlman, 625 Florida Boulevard, would like the city easement adjacent to Florida Boulevard to remain a Wildlife Sanctuary.

Harriet Christovich, 110 & 112 Seagate, ask the city when Seagate Avenue would be paved.

PROPOSED ORDINANCES / NONE

CONTRACTS / AGREEMENTS / NONE

ISSUE DEVELOPMENT

FLC Voting Delegate CHOICE OF VOTING DELEGATE FOR THE FLORIDA LEAGUE OF CITIES 79TH ANNUAL CONFERENCE: City Manager Jarboe stated the Mayor usually served as the voting delegate or the Vice Mayor in his absence.

Consensus: **TO DESIGNATE MAYOR BROWN TO SERVE AS THE VOTING DELEGATE FOR THE FLORIDA LEAGUE OF CITIES 79TH ANNUAL CONFERENCE AND FORWARD TO THE JULY REGULAR MEETING CONSENT AGENDA.**

Waste Services
Rate Increase

PROPOSED RATE INCREASE FOR WASTE SERVICES OF FLORIDA: City Manager Jarboe stated Waste Services of Florida provided the city's trash, recycling, and yard waste pick up. They were requesting a cost of living increase and an increase for fuel costs.

Garth Fowles, Waste Services of Florida, Northeast District Manager, stated Waste Services had a 3 year contract for fuel at a cost of \$1.31 per gallon. That contract expired in March and they now had to pay \$2.12 per gallon. The proposed increase was calculated based on the amount of four (4) fuel gallons per hour at an average of 953 gallons per month.

Vice Mayor Pruette stated she would like to review Waste Services contract with the city and asked to move to issue to the July workshop meeting.

Vice Mayor Pruette asked if the cost of living increase was included in the budget. City Manager Jarboe responded it was included in the budget.

Consensus: **TO MOVE THE COST OF LIVING INCREASE FOR WASTE SERVICES TO THE JULY REGULAR MEETING AND THE FUEL INCREASE TO THE JULY WORKSHOP MEETING.**

Garbage/Trash Bins

PLACEMENT OF GARBAGE AND TRASH BINS IN FRONT YARDS: Vice Mayor Pruette was concerned about permanent trash/garbage bins being erected in front yards. She suggested an amendment to the ordinance that would only allow permanent trash bins to be erected in side or rear yards.

Councilor Pardee felt permanent trash bins could be handled through code enforcement under the current ordinance.

City Manager Jarboe stated a code enforcement citation had been issued in the case of the permanent structure.

Mayor Brown suggested waiting to see what happened with the code violation before taking any action.

Consensus: **TO WAIT AND SEE WHAT HAPPENS WITH THE CODE ENFORCEMENT VIOLATION BEFORE MOVING FORWARD.**

Backyards facing
Third St.

FENCE REQUIREMENTS FOR BACKYARDS FACING THIRD STREET: Mayor Brown was concerned about the rear yards of two Park Place apartments in the 1100 block of Third Street currently exposed to Third Street. He had asked Community Development Director Jason Cleghorn to draft an ordinance that would require backyards facing Third Street to have a privacy fence and a buffer zone that would benefit the tenants as well as the appearance of the city.

Community Development Director Jason Cleghorn stated because the property was actually commercial and not residential a landscape buffer may already be required by the Code. He requested to speak with City Attorney Chris White before amending the ordinance.

Consensus: **FOR COMMUNITY DEVELOPMENT DIRECTOR JASON CLEGHORN TO SPEAK WITH CITY ATTORNEY WHITE AND REPORT BACK TO THE COUNCIL AT THE JULY WORKSHOP MEETING.**

Traffic Calming /
Speed Humps

TRAFFIC CALMING STUDY – SPEED HUMPS: City Manager Jarboe stated the Traffic Calming Study prepared by Volkert & Associates, Inc. recommended speed humps be placed east of Third Street and a speed table installed in one or two places on Strand Street. Mr. Jarboe stated the Public Services Department could install the speed humps according to the Florida Department of Transportation standards thereby avoiding the expense of a contractor.

Consensus: **TO HAVE THE PUBLIC SERVICES DEPARTMENT INSTALL THE SPEED HUMPS EAST OF THIRD STREET FROM FLORIDA BOULEVARD TO HOPKINS STREET AND FORWARD TO THE JULY REGULAR MEETING CONSENT AGENDA.**

Res. No. 2005-06

RESOLUTION NO. 2005-06 RENAMING ELEVENTH STREET SANDY'S WAY: Councilor Pardee suggested renaming Eleventh Street after Sandy Forsyth, the owner of Aqua East Surf Shop who recently passed away.

Mayor Brown asked to move the Resolution to the July workshop meeting agenda when all Council Members would be present.

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

Fla. Blvd.
Wildlife Sanctuary

FLORIDA BOULEVARD WILDLIFE SANCTUARY: Mayor Brown stated it would be a tremendous effort to clean up the easement and provide future maintenance. He recommended leaving the easement in its current condition.

Vice Mayor Pruette stated a majority of the residents would like for the easement to remain a Wildlife Sanctuary.

Consensus: **TO ALLOW THE EASEMENT TO REMAIN A WILDLIFE SANCTUARY.**

City Manager Jarboe stated Council action was not necessary.

For the Record

Vice Mayor Pruette stated for the record that the easement was a Wildlife & Bird Sanctuary and the abutting property owners would like it to remain.

July Reg. Mtg.

Deputy City Clerk Karla Strait stated the July Regular Council Meeting fell on July 4th, a city holiday, and asked the Council to reschedule.

Consensus: **TO HOLD THE JULY REGULAR MEETING ON MONDAY JULY 11TH, 2005.**

Adjournment

There being no further business, the meeting adjourned at 8:05 p.m.

Richard A. Brown, Mayor

Attest:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
SPECIAL CITY COUNCIL MEETING
MAY 16, 2005 AT 6:30 P.M.
CITY HALL, 116 FIRST STREET
NEPTUNE BEACH, FLORIDA

Pursuant to proper notice a Special Meeting of the City Council of the City of Neptune Beach was held May 16, 2005, at 6:30 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

Mayor Richard A. Brown
Vice Mayor James Gilbert
Councilor Harriet Pruette
Councilor Larry Shealy
Councilor John Weldon
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

ABSENT:

City Attorney Christopher White

STAFF:

Community Development Director Jason Cleghorn
Director of Public Services Leon Smith
Deputy City Clerk Karla Strait, CMC

Order Call

Mayor Brown called the special meeting to order at 6:30 p.m. and announced the purpose of the meeting was to approve the recommendation of the City Manager to appoint Mr. David Sembach to the position of Director of Public Safety.

Moved by Weldon, seconded by Shealy.

Motion: **TO APPROVE THE CITY MANAGER'S RECOMMENDATION TO APPOINT DAVID SEMBACH FOR THE POSITION OF CHIEF OF POLICE - DIRECTOR OF PUBLIC SAFETY.**

Roll Call Vote:

Ayes: 5 – Pardee, Pruette, Shealy, Weldon, Brown
Noes: 0

MOTION CARRIED

Judge Gary Flower administered the Oath of Office to David Sembach.

Adjournment

There being no further business, the meeting adjourned at 6:35 p.m.

Richard Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
WORKSHOP CITY COUNCIL MEETING
MAY 16, 2005, AT 6:45 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 May 16, 2005 at 6:45 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

Mayor Richard A. Brown
Vice Mayor Harriet Pruette
Councilor Eric Pardee
Councilor Larry Shealy
Councilor John Weldon
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

ABSENT:

City Attorney Christopher White

STAFF:

Community Development Director Jason Cleghorn
Director of Public Services Leon Smith
Deputy City Clerk Karla Strait, CMC

Call to Order/Roll Call Mayor Brown called the meeting to order at 6:45 p.m.

PRESENTATIONS

MPO/TIP

Debra Crammond, Representative for the Metropolitan Planning Organization, gave a presentation on the Transportation Improvement Program (TIP) for fiscal years 2005/2006 thru 2009/2010.

The following are those projects which would affect the beaches area:

- Atlantic Boulevard – Resurfacing – Mayport Road to Third Street
- Atlantic Boulevard / Hodges Boulevard – Intersection Improvements
- Atlantic Boulevard / Kernan Boulevard – Intersection Improvements
- Atlantic Boulevard / SR A1A: Traffic Signal Update at Third Street and A1A, Jacksonville Beach – Mayport Road to 9th Avenue North
- Beach Boulevard (SR 212) – Add Lanes and Reconstruct – FCCJ to San Pablo Road
- Beach Boulevard (SR 212) – Add Lanes and Reconstruct – Hodges Boulevard to San Pablo Road
- Beach Boulevard (SR 212) – Resurfacing – St. Johns Bluff Road to FCCJ

- Beach Boulevard (SR 212) – Construct new bridge at ICWW
- Beach Boulevard / Kernan Boulevard – Intersection Improvements
- Girvin Road – Construct a 4-Lane Urban Section – Mt. Pleasant Road to Atlantic Boulevard
- Hodges Boulevard – Construct 4-Lane Urban Section – Atlantic Boulevard to Beach Boulevard
- J. Turner Butler Boulevard (SR 202) Add Lanes and Reconstruct – West of Kernan Boulevard to San Pablo Road
- San Pablo Road – Construct a 3 Lane Urban Section – Atlantic Boulevard to Beach Boulevard
- State Road A1A – Resurfacing – St. Johns County Line to 34th Avenue
- State Road A1A – Resurfacing – 34th Avenue to Atlantic Boulevard.
- State Road A1A – Traffic Signal Update at Mayport Road
- State Road A1A – Traffic Signal Update – 9th Avenue North to Marsh Landing Parkway
- State Road A1A – Traffic Signals at 36th Avenue (CR 203)
- State Road A1A (Third Street South) – Add Left Turn Lane(s) – 16th Avenue South to Osceola Street

COMMITTEE REPORTS / NONE

CITY MANAGERS ACTION LIST

- The 2003/2004 fiscal year audit was complete and would be presented to the Council by the auditors at a future date.
- The Public Services Department completed the sewer repair at the 1300 block of Fourth Street.

Vice Mayor Pruette asked the City Manager to place the issue of speed humps on the June workshop agenda.

Councilor Weldon asked the City Manager if he had worked out a maintenance agreement with the Florida Department of Transportation for Hopkins Creek. City Manager Jarboe responded FDOT was reviewing the city's proposal.

PUBLIC COMMENTS

Chris Oakey, 620 Camellia Terrace Drive, was concerned about the tree removal permitting process, cracks in the new pavement, and animal control procedures.

Skip Lakey, 227 South Street, favored the installation of speed humps on South Street.

Candy Sullivan, 220 South Street, favored the installation of speed humps on South Street. She requested the City also 1) install an additional speed hump on South Street 2) paint the speed humps with stripes, and 3) add a "Slow Children" sign and a "15 mph Speed Limit" sign.

Mary Ann Padrta, 1030 Second Street, opposed the city giving away public property to private citizens.

PROPOSED ORDINANCES / NONE

CONTRACTS / AGREEMENTS

FDOT

FLORIDA DEPARTMENT OF TRANSPORTATION – STATE HIGHWAY SYSTEM LIGHTING, MAINTENANCE AND COMPENSATION AGREEMENT: City Manager Jarboe explained compensation from FDOT increased 3% for the year.

Consensus: **FORWARD TO THE JUNE CONSENT AGENDA FOR APPROVAL.**

ISSUE DEVELOPMENT

Ord. No. 2005-09

ORDINANCE NO. 2005-09: ANIMALS: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 6, SEC. 6-1 DEFINITIONS, SEC. 6-2 BIRD SANCTUARY; EXCEPTION, SEC. 6-4 NUISANCES CAUSED BY ANIMALS AND SEC. 6-32 DOGS ON THE BEACH; ADDING SEC. 6-10 INTERFERENCE WITH AUTHORIZED PERSONNEL IN PERFORMANCE OF DUTIES; BREAKING INTO OFFICIAL PROPERTY, ETC, SEC. 6-11 LEGISLATIVE FINDINGS, SEC. 6-12 INJURIES CAUSED BY ANIMALS, SEC. 6-13 DANGEROUS DOGS, SEC. 6-14 CLASSIFICATION OF DOGS AS DANGEROUS; CERTIFICATION OF REGISTRATION; NOTICE AND HEARING REQUIREMENTS; CONFINEMENT OF ANIMAL EXEMPTION; APPEALS; UNLAWFUL ACTS, SEC. 6-15 ATTACK OR BITE BY DANGEROUS DOG; PENALTIES; CONFISCATION; DESTRUCTION AND SEC. 6-16 BITE BY A POLICE OR SERVICE DOG; EXEMPTION FROM QUARANTINE AND PROVIDING AN EFFECTIVE DATE.

Vice Mayor Pruette stated the following needed to be changed: Section 6-27. Leash Required; exceptions. All dogs not on the property of the owner shall be securely fastened to a suitable leash of dependable strength not to exceed ~~twelve (12)~~ sixteen (16) feet in length held by the owner.

Vice Mayor Pruette questioned the legality of “registered owner”. Councilor Weldon suggested the following change: Section 6-1. Definitions. Owner means any person, firm, corporation or organization ~~possessing,~~ owning, harboring, keeping or having control or custody of an animal or, if the animal is owned by a person under the age of (18) eighteen, that person’s parent or guardian.

A lengthy discussion ensued regarding animal control procedures. Animal Control Officer John Webber explained the reason for the ordinance.

Consensus: **FORWARD THE JUNE REGULAR MEETING FOR SECOND READ AND PUBLIC HEARING.**

First St. R-O-W

FIRST STREET RIGHT OF WAY: City Manager Jarboe explained many years ago the City Council abandoned (40’) forty foot right-of-way on First Street to the adjacent property owners which included the sidewalk and some part of the roadway.

Mr. Dostalík, 117 Florida Boulevard, stated in an effort to protect and preserve his driveway for the future he would like to return a portion of that (40’) forty feet on First Street in exchange for the portion of right-of-way on Florida Boulevard which is his current driveway.

Randy Taylor, 1315 First Street, stated he was in the same situation as Mr. Dostalík and would also like to return a portion of the (40’) forty feet in exchange for the right of way his driveway is on.

Discussion ensued regarding ownership of the property.

Consensus: **CITY MANAGER JARBOE TO RESEARCH THE STATUS OF THE**

**DEEDS FOR THE FIRST STREET RIGHTS OF WAY AND TO
COLLECT MORE INFORMATION ON THE PROPERTY EXCHANGE.**

Purchase of City
Easement

PURCHASE OF CITY EASEMENT: City Manager Jarboe explained Mr. Garnett, 629 Florida Boulevard, was interested in purchasing the portion of city easement adjacent to the rear of his property.

Mr. Garnett explained the easement was currently overgrown with undesirable foliage and had rat problems. His desire was to acquire the 100-foot wide portion of the easement directly behind his property from the city at a fair market price.

City Manager Jarboe stated the property was declared a Wildlife Sanctuary by a former city council. He was advised by the City Attorney that if the the property was a fire threat the city could clean up the underbrush.

Vice Mayor Pruette agreed the property should be cleaned and maintained by the city. She felt because there was no more property available in Neptune Beach the easement should be kept for the citizens.

Councilor Weldon agreed the easement would be in much better condition once it was cleared and would no longer be a nuisance.

Mr. Garnett stated the city sold a triangular portion of property on Florida Boulevard to an adjacent homeowner for \$2,500 and he would like to be given the same consideration.

Consensus: **TO PROCEED WITH CLEAN UP OF THE EASEMENT AND PROVIDE
MORE INFORMATION TO THE COUNCIL REGARDING THE SALE
OF THE OTHER PORTION OF PROPERTY.**

BOA

**PROPOSED ORDINANCE AND PROCESS CHANGES TO ASSIST THE BOARD OF
APPEALS:** Mayor Brown felt the variance process was designed to deny variances and needed to be revised. He stated the Board of Appeals' denial of Mr. Russell's variance request to install a six foot privacy fence on his side yard abutting Third Street demonstrated his point. After the Board denied the request Mr. Russell had no basis to appeal to the Council. The Council had to change the ordinance to allow six foot privacy fences on Third Street in certain instances, in order to alleviate Mr. Russell's concerns.

Vice Mayor Pruette thought it would be helpful to the Council if the City Attorney would review the Board verbatim and advise the Council if the applicant had valid grounds for appeal.

Councilor Shealy stated he would like to have a joint workshop meeting with the members of the Board of Appeals and City Attorney White to discuss the variance process.

Councilor Weldon felt the system was working as it should. The Board did not find a unique hardship and upheld the fence ordinance. City Council felt there was a genuine hardship for people living on Third Street and therefore changed the Code. This is how he felt the system should work.

Councilor Pardee stated he attended the last Board of Appeals meeting. He recommended that the citizens be better educated and prepared by staff before appearing before the Board. He also witnessed the Board offering options to requests in some cases and not others and felt everyone should be given the same opportunity.

Vice Mayor Pruette asked Christine Chin, Member of the Board of Appeals, to speak in reference to the Findings of Fact Sheet.

Mrs. Chin stated currently the fact sheet required members to justify their reasoning if they answered no to a finding. She felt it would be better if they justified reasoning for yes answers. She also suggested the board discuss the variance in relationship to each finding of fact. She added a workshop meeting with board members and the Council was a good suggestion.

Councilor Weldon added he would like to hold a workshop meeting with the Code Enforcement Board as well.

Consensus: **TO HOLD A JOINT MEETING WITH THE BOARD OF APPEALS AND A SEPARATE JOINT MEETING WITH THE CODE ENFORCEMENT BOARD.**

Pine Trees **TREE PROTECTION ORDINANCE:** City Manager Jarboe advised staff needed to do more research on this agenda item and would bring it back to the Council.

Surplus Equipment **SURPLUS OF CITY EQUIPMENT:** Approval to surplus a 1994 Ford F350 utility truck.

Consensus: **FORWARD TO THE JUNE CONSENT AGENDA FOR APPROVAL.**

Festival in Jarboe Park **FESTIVAL IN JARBOE PARK:** Councilor Pardee stated 2006 was the city's 75th anniversary and he would like the city to organize a festival in Jarboe Park to celebrate the occasion.

City Manager Jarboe stated staff would begin to organize the festival and bring back recommendations for Council review.

Consensus: **TO BEGIN THE PLANNING OF A 75TH ANNIVERSARY FESTIVAL IN JARBOE PARK.**

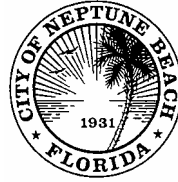
Adjournment There being no further business, the meeting adjourned at 9:30 p.m.

Richard A. Brown, Mayor

Attest:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
REGULAR CITY COUNCIL MEETING
MAY 2, 2005 7:00 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 May 2, 2005 at 7:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

Vice Mayor Harriet Pruette
Councilor Eric Pardee
Councilor Larry Shealy
Councilor John Weldon
City Attorney Christopher White
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

ABSENT:

Mayor Richard A. Brown

STAFF:

Community Development Director Jason Cleghorn
Director of Public Services Leon Smith
Deputy City Clerk Karla Strait, CMC

Order Call/Pledge

Vice Mayor Pruette called the meeting to order at 7:00 p.m. and asked City Attorney Chris White to lead the pledge of allegiance.

AWARDS / PRESENTATIONS / RECOGNITION OF GUESTS

Vice Mayor Pruette presented Christopher Aguiar with a "Key to the City". Mr. Aguiar reported for the Florida Times Union Shorelines, covering Neptune Beach, since July of 2001. He will be relocating to advance his career in public relations.

APPROVAL OF MINUTES

Moved by Weldon, seconded by Shealy.

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

APRIL 4, 2005, REGULAR COUNCIL MEETING
APRIL 18, 2005, WORKSHOP COUNCIL MEETING

Roll Call Vote:

Ayes: 4 – Pardee, Shealy, Weldon, Pruette

Noes: 0

MOTION CARRIED**COMMUNICATIONS AND CORRESPONDENCE**

Councilor Pardee advised that the City of Jacksonville had completed the re-striping of Florida Boulevard.

City Attorney White stated the city had filed an action to foreclose on the lien on Solantic for code violations and the action was proceeding progressively.

CITY MANAGER REPORT

City Manager Jarboe reported on the following projects:

- The action list was revised so projects completed within the year would remain on the list.
- The Public Services Department was working on installing speed humps and hoped to save the city \$25,000.

For the Record Vice Mayor Pruette stated on the record she would like the replacement of the Kings Road Bridge to remain a priority.

Councilor Weldon asked City Manager Jarboe if he was working with the Florida Department of Transportation on cleaning up a overgrown segment of Hopkins Creek. City Manager Jarboe responded the item was still on the action list.

Councilor Shealy stated he would like to meet with City Manager Jarboe to discuss grant software.

PUBLIC COMMENTS / NONE**CONSENT AGENDA**

Res. 2005-03

RESOLUTION NO. 2005-03: A RESOLUTION ALLOWING THE CITY MANAGER TO EXECUTE THE AGREEMENT FOR MAINTENANCE OF SR A1A (THIRD STREET), NEPTUNE BEACH, FLORIDA.

Verizon Lease Agreement

VERIZON LEASE AGREEMENT: Approval of Verizon Wireless to lease a certain space on the Water Tower, located at 1325 Florida Boulevard, to install, maintain and operate radio communicates equipment.

Moved by Shealy, seconded by Pardee.

Motion: **TO APPROVE THE CONSENT AGENDA.**

Roll Call Vote:

Ayes: 4 – Pardee, Shealy, Weldon, Pruette

Noes: 0

MOTION CARRIED**VARIANCES / NONE**

NEW BUSINESS

Agenda Amendment Vice Mayor Pruette amended the agenda to hear the variance request of Aqua East Surf Shop, 696 Atlantic Boulevard.

696 Atlantic Blvd. VARIANCE REQUEST FOR 696 ATLANTIC BOULEVARD: Terry Simmons, Architect for the project explained Mr. George (Sandy) Forsyth started planning an expansion to the east of the Aqua East building back in 2000. The project was approved by the city back then but was placed on hold due to the owners health issues. Mr. Forsyth was now ready to proceed with the project however the building requirements had changed since the original approval thereby causing the need for the variance application.

For the Record Councilor Weldon stated for the record if the property was to be subdivided for other businesses it must be approved by the Planning & Development Review Board and the Council.

Moved by Weldon, seconded by Shealy.

Motion: **TO APPROVE THE VARIANCE REQUEST FOR AQUA EAST – 696 ATLANTIC BOULEVARD WITH THE STATEMENT FOR THE RECORD THAT NO FURTHER SUBDIVISION OF THE PREMISES WOULD BE PERMITTED WITHOUT COMPLETE DEVELOPMENT REVIEW.**

Roll Call Vote:

Ayes: 4 – Pardee, Shealy, Weldon, Pruette

Noes: 0

MOTION CARRIED

ORDINANCES

Ord. No. 2005-06 ORDINANCE NO. 2005-06, AMENDING CHAPTER 27 UNIFIED LAND DEVELOPMENT REGULATIONS, SECOND READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 27 UNIFIED LAND DEVELOPMENT REGULATIONS AMENDING SECTION 27-458 RESIDENTIAL LANDSCAPE REQUIREMENTS AND AMENDING SECTION 27-476 STREET DESIGN STANDARDS AND PROVIDING AN EFFECTIVE DATE.

Councilor Weldon suggested the following change:

Section 27-458(3) Landscaping ~~has to~~ shall be limited to a maximum of 3 feet.

Vice Mayor Pruette read Ordinance No. 2005-06 by title only and opened the public hearing.

There being no comments from the public, the public hearing was closed.

Moved by Shealy, seconded by Weldon.

Motion: **TO ADOPT ORDINANCE NO. 2005-06 AS AMENDED ON SECOND READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 4 – Pardee, Shealy, Weldon, Pruette

Noes: 0

MOTION CARRIED

Ord. No. 2005-07 ORDINANCE NO. 2005-07, AMENDING SECTION 22-30, SECOND READ AND PUBLIC

HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING SECTION 22-30 REMOVAL OF VEHICLES, TO INCLUDE 22-30(D) AND TO PROVIDE AN EFFECTIVE DATE.

Vice Mayor Pruette read Ordinance No. 2005-07 by title only and opened the public hearing.

There being no comments from the public, the public hearing was closed.

Moved by Weldon, seconded by Pardee.

Motion: **TO ADOPT ORDINANCE NO. 2005-07 ON SECOND READ AND PUBLIC HEARING AS AMENDED.**

Roll Call Vote:

Ayes: 4 – Pardee, Shealy, Weldon, Pruette

Noes: 0

MOTION CARRIED

Ord. No. 2005-08

ORDINANCE NO. 2005-08, AMENDING CHAPTER 4, ALCOHOLIC BEVERAGES, SECOND READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 4 ALCOHOLIC BEVERAGES AND PROVIDING AN EFFECTIVE DATE.

City Manager Jarboe recommended the following needed to changes:

Section 4-4(a). No license shall be granted or issued to any vendor selling alcoholic beverages at retail which derives 51% or more of its annual gross revenue from the sale of alcoholic beverages to operate a place of business selling alcoholic beverages at retail within ~~three thousand~~ eight hundred (800) feet of the location of any business for which an existing license has been issued to a vendor selling alcoholic beverages at retail or within ~~three hundred~~ eight hundred (800) feet of any established school or church.

Section 4-9(2). Business located within the commercial zoning districts C2, C3, and CBD only and subject to zoning codes of this city code.

Vice Mayor Pruette read Ordinance No. 2005-08 by title only and opened the public hearing.

There being no comments from the public, the public hearing was closed.

Moved by Pardee, seconded by Weldon.

Motion: **TO ADOPT ORDINANCE NO. 2005-08 ON SECOND READ AND PUBLIC HEARING AS AMENDED.**

Roll Call Vote:

Ayes: 4 – Pardee, Shealy, Weldon, Pruette

Noes: 0

MOTION CARRIED

Ord. No. 2005-09

ORDINANCE NO. 2005-09, ANIMALS, FIRST READ: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 6 SEC. 6-1 DEFINITIONS, SEC. 6-2 BIRD SANCTUARY; EXCEPTION, SEC. 6-4 NUISANCES CAUSED BY ANIMALS AND SEC. 6-32 DOGS ON THE BEACH; ADDING SEC. 6-10 INTERFERENCE WITH AUTHORIZED PERSONNEL IN PERFORMANCE OF DUTIES; BREAKING INTO OFFICIAL PROPERTY, ETC., SEC. 6-11 LEGISLATIVE FINDINGS, SEC. 6-12 INJURIES CAUSED BY ANIMALS, SEC. 6-13 DANGEROUS DOGS, SEC. 6-14 CLASSIFICATION OF DOGS AS DANGEROUS; CERTIFICATION OF REGISTRATION; NOTICE AND HEARING

REQUIREMENTS; CONFINEMENT OF ANIMAL EXEMPTION; APPEALS; UNLAWFUL ACTS, SEC. 6-15 ATTACK OR BITE BY DANGEROUS DOG; PENALTIES; CONFISCATION; DESTRUCTION AND SEC. 6-16 BITE BY A POLICE OR SERVICE DOG; EXEMPTION FROM QUARANTINE AND PROVIDING AN EFFECTIVE DATE.

Moved by Weldon, seconded by Pardee.

Motion: **TO PASS ORDINANCE NO. 2005-09 ON FIRST READ AND FORWARD TO THE MAY WORKSHOP MEETING.**

Roll Call Vote:

Ayes: 4 – Pardee, Shealy, Weldon, Pruette

Noes: 0

MOTION CARRIED

Ord. No. 2005-10

ORDINANCE NO. 2005-10, FENCES, FIRST READ: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 27 UNIFIED LAND DEVELOPMENT REGULATIONS SECTION 27-330 FENCES, WALLS AND HEDGES AND PROVIDING AN EFFECTIVE DATE.

Moved by Shealy, seconded by Pardee.

Motion: **TO PASS ORDINANCE NO. 2005-10 ON FIRST READ.**

Councilor Weldon stated he was concerned about the detriment to the beautification of SR A1A (Third Street).

Vice Mayor Pruette agreed to sponsor the ordinance.

Roll Call Vote:

Ayes: 4 – Pardee, Shealy, Weldon, Pruette

Noes: 0

MOTION CARRIED

Ord. No. 2005-11

ORDINANCE NO. 2005-11, SIGNS, FIRST READ: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 27 UNIFIED LAND DEVELOPMENT REGULATIONS SECTION 27-573 APPLICABILITY AND SECTION 27-592 NONCONFORMING SIGNS AND PROVIDING AN EFFECTIVE DATE.

Councilor Weldon suggested the following changes: Section. 27-592(3)d. Any change, which alters ~~the material used for~~ the display area or face area by more than twenty-five (25) percent.

Vice Mayor Pruette read Ordinance No. 2005-11 by title only and opened the public hearing.

There being no comments from the public, the public hearing was closed.

Moved by Weldon, seconded by Shealy.

Motion: **TO DECLARE ORDINANCE NO. 2005-11 AN EMERGENCY.**

Roll Call Vote:

Ayes: 4 – Pardee, Shealy, Weldon, Pruette

Noes: 0

MOTION CARRIED

Moved by Weldon, seconded by Shealy.

Motion: **TO PASS ORDINANCE NO. 2005-11 ON FIRST READ AS AMENDED AND FORWARD TO JUNE FOR A PUBLIC HEARING.**

Roll Call Vote:

Ayes: 4 – Pardee, Shealy, Weldon, Pruette

Noes: 0

MOTION CARRIED

OLD BUSINESS / NONE

NEW BUSINESS

Res. No. 2005-04

RESOLUTION NO. 2005-04, APPOINTING BOARD MEMBERS: A RESOLUTION APPOINTING BOARD MEMBERS TO THE CODE ENFORCEMENT BOARD.

Moved by Weldon, seconded by Shealy.

Motion: **TO APPROVE RESOLUTION NO. 2005-04.**

Roll Call Vote:

Ayes: 4 – Pardee, Shealy, Weldon, Pruette

Noes: 0

MOTION CARRIED

Adjournment

There being no further business, the meeting adjourned at 7:38 p.m.

Richard A. Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



**MINUTES
WORKSHOP CITY COUNCIL MEETING
APRIL 18, 2005, AT 7:00 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 18, 2005 at 7:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

Mayor Richard A. Brown
Vice Mayor Harriet Pruette
Councilor Eric Pardee
Councilor Larry Shealy
Councilor John Weldon
City Attorney Christopher White
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

STAFF:

Community Development Director Jason Cleghorn
Director of Public Services Leon Smith
Director of Finance Steve Ramsey
Deputy City Clerk Karla Strait, CMC

Call to Order/Roll Call Mayor Brown called the meeting to order at 7:00 p.m.

PRESENTATIONS / NONE

COMMITTEE REPORTS / NONE

CITY MANAGERS ACTION LIST

City Manager Jarboe reported on the following issues:

- The repaving was completed.
- One bid was received for the installation of speed humps and Finance Director Steve Ramsey would report back with budget information.
- The Public Services Department converted from using gas chlorine to liquid chlorine which increased the safety of the community.

Councilor Shealy commended City Manager Jarboe for completing 18 projects out of the 29 that were on the Action List.

Councilor Weldon stated the speed humps were included in the repaving project and questioned why they were not installed by the contractor. He asked the City Manager to bring the subject back to the Council once the affordability was determined.

Vice Mayor Pruette stated she would like to have the city get an estimate for the cost of striping First Street.

Councilor Pardee stated he had spoken with the gentleman that was in charge of the City of Jacksonville's stripping regarding striping of Florida Boulevard.

Mayor Brown stated the DOT Hopkins Creek project was almost complete.

Councilor Weldon stated the extension of Hopkins Creek on the eastern segment toward Fifth Street was cluttered and asked if could be cleaned up. City Manager Jarboe responded he would approach the DOT to see if a maintenance agreement could be arranged.

PUBLIC COMMENTS

Mary Ann Padrta, 1030 Second Street, thanked the city for installing stop signs on First Street; asked that parking be added at the end of North Street; was concerned about unleashed dogs; felt landlords should be notified when an animal control citation was given to a tenant; stated she felt permits for storm doors were unnecessary; and the Board of Appeals members had been mistreated.

Dan Russell, 239 Davis Street, remarked that the large oak tree that gave his rear yard privacy from the Third Street traffic was destroyed by the past years hurricanes which is why he requested a variance to install a six foot privacy fence on his side yard facing Third Street to provide safety and security to his family.

Sybil Ansbacher, 2008 Strand, felt the memorandum from Mayor Brown and the newspaper article regarding the decision of the Board of Appeals to deny Mr. Russell a 6' privacy fence on Third Street undermined the Boards credibility.

Chris Chin, 227 Margaret Street, felt because of the memorandum and the newspaper article regarding the Board of Appeals decision to deny Mr. Russell a six foot privacy fence on Third Street the citizens no longer had confidence in the Board.

Steve Hartsaw, 301 Oleander Street, felt the city should help the residents on Third Street with some relief from the traffic and noise.

PROPOSED ORDINANCES

Ord. No. 2005-XX

ORDINANCE NO. 2005-XX AMENDING CHAPTER 6:: AN ORDINANCE OF THE CITY NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 6, SEC. 6-1 DEFINITIONS, SEC. 6-2 BIRD SANCTUARY; EXCEPTION, SEC. 6-4 NUISANCES CAUSED BY ANIMALS AND SEC. 6-32 DOGS ON THE BEACH; ADDING SEC. 6-10 INTERFERENCE WITH AUTHORIZED PERSONNEL IN PERFORMANCE OF DUTIES; BREAKING INTO OFFICIAL PROPERTY, ETC, SEC. 6-11 LEGISLATIVE FINDINGS, SEC. 6-12 INJURIES CAUSED BY ANIMALS, SEC. 6-13 DANGEROUS; CERTIFICATION OF REGISTRATION; NOTICE AND HEARING REQUIREMENTS; CONFINEMENT OF ANIMAL EXEMPTION; APPEALS; UNLAWFUL ACTS, SEC. 6-15 ATTACK OR BITE BY DANGEROUS DOG; PENALTIES; CONFISCATION; DESTRUCTION AND SEC. 6-16 BITE BY A POLICE OR SERVICE DOG; EXEMPTION FROM QUARANTINE AND PROVIDING AN EFFECTIVE DATE.

City Manager Jarboe remarked that the Ordinance related to dealing with dangerous dogs.

Councilor Pardee felt the time period for barking dog disturbances should be left at the

one hour time period.

City Attorney White advised if there was a time period of one hour, City staff or the responding police officer would have to witness the dog barking for an entire hour before a citation could be issued.

Councilor Shealy was concerned about the level of code enforcement and felt it should be stricter.

City Manager Jarboe informed the council there are only one and a half employees in the animal control department and it was a seven day a week job. He added police officers were not responsible for animal control. He suggested training citizens for part time animal control duties.

Vice Mayor Pruette suggested raising the penalty of the first offense from \$25 to \$50 and the second offense from \$50 to \$75. She also suggested changing the requirement of a 12' leash to a 16' leash.

City Manager Jarboe stated he could bring before the Council a proposal to add a new animal control employee.

Vice Mayor Pruette stated she would not support adding another animal control employee. She was also concerned that only 22 animal control citations were issued within the past year and felt there should have been more.

Councilor Weldon suggested a performance evaluation of the animal control department be conducted and provided to the Council along with an explanation as to why so few citations were issued.

Vice Mayor Pruette suggested that Council receive a report each month on the number of animal control citations issued.

Consensus: **TO RAISE THE PENALTY FOR THE FIRST OFFENSE TO \$50, AND THE SECOND OFFENSE TO \$75; CHANGE THE LENGTH OF THE LEASH FROM 12' TO 16' AND FORWARD TO THE MAY REGULAR MEETING FOR FIRST READ.**

Recess/Reconvene Mayor Brown called a recess at 8:00 p.m. and reconvened the meeting at 8:10 p.m.

CONTRACTS / AGREEMENTS

Verizon **VERIZON WATER TOWER LEASE AGREEMENT:** Agreement to lease the water tower to Verizon Wireless to install, maintain and operate the radio communications equipment, antennas and appurtenances as described in the agreement.

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

ISSUE DEVELOPMENT

Civility Month **PROCLAMATION AND PLEDGE OF CIVILITY FOR THE MONTH OF MAY:** The attorneys for the City, County and Local Government Law Section of the Florida Bar requested the renewal of the pledge of public conduct and civility for the month of May.

City Clerk Lisa Volpe advised a vote was not necessary for the approval of a proclamation.

Consensus: **TO SUPPORT THE RENEWAL OF THE PROCLAMATION FOR THE PLEDGE OF CIVILITY FOR THE MONTH OF MAY.**

Purchase of City
Easement

PURCHASE OF CITY EASEMENT BY ADJACENT PROPERTY OWNER: City Manager Jarboe explained there was a 300 to 400 foot track of land behind Florida Boulevard that was once part of South Street. There was no infrastructure on the property and it was currently overgrown with vegetation. The city previously declared the property a wildlife and bird sanctuary. Mr. Jack Garnett of 629 Florida Boulevard requested the city allow him to purchase the portion of said property that abutted the rear of his lot and take responsibility for the maintenance.

Mr. Jack Garnett, 629 Florida Boulevard, stated he would like to purchase the portion of property abutting his yard. He would take responsibility for the maintenance and add it to the city's tax roll.

Mayor Brown stated if the city granted permission to Mr. Garnett for the purchase of the land, the city would also have to offer the same to the other adjacent property owners.

Councilor Weldon suggested leaving the property public and having the city employees properly maintain it. Vice Mayor Pruette stated she was against abandonment and felt that green spaces and bird sanctuaries within Neptune Beach are important to the community.

Councilor Pardee felt the land would be put to better use if the property owners were granted permission to incorporate it into their property thereby adding it to the tax rolls.

Consensus: **TO GATHER MORE INFORMATION AND FORWARD TO THE MAY WORKSHOP MEETING.**

Fencing along Third
Street

FENCING ALONG THIRD STREET: Mayor Brown felt the procedures the Board of Appeals that are required by ordinance to follow in order to grant a variance are inadequate, which was demonstrated by the denial of a request for Mr. Dan Russell to erect a six foot privacy fence on his side yard abutting Third Street. Mayor Brown felt the property owners along Third Street should be allowed to erect six foot privacy fences for security and buffering of traffic noises. He would like to change the ordinance to help the citizens.

City Manager Jarboe suggested allowing six foot privacy fences on Third Street with the following conditions: the fence must be setback two feet from Third Street; and landscaping must be provided for the area outside of the fence along Third Street to help buffer the sound. Mr. Jarboe added one of the problems for Mr. Russell was that he has a corner lot and corner lots are considered to have two front yards. Six foot privacy fences are not allowed by code to be erected in front yards.

Councilor Weldon felt the Board of Appeals handled the variance request professionally because the Code did not permit six foot privacy fences in front yards. He felt the issue was the beauty of community and it was important not to wall off Third Street. He suggested considering the following options: 1) decide how to implement six foot fencing on Third Street, 2) cite the existing code violators, 3) insist fences and walls along Third Street meet higher construction standards, 4) the fence or wall would need to be erected at least two feet inward of the property, and 5) the property owner would be responsible for landscaping and maintaining the area outside of the fence on Third Street. Councilor Weldon added that law abiding citizens should not be punished for requesting permits for six foot fences when others had been erected illegally and not fined or removed.

Vice Mayor Pruette stated the traffic and noise on Third Street would continue to rise in the future and six foot privacy fences were necessary and should be allowed on Third Street and Florida Boulevard to provide privacy and security for the property owners..

Councilor Shealy agreed that six foot privacy fencing should be allowed on Third Street with the requirement of at least a two foot setback and landscaping along the Third Street side of the fence.

Discussion ensued regarding types of fencing and how far the fence should be set inward of the property line.

Consensus: **ADD TO "ENCOURAGE" HIGHER CONSTRUCTION STANDARDS OF FENCES, CHANGE TWO FEET TO "THREE" FEET INWARD FROM THE PROPERTY LINE, ELIMINATE PENMAN ROAD LEAVING JUST THIRD STREET AND FORWARD TO THE MAY REGULAR MEETING FOR FIRST READ.**

Ord. No. 2005-06

ORDINANCE NO. 2005-06, AMENDING CHAPTER E17, UNIFIED LAND DEVELOPMENT REGULATIONS: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 27, UNIFIED LAND DEVELOPMENT REGULATIONS AMENDING SECTION 27-458 RESIDENTIAL LANDSCAPE REQUIREMENTS AND AMENDING SECTION 27-476 STREET DESIGN STANDARDS AND PROVIDING AN EFFECTIVE DATE.

City Manager Jarboe stated during the first reading and passing of the ordinance there were concerns regarding the height of landscaping and it was brought back to workshop.

Discussion ensued regarding the height of landscaping that would be allowed on the public street ends.

Consensus: **TO LIMIT THE HEIGHT OF LANDSCAPING TO THREE FEET AND FORWARD TO THE MAY REGULAR MEETING FOR SECOND READ.**

Ord. No. 2005-08

ORDINANCE NO. 2005-08, AMENDING CHAPTER 4, ALCOHOLIC BEVERAGES: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 4 ALCOHOLIC BEVERAGES AND PROVIDING AN EFFECTIVE DATE.

City Manager Jarboe stated concerns were brought up at first read regarding the distance between establishments and it was brought back to workshop. Discussion ensued.

Consensus: **TO ADD AN 800 FOOT DISTANCE BETWEEN ESTABLISHMENTS WITH MORE THAN 51% OF THEIR REVENUE IN ALCOHOL AND FORWARD TO THE MAY REGULAR COUNCIL MEETING FOR SECOND READ.**

Sign Ord.

REVIEW OF SIGN ORDINANCE – OBJECTIVE OF TIGHTENING CRITERIA FOR TRIGGERING COMPLIANCE WITH THE NEW ORDINANCE – COUNCILOR WELDON:

Councilor Weldon suggested strengthening the sign ordinance by making the following revisions to Section 27-573 and Section 27-592.

Section 27-573 Applicability. Add to the end of the paragraph Mere repainting or routine

maintenance of a sign shall not, in and of itself, be construed as a substantial alteration.

Section 27-592 Nonconforming Signs. Add (3)h. Any re-branding of a sign resulting from a change in franchise and/or business ownership.

Council discussed that these changes would not allow a pole sign to be left if ownership of the business changed hands.

Consensus: **FORWARD TO THE MAY REGULAR MEETING FOR FIRST READ.**

Res. No. 2005-XX

RESOLUTION NO. 2005-XX: A RESOLUTION ALLOWING THE CITY MANAGER TO EXECUTE THE AGREEMENT FOR MAINTENANCE OF SR A1A (THIRD STREET), NEPTUNE BEACH, FLORIDA.

City Manager Jarboe advised that this resolution would allow him to sign the maintenance agreement with the State of Florida Department of Transportation for A1A (Third Street) .

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

Green Market

City Manager Jarboe stated the Green Market was currently operating in the K-Mart Shopping Center parking lot. He suggested moving the market and allowing it to operate out of Jarboe Park at Third Street and Florida Boulevard. The city would take a more active role in getting vendors to participate. He would bring more information to the council at a later date.

Adjournment

There being no further business, the meeting adjourned at 9:42 p.m.

Richard A. Brown, Mayor

Attest:

Lisa Volpe, CMC, City Clerk

Approved: _____



**MINUTES
REGULAR CITY COUNCIL MEETING
APRIL 4, 2005 7:00 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 April 4, 2005 at 7:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

Mayor Richard A. Brown
Vice Mayor Harriet Pruette
Councilor Eric Pardee
Councilor Larry Shealy
Councilor John Weldon
City Attorney Christopher White
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

STAFF:

Lieutenant Anthony Carrillo
Community Development Director Jason Cleghorn
Director of Finance Steve Ramsey
Director of Public Services Leon Smith
Deputy City Clerk Karla Strait, CMC

Order Call/Pledge

Mayor Brown called the meeting to order at 7:00 p.m. and asked Councilor Weldon to lead the pledge of allegiance.

AWARDS / PRESENTATIONS / RECOGNITION OF GUESTS / NONE

APPROVAL OF MINUTES

Moved by Pardee, seconded by Shealy.

Councilor Weldon asked to revise page 4 of the February 28, 2005 workshop council meeting minutes: "Councilor Weldon suggested Council direct staff to implement a city wide policy to replace those streetlights currently shaded and with flush mount cobra head fixtures and the remaining to replace the others by request, where necessary, in the future."

Vice Mayor Pruette asked to add to the minutes of the March 21, 2005, workshop council meeting page 4: "City Manager Jarboe stated he would work on adding language to Ordinance No. 2005-06 that would restrict landscaping from blocking ocean views."

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

FEBRUARY 7, 2005, SPECIAL WORKSHOP COUNCIL MEETING
FEBRUARY 28, 2005, WORKSHOP COUNCIL MEETING
MARCH 7, 2005, REGULAR COUNCIL MEETING
MARCH 14, 2005, GOAL SETTING WORKSHOP MEETING
MARCH 21, 2005, WORKSHOP COUNCIL MEETING

Roll Call Vote:

Ayes: 5 – Pardee, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

COMMUNICATIONS AND CORRESPONDENCE / NONE

CITY MANAGER REPORT

The storm water improvements proved to work well as there were no long term flooding during the recent storms.

The Public Services Department continued to work on correcting the drainage problem on Orange Street and Cherry Street.

If the paving on Midway was not completed by the end of the week it would be added to the bid for speed humps that went out on March 30, 2005 to be received and opened at 2:00 p.m. April 13, 2005.

Complaints came in today regarding transients setting up tents and camping out in the marsh and they were asked to relocate. Councilor Weldon asked City Manager Jarboe if there was an ordinance against camping. Mr. Jarboe responded there was indeed such an ordinance.

PUBLIC COMMENTS

Keith Baker, 628 Second Street, expressed his appreciation to the City Manager and employees of the Public Services Department employees for installing a curb in front of his house.

Mary Ann Padrta, 1030 Second Street, requested that a curb be placed in front of her house.

CONSENT AGENDA

Tennis Camp

Approval of contract for Sandra Phillips to hold a Tennis Camp using the tennis courts in Jarboe Park for two weeks for rent in the amount of \$200.00.

Moved by Pruette, seconded by Shealy.

Motion: **TO APPROVE THE CONSENT AGENDA.**

Roll Call Vote:

Ayes: 5 – Pardee, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

VARIANCES / NONE**ORDINANCES**

Ord. No. 2005-06

ORDINANCE NO. 2005-06, AMENDING CHAPTER 27 UNIFIED LAND DEVELOPMENT REGULATIONS, SECOND READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 27 UNIFIED LAND DEVELOPMENT REGULATIONS AMENDING SECTION 27-458 RESIDENTIAL LANDSCAPE REQUIREMENTS AND AMENDING SECTION 27-476 STREET DESIGN STANDARDS AND PROVIDING AN EFFECTIVE DATE.

Mayor Brown read Ordinance No. 2005-06 by title only and opened the public hearing.

Joann Waddill, 115 Oleander Street, thanked Council for introducing the Ordinance thereby protecting and preserving the beach accesses for future generations.

There being no further comments from the public, the public hearing was closed.

Moved by Pruette, seconded by Weldon.

Motion: **TO ADOPT ORDINANCE NO. 2005-06 ON SECOND READ AND PUBLIC HEARING WITH DISCUSSION.**

Vice Mayor Pruette explained she felt it was important to add language that in no case landscaping shall block ocean views through the street end right of ways.

Friendly Amendment: **TO ADD LANGUAGE "IN NO CASE THAT LANDSCAPING SHALL BLOCK OCEAN VIEWS THROUGH THE STREET END RIGHTS OF WAYS."**

Councilor Weldon was concerned adding the language would limit the landscaping to just grass. He felt if the language was to be added a maximum height would need to be specified. He suggested added the following language: "In no case shall landscaping within the street ends rights of way exceed 4 feet in height."

Discussion continued regarding ocean views.

Councilor Shealy called a point of order and suggested forwarding the ordinance to the April workshop meeting for further discussion.

Vice Mayor Pruette withdrew her motion.

Consensus: **TO FORWARD ORDINANCE NO. 2005-06 TO THE APRIL WORKSHOP FOR FURTHER DISCUSSION.**

Ord. No. 2005-07

ORDINANCE NO. 2005-07, AMENDING SECTION 22-30, FIRST READ: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING SECTION 22-30 REMOVAL OF VEHICLES, TO INCLUDE 22-30(D) AND TO PROVIDE AN EFFECTIVE DATE.

City Attorney White recommended the following change to the ordinance: Section 22-30. Removal of Vehicles. (d)(3) When any vehicle is left unattended and parked illegally upon a street. ~~and is so parked illegally.~~

Moved by Shealy, seconded by Weldon.

Motion: **TO PASS ORDINANCE NO. 2005-07 AS AMENDED ON FIRST READ.**

Roll Call Vote:

Ayes: 5 – Pardee, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

Ord. No. 2005-08

ORDINANCE NO. 2005-08, AMENDING CHAPTER 4, ALCOHOLIC BEVERAGES, FIRST READ: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 4 ALCOHOLIC BEVERAGES AND PROVIDING AN EFFECTIVE DATE.

City Attorney White recommended the following change to the ordinance: Section 4-2 Hours of Sale.(b) No person shall be permitted on the premises of such business during such hours, except to clean up the premises, to perform necessary functions for closing the establishment, or to perform necessary maintenance- and security.

Councilor Weldon stated there was a question regarding whether or not the 3,000 foot separation of establishments selling alcohol was being eliminated. Councilor Shealy commented that the city was currently out of compliance with the 3,000 feet separation. City Manager Jarboe replied the 3,000 foot separation was being eliminated but felt some distance and separation was still necessary. Councilor Weldon added establishments selling or serving alcohol should also be separated from schools and churches.

Moved by Weldon, seconded by Pruette.

Motion: **TO PASS ORDINANCE NO. 2005-08 ON FIRST READ WITH THE CITY ATTORNEYS RECOMMENED CHANGES AND FORWARD TO THE WORKSHOP FOR FURTHER DISCUSSION.**

Roll Call Vote:

Ayes: 5 – Pardee, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

OLD BUSINESS / NONE

NEW BUSINESS

Dev. Order
Seagate Shores

FINAL DEVELOPMENT ORDER FOR PROPOSED SEAGATE SHORES SUBDIVISION – STEVE JARRETT: Mayor Brown stated the Planning & Development Review Board recommended Council approval for the proposed subdivision.

Councilor Shealy stated a conflict of interest because he was working on a project with Mr. Jarrett, and recused himself from the discussion and the vote.

Moved by Weldon, seconded by Pardee.

Motion: **TO APPROVE THE FINAL DEVELOPMENT ORDER FOR SEAGATE SHORES SUBDIVISION.**

Mr. Jarrett stated the developer would install the original sprinkler system and the Homeowners Association would be responsible for the maintenance and upkeep of

the grass public right-of-way.

For the Record Vice Mayor Pruette stated for the record that the public right-of-way was in no way to appear as private property and would be open to the public.

Mr. Jarrett stated the maximum road width in the neighborhood was 18 feet and he would like to build it 16 feet. It would be better for the developer to build the driveway as an extension of the road. He ensured the public road would in no way appear to the public as private property.

For the Record Councilor Weldon questioned what type of material would be used for the paving. He felt it would be better to have a 16 foot wide driveway paved with pervious pavers in lieu of asphalt. He also stated for the record that Mr. Jarrett would ensure that the road would clearly appear as a public road and not private property.

Moved by Weldon, seconded by Pruette.

Amended Motion: **TO APPROVE THE FINAL DEVELOPMENT ORDER FOR SEAGATE SHORES SUBDIVISION WITH THE AMENDMENT THAT THE ROADWAY EXTENSION INTO THE STREET END RIGHT OF WAY BEYOND THE ROUND ABOUT BE REDUCED IN WIDTH TO 16 FEET AND PAVED WITH PERVIOUS PAVERS OF THE DEVELOPERS CHOOSING.**

Councilor Weldon also wanted to clarify that by covenants the Home Owners Association would be required to maintain the right of way landscape.

Councilor Pardee asked Mr. Jarrett if the entire 75' driveway was in Neptune Beach or was part in Jacksonville Beach. Mr. Jarrett replied that Neptune Beach owned the right of way on both sides of the road. The homeowner on that particular lot in Jacksonville Beach would need a Neptune Beach right of way permit in order to do work on the area.

Roll Call Vote:

Ayes: 4 – Pardee, Pruette, Weldon, Brown

Noes: 0

Abstain: 1 – Shealy

MOTION CARRIED

Sea & Sky
Spectacular

CONTRIBUTION TO THE CITY OF JACKSONVILLE FOR THE SEA & SKY SPECTACULAR: Mayor Brown stated the Council agreed at the previous workshop meeting that a blanket amount of \$10,000 for each city was unfair to Neptune Beach but an amount was not determined.

Councilor Shealy suggested a per capita approach; because we were 1/6 the size of Jacksonville Beach our contribution amount should be 1/6th of the \$10,000. He added the first year this was approached we were told the \$10,000 would be a one time contribution.

For the Record Mayor Brown stated for the record he believed corporate support had increased but the event still needed some symbolic support by all three beach cities.

Councilor Pardee stated he would support rounding the \$1,600 amount up to \$2,000.

Councilor Weldon stated he would also support \$2,000.

Vice Mayor Pruette stated she would agree to the \$2,000 contribution but would

really prefer \$1,600.

Moved by Weldon, seconded by Pardee.

Motion: **TO APPROPRIATE \$2,000 FOR THE CITY OF JACKSONVILLE SEA AND SKY SPECTACULAR.**

Roll Call Vote:

Ayes: 3 – Pardee, Weldon, Brown

Noes: 2 – Pruette, Shealy

MOTION CARRIED

For the Record City Manager Jarboe for the record asked the Council for permission to allow the finance director to use funds from whatever account was available.

Consensus: **TO ALLOW THE FINANCE DIRECTOR TO FIND THE FUNDS FROM AN APPROPRIATE ACCOUNT.**

Fireworks

CONTRIBUTION TO THE CITY OF JACKSONVILLE BEACH FOR THE FOURTH OF JULY FIREWORKS DISPLAY. City Manager Jarboe stated the City of Jacksonville Beach was contributing \$15,000 for the 4th of July fireworks display. They requested a contribution of \$5,000 from Atlantic Beach and Neptune Beach. There was some discussion among council.

Moved by Shealy, seconded by Pruette.

Motion: **TO APPROVE A \$5,000 CONTRIBUTION TO THE CITY OF JACKSONVILLE BEACH FOR THE JULY 4TH FIREWORKS DISPLAY.**

Roll Call Vote:

Ayes: 5 – Pardee, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

Adjournment

There being no further business, the meeting adjourned at 7:50 p.m.

Richard A. Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
WORKSHOP CITY COUNCIL MEETING
MARCH 21, 2005, AT 7:00 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 March 21, 2005 at 7:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

Mayor Richard A. Brown
Vice Mayor Harriet Pruette
Councilor Eric Pardee
Councilor Larry Shealy
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

ABSENT:

Councilor John Weldon
City Attorney Christopher White

STAFF:

Director of Public Safety William Brandt
Community Development Director Jason Cleghorn
Director of Public Services Leon Smith
Director of Finance, Steve Ramsey
Deputy City Clerk Karla Strait, CMC

Call to Order/Roll Call Mayor Brown called the meeting to order at 7:00 p.m.

PRESENTATIONS

FEMA/ISO – PRESENTATION OF PLAQUE IN RECOGNITION OF THE CITY'S LEVEL CHANGE FOR FLOOD INSURANCE: Mr. Gabriel Gamble, ISO, presented a plaque to the City for achieving a classification rating of eight (8) thereby receiving a 10% discount on our insurance policy.

COMMITTEE REPORTS / NONE

CITY MANAGERS ACTION LIST

City Manager Jarboe reported on the following issues:

- There was no new information on the Florida Boulevard Landscaping Project.
- The in house audit was almost complete.
- The Public Services Department was working on resolving the drainage problems on Orange Street.
- There were nine (9) requests for new streetlights and he was working with Beaches Energy Services to have them changed.

Vice Mayor Pruette requested City Manager Jarboe place the issue of paving, speed humps, and street stripping on the agenda for the April workshop.

Councilor Pardee questioned the status of the Penman Road Traffic Study. City Manager Jarboe replied the City of Jacksonville contracted the project and he had not been able to get the plans.

City Clerk Lisa Volpe stated at the recent Goal Setting Session Council requested holding a seminar based on the Public Record Laws and the Sunshine Law. Miss. Volpe advised the First Amendment Foundation would have someone available on June 13, 2005.

Consensus: **TO HOLD THE PUBLIC RECORD AND SUNSHINE LAW SEMINAR WITH BOARD MEMBERS ON JUNE 13, 2005.**

Vice Mayor Pruette announced the Annual Easter Egg Hunt would be held Friday, March 25, 2005 at 10:00 a.m.

Mayor Brown commended Vice Mayor Pruette for responding to an e-mail requesting photographs of city entrance signs. Vice Mayor Pruette photographed the welcome sign on Atlantic Boulevard and mailed them as requested.

PUBLIC COMMENTS

Franklin Dunn, 593 Margaret Street, voiced concern about increased parking on Margaret Street.

Mary Ann Padrta, 1030 Second Street, opposed adding parking on street ends. She was also concerned about signs placed in right-of-ways, loose animals, and lack of code enforcement.

PROPOSED ORDINANCES

Ord. No. 2005-XX

ORDINANCE NO. 2005-XX: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, AMENDING SECTION 22-30, THE POLICE DEPARTMENT HEREBY IS AUTHORIZED TO REMOVE A MOTOR VEHICLE (HEREAFTER "VEHICLE") FROM A PUBLIC STREET, WAY OR ALLEY TO A STORAGE GARAGE OR OTHER PLACE OF SAFETY, OR TO A GARAGE DESIGNATED OR MAINTAINED BY THE POLICE DEPARTMENT, OR BY THE CITY, UNDER THE CIRCUMSTANCES HEREINAFTER ENUMERATED.

City Manager Jarboe explained this Ordinance would permit police officers to have illegally parked vehicles towed without having to wait 24 hours.

Director of Public Safety Chief Brandt explained by state statute parked vehicles causing hazardous conditions could be immediately towed. Property owners could have vehicles towed if they were parked on, or blocked access to their property.

Councilor Shealy stated he supported the Ordinance and would also support an increase in the fine for illegal parking citations.

Councilor Pardee asked Chief Brandt if boats parked on the city right-of-way could also be towed. Chief Brandt responded boats could be towed if parked on a city right-of-way.

Councilor Shealy agreed to sponsor the Ordinance.

Consensus: **FORWARD TO THE APRIL 4TH REGULAR MEETING.**

Ord. No. 2005-XX

ORDINANCE NO. 2005-XX: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 4 ALCOHOLIC BEVERAGES AND PROVIDING AN EFFECTIVE DATE.

City Manager Jarboe requested removing that section of the Ordinance requiring that alcohol could not be sold within 3,000 feet of a church or school or another business where alcohol was sold. The Ordinance also allowed the City Manager to issue up to four (4) alcohol permits per year for special events.

Discussion ensued regarding the city managers recommendation.

Consensus: **FORWARD TO THE APRIL REGULAR MEETING – DELETE THE SECTION RECOMMENDED BY THE CITY MANAGER – 3,000 SQUARE FEET REQUIREMENT.**

CONTRACTS / AGREEMENTS

Tennis Camp

TENNIS CAMP CONTRACT – SANDRA PHILLIPS: City Manager Jarboe stated he did not have the authority to approve leasing public property to a private business. Thereby, the contract for use of the tennis courts would need to be approved by the Council.

Sandra Phillips, 58 Jefferson Avenue, Ponte Vedra Beach, explained the program for adults and juniors was offered in Jarboe Park two (2) separate weeks during the summer from 9:00 a.m. to 2:00 p.m. The program consisted of tennis lessons from 9:00 a.m. to 11:00 a.m. and lunch, arts and crafts from 11:00 a.m. to 2:00 p.m.

Vice Mayor Pruette asked if the City Attorney had reviewed the contract. City Manager Jarboe replied City Attorney White had reviewed the contract.

Consensus: **FORWARD THE APPROVAL FOR SANDRA PHILLIPS CONTRACT TO LEASE THE TENNIS COURTS IN JARBOE PARK FOR TWO WEEKS FOR RENT IN THE AMOUNT OF \$200.00 TO THE APRIL CONSENT AGENDA.**

Sea & Sky
Spectacular

2005 SEA & SKY SPECTACULAR – CITY OF JACKSONVILLE: Mayor Brown explained the Sea & Sky Spectacular rotated annually between the Naval Air Station Jacksonville and Jacksonville Beach. The City of Jacksonville asked each of the beach cities to sponsor and contribute \$10,000 for the event.

Vice Mayor Pruette stated when the event began in 2001 the City of Jacksonville had asked each of the beaches to contribute \$10,000 as a one time only contribution and the council was assured it was a one time contribution. She added if the \$10,000 contribution for the event was to continue \$5,000 should be budgeted annually. She was in favor of prorating.

Councilor Shealy felt it was not fair to the citizens of Neptune Beach for the city to contribute the same amount of money as the other larger cities. He felt contributions should be prorated per capita.

City Manager Jarboe informed the per capita amount would be approximately \$2,000. .

Consensus: **FORWARD THE \$10,000 CONTRIBUTION TO THE SEA & SKY SHOW TO THE APRIL REGULAR MEETING IF THE CITY MANAGER SPEAKS WITH THE EVENT COORDINATOR BEFORE THE MEETING**

DATE.July 4th Fireworks

City Manager Jarboe asked Council to also approval a request for a contribution of \$5,000 for the July 4th fireworks show. The City of Jacksonville Beach was contributing \$15,000 and Atlantic Beach was contributing \$5,000 towards the event. The event would be held July 4, 2005, at the City of Jacksonville Beach's new pier.

Consensus: **FORWARD THE APPROVAL OF A CONTRIBUTION FOR FIREWORKS TO THE APRIL AGENDA.**

Mayor Brown recognized City of Jacksonville Councilman Art Graham and asked if he would like to address the Council.

City of Jacksonville Councilman Art Graham stated the Jacksonville City Council held a joint meeting with the St. Johns County Commissioners. They discussed concerns relating to traffic and the increasing population between the two counties.

Penman Rd.
Traffic Study

Councilor Pardee asked Councilman Graham the status of the Penman Road Traffic Study. Councilman Graham responded the Metropolitan Planning Organization (MPO) was considering conducting the study but the scope kept growing out of the allocated funds for the study.

Mayor Brown, member of the MPO, advised if any changes were needed to Penman Road it would be to widen it to five (5) lanes. He had asked the MPO to look into alternatives like improving the intersections and regulating the traffic lights in lieu of widening the road.

For the Record

Councilor Pardee stated for the record he was against any efforts to widen Penman Road.

Vice Mayor Pruette asked Councilman Graham to have Jacksonville consider repaving and stripping both Florida Boulevard and Penman Road and also adding a right turn lane at the intersection of Penman Road and Atlantic Boulevard.

Mayor Brown felt it would be best if requests were made in writing to the City of Jacksonville Council.

ISSUE DEVELOPMENT

Ord. No. 2005-06

ORDINANCE NO. 2005-06: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 27 UNIFIED LAND DEVELOPMENT REGULATIONS AMENDING SECTION 27-476 STREET DESIGN STANDARDS AND PROVIDING AN EFFECTIVE DATE.

Vice Mayor Pruette suggested adding to the Ordinance "landscaping shall not restrict the ocean views." Council determined it was not necessary to add the language because the landscaping limitations must be approved by the City Manager. City Manager Jarboe stated he would work on adding language to Ordinance No. 2005-06 that would restrict landscaping from blocking ocean views.

Mayor Brown suggested exploring the possibility of installing parking spaces on a few of the street ends for residential use by permit only. The revenue from the permits could be used for beautification and maintenance of the street ends.

Vice Mayor Pruette stated she received a request from a citizen to place bicycle racks at some of the beach accesses. City Manager Jarboe advised that would not be a problem,

however, those requests should be made through administration.

Mayor Brown felt the Ordinance was necessary to clarify what was permitted on beach accesses and street ends thereby prevent encroachments on the right-of-ways.

Consensus: **FORWARD TO THE APRIL REGULAR MEETING FOR SECOND READ AND PUBLIC HEARING.**

Code Enforcement Vice Mayor Pruette felt the level of code enforcement should be tougher and suggested Council consider setting priority issues to be enforced.

City Manager Jarboe felt the priorities were unlawful signs, citizens doing work without permits, loose animals at the parks and on the beach, also the ongoing issue of parking.

Discussion ensued regarding code enforcement.

Councilor Pardee felt the city should keep citizens informed of the Codes.

The issue would be forwarded to the next workshop.

Board Applications **REVISION OF BOARD MEMBER APPLICATIONS:** City Clerk Lisa Volpe stated she had revised the board applications as requested at the Goal Setting Session and asked Council if they would like to add or change anything.

Consensus: **TO USE THE REVISED APPLICATIONS FOR BOARD MEMBERS.**

Mayor Brown stated he and Atlantic Beach Mayor John Merserve were photographed and interviewed for an article about beach communities that would appear in the September issue of Southern Living Magazine.

Adjournment There being no further business, the meeting adjourned at 8:56 p.m.

Attest: _____
Richard A. Brown, Mayor

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
WORKSHOP CITY COUNCIL MEETING
GOAL SETTING
MARCH 14, 2005 AT 5:30 P.M.
CITY HALL, 116 FIRST STREET
NEPTUNE BEACH, FLORIDA

Pursuant to proper notice a Special Workshop Meeting of the City Council of the City of Neptune Beach was held March 14, 2005, at 5:30 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

Mayor Richard A. Brown
Vice Mayor Harriet Pruette
Councilor Eric Pardee
Councilor Larry Shealy
Councilor John Weldon
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

STAFF:

Director of Public Safety Director William Brandt
Director of Public Service Leon Smith
Director of Finance Steve Ramsey
Assistant to the City Manager Teresa Klein

Call to Order/Roll Call

The Mayor called the meeting to order at 5:30 p.m.

City Manager Jim Jarboe reviewed the general rules of the goal setting session from last year's session.

The following were listed as Threats to the city:

- Hurricanes - Jarboe
- Lessening of outside help especially federal –Jarboe
- Mandates from EPA and DEP – Jarboe
- Traffic – Pruette
 - Widening of Penman Road and Third Street – Pruette –
 - Status of Jacksonville study – Pardee
- Increasing property value and impact on mid level income families – Weldon
- Impact of increasing number of visitors – Pruette
- State mandates – Brown
 - Nitrogen removal - Smith
- Attitudes towards visitors – Pardee
- Parking – Brandt
- Enforcement of rowdy residents – Brown
- Fireworks – Pruette
- Hurricane Preparedness – Weldon
- Loss of Mayport carrier - Weldon

The following were listed as Strengths of the city:

- Redevelopment – Jarboe
- Flexibility of staff – Jarboe
- Beach – Pruette
- Strong Council
- Services delivered – Pruette
- Department Heads – Shealy
- Public Safety – Brown
- Potential for community business- Pardee
- New computer system – Pardee
- Public Schools – Shealy
- Senior Center (losing funding) – Weldon
- Natural habitat- Pardee
- Controlled growth – Pruette

The following were listed as Visions of the future for the city:

- Commercial area thriving – Pardee
- Keep quality of life – Pardee
- More single family homes /less rentals – Brown
- Beautification of third Street – Shealy
- Kings Road Bridge – Pruette
- Infrastructure improvement – Pruette
- long term financial planning – Shealy
- Landscape Plan – Jarboe
- Maintaining & improving neighborhood and pedestrian friendly quality of life - Weldon

The following areas of improvement were discussed:

Growth management:

- *Workshop on variance procedure
- *Ways to preserve medium income family

Infrastructure:

- *Kings Road Bridge
- *Curbing
- *Pedestrian walkover Third Street at Atlantic Blvd
- *Signage standardization
- *Landscape Plan

Economic Development:

- * Encourage city small businesses thru links form city's website
- * Set high expectations for economic development

Fiscal:

- *Staying in business through capital planning and revenue projections
- *Interlocal agreement with county
- *Impact of navy downsizing
- *Impact of City of Jacksonville growth
- *Review fee structure

Streamline government:

- *Information exchange via pc with city council
- *Stream line legal staff on code enforcement board
- *Timely resolution of code violation court cases

Internal/external communication:

- *Council memos for agenda items
- *Sunshine Law workshop/training session
- *Team meeting with council and staff
- *Social hour between council and board members
- *Council protocol

Public Safety:

- *Animal control- stronger enforcement and more education
- *Opening of Chief's position
- *Traffic control over entire city
- *Painting curbs for no parking areas
- *Painting curbs

The following were placed in matter of importance and priority:

First Tier:

1. Kings Road bridge construction.
2. Animal Control – stronger enforcement and more educational process
3. Internal Communication – Team meeting among City Council and Staff.

Second Tier:

1. Variance procedure workshop.
2. Review of Inter-Local Agreement.
3. Business longevity – planning capital process and revenue projections.
4. Code Enforcement – Counsel / Enforcement of Codes.
5. Timely resolution of code violations.

Third Tier:

1. Feasibility study of walkover for Atlantic Boulevard and Third Street.
2. Landscaping Plan.
3. Review of City Fee Structure.
4. Information exchange via personal computer study.
5. Social hour among Council and Board Members.

Adjournment

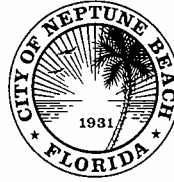
There being no further business, the meeting adjourned at 7:45 p.m.

ATTEST:

Richard A. Brown, Mayor

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
REGULAR CITY COUNCIL MEETING
MARCH 7, 2005 7:00 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 March 7, 2005 at 7:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

Mayor Richard A. Brown
Vice Mayor Harriet Pruette
Councilor Eric Pardee
Councilor Larry Shealy
Councilor John Weldon
City Attorney Christopher White
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

STAFF:

Community Development Director Jason Cleghorn
Director of Finance Steve Ramsey
Director of Public Services Leon Smith
Deputy City Clerk Karla Strait, CMC

Order Call/Pledge

Mayor Brown called the meeting to order at 7:00 p.m. and led the pledge of allegiance.

AWARDS / PRESENTATIONS / RECOGNITION OF GUESTS / NONE

APPROVAL OF MINUTES

Moved by Pruette, seconded by Pardee.

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

FEBRUARY 7, 2005 REGULAR COUNCIL MEETING

Roll Call Vote:

Ayes: 5 – Pardee, Pruette, Shealy, Weldon, Brown
Noes: 0

MOTION CARRIED

COMMUNICATIONS AND CORRESPONDENCE

Vice Mayor Pruette stated Leslie Lyne, Director of the Senior Activity Center, asked the Council to pass a Resolution opposing the federal budget cuts to the Community Development Block Grant Program. Vice Mayor Pruette asked staff to prepare the Resolution.

City Manager Jarboe stated the paving contractor would return Thursday to complete the repaving project.

City Clerk Volpe informed the Council the Clerks Office had sent out all Minutes, Resolutions, Ordinances, Commercial Building Plans, and some Subdivision Plans to the Municipal Code Corporation to be scanned and imaged. The original documents would be returned along with the imaged documents near the end of April. This will allow the Clerks Office to retrieve documents and plans on the computer without having to page through the original records.

City Manager Jarboe stated he recently attended a Florida League of Cities meeting. He explained to the FLC the recording software our City Clerk's office was using to record minutes. The FLC advised him they would be interested in showcasing the software.

CITY MANAGER REPORT / NONE**PUBLIC COMMENTS**

William Hamel, 509 Lora Street, stated Beaches Energy Services relocated a transformer from in front of his neighbor's property to the front of his property. He wanted the transformer moved back to its original location. Mayor Brown informed Mr. Hamel the City did not have the authority to regulate the utility company. City Attorney White advised the problem should be disputed between the individual and the agency.

CONSENT AGENDA

- | | |
|------------------------|--|
| Computer Software | <u>COGSDALE SOFTWARE</u> : Approval of purchasing Cogsdale software and conversion from HTE to Cogsdale for the amount of \$141,438. |
| Dancin' in the Streets | <u>DANCIN' IN THE STREETS</u> : Approval of closing the streets for the annual Town Center Event "Dancin' in the Streets" May 14, 2005 from 5:00 a.m. to 11:00 p.m. including Atlantic Boulevard to Second Street and First Street to Orange Street and waiving the open container ordinance between 11:00 a.m. and 9:30 p.m. for alcohol sales by Town Center Agency. |
| Beaches Dial-a-Ride | <u>BEACHES DIAL – A – RIDE</u> : Approval of donation of \$1,500 to Beaches Dial-a-Ride to be paid from the Contingency Funds. |
| Res. No. 2005-02 | <u>APPROVAL OF RESOLUTION NO. 2005-02: RESOLUTION OF THE CITY OF NEPTUNE BEACH CITY COUNCIL, ACCEPTING THE DUVAL COUNTY LOCAL HAZARD MITIGATION STRATEGY DOCUMENT.</u> |

Moved by Weldon, seconded by Shealy.

Motion: **TO APPROVE THE CONSENT AGENDA.**

Roll Call Vote:

Ayes: 5 – Pardee, Pruette, Shealy, Weldon, Brown
Noes: 0

MOTION CARRIEDVARIANCES

Variance V05-07
Staley
600 Davis Street.

VARIANCE REQUEST V05-07, STALEY – 600 DAVIS STREET: Variance Appeal for Mr. and Mrs. Donald Staley, 600 Davis Street. According to Mr. Staley his appeal was based on the Board of Appeals decision not being supported by competent substantial evidence and testimony produced at the public hearing.

Variance Request # 1 Existing Table 27-299-1, Lot Size, a variance request of 675 square feet, leaving 11,325 square feet, in lieu of the required 12,000 square feet.

Variance Request # 2 Existing/Proposed Table 27-229-1 Rear Yard, a variance request of 4.6 feet, leaving 25.4 feet, in lieu of the required 30 feet.

Purpose: To replace and enlarge the existing sunroom/enclosed patio.

Mr. Staley stated his variance request was turned down by the Board of Appeals. He requested a variance of 4.6 feet. The Board modified his request and gave him a variance for the 2' encroachment that existed with the current patio. He felt the Board did not fully understand his request. Mr. Staley added his neighbors did not object to the 12' x 26' sunroom. He bought the property 1 ½ years ago and had made many improvements. He had a large corner lot and a new privacy fence and wanted to build a 12' x 26' sunroom in the rear. The Boards decision was based on a 10 x 26 sunroom.

Chairman of the Board of Appeals Sybil Ansbacher stated the Board did not turn down the request; they approved it with a modification. The existing porch infringed 2' into the setback already and he was asking for a 4 ½' infringement which would be an addition 2 ½ feet. The consensus of the Board was that a 10'x 26' sunroom would not deprive the applicant use of the property. She added there was not a procedural error in which the applicant could appeal.

Mayor Brown felt the request was reasonable and the system in which the Board was required by the Code to follow had failed. The lot was large, had a privacy fence and the neighbors did not object. He felt 2 additional feet would not make a difference. He supported overturning the decision of the Board and granting the 4.6' variance request.

Vice Mayor Pruette agreed the lot was large and the current system had failed in this circumstance.

Councilor Shealy stated board members worked hard volunteering their time and he did not want to overrule their decision.

Councilor Pardee asked City Attorney White to comment on the Council's role in the decision. City Attorney White advised the applicant was appealing the Board's decision based on the decision not being supported by competent substantial evidence and testimony. The issue before the Council was to determine if the Board's decision was or was not supported by competent substantial evidence and testimony produced at the hearing.

Councilor Weldon felt there was not a procedural error and stated he would vote against approval of the appeal and affirm the decision of the Board of Appeals.

Moved by Weldon, seconded by Shealy.

Motion: **TO AFFIRM THE DECISION OF THE BOARD OF APPEALS.**

Roll Call Vote:

Ayes: 3 – Pruette, Shealy, Weldon

Noes: 2 – Pardee, Brown

MOTION CARRIED

ORDINANCES

Ord. No. 2005-01

ORDINANCE NO. 2005-01, SECOND READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING SECTION 13-5(E) PROPERTY OWNER RESPONSIBILITY FOR SWORN COMPLAINTS AND PROVIDING AN EFFECTIVE DATE.

Mayor Brown read Ordinance No. 2005-01 by title only and opened the public hearing.

There being no comments from the public, the public hearing was closed.

Moved by Shealy, seconded by Pruette.

Motion **TO ADOPT ORDINANCE NO. 2005-01 ON SECOND READ AND PUBLIC HEARING.**

Ord. No. 2005-03

ORDINANCE NO. 2005-03, AMENDING CHAPTER 27-15 DEFINITIONS, AND ADDING SECTION 27-31, SECOND READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 27-15 DEFINITIONS AND ADDING CHAPTER 27-31 TEMPORARY STRUCTURES AND PROVIDING AN EFFECTIVE DATE.

Mayor Brown read Ordinance No. 2005-03 by title only and opened the public hearing.

There being no comments from the public, the public hearing was closed.

Moved by Weldon, seconded by Pruette.

Motion **TO ADOPT ORDINANCE NO. 2005-03 ON SECOND READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 5 – Pardee, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

Ord. No. 2005-04

ORDINANCE NO. 2005-04, AMENDING CHAPTER 27, UNIFIED LAND DEVELOPMENT REGULATIONS, ARTICLE II AND ARTICLE VII, SECOND READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 27 UNIFIED LAND DEVELOPMENT REGULATION, ARTICLE II. ADMINISTRATIVE AND ENFORCEMENT BODIES, DIVISION 2. PLANNING AND DEVELOPMENT REVIEW BOARD, SECTION 27-38(A) APPOINTMENTS AND 27-38(L) ALTERNATE MEMBERS, ADDING

SECTION 27-38(N) TRAINING; AMENDING SECTION 27-41 VOTING AND QUORUM, AMENDING DIVISION 3. BOARD OF APPEALS, SECTION 27-47(A) APPOINTMENTS, SECTION 27-47(I) [ALTERNATE MEMBERS], ADDING SECTION 27-47(J) TRAINING, AMENDING SECTION 27-50(A) VOTING AND QUORUM, AMENDING CHAPTER 2 ADMINISTRATION, ARTICLE VII. BOARDS AND COMMISSIONS, DIVISION 2. CODE ENFORCEMENT BOARD AMENDING SECTION 20439(E) ADDING SECTION 2-439 (F) TRAINING AND PROVIDING AN EFFECTIVE DATE.

Mayor Brown read Ordinance No. 2005-04 by title only and opened the public hearing.

Leslie Karlin, 1506 Spindrift Circle West, favored Ordinance No. 2005-04 in that it did not change the amount of board members.

There being no further comments from the public, the public hearing was closed.

Moved by Pardee, seconded by Weldon.

Motion **TO ADOPT ORDINANCE NO. 2005-04 ON SECOND READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 5 – Pardee, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

Ord. No. 2005-05

ORDINANCE NO. 2005-05, AMENDING CHAPTER 4 ALCOHOLIC BEVERAGES, SECTION 4-4(B), SECOND READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 4 ALCOHOLIC BEVERAGES SECTION 4-4(B) LOCATION OF ESTABLISHMENTS AND PROVIDING AN EFFECTIVE DATE.

Mayor Brown read Ordinance No. 2005-05 by title only and opened the public hearing.

There being no comments from the public, the public hearing was closed.

Moved by Weldon, seconded by Shealy.

Motion: **TO ADOPT ORDINANCE NO. 2005-05 ON SECOND READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 5 – Pardee, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

Ord. No. 2005-06

ORDINANCE NO. 2005-06, FIRST READ: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 27 UNIFIED LAND DEVELOPMENT REGULATIONS AMENDING SECTION 27-458 RESIDENTIAL LANDSCAPE REQUIREMENTS AND AMENDING SECTION 27-476 STREET DESIGN STANDARDS AND PROVIDING AN EFFECTIVE DATE.

Councilor Weldon suggested the following changes to Ordinance No. 2005-06:

Section 1. Section 27-458(3) ~~manage~~ manager

Section 2. Section 27-476(2) Public walkways and ramps may be built in these right-of-ways. No other construction is permitted except as necessary to access adjacent properties when no other means of access to said properties is possible.

Section 2. Section 27-476 ~~(1)(2)(3)(4)~~ (a)(b)(c)(d)

Section 2. Section 27-476(c) ~~deemed necessary~~ necessary

Vice Mayor Pruette was concerned the Ordinance did not refer to trees being planted in accesses where they may restrict ocean views.

Councilor Weldon asked City Manager Jarboe to place Ordinance No. 2005-06 on the Workshop Meeting agenda to discuss trees in the right-of-ways.

Moved by Pruette, seconded by Pardee.

Motion: **TO PASS ORDINANCE NO. 2005-06 WITH CHANGES DISCUSSED.**

Roll Call Vote:

Ayes: 5 – Pardee, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

OLD BUSINESS / NONE

NEW BUSINESS

Res. No. 2005-01

RESOLUTION NO. 2005-01, APPOINTING BOARD MEMBERS: A RESOLUTION REAPPOINTING BOARD MEMBERS TO THE PLANNING AND DEVELOPMENT REVIEW BOARD AND THE BOARD OF APPEALS.

Moved by Pruette, seconded by Weldon.

Motion: **TO APPROVE RESOLUTION NO. 2005-01.**

Roll Call Vote:

Ayes: 5 – Pardee, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

Councilor Shealy asked City Manager Jarboe to place the issue of alcohol sales on the Workshop Meeting agenda.

Councilor Weldon stated City Manager Jarboe needed to inform Mr. Hamel that the transformer relocated in front of his house was not going to be moved.

Vice Mayor Pruette stated she had received complaints regarding the high hedge on the Myrtle Street beach access and asked the City Manager to have it trimmed and thinned from the bottom up.

Adjournment

There being no further business, the meeting adjourned at 7:52 p.m.

Richard A. Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
WORKSHOP CITY COUNCIL MEETING
FEBRUARY 28, 2005, AT 6:30 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 February 28, 2005 at 6:30 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

Mayor Richard A. Brown
Vice Mayor Harriet Pruette
Councilor Eric Pardee
Councilor Larry Shealy
Councilor John Weldon
City Attorney Christopher White
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

STAFF:

Director of Public Safety William Brandt
Community Development Director Jason Cleghorn
Information System Technician Rosemary Phillips
Director of Public Services Leon Smith
Administrative Assistant to the Building Official Piper Turner
Deputy City Clerk Karla Strait, CMC

Call to Order/Roll Call Mayor Brown called the meeting to order at 6:30 p.m.

PRESENTATIONS / NONE

COMMITTEE REPORTS / NONE

CITY MANAGERS ACTION LIST

City Manager Jarboe asked the Council if they had any questions regarding his Action List which was provided in the Agenda Packets.

Councilor Shealy questioned the progress of the Florida Boulevard Landscaping Project. City Manager Jarboe replied he was awaiting approval from the City of Jacksonville on the landscaping plans which were submitted two weeks ago.

Mayor Brown questioned the status of the street repaving. City Manager Jarboe explained part of the delay was due to the City of Jacksonville's need to use the contractor to repair streets in preparation for the Super Bowl. The contractor now had a piece of equipment that was undergoing repairs thereby preventing the completion of paving at Midway and Strand Street.

Councilor Weldon questioned when the speed humps would be installed and where they would be placed. Director of Public Services Leon Smith responded that once the milling was completed the speed humps would be installed. He was aware of the exact locations where placement was needed.

Vice Mayor Pruette suggested placing the street repaving project on the next agenda for a full progress report from the City Manager.

City Manager Jarboe stated the menzi muck was used to clean out the ditch on Bay Street and asked Council members to visit the site and view the results. He expected all major ditches to be cleaned out by this spring. Mayor Brown asked how many employees were trained to operate the menzi muck. City Manager Jarboe replied there were currently two employees trained to operate the equipment.

PUBLIC COMMENTS

Danny Thiele, 107 Azalea Place, stated Council previously adopted an Ordinance to protect sea turtles from lighting on the beach. He asked Council to consider the best interest of the sea turtles when replacing street lights.

Bryan MacDonald, 107 North Street, agreed sea turtles should be protected from the lighting. He favored replacing the existing streetlights with new cobra fixtures.

Wes Gibbs, 1501 First Street, felt the property owner should have the choice whether or not to illuminate their property. He favored the cobra streetlight fixtures.

Sybil Ansbacher, 2008 Strand Street, opposed Ordinance No. 2005-04, reducing the number of board members.

Dana Pardee, 1421 Penman Road, opposed the proposed parking permit Ordinance.

Tom Byerly, 527 South Street, opposed the proposed parking permit Ordinance. He felt it would restrict the public from access in which they had a legal right to.

Tim Ingram, 113 Pine Street, favored replacing the existing streetlights with cobra streetlight fixtures.

Michael Adams, 320 First Street, favored replacing the existing streetlights with cobra streetlight fixtures.

Chris Chin, 227A Margaret Street, stated the proposed parking permits were not intended for the removal of certain tenants. She suggested extending the parking hours on First Street. She also favored the cobra streetlight fixtures.

Lynn Sweeney, 1500 Strand Street, stated one way signs were missing on Strand Street and the traffic had increased. He asked that the signs be replaced.

David Baker, 1102 First Street, favored replacing the existing streetlights with the cobra streetlight fixtures. He opposed the parking permit ordinance and felt it was the property owners' responsibility to provide parking spaces for their tenants. He also felt animal control laws should be stricter.

Mary Ann Padrta, 1030 Second Street, suggested enforcing the regulation that property owners provide parking spaces for their tenants. She felt the animal control ordinance needed enforcement.

PROPOSED ORDINANCES

Ord. No. 2005-XX

ORDINANCE NO. 2005-XX, AMENDING SECTION 22-29: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING SECTION 22-29 – TO ADD LANGUAGE TO EXERCISE AUTHORITY CONTROL OF VEHICULAR TRAFFIC IN CERTAIN CONGESTED AREAS.

City Manager Jarboe stated Council had asked him to suggest ideas to help reduce street parking in certain congested areas. The Code now required that each house had to have a certain number of parking spaces. He suggested issuing parking permits to residents in congested areas, for the number of spaces provided for their property. Under the current Code vehicles illegally parked could be ticketed but could not be towed without 24 hour notice.

Vice Mayor Pruette recommended more policing and code enforcement rather than permits. She requested that code enforcement and policing to be placed on the workshop agenda in March.

Councilor Shealy questioned how many vehicles were being ticketed for illegal parking and how many tickets had been issued for animal violations. City Manager Jarboe stated he would provide Council a report on the numbers.

Councilor Pardee suggested updating the existing code to allow for stricter enforcement ability. He was concerned issuing parking permits for one congested area would only cause problems in other areas. City Manager Jarboe agreed the police needed more authority to enforce illegal parking and the code could be stronger.

Councilor Weldon suggested Council direct staff to examine the towing procedures and revise the Code to tighten enforcement.

Consensus: **TO DROP THE IDEA OF PERMITS; AND LOOK INTO TIGHTENING THE EXISTING CODE.**

CONTRACTS / AGREEMENTS / NONE**ISSUE DEVELOPMENT**

Dancin' in the Street

DANCIN' IN THE STREET – APPROVAL TO CLOSE STREETS: Approval to close the streets that perimeter Town Center on May 14th from 5:00 a.m. to 11:00 p.m. for the Town Center Event “Dancin’ in the Street” and waive the open container ordinance for the day to allow alcohol sales by the Town Center Agency only.

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

Dial-a-Ride

BEACHES DIAL A RIDE – REQUEST FOR CONTRIBUTION: Approval for a contribution of \$1,500 to the Beaches Dial-a-Ride, a senior transportation service. Previous Councils donated \$1,000 per year to Dial-a-Ride, however, Senior Activity Center Director Leslie Lyne asked to raise the contribution this year due to the high cost of oil and gasoline.

Consensus: **TO CONTRIBUTE \$1,500 TO DIAL A RIDE AND PLACE ON THE MARCH CONSENT AGENDA FOR APPROVAL.**

IT System

INFORMATION TECHNOLOGY SYSTEM – COMPARISION OF SOFTWARE: The Florida League of Cities conducted a Technology Study and determined the software the

city was using was outdated and ready for replacement. Department of Finance gathered Information and pricing from a number of vendors that provided software packages for local governments. After comparing the software packages and features the staff recommended the Cogsdale Software Package for the amount of \$141,438.00.

City Manager Jarboe informed the software would allow residents access to their accounts and allow them to remit payments online. It would also allow contractors to complete permit applications online and remit payments online as well as a number of other features. The software was similar to all Microsoft products and very user friendly,

Consensus: **FORWARD TO THE MARCH CONSENT AGENDA FOR APPROVAL OF STAFF RECOMMENDATION.**

Streetlights

STREETLIGHTS: Councilor Weldon suggested Council direct staff to implement a city wide policy to replace those streetlights currently shaded with flush mount cobra head fixtures and to replace the others by request, where necessary, in the future.

Councilor Shealy questioned the cost of replacing the streetlights. City Manager Jarboe stated the cost would be less than \$200.00 each including installation.

Councilor Pardee was concerned if the cobra fixtures would provide enough safety and asked Director of Public Safety William Brandt to provide a ruling stating the fixtures would provide adequate safety.

Consensus: **TO HAVE THE CITY MANAGER CHANGE OUT THE DISPUTED LIGHTS AND APPROVE COUNCILOR WELDON'S RECOMMENDATION.**

City Manager Jarboe stated he would coordinate and schedule the replacements with Beaches Energy Services. He added if cost rose exceedingly high he would consult the Council for further approval.

Recess/Reconvene

Mayor Brown called a recess at 8:15 p.m. and reconvened the meeting at 8:25 p.m.

FEMA

DUVAL COUNTY LOCAL MITIGATION STRATEGY ADOPTION – FEMA: City Manager Jarboe explained the update of the mitigation strategy was required by the Federal Emergency Management Association. Heather Jones, Representative from Emergency Preparedness advised if the update was not adopted the City would not be eligible for funding.

Consensus: **PREPARE A RESOLUTION FOR THE ADOPTION OF THE DUVAL COUNTY LOCAL MITIGATION STRATEGY FOR THE MARCH REGULAR MEETING CONSENT AGENDA.**

Ord. No. 2005-01

ORDINANCE NO. 2005-01, AMENDING SECTION 13-5(C) AND 25-5(E): AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING SECTION 13-5(C) AND SECTION 13-5(E) – PROPERTY OWNER RESPONSIBILITY FOR SWORN COMPLAINTS AND PROVIDING AN EFFECTIVE DATE.

City Manager Jarboe explained Ordinance No. 2005-01 was revised to clarify issues for the Code Enforcement Board.

Consensus: **FORWARD TO THE MARCH REGULAR MEETING FOR SECOND READ.**

Ord. No. 2005-04

ORDINANCE NO. 2005-04, AMENDING CHAPTER 27: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 27 UNIFIED LAND DEVELOPMENT REGULATION, ARTICLE II. ADMINISTRATIVE AND ENFORCEMENT BODIES, DIVISION 2. PLANNING AND DEVELOPMENT REVIEW BOARD, SECTION 27-38(A) APPOINTMENTS AND 27-38(L) ALTERNATE MEMBERS, ADDING SECTION 27-38(N) TRAINING; AMENDING DIVISION 3. BOARD OF APPEALS, SECTION 27-47(A) APPOINTMENTS, SECTION 27-47(I) ALTERNATE MEMBERS, ADDING SECTION 27-47(J) TRAINING, AMENDING SECTION 27-50(A) VOTING AND QUORUM, AMENDING CHAPTER 2, ADMINISTRATION, ARTICLE VII. BOARDS AND COMMISSIONS, DIVISION 2. CODE ENFORCEMENT BOARD AMENDING SECTION 2-439(E) ADDING SECTION 2-439 (F) TRAINING AND PROVIDING AN EFFECTIVE DATE.

City Attorney White advised Florida Statutes required the Code Enforcement Board to consist of 7 regular members and 2 alternate members.

Councilor Pardee suggested revising the Ordinance for the Board of Appeals and the Planning & Development Review Board to remain consisting of 7 regular members and 3 alternate members. He would like to forward the remaining revisions in the Ordinance to second read.

Discussion ensued regarding the recruitment of board members and the process of approval of applications for placement on a board. City Clerk Volpe suggested holding all completed applications until there was a vacancy on a board. Once there was a vacancy she would distribute the completed applications along with a memo listing the vacancies.

Councilor Shealy questioned if there was enough information about a persons interest and qualifications on the completed applications. He suggested adding some questions to the application.

Consensus: **AMEND THE ORDINANCE AS RECOMMENDED AND MOVE TO THE MARCH REGULAR MEETING FOR SECOND READ. PLACE BOARD APPLICATION ON THE MARCH WORKSHOP.**

Ord. No. 2005-05

ORDINANCE NO. 2005-05, AMENDING CHAPTER 4, ALCOHOLIC BEVERAGES: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 4 ALCOHOLIC BEVERAGES SECTION 4-4(B) LOCATION OF ESTABLISHMENTS AND PROVIDING AN EFFECTIVE DATE.

Councilor Weldon suggested amending Ordinance No. 2005-05, Section 1(b) to read as follows:

ALCOHOLIC BEVERAGES: Section 1(b) The provisions of subsection (a) above shall not apply to any restaurant licensed by the State of Florida Department of Business and Professional Regulation Division of Hotel and Restaurants having or applying for a 2-COP license.

Consensus: **FORWARD TO THE MARCH REGULAR MEETING FOR SECOND READ WITH THE REQUESTED CHANGES.**

Street Ends

STREET ENDS: Councilor Weldon suggested adopting a policy that would specify how and under what circumstances to allow access to privacy property on a public access.

Councilor Weldon proposed the following language for an Ordinance:

STREET END PRESERVATION: The City of Neptune Beach street ends terminating at the Atlantic Ocean and at the Intracoastal Waterway are special public rights-of-way which shall be carefully preserved for present and future public use. No construction is permitted in these rights-of-way except as necessary to access adjacent properties when no other means of access to said properties is possible. In the event that access through a street end right-of-way is deemed necessary, the design and construction of such access shall be approved or disapproved by the City Council after appropriate development review. Criteria for approval shall include maximum preservation of greenspace within the street ends and the use of pervious paving materials. In no case may access ways to adjacent properties be designed or landscaped in order to create the image of private property.

STREET END LANDSCAPING: Landscaping of the City of Neptune Beach street ends terminating at the Atlantic Ocean and at the Intracoastal Waterway that, by its location or characteristics of growth, creates the image of private property or has the effect of appropriating public property for private use shall be prohibited. Voluntary care of the street end rights-of-way to include a minimum level of landscaping and beautification for the public benefit may be approved by the City Manager upon submission of a Right-of-Way Permit application.

City Attorney White stated he would meet with the staff regarding the language and bring a proposed Ordinance back to the Council for approval.

Consensus: **FOR THE CITY ATTORNEY AND THE CITY MANAGER TO PROPOSE AN ORDINANCE.**

Council Protocol **COUNCIL PROTOCOL:** City Manager Jarboe suggested amending Chapter 2 Administrative Rules to clarify that agenda items must be placed on a workshop agenda for discussion before being placed on a regular agenda for action unless it is an emergency.

City Wide Landscaping **CITY WIDE LANDSCAPING PLAN:** City Manager Jarboe asked Council to give him direction on creating a city wide landscaping plan. He stated he would add this to the Goal Setting Session.

Public Info. Prog. **PUBLIC INFORMATION PROGRAM ESTABLISHMENT:** City Manager Jarboe stated the new computer system would provide better ways to communicate with the public.

City Manager Jarboe reminded the Council the Goal Setting Session would be held on Monday, March 14, 2005, at 5:30 p.m.

Councilor Pardee asked if there was a way the City Clerks Office could forward his e-mail to him. City Attorney White recommended forwarding mail via fax or placing the e-mail on the website and issuing access codes.

Adjournment There being no further business, the meeting adjourned at 9:04 p.m.

Attest:

Richard A. Brown, Mayor

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
SPECIAL WORKSHOP CITY COUNCIL MEETING
FEBRUARY 7, 2005 AT 6:30 P.M.
CITY HALL, 116 FIRST STREET
NEPTUNE BEACH, FLORIDA

Pursuant to proper notice a Special Meeting of the City Council of the City of Neptune Beach was held February 7, 2005 at 6:30 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

Mayor Richard A. Brown
Vice Mayor Pruette
Councilor Eric Pardee
Councilor Larry Shealy
Councilor John Weldon
City Attorney Christopher White
City Manager James Jarboe
City Clerk Lisa Volpe, CMC

STAFF:

Director of Community Development Jason Cleghorn
Director of Finance Steve Ramsey
Director of Public Services Leon Smith
Deputy City Clerk Karla Strait, CMC

Order Call

Mayor Brown called the special meeting to order at 6:30 p.m. and announced the purpose of the meeting was to discuss the First Street right of way.

First St. Right-of-Way

FIRST STREET RIGHT OF WAY: City Manager Jarboe explained that a number of years ago the city gave away forty feet (40') of right of way on First Street to the adjoining property owners including the sidewalk and part of the street. City Attorney White stated the city should have retained an easement for a sidewalk and utilities but they did not.

Councilor Weldon questioned if there was any history on why the property was given away.

Mr. Steve Robertson, 1211 First Street, stated the city deeded over the property because at the time his lot was only 50 ft x 50 ft. His front yard was all city property, he had to park his car on city property and the property was not on the tax rolls. He wanted to execute a quit claim deed back to the city the part of his property from the sidewalk to the road.

City Manager Jarboe stated he was working with the other properties that were effected but those owners wanted to be compensated for the property.

City Attorney White stated a survey would need to be done showing exactly what portion of the property was being returned to the city.

Consensus: **FORWARD TO THE FOLLOWING REGULAR COUNCIL MEETING
FOR APPROVAL OF THE QUIT CLAIM DEED TO TAKE BACK THAT
PART OF THE PROPERTY FROM THE SIDEWALK TO THE ROAD.**

Adjournment

There being no further business, the meeting adjourned at 6:43 p.m.

Richard Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
REGULAR CITY COUNCIL MEETING
FEBRUARY 7, 2005 6:43 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 February 7, 2005 at 6:43 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

Mayor Richard A. Brown
Vice Mayor Harriet Pruette
Councilor Eric Pardee
Councilor Larry Shealy
Councilor John Weldon
City Attorney Christopher White
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

STAFF:

Community Development Director Jason Cleghorn
Director of Finance Steve Ramsey
Director of Public Services Leon Smith
Deputy City Clerk Karla Strait, CMC

Order Call/Pledge

Mayor Brown called the meeting to order at 6:43 p.m. and led the pledge of allegiance.

AWARDS / PRESENTATIONS / RECOGNITION OF GUESTS / NONE

APPROVAL OF MINUTES

Moved by Pruette, seconded by Pardee.

Councilor Weldon asked to amend page 5 of the January 10, 2005, Workshop Council Meeting minutes to reflect that he stated "he would like to ~~replace all~~ consider replacing the disputed fixtures as soon as possible and replace the remaining streetlights as needed."

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

JANUARY 3, 2005, REGULAR CITY COUNCIL MEETING
JANUARY 10, 2005, WORKSHOP CITY COUNCIL MEETING

Roll Call Vote:

Ayes: 5 – Pardee, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

COMMUNICATIONS AND CORRESPONDENCE

Mayor Brown recognized Finance Director Steve Ramsey for receiving an award from the Government Finance Officers Association of the United States and Canada for the Comprehensive Annual Financial Report.

Mayor Brown reminded the Council that the City Manager's annual salary adjustment was approaching.

Mayor Brown asked Council on behalf of City Manager Jarboe to authorize the city manager to reside outside the city limits.

Moved by Weldon, seconded by Shealy.

Motion: **TO AUTHORIZE THE CITY MANAGER IN THIS ONE CASE TO RESIDE OUTSIDE THE NEPTUNE BEACH CITY LIMITS BUT WITHIN THE COUNTY LIMITS.**

Roll Call Vote:

Ayes: 5 – Pardee, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

Vice Mayor Pruette requested all agenda items be discussed at a workshop prior to the regular meeting.

Councilor Pardee informed everyone that former Tax Collector Lynwood Roberts had passed away on Sunday, February 6, 2005. The funeral would be held Thursday, February 10, 2005.

Councilor Shealy reported he had received positive feedback from residents regarding the repaving of the streets.

City Clerk Volpe asked the Council to reschedule the February 21, 2005, workshop meeting because it would fall on Presidents Day and City Hall would be closed.

Consensus: **TO RESCEDULE THE FEBRUARY WORKSHOP MEETING FOR MONDAY, FEBRUARY 28, 2005.**

Councilor Pruette asked when the new Land Development Regulations would be distributed to board members. City Clerk Volpe advised the new Code was just received and would be distributed as soon as possible.

CITY MANAGER REPORT / NONE

PUBLIC COMMENTS

Christine Chin, 227A Margaret Street, opposed reducing the number of board members from seven (7) to five (5). She was concerned that a five (5) member board would only require a three (3) member quorum allowing only two (2) members to determine the outcome of issues.

Kerry Chin, 227A Margaret Street, also opposed reducing the number board members from seven (7) to five (5).

Hank Wilkinson, 203 North Street, voiced concern regarding traffic safety issues and lack of police patrol.

CONSENT AGENDA / NONE

VARIANCES

V05-06 TM Neptune Realty VARIANCE REQUEST V05-06, TM NEPTUNE REALTY, 580 ATLANTIC BOULEVARD:
A variance request to erect a 196 square foot sign in lieu of the minimum 41 square foot sign as governed by Section 27-585A(2)(a) of the ULDC.

Moved by Pruette, seconded by Shealy.

Motion: **TO APPROVE VARIANCE V05-06, 580 ATLANTIC BOULEVARD, TM NEPTUNE REALTY.**

Roll Call Vote:

Ayes: 5 – Pardee, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

ORDINANCES

Ord. No. 2005-02 ORDINANCE NO. 2005-02, AMENDING THE 2010 FUTURE LAND USE MAP, SECOND READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING THE 2010 FUTURE LAND USE MAP, AS ADOPTED BY ORDINANCE 90-6-9, AS AMENDED, SAID ORDINANCE NUMBER 2005-02, WHICH SHALL CHANGE THE LAND USE DESIGNATION AS ESTABLISHED ON THE 2010 FUTURE LAND USE MAP (FLUM) FOR LANDS AS DESCRIBED HEREIN FROM CHURCH TO RESIDENTIAL, LOW DENSITY, PROVIDING FOR INTENT; AUTHORITY; FINDINGS OF CONSISTENCY; FINDINGS OF FACT; SEVERABILITY; RECORDATION AND AN EFFECTIVE DATE.

Moved by Weldon, seconded by Pruette.

Motion **TO ADOPT ORDINANCE NO. 2005-02 ON SECOND READ AND PUBLIC HEARING.**

Mayor Brown read Ordinance No. 2005-02 by title only and opened the public hearing.

There being no comments from the public, the public hearing was closed.

For the Record Councilor Pruette stated she would not support the property being subdivided into more than seven (7) lots.

For the Record Councilor Weldon stated six (6) lots would be the maximum amount he would consider.

Roll Call Vote:

Ayes: 5 – Pardee, Pruette, Shealy, Weldon.

Noes: 0

MOTION CARRIED

Ord. No. 2005-03

ORDINANCE NO. 2005-03, AMENDING CHAPTER 27-15 DEFINITIONS, AND ADDING SECTION 27-31, FIRST READ: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 27-15 DEFINITIONS AND ADDING CHAPTER 27-31 TEMPORARY STRUCTURES AND PROVIDING AN EFFECTIVE DATE.

Councilor Pruette agreed to sponsor Ordinance No. 2005-03.

Councilor Pruette suggested changing the time period for temporary storage structures to remain on a property from four (4) days to five (5) days.

Moved by Shealy, seconded by Pardee.

Motion **TO PASS ORDINANCE NO. 2005-03 ON FIRST READ WITH AN AMENDMENT TO CHANGE THE TIME PERIOD FOR TEMPORARY STRUCTURES FROM FOUR (4) DAYS TO FIVE (5) DAYS.**

Roll Call Vote:

Ayes: 5 – Pardee, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

Ord. No. 2005-04

ORDINANCE NO. 2005-04, AMENDING CHAPTER 27, UNIFIED LAND DEVELOPMENT REGULATIONS, ARTICLE II AND ARTICLE VII, FIRST READ: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 27 UNIFIED LAND DEVELOPMENT REGULATION, ARTICLE II. ADMINISTRATIVE AND ENFORCEMENT BODIES, DIVISION 2. PLANNING AND DEVELOPMENT REVIEW BOARD, SECTION 27-38(A) APPOINTMENTS AND 27-38(L) ALTERNATE MEMBERS, ADDING SECTION 27-38(N) TRAINING; AMENDING SECTION 27-41 VOTING AND QUORUM, AMENDING DIVISION 3. BOARD OF APPEALS, SECTION 27-47(A) APPOINTMENTS, SECTION 27-47(I) [ALTERNATE MEMBERS], ADDING SECTION 27-47(J) TRAINING, AMENDING SECTION 27-50(A) VOTING AND QUORUM, AMENDING CHAPTER 2 ADMINISTRATION, ARTICLE VII. BOARDS AND COMMISSIONS, DIVISION 2. CODE ENFORCEMENT BOARD AMENDING SECTION 20439(E) ADDING SECTION 2-439 (F) TRAINING AND PROVIDING AN EFFECTIVE DATE.

Councilor Pardee agreed to sponsor Ordinance No. 2005-04.

Vice Mayor Pruette stated she was not comfortable reducing the number of board members from seven (7) to five (5).

Councilor Shealy stated five (5) members was sufficient for the Council requiring a quorum of three (3). He questioned how the number of board members making decisions differed from the number of council members.

Councilor Weldon stated if the board members were reduced to five (5) with two (2) alternates the city could stipulate a requirement that it would take four (4) members to be considered a quorum. He felt five (5) people were more than adequate to conduct the meeting. It would also be easier for the Clerk's office to manage the boards and would alleviate pressure on staff.

Moved by Weldon, seconded by Pruette.

Motion **TO PASS ORDINANCE NO. 2005-04 ON FIRST READ AND PLACE ON THE FEBRUARY WORKSHOP MEETING FOR FUTHER DISCUSSION.**

Roll Call Vote:

Ayes: 5 – Pardee, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

Ord. No. 2005-05

ORDINANCE NO. 2005-05, AMENDING CHAPTER 4 ALCOHOLIC BEVERAGES, SECTION 4-4(B), FIRST READ: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 4 ALCOHOLIC BEVERAGES SECTION 4-4(B) LOCATION OF ESTABLISHMENTS AND PROVIDING AN EFFECTIVE DATE.

City Manager Jarboe stated he would research any legal issues with the City Attorney.

Moved by Weldon, seconded by Shealy.

Motion: **TO PASS ORDINANCE NO. 2005-05 OF FIRST READ AND TO PLACE ON THE WORKSHOP.**

Roll Call Vote:

Ayes: 5 – Pardee, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED**OLD BUSINESS**

First St. Right of Way

FIRST STREET RIGHT OF WAY: Forwarded from the Special Workshop Meeting for approval of the acceptance of a quit claim deed from Mr. Steve Robertson for the return of the portion of the 40' right of way on First Street from the sidewalk to the road.

Moved by Weldon, seconded by Shealy.

Motion: **TO APPROVE THE CITY MANAGER TO MOVE FORWARD WITH ACCEPTING PROPERTY BEING RETURNED TO THE CITY BY MR. ROBERTSON.**

Roll Call Vote:

Ayes: 5 – Pardee, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

Recess/ Reconvene

Mayor Brown recessed the meeting at 7:55 p.m. and reconvened the meeting at 8:05 p.m.

NEW BUSINESSDevelopment Order
Neptune Realty, LLC
580 Atlantic Blvd.

DEVELOPMENT ORDER FOR NEPTUNE REALTY, LLC, 580 ATLANTIC BOULEVARD: A commercial development order to add a greenhouse to the side of the existing building located at 580 Atlantic Boulevard.

Moved by Shealy, seconded by Pruette.

Motion: **TO APPROVE THE DEVELOPMENT ORDER FOR NEPTUNE REALTY, LLC, 580 ATLANTIC BOULEVARD.**

Councilor Weldon asked to hear a clear guarantee from Proctor Ace Hardware that the

fire lane would be kept.

Steve Proctor, Proctor Ace Hardware advised loading would not block the fire lane and the lane would be wide enough to allow 2 vehicles to pass.

Roll Call Vote:

Ayes: 5 – Pardee, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

Beaches Resource
Center

BEACHES RESOURCE CENTER: Mr. John Moreland, Beaches Resource Center Foundation requested a monetary contribution of \$4,000 from the city.

City Manager Jarboe stated last year Neptune Beach contributed \$4,000. Atlantic Beach and Jacksonville Beach contributed \$2,000. He felt the contribution should be consistent with the sister cities.

Councilor Weldon stated the Resource Center provided excellent service for at risk children and felt the \$4,000 contribution should be continued.

Discussion ensued regarding the services provided by the Resource Center.

Mayor Brown agreed to the \$2,000 contribution and felt it should be an annual contribution. He requested the \$2,000 contribution to be included in future budgets.

Moved by Pruette, seconded by Pardee.

Motion: **TO CONTRIBUTE \$2,000 TO THE BEACHES RESOURCE CENTER FOUNDATION AND TO USE THE FUNDS FROM THE CONTINGENCY FUND.**

Roll Call Vote:

Ayes: 5 – Pardee, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

911 Dispatch
Reimbursement

911 DISPATCH SALARY REIMBURSEMENT: Action to accept and execute the 9-1-1 Inter-Local Agreement – FY 2004-2005.

Moved by Pruette, seconded by Weldon

Motion: **TO ACCEPT THE 911 DISPATCH REIMBURSEMENT.**

Roll Call Vote:

Ayes: 5 – Pardee, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

Ocean Acces
Moratorium

MORATORIUM - BUILDING ON STREET ENDS: Review of Ordinance 2003-11, placing a moratorium on development of ocean accesses which expired November 20, 2004. City Manager Jarboe stated he was beginning to receive requests for permits and needed a clear direction from the Council.

Councilor Weldon asked staff to prepare a set of rules regarding property access,

impervious surface, and landscaping encroachments for discussion at the February workshop meeting.

Mayor Brown stated he had recently walked all the beach accesses and found many were landscaped by the adjacent property owners and looked as though the property was private.

Councilor Weldon stated he was in favor of the landscaping if it was a benefit to the entire community not only for the benefit of the adjacent property owner.

Consensus: **TO FORWARD TO THE FEBRUARY WORKSHOP MEETING FOR FURTHER DISCUSSION.**

General Employee
Retirement

VESTMENT CHANGE AND PENSION PLAN FOR GENERAL EMPLOYEES: To approve changes to the general employees retirement account including, reducing the vestment period from seven years to five years, allowing employee contribution to go into a 457 account in lieu of the 401(a) to avoid a 10% penalty upon withdrawal, and reducing the mandatory employee contribution from 6% to 3%. He also asked Council to consider increasing the matching contribution to 8% or 9% for employees with over ten years service at the beginning of the budget process..

Moved by Weldon, seconded by Pardee.

Motion: **AUTHORIZE THE CITY MANAGER TO TAKE THE NECESSARY ACTIONS TO MAKE ALL OF THE CHANGES IN THE CURRENT PENSION PLAN FOR GENERAL EMPLOYEES AS SOON AS POSSIBLE.**

Roll Call Vote:

Ayes: 5 – Pardee, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED.

Fuel Tank

PURCHASE OF FUEL TANK: City Manager Jarboe asked Council to approve the contract and proposal from Con Vault for the amount of \$14,894.78 for the purchase of a fuel tank. Fuel cost comparisons indicated the fuel tank would pay for itself in little over two years. The city would also be better prepared in emergency situations by having fuel on hand.

Moved by Weldon, seconded by Pruette.

Motion: **AURTHORIZE THE CITY MANAGER TO PURCHASE A FUEL TANK IN ACCORDANCE WITH FIGURES PROVIDED.**

Roll Call Vote:

Ayes: 5 – Pardee, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

For the Record

Councilor Shealy stated for the record he would like all agenda items to be placed on a workshop agenda before being brought to a regular meeting for a vote. He added he would rather be informed beforehand.

Vice Mayor Pruette suggested informing Council Members via memorandum regarding agenda items if there was not enough time to take the issue to a workshop meeting.

Adjournment

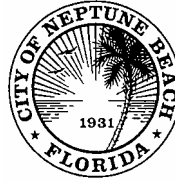
There being no further business, the meeting adjourned at 8:55 p.m.

Richard A. Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
REGULAR CITY COUNCIL MEETING
JANUARY 3, 2005, 7:00 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 3, 2005, at 7:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

Mayor Richard A. Brown
Vice Mayor Harriet Pruette
Councilor Eric Pardee
Councilor Larry Shealy
Councilor John Weldon
City Attorney Christopher White
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

STAFF:

Lieutenant Anthony Carrillo
Community Development Director Jason Cleghorn
Director of Finance Steve Ramsey
Director of Public Services Leon Smith
Deputy City Clerk Karla Strait, CMC

Order Call/Pledge

Mayor Brown called the meeting to order at 7:00 p.m. and asked Councilor Pardee to lead the pledge of allegiance.

AWARDS / PRESENTATIONS / RECOGNITION OF GUESTS / NONE

APPROVAL OF MINUTES

Moved by Shealy, seconded by Weldon.

Motion: **DECEMBER 6, 2004, REGULAR COUNCIL MEETING**
DECEMBER 7, 2004, SPECIAL COUNCIL MEETING

Roll Call Vote:

Ayes: 5 – Pardee, Pruette, Shealy, Weldon, Brown
Noes: 0

MOTION CARRIED

COMMUNICATIONS AND CORRESPONDENCE

Vice Mayor Pruette questioned when the repaving would be complete. City Manager Jarboe responded the paving may have to wait until after the Super Bowl as the City of Jacksonville was working on preparations. Director of Public Services Leon Smith stated he would be meeting with the contractor tomorrow at 8:30 a.m.

Councilor Shealy stated he had received several telephone calls from area realtors and the Northeast Florida Association of Realtors concerning Ordinance No. 2005-01.

City Clerk Volpe informed that the proofs for the new code books should arrive this week. Once approved they would be printed and distributed within a couple of weeks.

City Clerk Volpe announced the date for the January workshop meeting fell on Martin Luther King Jr. Day and City Hall would be closed. She asked Council to choose either January 10th or January 24th to hold the workshop meeting.

Consensus: **TO HOLD THE JANUARY WORKSHOP MEETING ON JANUARY 10, 2005.**

CITY MANAGER REPORT

City Manager Jarboe advised that a part of Penman Road would be closed for 2 hours tomorrow to allow Duval County to install a pedestrian walkway. Traffic would be rerouted.

City Manager Jarboe explained the notices sent out by Waste Services of Florida changing the dates of yard waste and recycling pick up were rescinded. Waste Services of Florida was under contract with the city and could not change the dates without Council approval.

City Manager Jarboe stated the Building Department was catching up after back log due to the holidays and illnesses.

City Manager Jarboe informed the Council three noise control signs were installed on Margaret Street. One of the signs had already been stolen, so the signs would be reinstalled with concrete.

Councilor Weldon asked the City Manager to encourage FDOT to clean up the easterly two thirds of the ditch behind Fletcher High School while the equipment was still in place for the repairs.

PUBLIC COMMENTS

Mary Ann Padrta, 1030 Second Street, voiced safety concerns relating to two pit bull dogs running loose in her neighborhood.

Reverend Richard Wood, 424 Davis Street, explained the Beaches Church of the Nazarene was growing and the property on Davis Street was too small to expand. He asked the Council to consider rezoning the property from Church to Residential so it could be saleable to a developer.

Jerry Jackson, 4560 Glen Kernan Parkway East, attorney for Jonathon Lyon, 427 Bowles Street, was concerned the Church property would be rezoned into substandard lot sizes.

Jonathon Lyon, 427 Bowles Street, voiced concern about the Church property being rezoned into substandard lot sizes. He added he would be in favor of the property being rezoned for no more than 7 lots.

Mary Patton, 405 Davis Street, was also concerned about substandard lot sizes.

CONSENT AGENDA / NONE

VARIANCES / NONE

ORDINANCES

Ord. No. 2004-19

ORDINANCE NO. 2004-19, AMENDING ARTICLE IX, SECTION 27-445, SECOND READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING ARTICLE IX, SECTION 27-445, PERMIT REQUIRED FOR TREE REMOVAL OR RELOCATION, AND PROVIDING AN EFFECTIVE DATE.

Moved by Weldon, seconded by Pruette.

Motion **TO ADOPT ORDINANCE NO. 2004-19 ON SECOND READ AND PUBLIC HEARING.**

Mayor Brown read Ordinance No. 2004-19 by title only and opened the public hearing.

There being no comments from the public, the public hearing was closed.

Roll Call Vote:

Ayes: 5 – Pardee, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

Ord. No. 2005-01

ORDINANCE NO. 2005-01, AMENDING SECTION 13-5(E), FIRST READ: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING SECTION 13-5(C) AND 13-5(E), PROPERTY OWNER RESPONSIBILITY FOR SWORN COMPLAINTS AND PROVIDING AND EFFECTIVE DATE.

Moved by Weldon, seconded by Pruette.

Motion **TO PASS ORDINANCE NO. 2005-01 ON FIRST READ.**

City Attorney White explained the Ordinance would clear up any confusion and clarify the penalties for the Code Enforcement Board.

Vice Mayor Pruette stated she would sponsor Ordinance No. 2005-01.

Roll Call Vote:

Ayes: 5 – Pardee, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

ORD. NO. 2005-02

ORDINANCE NO. 2005-02, AMENDING THE 2010 FUTURE LAND USES MAP, FIRST READ: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING THE 2010 FUTURE LAND USE MAP, AS ADOPTED BY ORDINANCE 90-6-9, AS AMENDED, SAID ORDINANCE NUMBER 2005-02, WHICH SHALL CHANGE THE LAND USE DESIGNATIONS ESTABLISHED ON THE 2010 FUTURE LAND USE MAP (FLUM) FOR LANDS AS DESCRIBED HEREIN FROM CHURCH TO RESIDENTIAL, LOW DENSITY, PROVIDING FOR INTENT; AUTHORITY; FINDINGS OF CONSISTENCY; FINDINGS OF FACT; SEVERABILITY; RECORDATION AND AN EFFECTIVE DATE.

City Manager Jarboe explained this ordinance was to amend the Future Land Use Map because it was in conflict with the Code. It was considered a minor amendment under state statutes.

Councilor Weldon agreed to sponsor Ordinance No. 2005-02

Moved by Weldon, seconded by Pruette.

Councilor Weldon stated although he was in agreement of the change he would ask that the property owner advise interested buyers up front the property could be subdivided into no more than six lots.

Motion **TO PASS ORDINANCE NO. 2005-02 ON FIRST READ.**

Roll Call Vote:

Ayes: 5 – Pardee, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

OLD BUSINESS

Kings Rd. Bridge

KINGS ROAD BRIDGE – REJECTION OF BIDS RECEIVED NOVEMBER 16, 2004:
City Manager Jarboe stated he was disappointed in the bids received for the construction of the new Kings Road Bridge. The design firm estimated a cost of \$350,000. The low bid was \$799,289.50; the only other bid was for \$1,105,500.00. He recommended Council reject the bids. He added that he would be looking at other options to provide to the Council.

Vice Mayor Pruette questioned the timing of the construction. City Manager Jarboe replied it could be mid-summer before the bridge would be completed.

Moved by Pruette, seconded by Shealy.

Motion **TO REJECT THE BIDS FOR THE KINGS ROAD BRIDGE RECEIVED NOVEMBER 16, 2004.**

Roll Call Vote:

Ayes: 5 – Pardee, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

NEW BUSINESS

Res. No. 2005-01

RESOLUTION NO. 2005-01, REAPPOINTING BOARD MEMBERS: A RESOLUTION REAPPOINTING BILL GUNSCH TO THE CODE ENFORCEMENT BOARD AND ANTHONY MAZZOLA TO THE PLANNING & DEVELOPMENT REVIEW BOARD.

City Manager Jarboe asked to withdraw Resolution No. 2005-01 from the agenda and place the issue of Board Appointments on the workshop meeting.

Adjournment

There being no further business, the meeting adjourned at 7:50 p.m.

Richard A. Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
WORKSHOP CITY COUNCIL MEETING
JANUARY 10, 2005, 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 10, 2005 at 6:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

Mayor Richard A. Brown
Vice Mayor Harriet Pruette
Councilor Eric Pardee
Councilor John Weldon
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

ABSENT:

Councilor Larry Shealy
City Attorney Christopher White

STAFF:

Community Development Director Jason Cleghorn
Director of Finance Steve Ramsey
Director of Public Services Leon Smith
Deputy City Clerk Karla Strait, CMC

Call to Order/Roll Call Mayor Brown called the meeting to order at 6:00 p.m.

PRESENTATIONS / NONE

COMMITTEE REPORTS / NONE

CITY MANAGERS ACTION LIST

City Manager Jarboe reported the paving contractor was back on the job and would continue the paving until the job was completed.

City Manager Jarboe explained plans for the creation of the Atlantic Boulevard Revitalization Committee were on hold due to recent activity.

City Manager Jarboe stated the annual audit was currently underway in the commercial area.

PUBLIC COMMENTS

Del Balter, 106 Pine Street, felt streetlights should be as bright as possible for the safety of the community.

Johns Roberts, 109 Pine Street, felt streetlights should be as bright as possible and felt the Council should focus on more important issues.

PROPOSED ORDINANCES

Animal Control

City Manager Jarboe stated although it was not an agenda item, staff was in the process of updating the animal control ordinance.

CONTRACTS / AGREEMENTS / NONE

ISSUE DEVELOPMENT

First Street

FIRST STREET PROPERTY & SIDEWALK: City Manager Jarboe requested deferring this issue until City Attorney White could be present to answer legal questions.

Consensus: **TO DEFER THE FIRST STREET PROPERTY UNTIL FEBRUARY 7, AT 6:30 P.M . WHEN THE CITY ATTORNEY COULD BE PRESENT TO ANSWER LEGAL QUESTIONS.**

Board Appt's.

CITIZEN ADVISORY BOARD REVIEW AND BOARD APPOINTMENT POLICY: Currently there were seven regular members and three alternate members serving on the Code Enforcement Board, the Planning & Development Review Board and the Board of Appeals. Florida State Statutes require seven regular members and two alternate members to serve on the Code Enforcement Board.

City Manager Jarboe made the following suggestions:

1. Keep seven regular members on the PDRB and the BOA but change the number of alternates from three to two.
2. Play a proactive role in recruiting new board members.
3. Each board have an educational session with the City Attorney once a year to review the rules and the role of the Board.

City Clerk Volpe explained it was difficult to get board members because it was not a paid position. She suggested changing the amount of regular members on the PDRB and the BOA from seven to five.

City Clerk Volpe pointed out currently regular members could serve two consecutive 3 year term limits. However alternates were appointed to 1 year terms and could be reappointed with no consecutive term limit.

Councilor Weldon was in favor of reducing the number of board members from seven to five with two alternates.

Vice Mayor Pruette felt the board members should receive a copy of Chapter 27 so they would be knowledgeable of the Code and thereby make better decisions. She suggested moving alternates up to regular members instead of automatically reappointing regular members.

Councilor Pardee suggested placing an advertisement in the local newspaper in an effort to recruit members. He felt some residents may not be aware of the need for board members or perhaps they felt they were not qualified. He favored setting term limits for

alternate members.

City Clerk Volpe advised if the City wanted to train board members it would be costly to send each board member to an annual conference and the expense would need to be budgeted.

City Clerk Volpe stated there was a Civil Service Board, but it has been inactive.

Consensus: **DRAFT AN ORDINANCE TO REDUCE THE NUMBER OF MEMBERS ON THE PLANNING & DEVELOPMENT REVIEW BOARD AND THE BOARD OF APPEALS FROM SEVEN TO FIVE AND ALTERNATES FROM THREE TO TWO, PROVIDE ONCE A YEAR TRAINING SESSION FOR EACH BOARD WITH THE CITY ATTORNEY, AND PROVIDE TERM LIMITS FOR ALTERNATE MEMBERS.**

Goal Setting

GOAL SETTING SESSION: Councilor Weldon stated he was in favor of holding a goal setting session but did not want to hire an instructor for \$1,500.00 He felt the City Manager could moderate the session.

City Manager Jarboe stated the Goal Setting Session was important because it gave the Council the opportunity to provide input for future budget needs. He suggested holding the session on a Monday night that was not a regular meeting night. He added he would provide some dates for Council consideration.

Consensus: **CITY MANAGER JARBOE TO PROVIDE DATES FOR GOAL SETTING SESSION FOR COUNCIL CONSIDERATION.**

Lift Station Fence

LIFT STATION FENCING / THIRD STREET & FLORIDA BOULEVARD: City Manager Jarboe stated it would cost three times more to construct a concrete fence instead of wooden fence around the lift station. He suggested erecting a wooden fence surrounded by landscaping for beautification. He added Director of Public Services Leon Smith could move the fence back 3 to 4 feet from the sidewalk to allow for a larger area of landscape.

Councilor Weldon stated Third Street and Florida Boulevard was a key intersection in the city and Jarboe Park was a key feature of Neptune Beach. He suggested because the park was a key feature, instead of going for the least expensive option for fencing that the city develop a theme for the park and stay consistent. He favored a concrete fence because it would provide more longevity than a wooden fence.

Vice Mayor Pruette was concerned a concrete fence would not leave enough area for landscaping. She was also concerned about graffiti being painted on a concrete fence.

Mayor Brown felt a wooden fence was reasonable and would look nice surrounded by landscaping.

Councilor Pardee voiced concern that the irrigation system may cause damage to a wooden fence over a period of time.

Consensus: **TO HAVE THE CITY MANAGER PROJECT COSTS OF BOTH A CONCRETE FENCE AND A WOODEN FENCE AND REPORT TO COUNCIL AT THE NEXT MEETING.**

Retirement Fund

VESTMENT CHANGE FROM SEVEN TO FIVE YEARS AND CONTRIBUTION LEVEL FOR ICMA RETIREMENT FUND: City Manager Jarboe explained the city currently had two separate pension plans, one for the Police Officers and one for general employees.

The Police Officers Retirement Fund was a defined benefit plan which they controlled. He was not suggesting any changes to that plan.

The General Employee Plan required all employees, after a six month probation period, to contribute 6% of their salary into a 401A retirement plan in which the city contributed 7% of that employee's salary.

Mr. Jarboe suggested Council consider enhancing the general employee benefit plan by eliminating the 6% required employee contribution, reducing the vestment period from seven years to five years, matching employee contributions up to 9%, and allow employees contribution to be put into a 457 Plan in order to eliminate the 10% IRS penalty upon withdrawal. He would also like Council to consider a defined benefit plan for general employees at the Goal Setting Session.

Councilor Weldon stated he would be in favor of reducing the vestment period from seven years to five years. He would consider increasing the city contribution depending on the employee's years of service. He felt changing to a defined benefit plan should be approached carefully because of the unfunded liability to the city.

Director of Finance Steve Ramsey stated the required 6% employee contribution could be harsh on new employees. He favored reducing that required amount and allow the employee the option of increasing the amount once they were established.

Councilor Pardee favored reducing the amount of employee contributions and reducing the vestment period from seven to five years. He also favored a defined benefit plan for the general employees.

City Manager Jarboe stated he would review the cost of a defined benefit plan for general employees for discussion at the Goal Setting Session.

Consensus: **TO REDUCE THE VESTMENT PERIOD FROM SEVEN YEARS TO FIVE YEARS.**

Consensus: **TO REDUCE THE AMOUNT OF EMPLOYEE CONTRIBUTION AND ALLOW EMPLOYEES TO CONTRIBUTE 3% TO A 457 PLAN AND THE CITY CONTRIBUTE 7% TO A 401A.**

Consensus: **TO INCREASE THE AMOUNT OF MATCHING CONTRIBUTIONS TO 8% OR 9% FOR EMPLOYEES WITH 10 YEARS OF SERVICE.**

Recess/Reconvene Mayor Brown called a recess at 7:45 p.m. and reconvened the meeting at 7:54 p.m.

Streetlights **STREETLIGHTS:** Councilor Weldon stated streetlights were intended to provide safe lighting for vehicular and pedestrian traffic, not to provide home security. He explained the streetlight fixtures installed throughout city were the least expensive type and the cost to operate them was greater. He suggested changing to a cobra lamp fixture with a 70 watt bulb without a globe.

The meeting relocated at 8:00 p.m. to the 100 block of Oak Street for a demonstration of streetlight fixtures.

Consensus: **PLACE ON THE REGULAR AGENDA FOR DISCUSSION**

Councilor Weldon demonstrated the two streetlights.

John Roberts, 109 Pine Street, favored leaving the streetlights as they were.

William & Sarah Gibbs, 1501 First Street, favored changing over to the newer streetlights.

Jarboe commented that Beaches Energy Services, formerly Jacksonville Beach Electric would replace the old fixtures with new fixtures as needed. Councilor Weldon stated he would like to consider replacing the disputed fixtures as soon as possible and replace the remaining streetlights as needed."

Adjournment

There being no further business, the meeting adjourned at 8:30 p.m.

Richard A. Brown, Mayor

Attest:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
REGULAR CITY COUNCIL MEETING
DECEMBER 6, 2004, 7:00 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 December 6, 2004, at 7:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

Mayor Richard A. Brown
Vice Mayor James Gilbert
Councilor Harriet Pruette
Councilor Larry Shealy
Councilor John Weldon
City Attorney Christopher White
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

STAFF:

Director of Public Safety William Brandt
Community Development Director Jason Cleghorn
Director of Finance Steve Ramsey
Director of Public Services Leon Smith
Deputy City Clerk Karla Strait, CMC

Order Call/Pledge

Mayor Brown called the meeting to order at 7:00 p.m. and asked Vice Mayor Gilbert to lead the pledge of allegiance.

AWARDS / PRESENTATIONS / RECOGNITION OF GUESTS

Bill Watson, Comcast Vice President of Operations for Southeast Georgia and Northeast Florida, presented a check to the city in the amount of \$5,000 to be used for the purpose of city special events.

APPROVAL OF MINUTES

Moved by Weldon, seconded by Pruette.

Motion: **TO APPROVE THE FOLLOWING MINUTES:**
NOVEMBER 1, 2004, REGULAR COUNCIL MEETING
NOVEMBER 4, 2004, SPECIAL COUNCIL MEETING
NOVEMBER 15, 2004, SPECIAL COUNCIL MEETING
NOVEMBER 15, 2004, WORKSHOP COUNCIL MEETING
NOVEMBER 23, 2004, SPECIAL COUNCIL MEETING

Roll Call Vote:

Ayes: 5 – Gilbert, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED**COMMUNICATIONS AND CORRESPONDENCE**

Vice Mayor Gilbert stated the landscape design plan for Florida Boulevard had been submitted to City of Jacksonville Councilman Art Graham. Action on the plan should begin in January.

Councilor Pruette thanked the Public Safety Department for their efforts and hard work setting up the holiday events.

City Clerk Lisa Volpe reminded everyone the special meeting to swear in the new Council on December 7, 2004, would begin at 8:00 p.m.

Mayor Brown introduced and recognized Councilor Elect Eric Pardee who was seated in the audience.

CITY MANAGER REPORTS

City Manager Jarboe stated the repaving is continuing and he hoped to have it completed before Christmas.

City Manager Jarboe stated the estimated cost for fencing around the lift station at Third Street and Florida Boulevard would be between \$18,000 for concrete and \$5,000 for board on board. He would place the estimates on the next workshop agenda.

PUBLIC COMMENTS

Diana Anderson, 207 Walnut Street, questioned the intent of Ordinance No. 2004-19, amending the tree ordinance. She had several trees on her property she felt needed to be removed.

James Ryals, 628 Camellia Terrace Drive, was concerned a large oak tree located on city property between his house and his neighbors was a danger to his home. He felt because the tree was on city property the city was responsible for its removal.

Chris Oakey, 620 Camellia Terrace Drive, was also concerned with the large oak tree between his and his neighbors house and felt the city needed to remove it.

CONSENT AGENDA / NONE**VARIANCES / NONE****ORDINANCES**

Ord. No. 2004-18

ORDINANCE NO. 2004-18, AMENDING CHAPTER 27, SECTION 27-15, SECOND READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, AMENDING CHAPTER 27, SECTION 27-15, DEFINITIONS AND TABLE 27-226-1, PERMISSIBLE USES TO ALLOW FOR LIGHT MANUFACTURING AND PROVIDING AN EFFECTIVE DATE.

Mayor Brown read Ordinance No. 2004-18 by title only and opened the public hearing.

There being no comments from the public, the public hearing was closed.

Moved by Gilbert, seconded by Pruette.

Motion: **TO ADOPT ORDINANCE NO. 2004-18 AS AMENDED ON SECOND AND FINAL READ.**

Roll Call Vote:

Ayes: 4 – Gilbert, Pruette, Shealy, Brown

Noes: 1 – Weldon

MOTION CARRIED

Ord. No. 2004-19

ORDINANCE NO. 2004-19, AMENDING ARTICLE IX, SECTION 27-445, FIRST READ: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, AMENDING ARTICLE IX, SECTION 27-445, PERMIT REQUIRED FOR TREE REMOVAL OR RELOCATION, AND PROVIDING AN EFFECTIVE DATE.

Moved by Gilbert, seconded by Weldon.

Motion: **TO PASS ORDINANCE NO. 2004-19 ON FIRST READ.**

Roll Call Vote:

Ayes: 5 – Gilbert, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

OLD BUSINESS / NONE

NEW BUSINESS

Dev. Order
Watson Realty
115 Penman Rd.

FINAL DEVELOPMENT ORDER, WATSON REALTY, 115 PENMAN ROAD & 1117 ATLANTIC BOULEVARD: This development order application was for the construction of a covered walkway between the Watson Realty sales office on Atlantic Boulevard and the Watson Property Management office on Penman Road.

Moved by Gilbert, seconded by Pruette.

Motion: **TO APPROVE THE DEVELOPMENT ORDER FOR WATSON REALTY.**

Roll Call Vote:

Ayes: 5 – Gilbert, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

Dev. Order
440 Penman Rd.

FINAL DEVELOPMENT ORDER, CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS, 440 PENMAN ROAD: This development order application was for the placement of a steeple on the roof of the existing church building

Councilor Weldon commented the steeple would be lower than other church steeples throughout the community.

Moved by Gilbert, seconded by Shealy.

Motion: **TO APPROVE THE DEVELOPMENT ORDER FOR CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS.**

Roll Call Vote:

Ayes: 5 – Gilbert, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

911 Dispatch

911 DISPATCH SALARY REIMBURSEMENTS – FY 2004-2005: Florida Statute 365.171 permits each county to utilize 911 revenues to reimburse the costs of call taker salaries for time spent answering and transferring calls. The distribution amount set aside for Neptune Beach was \$103,277.

Moved by Gilbert, seconded by Shealy.

Motion: **TO APPROVE AND ACCEPT THE 911 DISPATCH REIMBURSEMENTS - FY 2004-2005.**

Roll Call Vote:

Ayes: 5 – Gilbert, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

Surplus Equip.

SURPLUS OF CITY VEHICLES: The following city vehicles were ready for surplus:

2001 Chevrolet Impala, Police Vehicle
1996 Jeep Cherokee, Police Vehicle
1993 Jeep Cherokee, Police Vehicle
1994, Pontiac Grand Prix, Community Development Director

Moved by Gilbert, seconded by Shealy.

Motion: **TO APPROVE THE SURPLUS OF THE ABOVE CITY VEHICLES.**

Roll Call Vote:

Ayes: 5 – Gilbert, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

Mayor Brown presented Vice Mayor Gilbert a plaque in recognition of his years of service on the Council.

Vice Mayor Gilbert thanked the Council and Staff for their cooperation during his service.

Adjournment

There being no further business, the meeting adjourned at 7:38 p.m.

Richard A. Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



**MINUTES
SPECIAL CITY COUNCIL MEETING
INDUCTION CEREMONY
DECEMBER 7, 2004, AT 8:00 P.M.
CITY HALL, 116 FIRST STREET
NEPTUNE BEACH, FLORIDA**

Pursuant to proper notice a Special Meeting of the City Council of the City of Neptune Beach was held December 7, 2004, at 8:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

The following Council members and staff were in attendance:

Mayor Richard Brown
Vice Mayor Jimmy Gilbert
Councilor Harriet Pruette
Councilor Larry Shealy
Councilor John Weldon
Councilor Elect Eric Pardee
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

STAFF:
Deputy City Clerk Karla Strait, CMC
Assistant to the City Manager Terry Klein
Director of Public Services Leon Smith

Order call

Mayor Brown called the special meeting to order at 8:00 p.m. and announced that the purpose of the meeting was to administer the Oaths of Office, and elect a Vice-Mayor.

Invocation and Pledge

Mayor Brown asked Councilor Shealy to lead the Pledge of Alliance.

Oaths of Office

OATHS OF OFFICE: Judge Flower administered the Oath of Office to Mayor Brown, Councilor Pruette and Councilor Elect Eric Pardee whereupon they, respectively, assumed the duties of their elected office.

Certificate of Election

CERTIFICATE OF ELECTION: City Clerk Lisa Volpe presented a Certificate of Election to Mayor Richard Brown, Councilor Harriet Pruette and Councilor Eric Pardee. The new Council addressed the citizens of Neptune Beach.

Election of Vice- Mayor

ELECTION OF VICE-MAYOR: Pursuant to Section 2.04(b), City Charter, Mayor Brown opened the floor for nominations for Vice Mayor.

Councilor Weldon nominated Councilor Pruette to serve as Vice Mayor.

Moved by Weldon, seconded by Shealy.

Motion:

**TO NOMINATE AND ELECT COUNCILOR HARRIET PRUETTE TO
SERVE AS VICE-MAYOR.**

Roll Call Vote:

Ayes: 5 – Pardee, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

Adjournment

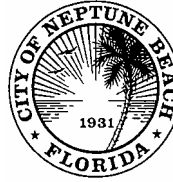
There being no further business, the meeting adjourned at 8:16 p.m.

Richard Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
REGULAR CITY COUNCIL MEETING
NOVEMBER 1, 2004, 7:00 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 November 1, 2004, at 7:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

Mayor Richard A. Brown
Vice Mayor James Gilbert
Councilor Harriet Pruette
Councilor Larry Shealy
Councilor John Weldon
City Attorney Christopher White
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

STAFF:

Director of Public Safety William Brandt
Community Development Director Jason Cleghorn
Building Official Tony Perez-Guerra
Director of Finance Steve Ramsey
Director of Public Services Leon Smith
Deputy City Clerk Karla Strait, CMC

Order Call/Pledge

Mayor Brown called the meeting to order at 7:00 p.m. and lead the pledge of allegiance.

AWARDS / PRESENTATIONS / RECOGNITION OF GUESTS

Mayor Brown presented a plaque to resigned Public Safety Officer Lisa VanNelson for her outstanding services as a School Resource Officer at Neptune Beach Elementary School.

Mayor Brown presented "Employee of the Year" plaques to Senior Citizen Center Director Leslie Lyon and Assistant to the City Manager Terry Klein.

APPROVAL OF MINUTES

Moved by Weldon, seconded by Pruette.

Motion: **TO APPROVE THE FOLLOWING MINUTES:**
SEPTEMBER 20, 2004, WORKSHOP COUNCIL MEETING
SEPTEMBER 27, 2004, LAND DEVELOPMENT MEETING
OCTOBER 4, 2004, REGULAR COUNCIL MEETING

OCTOBER 18, 2004, SPECIAL COUNCIL MEETING
OCTOBER 18, 2004, WORKSHOP COUNCIL MEETING

Roll Call Vote:

Ayes: 5 – Gilbert, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

COMMUNICATIONS AND CORRESPONDENCE

Councilor Pruette stated she was glad to see that the beach access right-of-ways were being surveyed and marked.

City Clerk Lisa Volpe reminded Council of the special meeting to be held, Wednesday, November 3, 2004 at 6:00 p.m. to certify the election results and declare the winners of the election. She added if a runoff election were necessary for Seat 2 it would be held on November 23, 2004, and the results would be certified that evening.

City Clerk Lisa Volpe introduced Richard Arthur to the Council as the newly appointed alternate member of the Planning & Development Review Board.

CITY MANAGER REPORTS

City Manager Jarboe reported the Menzi Muck, all terrain vehicle, had been delivered to the Public Services Facility. A demonstration would be held November 2, 2004, at 11:30 a.m. on the corner of Florida Boulevard and Fifth Street for all interested parties.

City Manager Jarboe reported the repaving of the streets had been recently held up due to the need to obtain proper equipment for the narrower streets and lack of materials.

City Manager Jarboe reported the beach access public rights-of-way were in the process of being surveyed and marked but the surveyors.

PUBLIC COMMENTS

Tim Slater, 573 Magnolia Street, was concerned that the redevelopment of the Beaches Chapel would create additional stormwater runoff in his neighborhood.

CONSENT AGENDA / NONE

VARIANCES / NONE

ORDINANCES

Ord. No. 2004-14

ORDINANCE NO. 2004-14, AMENDING CHAPTER 2, POLICE OFFICERS RETIREMENT SYSTEM, SECOND READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH 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 2-345, DEFINITIONS, BY AMENDING THE DEFINITION OF RETIREMENT; AMENDING SECTION 2-347, BOARD OF TRUSTEES; AMENDING SECTION 2-349.4, VESTING; AMENDING SECTION 2-349.5, OPTIONAL FORMS OF BENEFITS; AMENDING SECTION 2-349.15, EXEMPTION FROM EXECUTION, NONASSIGNABILITY; AMENDING SECTION 2-349.22, MILITARY SERVICE PRIOR TO EMPLOYMENT; AMENDING SECTION 2-349.23, PRIOR POLICE OFFICER SERVICE; AMENDING SECTION 2-349.24, DEFERRED RETIREMENT OPTION PLAN; ADDING SECTION 2-349.25, REEMPLOYMENT AFTER RETIREMENT; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES

IN CONFLICT HERewith AND PROVIDING AN EFFECTIVE DATE.

Mayor Brown read Ordinance No. 2004-14 by title only and opened the public hearing.

There being no comments from the public, the public hearing was closed.

Moved by Gilbert, seconded by Weldon.

Motion: **TO ADOPT ORDINANCE NO. 2004-14 ON SECOND AND FINAL READ.**

City Clerk Lisa Volpe asked for a Council Member to sponsor the Ordinance before the roll call vote. Vice Mayor Gilbert agreed to sponsor the Ordinance.

Roll Call Vote:

Ayes: 5 – Gilbert, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

Ord. No. 2004-17

ORDINANCE NO. 2004-17, AMENDING CHAPTER 27, TABLE 27-229-1, SECOND READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 27, TABLE 27-229-1, LOT AREAS, SETBACKS, AND BUILDING HEIGHT AND PROVIDING AN EFFECTIVE DATE.

Mayor Brown read Ordinance No. 2004-17 by title only and opened the public hearing.

Leslie Karlin, 1506 Spindrift Circle West, asked if the Ordinance conflicted with the addendum that would be on the ballot. Mayor Brown replied it would not.

There being no further comments from the public, the public hearing was closed.

Moved by Gilbert, seconded by Pruette.

Motion: **TO ADOPT ORDINANCE NO. 2004-17 AS AMENDED.**

Vice Mayor Gilbert felt the 100 feet in lot width requirement should be measured from the lot frontage. As currently written the 100 feet could be measured from the middle or the rear of the lot.

Amendment: **TO ADD “AS MEASURED AT THE FRONT PORTION OF THE LOT THAT FRONTS ON THE STREET THAT DESIGNATES THE ADDRESS OF THE LOT”.**

Moved by Pruette, seconded by Shealy.

Motion: **TO ADOPT ORDINANCE NO. 2004-17 AS AMENDED.**

Roll Call Vote:

Ayes: 5 – Gilbert, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

Ord. No. 2004-18

ORDINANCE NO. 2004-18, AMENDING CHAPTER 27, SECTION 27-15, FIRST READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 27, SECTION 27-15 DEFINITIONS AND TABLE 27-226-1, PERMISSIBLE USES TO ALLOW FOR LIGHT MANUFACTURING AND PROVIDING AN EFFECTIVE DATE.

Mayor Brown read Ordinance No. 2004-18 by title only and opened the public hearing.

Leslie Karlin, 1506 Spindrift Circle West, asked if the details of the Ordinance had been worked out since the previous Workshop Meeting. City Clerk Lisa Volpe handed Ms. Karlin an updated version of the Ordinance with the changes from the previous Workshop Meeting.

There being no further comments from the public, the public hearing was closed.

Moved by Shealy, seconded by Gilbert.

Motion: **TO PASS ORDINANCE NO. 2004-18 ON FIRST READ AND PUBLIC HEARING.**

Councilor Weldon stated Once the Ordinance was adopted all the property owners in the C-2 zoning district would be entitled to use the property for light manufacturing. He suggested defining a lot size requirement.

Councilor Shealy suggested placing the Ordinance on the November workshop meeting for further discussion.

Motion: **TO PLACE ORDINANCE NO. 2004-18 ON THE NOVEMBER WORKSHOP MEETING.**

Roll Call Vote:

Ayes: 5 – Gilbert, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

OLD BUSINESS / NONE

NEW BUSINESS

Beaches Chapel

SPECIAL EXCEPTION & DEVELOPMENT ORDER FOR BEACHES CHAPEL, 610 FLORIDA BOULEVARD, PUBLIC HEARING: City Manager Jarboe addressed the stormwater runoff concern explaining that the development first had to be approved by the city and then permitted by the St. Johns River Water Management District. The development required a special exception because it was defined as a commercial use in a residential district. Mr. Jarboe added the Planning & Development Review Board recommended approval of the special exception.

Councilor Weldon stated because there were no plans included with the request Council did not have enough information to approve the final development order. He added he was in favor of approving the concept but not the development order until plans and drawings were submitted.

City Attorney White advised Council could go ahead and approve the concept only and defer action on the development order. He added the Planning & Development Review Board should review the preliminary package with the additional information and make a recommendation to the Council.

Consensus: **COUNCIL FAVORED THE CONCEPT ONLY AND TO DEFER ACTION ON THE DEVELOPMENT ORDER UNTIL FURTHER INFORMATION IS RECEIVED FROM THE APPLICANT.**

Moved by Weldon, seconded by Shealy.

Motion: **TO SEND THE SPECIAL EXCEPTION AND DEVELOPMENT ORDER FOR**

**BEACHES CHAPEL BACK TO THE PLANNING & DEVELOPMENT
REVIEW BOARD AND ENCOURAGE THE APPLICANT TO MOVE
FORWARD.**

Roll Call Vote:

Ayes: 5 – Gilbert, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

Neptune Realty

DEVELOPMENT ORDER, NEPTUNE REALTY, 580 ATLANTIC BOULEVARD: City Manager Jarboe explained Neptune Realty, owner of the property located at 580 Atlantic Boulevard, known as the old A&P grocery store, had submitted preliminary plans to develop the property in order to bring the building up to code and attract a new business.

Moved by Gilbert, seconded by Weldon.

Motion: **TO APPROVE THE RECOMMENDATION OF THE PLANNING &
DEVELOPMENT REVIEW BOARD FOR NEPTUNE REALTY, 580
ATLANTIC BOULEVARD.**

Robert Wilburn, architect for Neptune Realty, explained the plan was to convert the old A&P grocery store to attract new business. They would be removing the old refrigeration and cash registers and bringing the building into compliance with the Code.

Councilor Weldon questioned if they planned to increase the size, re-roof or update the air conditioning equipment. Mr. Wilburn replied they did not plan to increase the size, the roof was in good shape and they would not know about the air conditioning until the electricity was turned on. Councilor Weldon was concerned about the noise from the exterior equipment interfering with the residential quality of life behind the store.

Roll Call Vote:

Ayes: 5 – Gilbert, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

Res. No. 2004-21

RESOLUTION NO. 2004-21: A RESOLUTION OF THE CITY OF NEPTUNE BEACH AUTHORIZING THE MAYOR TO SIGN DISASTER RELIEF FINDING AGREEMENT FOR FEDERAL AND STATE ASSISTANCE FOR HURRICANE JEANNE.

Moved by Gilbert, seconded by Pruette.

Motion: **TO APPROVE RESOLUTION NO. 2004-21.**

Roll Call Vote:

Ayes: 5 – Gilbert, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

Res. No. 2004-22

RESOLUTION NO. 2004-22, APPOINTING BOARD MEMBERS: A RESOLUTION REAPPOINTING MEMBERS TO THE CODE ENFORCEMENT BOARD AND APPOINTING A NEW MEMBER TO THE PLANNING & DEVELOPMENT REVIEW BOARD.

Mayor Brown introduced Richard Arthur, new alternate for the Planning and Development Review Board.

Moved by Shealy, seconded by Pruette.

Motion: **TO APPROVE RESOLUTION NO. 2004-22.**

Roll Call Vote:

Ayes: 5 – Gilbert, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

Surplus Equip.

APPROVAL FOR SURPLUS OF CITY EQUIPMENT: Surplus of a 4 x 4 Ford Backhoe and a Jacobson Turf Cat Mower from the Public Services Department.

Moved by Weldon, seconded by Gilbert.

Motion: **TO APPROVE THE SURPLUS OF CITY EQUIPMENT.**

Roll Call Vote:

Ayes: 5 – Gilbert, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

Councilor Pruette stated she had spoken with City Manager Jarboe regarding the blue signs currently used to notify residents of a change in Planning & Development. She was concerned that the signs, being a light blue color, would not be noticed. City Manager Jarboe informed her he would change all the signs to a bright orange color.

Councilor Pruette asked City Manager Jarboe to investigate the pine trees behind the school that were trimmed all the way up.

Councilor Weldon asked to place "Actions for Dealing with Beach Access Encroachments" and "Street Lighting Intensity" on the November workshop agenda.

Councilor Pruette asked to place "Rocks and Impervious Surface" on the November workshop agenda.

City Manager Jarboe stated Christmas Day fell on Saturday and he would prefer the city to observe the Christmas Eve holiday on Friday and the Christmas Day holiday on Monday.

Consensus: **TO OBSERVE THE CHRISTMAS HOLIDAY'S ON THE FRIDAY BEFORE CHRISTMAS AND THE MONDAY FOLLOWING.**

Vice Mayor Gilbert inquired about the landscape design report from Brett Goddard. City Manager Jarboe stated Mr. Goddard would present the design at the November workshop meeting.

City Manager Jarboe stated the city received \$250,000 for the beautification of A1A and plans were underway.

City Clerk Lisa Volpe informed an extra meeting would be held the Tuesday after the first regular meeting in December to swear in the newly elected officials.

Adjournment

There being no further business, the meeting adjourned at 8:23 p.m.

Richard A. Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
SPECIAL CITY COUNCIL MEETING
NOVEMBER 4, 2004 AT 6:00 P.M.
CITY HALL, 116 FIRST STREET
NEPTUNE BEACH, FLORIDA

Pursuant to proper notice a Special Meeting of the City Council of the City of Neptune Beach was held November 4, 2004, at 6:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

Mayor Richard A. Brown
Vice Mayor James Gilbert
Councilor Harriet Pruette
Councilor Larry Shealy
Councilor John Weldon
City Manager James Jarboe
City Clerk Lisa Volpe, CMC

ABSENT:

City Attorney Christopher White

Order Call

Mayor Brown called the special meeting to order at 6:00 p.m. and announced the purpose of certifying the election results.

City Clerk Lisa Volpe read the results of the elections:

MAYOR SEAT 1

Mayor Brown ran unopposed for Seat 1.

COUNCILOR SEAT 2

Connie Austin	received	556	votes
Eric Pardee	received	1819	votes
Bob Shimp	received	1496	votes

Total Votes 3871

There will be a run off between Eric Pardee and Bob Shimp on November 23, 2004.

COUNCILOR SEAT 3

Harriet Pruette ran unopposed.

REFERENDUM 35 FEET HEIGHT LIMIT:

Yes	received	3459	votes
No	received	785	votes

The referendum passed.

Moved by Pruette, seconded by Gilbert.

Motion: **TO APPROVE THE ELECTION RESULTS OF NOVEMBER 2, 2004.**

Councilor Pruette asked why the referendum received 4244 votes and the council seat only received 3871. City Clerk Volpe stated some people choose to leave some choices blank on their ballot.

Vice Mayor Gilbert stated the absentee ballots would be available next week at the City Clerk's office. City Clerk Volpe confirmed the ballots should arrive by Wednesday and city hall is closed on Thursday for Veterans Day. Voters can pick them up and drop them off at city hall.

Councilor Shealy stated turn out was about 60 or 70% for the election which was a good turn out.

Councilor Pruette asked the city clerk to ask the Supervisor of elections to get the ballots out as soon as possible.

Roll Call Vote:

Ayes: 5 - Gilbert, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

Councilor Pruette stated that before the 2006 election she would like the council to think about having open seat elections where the people with the top amount of votes would be elected to the seats. She also would like to discuss the 50%+1 rule. There was some discussion. Mayor Brown asked that the city clerk do research with the Florida League of Cities when this topic comes before the council.

Christine Chin, 227A Margaret Street, pointed out citizens will only have seven business days to obtain absentee ballots.

City Clerk Volpe stated the earliest they could have them is Wednesday. Councilor Pruette question the runoff only being in 2 weeks. City Clerk Volpe suggested looking at this in the charter since the 4th Tuesday is always going to be right before Thanksgiving.

Council discussed the absentee ballot process. City Manager Jarboe questioned early voting at the beach. City Clerk Volpe stated the elections office would have to have one of their people at the library and Neptune Beach would have to absorb this cost. She stated with absentee ballots available at city hall early voting was not necessary.

Adjournment

There being no further business, the meeting adjourned at 6:15 p.m.

Richard Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
WORKSHOP CITY COUNCIL MEETING
NOVEMBER 15, 2004, AT 7:08 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 November 15, 2004 at 7:08 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

Mayor Richard A. Brown
Vice Mayor James Gilbert
Councilor Harriet Pruette
Councilor John Weldon
City Attorney Christopher White
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

ABSENT:

Councilor Larry Shealy

STAFF:

Director of Public Safety William Brandt
Community Development Director Jason Cleghorn
Director of Finance Steve Ramsey
Director of Public Services Leon Smith
Deputy City Clerk Karla Strait, CMC

Call to Order/Roll Call Mayor Brown called the meeting to order at 7:08 p.m.

PRESENTATIONS

Mayor Brown presented a plaque to Director of Finance Steve Ramsey for his efforts preparing the documents required for Federal Emergency Management Assistance (FEMA) due to Hurricane Bonnie, Hurricane Charley, and Tropical Storm Jeanne.

Mayor Brown presented a plaque to Councilor Harriet Pruette for being voted the Beaches Favorite Politician by the Beaches Leader.

FL. Blvd. Landscape

FLORIDA BOULEVARD LANDSCAPING DESIGN – BRETT GODDARD: Brett Goddard presented a design for the landscaping and beautification of Florida Boulevard. His plan was to pave the right-of-ways using pavers with a concrete sub-base. He explained the pavers were more durable than concrete or asphalt and would withstand the heavy truck traffic.

Vice Mayor Gilbert stated the goal was for Neptune Beach to provide the design work and have the City of Jacksonville fund the landscaping.

Election Info.

City Clerk Lisa Volpe announced a special meeting would be held November 23, 2004, at 8:00 p.m. to certify the results of the election and a special meeting would be held December 7, 2004 to swear in the new Council Members. She added that absentee ballots would be available at City Hall until election day.

COMMITTEE REPORTS / NONE

CITY MANAGERS ACTION LIST

City Manager Jarboe reported the major activity within the city was the repaving. There had been some difficulty with sub-contractors, but he hoped the project would be finished soon.

The Menzi Muck, all terrain vehicle, was delivered to the Public Services Department and the employees were in the process of training on how to operate it.

Staff was in the process of discussing long term stormwater solutions.

The bids for the construction of the new Kings Road Bridge would be received and opened tomorrow, November 16th at 2:00 p.m.

Mayor Brown commented the Hopkins Creek project was looking good. City Manager Jarboe replied the pedestrian bridge would be replaced with a steel bridge.

Councilor Pruette asked when the speed humps and street striping would begin. Mr. Jarboe replied the speed humps and striping would be installed once the paving was complete.

Councilor Weldon stated landscaping around the lift station on Third Street was on the City Manager's Action List. He questioned plans to replace the fence around it with a wall. City Manager Jarboe stated he would get a cost for walling the lift station for the December workshop meeting.

PUBLIC COMMENTS

Rodger Bennett, 1871 Nightfall Drive, asked the Council to reconsider the Ordinance that required driveways to be paved with concrete or asphalt in lieu of using rocks. City Manager Jarboe responded that the Ordinance had previously been changed. City Clerk Lisa Volpe stated she would place the Ordinance on the website.

Marsha Coker, 206 Margaret Street, was disappointed with Code Enforcement on the issue of the Three Strike Ordinance because the property owners had not been properly notified.

Geynell Mohr, 225 Margaret Street, was disappointed the Code Enforcement Board was not prepared to handle the cases relating to the noise ordinance.

Kerry Chin, 227A Margaret Street, member of the Planning & Development Review Board, was concerned because the Planning & Development Review Board meeting was tomorrow night and he had just received his packet in the mail today. He felt the Boards needed more time to review the material before the meeting.

Tim Ingram, 113 Pine Street, asked the Council to look into alternative streetlight fixtures

that would not illuminate inside of homes and patios.

Lynda Padrta, 1113 First Street, thanked the Public Safety Department for dealing with the noise issue. She also thanked the City Manager for dealing with the drainage problem on First Street. She also felt the streetlights illuminated too much on private property.

JoAnne Waddill, 115 Oleander Street, thanked the city for surveying and marking the street ends. She was concerned about the protection of the beach accesses.

Recess/Reconvene Mayor Brown called a recess at 8:20 p.m. and reconvened the meeting at 8:33 p.m.

PROPOSED ORDINANCES

Tree Protection TREE PROTECTION AND LANDSCAPING ORDINANCE: City Manager Jarboe stated he had concerns regarding the new tree ordinance. He asked the Council if they felt pine trees should be protected.

Consensus: **TO DELETE IN SECTION 27-445, (a) (1) "OR OF A", TO REPLACE IN SECTION (a)(4) "DANGER" WITH "HAZARD", TO ADD IN SECTION (a)(5) "THAT". TO FORWARD TO FIRST READ.**

Councilor Pruette agreed to sponsor the Ordinance and Mayor Brown agreed to Co-Sponsor the Ordinance.

CONTRACTS / AGREEMENTS / NONE

ISSUE DEVELOPMENT

Ord. No. 2004-18 ORDINANCE NO. 2004-18, LIGHT MANUFACTURING: Councilor Weldon was concerned that the definition of light manufacturing included too wide a range and may attract undesirable businesses. He also felt the performance standards should be more specific.

Discussion ensued regarding the definition of "light manufacturing" and the performance standards.

City Attorney White advised that any business meeting the performance standards could not be denied the special exception.

Consensus: **TO CHANGE THE DEFINITION OF LIGHT MANUFACTURING TO "LIGHT MANUFACTURING INCLUDES SHALL BE LIMITED TO THE FOLLOWING GOODS: HOME APPLIANCES, ELECTRICAL INSTRUMENTS, OFFICE MACHINES, PRECISION INSTRUMENTS, ELECTRONIC DEVICES, TIMEPIECES, JEWELRY, OPTICAL GOODS, MUSICAL INSTRUMENTS, NOVELTIES, WOOD PRODUCTS, CABINET MAKING, PRINTED MATERIALS, LITHOGRAPHIC PLATES, TYPE COMPOSITION, MACHINE TOOLS, DIES AND GAGES, CERAMICS, APPAREL, LIGHTWEIGHT NONFERROUS METAL CASTINGS, FILM PROCESSING, LIGHT SHEET METAL PRODUCTS, PLASTIC GOODS, GLASSWARE, PHARMACEUTICAL GOODS AND FOOD PRODUCTS, BUT NOT ANIMAL SLAUGHTERING OR CURING. TO CHANGE THE PERFORMANCE STANDARDS IN 1.a. REPLACE PARCEL WITH BUSINESS. 1.d. REPLACE SHOULD WITH SHALL AND REPLACE "OUT IN THE OPEN" WITH "OUTDOORS". INCLUDE THE SPECIAL EXCEPTION IN C-3 AS WELL AS C-2."**

Streetlights

STREET LIGHTS: Councilor Weldon stated Atlantic Beach used cobra light fixtures on their streetlights that reduced the glare and intensity and illuminated downward. He suggested the City Manager Jarboe ask the City of Jacksonville Beach to look at alternative streetlight fixtures.

Consensus: **TO HAVE CITY MANAGER JARBOE EXPLORE THE POSSIBILITY OF COBRA STREET LIGHT FIXTURES.**

Street Ends

STREET ENDS: Councilor Weldon stated the moratorium for development of the street ends expired on November 20th. He felt now that the beach accesses had been surveyed and marked the city needed to take action on protecting them and reversing any encroachments.

City Attorney White advised the longer the encroachments on the beach accesses were allowed the more they could be considered an implied abandonment.

Consensus: **FORWARD TO THE JANUARY WORKSHOP MEETING AGENDA.**

Impervious Surface

PERVIOUS / IMPERVIOUS SURFACE RELATING TO ROCKS / MULCH, ETC: Councilor Pruette stated there were several rock driveways already on the city easement. She questioned why rocks were not considered as impervious surface in consideration with the 50% impervious surface allowable per lot. City Manager Jarboe stated that was the way the Ordinance was written and if the Council wanted to consider rocks as a pervious surface the Ordinance would need to be changed. Vice Mayor Gilbert stated the current Ordinance implied that if a resident had an engineer's proof that the rocks were indeed impervious the city could then consider that as impervious surface.

City Attorney White advised it was not an issue of changing what was already in place. The new Ordinance implied now had to be enforced.

Density

DENSITY AS IT RELATES TO DUPLEX LOTS IN R-4: Vice Mayor Gilbert stated the Comprehensive Plan needed to be addressed in the future as to how it relates with duplex lots and density. He felt as long as other requirements were met the size requirement should not be necessary.

City Manager Jarboe reminded the Council the City would be observing the Christmas Eve holiday on Friday, December 24, and Christmas Day on Monday, December 27, 2004.

Adjournment

There being no further business, the meeting adjourned at 10:08 p.m.

Richard A. Brown, Mayor

Attest:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
SPECIAL CITY COUNCIL MEETING
NOVEMBER 15, 2004 AT 7:00 P.M.
CITY HALL, 116 FIRST STREET
NEPTUNE BEACH, FLORIDA

Pursuant to proper notice a Special Meeting of the City Council of the City of Neptune Beach was held November 15, 2004, at 7:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

Mayor Richard A. Brown
Vice Mayor James Gilbert
Councilor Harriet Pruette
Councilor John Weldon
City Attorney Christopher White
City Manager James Jarboe
City Clerk Lisa Volpe, CMC

ABSENT:

Councilor Larry Shealy

STAFF:

Director of Public Safety William Brandt
Director of Community Development Jason Cleghorn
Director of Public Services Leon Smith
Director of Finance Steve Ramsey
Deputy City Clerk Karla Strait, CMC

Order Call

Mayor Brown called the special meeting to order at 7:00 p.m. and announced the purpose of the meeting was to approve the Arbor (Tree) Permit Application.

Tree Permit Appl.

APPROVAL OF ARBOR PERMIT APPLICATION: City Manager Jarboe stated property owners were required to obtain a permit before the removal of trees. The application had to be approved by the Council according to the new Land Development Regulations.

Moved by Pruette, seconded by Gilbert.

Motion: **TO APPROVE THE ARBOR (TREE) PERMIT APPLICATION.**

Roll Call Vote:

Ayes: 4 – Gilbert, Pruette, Weldon, Brown

Noes:

MOTION CARRIED

Adjournment

There being no further business, the meeting adjourned at 7:08 p.m.

Richard Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



**MINUTES
SPECIAL CITY COUNCIL MEETING
ELECTION RESULTS
NOVEMBER 23, 2004 AT 8:40 P.M.
CITY HALL, 116 FIRST STREET
NEPTUNE BEACH, FLORIDA**

Pursuant to proper notice a Special Meeting of the City Council of the City of Neptune Beach was held November 23, 2004, at 8:40 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

The following Council members and staff were in attendance:

Mayor Richard A. Brown
Vice Mayor Jimmy Gilbert
Councilor Harriet Pruette
Councilor Larry Shealy
Councilor John Weldon
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

STAFF:
Deputy City Clerk Karla Strait, CMC

ABSENT:
City Attorney Christopher A. White

Call to Order/Roll Call

Mayor Brown called the meeting to order at 8:40 p.m. and announced the purpose of the meeting was for the City Council to act as the Canvassing Board to publicly canvass the returns and declare the results of the Municipal Election held on November 23, 2004.

City Clerk Lisa Volpe announced the results as follows:

**Election Results
Seat 2**

Councilor at Large Seat 2

Eric Pardee	849
Robert Shimp	295

Winners Declared

Mayor Brown announced the winner:

Eric Pardee, Councilor Seat 2

Moved by Weldon, seconded by Pruette.

Motion: **TO APPROVE THE ELECTION RETURNS.**

Roll Call Vote:

Ayes: 5 – Gilbert, Pruette, Shealy, Weldon, Brown

Noes:

MOTION CARRIED

Adjournment

There being no further business, the meeting adjourned at 8:45 p.m.

Richard Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
REGULAR CITY COUNCIL MEETING
OCTOBER 4, 2004, 7:00 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 October 13, 2004, at 7:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

Mayor Richard A. Brown
Vice Mayor James Gilbert
Councilor Harriet Pruette
Councilor Larry Shealy
Councilor John Weldon
City Attorney Christopher White
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

STAFF:

Director of Public Safety William Brandt
Director of Finance Steve Ramsey
Director of Public Services Leon Smith
Assistant to the Bldg Official Piper Turner
Community Development Director Jason Cleghorn

Order Call/Pledge

Mayor Brown called the meeting to order at 7:00 p.m. and lead the pledge of allegiance.

AWARDS / PRESENTATIONS / RECOGNITION OF GUESTS/NONE

APPROVAL OF MINUTES

Motion: **TO APPROVE THE FOLLOWING MINUTES:**
SEPTEMBER 13, 2004, REGULAR CITY COUNCIL MEETING
SEPTEMBER 20, 2004, SPECIAL CITY COUNCIL MEETING
SEPTEMBER 27, 2004, SPECIAL CITY COUNCIL MEETING

Moved by Gilbert seconded by Pruette

Roll Call Vote:

Ayes: 5 – Gilbert, Pruette, Shealy, Weldon, Brown
Noes: 0

MOTION CARRIED

COMMUNICATIONS AND CORRESPONDENCE

Councilor Pruette stated she had a lot of compliments on the fence around the water plant.

City Clerk Volpe congratulated both Mayor Brown and Councilor Pruette for running unopposed in the city elections. She also reminded everyone the City Yard Grand Opening would be on Thursday October 7th at 6:00 pm.

City Manager Jarboe stated the fence was complete and the gates would be put up soon. FEMA would hopefully be paying for repairs to the ball field due to the hurricane cleanup being centralized there. The paving was under way. There will be a tour of the beach damage on Friday with Jacksonville and Rep. Don Davis.

CITY MANAGER REPORTS/NONE

PUBLIC COMMENTS/NONE

CONSENT AGENDA / NONE

VARIANCES

V04-24 V04-24 VARIANCE APPEAL FOR CONSTANCE GREEN 1509 STRAND STREET:
Mayor Brown suggested doing this after the LDR. City Clerk Volpe stated Ms. Green was not present. Vice Mayor Gilbert stated the variance would not be necessary if the LDR's passed.

ORDINANCES

Ord. No. 2004-10 ORDINANCE NO. 2004-10, AMENDING AND REVISING CHAPTER 27 UNIFIED LAND DEVELOPMENT REGULATIONS, SECOND READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING AND REVISING CHAPTER 27 UNIFIED LAND DEVELOPMENT REGULATIONS; REVISING THE FOLLOWING ARTICLES: ARTICLE I IN GENERAL, ARTICLE II ADMINISTRATIVE AND ENFORCEMENT BODIES, ARTICLE III ADMINISTRATIVE AND ENFORCEMENT PROCEDURES, ARTICLE IV LAND USE, ARTICLE V ACCESSORY STRUCTURES AND USES, ARTICLE IX TREE PROTECTION AND LANDSCAPING, ARTICLE X STREETS, SIDEWALKS, AND RIGHT OF WAY, ARTICLE XIII OFF STREET PARKING AND LOADING AND ARTICLE XVIII NONCONFORMING LOTS, STRUCTURES, USES AND SIGNS, AND PROVIDING AN EFFECTIVE DATE.

Mayor Brown read Ordinance No. 2004-10 by title only and opened the public hearing.

There being no comments from the public, the public hearing was closed.

Vice Mayor Gilbert thanked everyone for their work on this bill and to remind everyone that light manufacturing would be on the next workshop.

Councilor Pruette was glad we are moving on and we could fix things later if we had to.

Mayor Brown stated it may not be perfect but it is a living document. He gave Councilor Weldon credit for moving it along.

City Clerk Volpe pointed out two typos. Brenna Durden, Lewis Longman & Walker, PA stated she had some types that could be corrected but she suggested crossing out planned unit development and light manufacturing from table 27-229.

Moved by Weldon, seconded by Pruette.

Motion: **TO PASS ORDINANCE NO. 2004-10 ON SECOND READ AND PUBLIC HEARING TO ACCEPT SCRIVINER'S ERROR'S AS CORRECTED.**

Amendment: **TO DELETE PLANNED UNIT DEVELOPMENT AND LIGHT MANUFACTURING FROM TABLE 27-229 SO NOT TO CREATE CONFUSION IN THE CODE**

Roll Call Vote:

Ayes: 5 – Gilbert, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

Ord. No. 2004-14

ORDINANCE NO. 2004-14, AMENDING CHAPTER 2, POLICE OFFICERS RETIREMENT SYSTEM, FIRST READ: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH 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 2-345, DEFINITIONS, BY AMENDING THE DEFINITION OF RETIREMENT; AMENDING SECTION 2-347, BOARD OF TRUSTEES; AMENDING SECTION 2-349.4, VESTING; AMENDING SECTION 2-349.5, OPTIONAL FORMS OF BENEFITS; AMENDING SECTION 2-349.15, EXEMPTION FROM EXECUTION, NONASSIGNABILITY; AMENDING SECTION 2-349.22, MILITARY SERVICE PRIOR TO EMPLOYMENT; AMENDING SECTION 2-349.24, DEFERRED RETIREMENT OPTION PLAN; ADDING SECTION 2-349.25 REEMPLOYMENT AFTER RETIREMENT; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING AN EFFECTIVE DATE.

Mayor Brown read Ordinance No. 2004-14 by title only and opened the public hearing.

Larry Dean, Chairman of the Police Officers Pension Fund Board, stated this was to comply with state updates. No revisions would impact the city.

There being no comments from the public, the public hearing was closed.

City Manager Jarboe stated there was a letter in the agenda packet from the actuaries that this would cost nothing for the city.

Moved by Gilbert, seconded by Pruette.

Motion: **TO PASS ORDINANCE NO. 2004-14 ON FIRST READ.**

Roll Call Vote:

Ayes: 5 – Gilbert, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

Ord. No. 2004-16

ORDINANCE NO. 2004-16, SECOND READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA ADDING SECTION 2-50, TEMPORARY SUSPENSION OF INDIVIDUAL ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

Mayor Brown read Ordinance No. 2004-16 by title only and opened the public hearing.

There being no comments from the public, the public hearing was closed.

Moved by Shealy, seconded by Gilbert.

Motion: **TO ADOPT ORDINANCE NO. 2004-16 ON SECOND READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 5 – Gilbert, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

Ord. 2004-17

ORDINANCE NO. 2004-17, FIRST READ AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 27, TABLE 27-229-1, LOT AREAS, SETBACKS, AND BUILDING HEIGHT AND PROVIDING AN EFFECTIVE DATE.

Mayor Brown asked if there was a public hearing. City Manager Jarboe and Ms. Durden agreed it needed to be treated as a land use change with a public hearing. City Clerk Volpe stated it had not been advertised that way, therefore it needed to be delayed until a special meeting before the workshop.

Councilor Pruette asked for it to be added to the workshop agenda. Councilor Weldon asked the council to consider changing it so it only allowed 35 feet in R-1 and delete R-2. He felt it could be set up as an overlay district or just allow it in R-1.

OLD BUSINESS / NONE

NEW BUSINESS

Super Bowl

APPROVAL OF A SHORT TERM RENTALS DURING THE WEEK OF THE SUPER BOWL

Councilor Pruette stated this was a one time opportunity and felt she should not deny citizens this opportunity. She felt a one time permit fee for the city for any one renting their home would be appropriate so we could have some idea where people were staying. The fee could be about \$25.

Councilor Weldon agreed with the idea of a permit. Mayor Brown suggested the realtor coordinate the permit fee. Vice Mayor Gilbert agreed with the \$25 and the extra safety valve having the permit. City Manager Jarboe asked if it were for everyone or just those who go through the realty.

Councilor Shealy felt it was contradictory to what the city was trying to accomplish the last couple of years. The city was a residential place and he would vote no for this.

Mayor Brown reminded everyone that Ordinance 2004-16 would also be used for "Dancin' in the Streets." Vice Mayor Gilbert asked if this needed to be passed by super majority. City Clerk Volpe responded that it did.

Councilor Weldon asked for more discussion since he was still undecided. Mayor Brown felt it was a unique position for Jacksonville to be in. The surrounding communities were making provisions for this, so we should allow our citizens to participate. Councilor Pruette felt the city should allow the citizens to participate but a permit will keep control and give us statistics for future use. Vice Mayor Gilbert felt it would be primarily a place for people to rest since most of the activities will be in Jacksonville.

Moved by Gilbert, seconded by Pruette

Motion: **TO SUSPEND THE ORDINANCE FOR COMMERCIAL USE IN A RESIDENTIAL DISTRICT TO ALLOW SHORT RENTAL DURING AND ONLY DURING THE WEEK OF THE SUPER BOWL JANUARY 29, 2005 THROUGH FEBRUARY 7, 2004.**

Moved by Pruette, seconded by Gilbert.

Amendment : **TO HAVE ANY CITIZEN REQUEST A PERMIT/ADMINISTRATIVE FEE OF \$25 FOR RENTING OUT THEIR HOUSE FOR SUPER BOWL REGARDLESS OF WHETHER THEY GO THROUGH A REALTOR.**

Roll Call Vote:

Ayes: 4 – Gilbert, Pruette, Weldon, Brown

Noes: 1 – Shealy

MOTION CARRIED

Surplus

APPROVAL TO SURPLUS CITY EQUIPMENT: Office Trailer and three Portable Buildings. City Manager Jarboe stated these buildings were used before the new yard was built. They were not needed any longer.

Moved by Pruette, seconded by Gilbert.

Motion: **TO APPROVE SURPLUSING**

Roll Call Vote:

Ayes: 5 – Gilbert, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

Res. No. 2004-18

RESOLUTION NO. 2004-18 INCREASING THE SALARY OF THE CITY CLERK: A RESOLUTION INCREASING THE SALARY OF THE CITY CLERK OF NEPTUNE BEACH.

Moved by Shealy, seconded by Gilbert

Motion: **TO APPROVE RESOLUTION NO. 2004-18.**

Roll Call Vote:

Ayes: 5 – Gilbert, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

V04-24

City Attorney Chris White stated the council needed to take action on the variance before them. He said the applicant was not present. Tabling it would allow the applicant to withdraw the appeal since the LDR's had been passed.

Moved by Gilbert, seconded by Pruette.

Motion: **TO TABLE THE VARIANCE APPEAL V04-24.**

Roll Call Vote:

Ayes: 5 – Gilbert, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

Adjournment

There being no further business, the meeting adjourned at 7:50 p.m.

Richard A. Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
SPECIAL CITY COUNCIL MEETING
OCTOBER 18, 2004 AT 6:00 P.M.
CITY HALL, 116 FIRST STREET
NEPTUNE BEACH, FLORIDA

Pursuant to proper notice a Special Meeting of the City Council of the City of Neptune Beach was held October 18, 2004, at 6:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

Mayor Richard A. Brown
Vice Mayor James Gilbert
Councilor Harriet Pruette
Councilor Larry Shealy
City Attorney Christopher White
City Manager James Jarboe
City Clerk Lisa Volpe, CMC

ABSENT:

Councilor John Weldon

STAFF:

Lieutenant Anthony Carrillo
Director of Community Development Jason Cleghorn
Director of Public Services Leon Smith
Director of Finance Steve Ramsey
Deputy City Clerk Karla Strait, CMC

Order Call

Mayor Brown called the special meeting to order at 6:00 p.m. and announced the purpose of the meeting.

Ord. No. 2004-17

ORDINANCE NO. 2004-17, AMENDING CHAPTER 27, TABLE 27-229-1, FIRST READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 27, TABLE 27-229-1, LOT AREAS, SETBACKS, AND BUILDING HEIGHT AND PROVIDING AN EFFECTIVE DATE.

Mayor Brown read Ordinance No. 2004-17 by title only and opened the public hearing.

Sandra Brenson, 1512 Strand Street, stated the Beaches Leader newspaper article printed the height limit would be increased east of Third Street.

Mayor Brown explained the article was misprinted and should have stated the west side of Third Street and not the east side. There would be more discussion and revisions to the ordinance at the workshop meeting immediately following.

There being no further comments from the public the public hearing was closed.

Moved by Shealy, seconded by Gilbert.

Motion: **TO PASS ORDINANCE NO. 2004-19 ON FIRST READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 4 – Gilbert, Pruette, Shealy, Brown

Noes: 0

Absent: 1 – Weldon

MOTION CARRIED

Res. No. 2004-19

RESOLUTION NO. 2004-19: A RESOLUTION OF THE CITY OF NEPTUNE BEACH AUTHORIZING THE MAYOR TO SIGN DISASTER RELIEF FUNDING AGREEMENT FOR FEDERAL AND STATE ASSISTANCE FOR HURRICANE CHARLEY.

Moved by Gilbert, seconded by Pruette.

Motion: **TO ADOPT RESOLUTION NO. 2004-19.**

Roll Call Vote:

Ayes: 4 – Gilbert, Pruette, Shealy, Brown

Noes: 0

Absent: 1 – Weldon

MOTION CARRIED

Res. No. 2004-20

RESOLUTION NO. 2004-20: A RESOLUTION OF THE CITY OF NEPTUNE BEACH AUTHORIZING THE MAYOR TO SIGN DISASTER RELIEF FUNDING AGREEMENT FOR FEDERAL AND STATE ASSISTANCE FOR HURRICANE FRANCES.

Moved by Gilbert, seconded by Pruette.

Motion: **TO ADOPT RESOLUTION NO. 2004-20.**

Roll Call Vote:

Ayes: 4 - Gilbert, Pruette, Shealy, Weldon, Brown

Noes: 0

Absent: 1 – Weldon

MOTION CARRIED

Fla. Mun. Ins. Trust

AUTHORITY FOR MAYOR AND CITY MANAGER TO SIGN APPLICATION TO FLORIDA MUNICIPAL INSURANCE TRUST: City Manager Jarboe explained the proposal from the Florida League of Cities Municipal Insurance Trust was \$50,000 lower than the quote from Risk Management.

Moved by Gilbert, seconded by Shealy.

Motion: **TO AUTHORIZE THE MAYOR AND CITY MANAGER TO SIGN THE APPLICATION FOR FLORIDA MUNICIPAL INSURANCE TRUST.**

Roll Call Vote:

Ayes: 4 - Gilbert, Pruette, Shealy, Brown

Noes: 0

Absent: 1 – Weldon

MOTION CARRIED

Public Safety Union
Contract

PUBLIC SAFETY DEPARTMENT LABOR COUNCIL CONTRACT APPROVAL: City Manager Jarboe explained the contract negotiations between the City and the Public Safety Department were complete. The union representatives were extremely professional and the contract was beneficial for both the City and the Public Safety Department.

Moved by Shealy, seconded by Pruette.

Motion: **TO APPROVE THE PUBLIC SAFETY DEPARTMENT LABOR COUNCIL CONTRACT.**

Roll Call Vote:

Ayes: 4 – Gilbert, Pruette, Shealy, Brown

Noes: 0

Absent: 1 – Weldon

MOTION CARRIED

Detective Adam Militello, Union Representative for the Public Safety Department thanked the Council for approving the contract and their cooperation throughout the negotiations.

Adjournment

There being no further business, the meeting adjourned at 6:21 p.m.

Richard Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
WORKSHOP CITY COUNCIL MEETING
OCTOBER 18, 2004, AT 6:33 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 October 18, 2004 at 6:33 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

Mayor Richard A. Brown
Vice Mayor James Gilbert
Councilor Harriet Pruette
Councilor Larry Shealy
City Attorney Christopher White
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

ABSENT:

Councilor John Weldon

STAFF:

Lieutenant Anthony Carrillo
Community Development Director Jason Cleghorn
Director of Finance Steve Ramsey
Director of Public Services Leon Smith
Deputy City Clerk Karla Strait, CMC

Call to Order/Roll Call Mayor Brown called the meeting to order at 6:33 p.m.

PRESENTATIONS

Mayor Brown presented a plaque to the Public Safety Department for their outstanding recovery assistance during hurricane season 2004. Lieutenant Anthony Carrillo accepted the plaque on behalf of the department.

John R. Crescimbeni, former City of Jacksonville Councilman, explained he was involved with a JCCI committee that conducted a study in the spring of 2002. The study reviewed efforts to reduce litter and make Jacksonville a clean city. The City of Jacksonville proposed to adopt a Zero Tolerance Policy either by ordinance or referendum. The cost to implement the policy was an estimated 3.4 million dollars. The service districts would be given an opportunity to either be included in the policy or to opt out. If the policy was adopted by referendum of the voters it would have to be ratified by the service districts governing body.

City Attorney White questioned why we were not notified of the action before it was presented to the Jacksonville City Council. He added he had seen the material.

Councilor Pruette stated she would like to see the entire Ordinance along with background information.

Councilor Shealy was also concerned that we did not receive notice of the study beforehand.

Brenna Durden, a member of the JCCI committee, asked the Council to review the study.

City Manager Jarboe stated he would contact the Jacksonville City Council and remind them that they need to give us 7 days notice on issues that affect Neptune Beach.

COMMITTEE REPORTS / NONE

CITY MANAGERS ACTION LIST

Kings Rd. Bridge	The Kings Road Bridge Project had been sent out for bids. Bids would be received and opened on November 15, 2004.
Repaving Project	The repaving had begun. Mr. Jarboe asked if Council had any other questions regarding his action list.
Public Service Facility Fencing	Mayor Brown asked Mr. Jarboe if he received any comments regarding the new fencing at the Public Service Facility. Mr. Jarboe replied he had received many complements regarding the fence and complements regarding clean up efforts after the storms.
A1A Beautification	Councilor Pruette questioned when the A1A beautification project would begin. Mr. Jarboe replied he was waiting to receive the contract from the City of Jacksonville. The contract would require initial payment from Neptune Beach and reimbursement by the City of Jacksonville.
Fl. Blvd. Landscape	Vice Mayor Gilbert asked about the status of the Florida Boulevard Landscape Design. Community Development Director Jason Cleghorn explained Mr. Goddard was still working on completing the design and he would follow up with him tomorrow.

PUBLIC COMMENTS

Leslie Karlin, felt the Ordinance defining light manufacturing affected Summer Sands subdivision and the residents should have been notified.

David Baker, 1102 First Street, was concerned that the Comprehensive Plan and the Land Development Regulations square footage requirements for duplexes did not allow him to rebuild a duplex on his property.

Randy Osborne, 1932 Strickland Road, favored adoption of the Ordinance to allow light manufacturing.

PROPOSED ORDINANCES

Light Manufacturing	<u>PROPOSED ORDINANCE REGARDING THE DEFINITION OF LIGHT MANUFACTURING AND DRAFT PERFORMANCE STANDARDS:</u> Community Development Director Jason Cleghorn prepared a memo to the City Manager regarding the definition of light manufacturing and performance standards for zoning exceptions.
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Discussion ensued regarding the definition of light manufacturing and lot size requirements.

City Manager Jarboe stated if Council moved forward the performance standards would be more important than the definition.

Brenna Durden, Development Attorney, suggested developing an overlay district. She felt it would be faster and easier. She added she would report on air permit requirements.

Vice Mayor Gilbert stated he agreed with Mr. Cleghorn's suggestions for the definition of light manufacturing. He also agreed with the suggested performance standards except for the parcel having to be at least a half acre in size.

Consensus: **TO TAKE OUT (a) "ANY PARCEL WHICH APPLIES FOR A LIGHT MANUFACTURING SPECIAL EXCEPTION MUST BE AT LEAST A HALF ACRE IN SIZE AND DRAFT AN ORDINANCE FOR FIRST READ IN NOVEMBER."**

CONTRACTS / AGREEMENTS / NONE

ISSUE DEVELOPMENT

Ord. No. 2004-17

ORDINANCE NO. 2004-17, AMENDING CHAPTER 17, TABLE 27-229-1: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 17, TABLE 27-229-1, LOT AREAS, SETBACKS, AND BUILDING HEIGHT AND PROVIDING AN EFFECTIVE DATE.

Councilor Pruette stated the Council had previously discussed limiting the 35 feet height limit to two story buildings and questioned why that was not included in the ordinance.

Consensus: **TO LIMIT THE 35' HEIGHT LIMIT TO TWO STORY BUILDINGS.**

Vice Mayor Gilbert questioned why the 100 feet lot width requirement was measured at the front building restriction line and not the front of the lot. Discussion ensued. The council also discussed whether or not to include zoning district R-2.

Consensus: **TO CHANGE (5) TO READ "FOR LOTS IN THE R-1 ZONING DISTRICT THAT HAVE A MINIMUM LOT SIZE OF 10,000 SQUARE FEET AND 100 FEET OF LOT WIDTH, 35 FEET OF MAXIMUM BUILDING HEIGHT WILL BE PERMITTED, SO LONG AS THE PRIMARY ROOF STRUCTURE IS BUILT AT A MINIMUM 5/12 PITCH ROOF AND DOES NOT EXCEED 2 STORIES OF LIVING SPACE."**

Recess/Reconvene

Mayor Brown called a recess at 8:20 p.m. and reconvened the meeting at 8:30 p.m.

Duplexes/Density

CODE REVISIONS CONCERNING DUPLEXES AND DENSITY: City Manager Jarboe explained currently the Land Development Regulations were in compliance with the Comprehensive Plan. The Land Development Regulations allowed for a maximum of 10 dwelling units per acre or 4,356 square feet per dwelling unit, therefore, duplexes would require a lot size of 8,712 square feet. The Land Development Regulations and the Comprehensive Plan both had to be changed if the council decided to change the lot size requirement for duplexes.

Vice Mayor Gilbert stated there were other restrictions in the Land Development Regulations regarding parking, setbacks, and impervious surface per unit. He questioned if

all of those restrictions were met why a property owner could not be allowed to rebuild a duplex. He asked if there was any other way to protect the property owner other than the Footprint Bill. He felt the Comp Plan should be updated to match the current density.

City Manager Jarboe stated the Comprehensive Plan was not intended to project the existing density. It was intended to propose the standard where the city would like to be in the future. We were trying to reach the 10 unit per acre standard that was set. It was up to the Council to determine the standards and change them in the Comp Plan if necessary.

Councilor Pruette stated the City should know exactly how many units existed. She felt the existing Comp Plan was effective since some properties had been converted from duplexes to single family homes.

A lengthy discussion ensued regarding existing duplexes, lot sizes, and the right for a property owner to rebuild a duplex.

Brenna Durden explained how many units you can have on a parcel really has nothing to do with the zoning code but has everything to do with the comp plan. The future land use map, in the comp plan, shows that an R-4 parcel is in the residential low land use designation with a maximum of 5 units per acre regardless of size or shape. If it is changed to medium density, 10 units per acre can be built and high density allows 17 units per acre. The only exception was the footprint bill if there was a natural disaster.

City Manager Jarboe asked if the density in the comp plan could be changed to allow for duplexes on smaller lots. Ms. Durden stated it could be done but was difficult.

Vice Mayor Gilbert asked if anything could be done to protect the footprint for more than just natural disasters. Ms. Durden stated a natural disaster is an unintentional act and therefore a plausible reason to be inconsistent with the density designation allowed for in the comp plan. Ms. Durden stated you need data to support that you are not actually increasing density in to convince the state to change the comp plan.

Councilor Pruette asked to find a way to decrease density but protect property rights. Councilor Shealy stated he thought the city was trying to move toward single family homes. Mayor Brown stated the 8712 feet meant no more duplexes east of third due to the small lots.

City Manager Jarboe made the suggestion to make an in depth study of what was currently in Neptune beach with an outside firm, to document the information. He could bring back a plan of action and its cost and bring it to the council.

Councilor Pruette was not in favor of spending a lot of money. City Manager Jarboe stated it could be done in house but it would not be as in depth as the state would want it and it could not be done quickly.

Mayor Brown stated the council had to be concerned over property rights as elected officials. Mr. Jarboe stated he was trying to get council where they wanted it to be. Vice Mayor Gilbert felt the comp plan was to correct when it was written and it should be corrected now.

Councilor Pruette asked what was the exposure for not following the density in the comp plan. Mr. White stated you are open to investigation with the DCA and individual lawsuits. Mr. Jarboe stated the comp plan is a set of goals the city is attempting to meet.

Councilor Pruette felt it was a persons right to be able to rebuild a duplex in a duplex zoned area.

City manager Jarboe stated staff was attempting to change the comp plan to suit council's wishes. Ms. Durden remarked the DCA has a schedule you can follow to prepare the Evaluation and Analysis Report. This may help the city focus on the issue of density east of Third Street. She suggested the city hire a consultant to figure out what is there and what is wanted and how to get there.

Discussion ensued over duplexes and triplexes and what is wanted east of Third Street.

Consensus: **FOR STAFF TO GIVE OPTIONS OF HOW TO CONDUCT A STUDY AND HOW TO CHANGE THE COMP PLAN TO SUIT THE COUNCIL'S IDEAS.**

Dune crossovers

PBS&J PROFESSIONAL AGREEMENT FOR DESIGN AND PERMITTING OF DUNE CROSSOVERS AT LEMON STREET AND HOPKINS STREET: City Manager Jarboe stated the council wanted two handicap ramps to the beach. Staff designed the ramps but has been repeatedly turned down by the Department of Environmental Protection. This is a proposal by PBSJ to draw the plans and get the permit from DEP. Staff recommends this, because this is how the City of Jacksonville Beach received the permits to build their ramps.

Councilor Pruette told council she had taken pictures for staff of Jacksonville Beach's ramps. She did not like having to pay a consultant to get the permits.

Jim Miller, PBS&J, stated the hurricanes have changed the process of permitting dune crossovers. His company would be glad to secure permits for the city.

Discussion ensued over whether or not to use a consultant. Vice Mayor Gilbert did not approve of spending \$18,000 on a consultant and felt the state should not force cities to use a consultant to help handicap citizens.

Mayor Brow recommended asking Rep. Davis to get the city the criteria for the permit. Councilor Pruette Thanked Public Service Director Leon Smith and staff for their attempts at attaining a permit.

Consensus: **FOR STAFF TO SPEAK WITH REPRESENTATIVE DON DAVIS TO FIND OUT THE CRITERIA NEEDED TO GET A PERMIT.**

Councilor Pruette suggested putting an ad in the paper about the height referendum. City Clerk Volpe stated the supervisor of Elections does run two adds for our referendum.

Adjournment

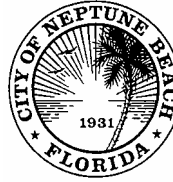
There being no further business, the meeting adjourned at 9:40 p.m.

Attest:

Richard A. Brown, Mayor

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
REGULAR CITY COUNCIL MEETING
SEPTEMBER 13, 2004, 6:00 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 September 13, 2004, at 6:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

Mayor Richard A. Brown
Vice Mayor James Gilbert
Councilor Harriet Pruette
Councilor Larry Shealy
Councilor John Weldon
City Attorney Christopher White
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

STAFF:

Director of Public Safety William Brandt
Community Development Director Jason Cleghorn
Director of Finance Steve Ramsey
Director of Public Services Leon Smith
Deputy City Clerk Karla Strait, CMC

Order Call/Pledge

Mayor Brown called the meeting to order at 6:00 p.m. and asked Vice Mayor Gilbert to lead the pledge of allegiance.

AWARDS / PRESENTATIONS / RECOGNITION OF GUESTS

Safety Officer Larry Dean gave a presentation on the effects and aftermath of Hurricane Charley and Tropical Storm Frances. He explained he and five other police officers were sent to the City of Wauchula, Florida to help with the relief efforts after Hurricane Charley. He showed photographs of damage caused by Hurricane Charley in Wauchula, and photographs of damages of property here in Neptune Beach caused by Tropical Storm Frances. He added the Public Safety Department had learned vital information about destruction recovery and relief efforts regarding these types of storms.

City Manager Jarboe commended the Public Services Department and the Public Safety Department for their efforts during and after the storms. He added that Federal Emergency Management Association (FEMA) would reimburse the city for the overtime worked and extra costs due to the storm. He recommended the purchase of a generator for City Hall so the City could operate and function in future emergency situations.

APPROVAL OF MINUTES

Motion: **TO APPROVE THE FOLLOWING MINUTES:**
AUGUST 2, 2004, REGULAR CITY COUNCIL MEETING
AUGUST 16, 2004, WORKSHOP CITY COUNCIL MEETING

Moved by Pruette, seconded by Gilbert.

Roll Call Vote:

Ayes: 5 – Gilbert, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

COMMUNICATIONS AND CORRESPONDENCE

Mayor Brown acknowledged receipt of Vice Mayor Gilbert's memorandum informing the Council that he had decided not to seek re-election for a second term. Mayor Brown expressed his appreciation of Vice Mayor Gilbert and thanked him for his years of service.

Mayor Brown stated Frankie Knight of the Supervisor of Elections office notified him the qualifying dates for the city would need to be changed to coincide with new state law. Under the new state law persons seeking qualification had to file with the qualifying officer no later than noon on the 50th day prior to the date of the first primary, but not later than the 46th day prior to the date of the first primary as set forth in Section 100.061 of the Florida Statutes. City Clerk Lisa Volpe stated the change would be made by Ordinance.

Mayor Brown stated he had attended a meeting this morning at the Emergency Operations Center. The meeting focused on the clean up from Tropical Storm Frances and keeping an eye on Hurricane Ivan. Another meeting was scheduled for tomorrow morning.

Mayor Brown stated the new track at Neptune Beach Elementary School, in which the city donated time and money, was completed. The Council was invited to attend the opening ceremony October 1, 2004, at 9:00 a.m.

Councilor Pruette thanked Vice Mayor Gilbert for his service on the Council. She stated for the record that she would not forget Florida Boulevard.

Councilor Pruette was concerned about the replacement of privacy fences damaged by Tropical Storm Frances. She felt because the adoption of the new Land Development Regulations would be deferred the Council should make a decision on allowing 6' solid fencing quickly.

Councilor Pruette questioned when the paving would begin east of Third Street. Director of Public Services Leon Smith responded the paving was supposed to have begun after Labor Day. However, the storm damage would cause a delay. An exact date had not been determined.

City Manager Jarboe stated the recent drainage improvements on First Street were successful and the drainage had improved tremendously.

City Clerk Volpe advised qualifying dates for candidates would begin Saturday, September 18, 2004, and end Saturday, October 2, 2004. The City Clerks Office would be open Saturday, September 18th from 12:00 p.m. to 5:00 p.m. and Saturday, October 2nd from 9:00 a.m. to 12:00 p.m.

City Clerk Volpe publicly congratulated Deputy City Clerk Karla Strait for achieving entrance into the first level of the Master Municipal Clerks Academy.

CITY MANAGER REPORTS

PUBLIC SERVICES FACILITY PROJECT: Construction of the new Public Services Facility was completed and the Certificate of Occupancy had been issued. The property received some minor damage from the storm. After the clean up an opening ceremony for the public would be scheduled.

PUBLIC COMMENTS

Christine Chin, 227A Margaret Street, stated many fences in her neighborhood were damaged by the storm and felt Council should make a decision to allow 6' solid privacy fences to be rebuilt so the property owners would not have to wait until the new Land Development Regulations were adopted.

CONSENT AGENDA / NONE

VARIANCES / NONE

ORDINANCES

Ord. No. 2004-11

ORDINANCE NO. 2004-11, ADOPTING FINAL MILLAGE RATES AND LEVYING AD VALOREM TAXES, FIRST READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, ADOPTING FINAL MILLAGE RATES AND LEVYING AD VALOREM TAXES FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2004, AND ENDING SEPTEMBER 30, 2005; SETTING FORTH CERTAIN INFORMATION REGARDING "ROLLED-BACK RATES"; DIRECTING THE CITY MANAGER TO ADJUST THE ADOPTED MILLAGE RATES IN THE EVENT OF CHANGES IN THE ASSESSMENT ROLL AND TAXABLE VALUE; PROVIDING AN EFFECTIVE DATE.

Mayor Brown read Ordinance No. 2004-11 by title only and opened the public hearing.

There being no comments from the public, the public hearing was closed.

Moved by Gilbert, seconded by Pruette.

Motion: **TO PASS ORDINANCE NO. 2004-11 ON FIRST READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 5 – Gilbert, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

Ord. No. 2004-12

ORDINANCE NO. 2004-12, ADOPTING A FINAL BUDGET AND APPROPRIATING FUNDS FOR FISCAL YEAR OCTOBER 1, 2004 ENDING SEPTEMBER 30, 2005, FIRST READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, ADOPTING A FINAL BUDGET AND APPROPRIATING FUNDS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2004, AND ENDING SEPTEMBER 30, 2005, PROVIDING AN EFFECTIVE DATE.

Mayor Brown read Ordinance No. 2004-12 by title only and opened the public hearing.

There being no comments from the public, the public hearing was closed.

Moved by Pruette, seconded by Gilbert.

Motion: **TO PASS ORDINANCE NO. 2004-12 ON FIRST READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 5 – Gilbert, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

Ord. No. 2004-13

ORDINANCE NO. 2004-13, AMENDING SECTION 13-5 (C) AND SECTION 13-5(E) PROPERTY OWNER RESPONSIBILITY FOR SWORN COMPLAINTS – EMERGENCY ORDINANCE AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, AMENDING SECTION 13-5 (C) AND 13-5(E), PROPERTY OWNER RESPONSIBILITY FOR SWORN COMPLAINTS.

Mayor Brown read Ordinance No. 2004-13 by title only and opened the public hearing.

There being no comments from the public, the public hearing was closed.

Moved by Gilbert, seconded by Shealy.

Motion: **TO ADOPT ORDINANCE NO. 2004-13 ON EMERGENCY READING AND PUBLIC HEARING.**

City Manager Jarboe explained the revised ordinance doubled the fines for noise violations, defined lots of record, and changed the time period from 6 months to 12 months. He emphasized in order for the ordinance to be effective it would be necessary for residents to sign sworn affidavits. His office had notified both the renters and the owners by mail.

Mayor Brown stated the Ordinance was intended for Margaret Street residents. He felt it seemed a little excessive for the entire city. Mr. Jarboe commented sometimes warnings were issued to those that were not repeat offenders.

Vice Mayor Gilbert felt the Ordinance would be more effective now that it defined a "lot of record".

Councilor Weldon stated the action of the Code Enforcement Board was extremely important and asked to hear from Eric Pardee, Chairman of the Code Enforcement Board.

Eric Pardee, Chairman of the Code Enforcement Board, stated the definition of "lot of record" and more detailed police reports would be helpful to the Board in deciding the cases.

For the Record City Attorney Chris White advised when adopting emergency ordinances it required 2/3 vote and the nature of the emergency must be stated for the record. Mr. White stated for the record Ordinance 2004-13 was being adopted on emergency basis because of a health, safety, and public welfare issue that exist specifically on Margaret Street and potentially the rest of city that needs to be addressed at this time.

Roll Call Vote:

Ayes: 5 – Gilbert, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

Ord. No. 2004-14

ORDINANCE NO. 2004-14, AMENDING CHAPTER 2, POLICE OFFICERS RETIREMENT SYSTEM, FIRST READ: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH 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 2-345, DEFINITIONS, BY AMENDING THE DEFINITION OF RETIREMENT; AMENDING SECTION 2-347, BOARD OF TRUSTEES; AMENDING SECTION 2-349.4, VESTING; AMENDING SECTION 2-349.5, OPTIONAL FORMS OF BENEFITS; AMENDING SECTION 2-349.15, EXEMPTION FROM EXECUTION, NONASSIGNABILITY; AMENDING SECTION 2-349.22, MILITARY SERVICE PRIOR TO EMPLOYMENT; AMENDING SECTION 2-349.24, DEFERRED RETIREMENT OPTION PLAN; ADDING SECTION 2-349.25 REEMPLOYMENT AFTER RETIREMENT; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING AN EFFECTIVE DATE.

Mayor Brown stated Ordinance No. 2004-14 had been deferred until receipt of additional information. City Manager Jarboe the City Attorney had not received information from the financial advisors stating the amendments would not be an additional cost to the city.

Councilor Shealy agreed to sponsor the ordinance.

Recess/Reconvene

Mayor Brown called a recess at 7:00 p.m. and reconvened the meeting at 7:14 p.m.

Ord. No. 2004-10

ORDINANCE NO. 2004-10, AMENDING AND REVISING CHAPTER 27 UNIFIED LAND DEVELOPMENT REGULATIONS, SECOND READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING AND REVISING CHAPTER 27 UNIFIED LAND DEVELOPMENT REGULATIONS; REVISING THE FOLLOWING ARTICLES: ARTICLE I IN GENERAL, ARTICLE II ADMINISTRATIVE AND ENFORCEMENT BODIES, ARTICLE III ADMINISTRATIVE AND ENFORCEMENT PROCEDURES, ARTICLE IV LAND USE, ARTICLE V ACCESSORY STRUCTURES AND USES, ARTICLE IX TREE PROTECTION AND LANDSCAPING, ARTICLE X STREETS, SIDEWALKS, AND RIGHT OF WAY, ARTICLE XIII OFF STREET PARKING AND LOADING AND ARTICLE XVIII NONCONFORMING LOTS, STRUCTURES, USES AND SIGNS, AND PROVIDING AN EFFECTIVE DATE.

Mayor Brown stated this Ordinance had been deferred due to legal issues.

Mayor Brown read Ordinance No. 2004-10 by title only and opened the public hearing.

There being no comments from the public, the public hearing was closed.

Mayor Brown asked if the Ordinance would be prepared for adoption before the September workshop meeting. City Manager Jarboe stated as soon as he received the information from the legal review it would be incorporated in the correct format and provided to Council.

Vice Mayor Gilbert requested a consensus of the Council to add light manufacturing in the C-2 Zoning District by special exception only.

Consensus: **TO DISCUSS ALLOWING LIGHT MANUFACTURING IN THE C-2 ZONING DISTRICT.**

Mayor Brown questioned when the 6' solid fencing would be addressed. City Clerk Volpe explained at the Ordinance 2004-10 would be ready for approval by October 4, 2004.

City Attorney White stated an emergency ordinance could be prepared for approval before the September workshop meeting and could be adopted at that time.

Consensus: **TO HOLD A SPECIAL MEETING BEFORE THE WORKSHOP TO ADOPT AN EMERGENCY ORDINANCE REGARDING 6' PRIVACY FENCES.**

Mayor Brown asked if short-term rentals could also be addressed at the September workshop meeting.

Consensus: **TO PLACE THE ISSUE OF ALLOWING SHORT TERM RENTALS FOR THE WEEK OF THE SUPER BOWL ON THE AGENDA FOR THE SEPTEMBER 20, 2004 WORKSHOP MEETING.**

OLD BUSINESS / NONE

NEW BUSINESS

Development Ord.
Meza Luna
110 First Street

DEVELOPMENT ORDER, MEZA LUNA, 110 FIRST STREET: Mr. William Pels, resident of 112 Odoms Mill, Ponte Vedra Beach, Owner of Meza Luna Restaurant, 110 First Street, stated he would like to move some of the tables from inside of the restaurant to use for outdoor seating in the covered patio area. They would be using existing tables therefore additional parking spaces would not be required.

Moved by Shealy, seconded by Pruette.

Motion: **TO APPROVE THE DEVELOPMENT ORDER FOR MEZA LUNA, 110 FIRST STREET.**

Roll Call Vote:

Ayes: 5 – Gilbert, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

Res. No. 2004-15

RESOLUTION NO. 2004-15: A RESOLUTION REAPPOINTING MEMBERS TO THE POLICE OFFICERS' RETIREMENT FUND BOARD.

Moved by Pruette, seconded by Gilbert.

Motion: **TO APPROVE RESOLUTION NO. 2004-15.**

Roll Call Vote:

Ayes: 5 – Gilbert, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

Res. No. 2004-16

RESOLUTION NO. 2004-16: A RESOLUTION AMENDING THE PERSONNEL POLICY OF THE CITY OF NEPTUNE BEACH, FLORIDA.

Moved by Weldon, seconded by Shealy.

Motion: **TO APPROVE RESOLUTION NO. 2004-16.**

Roll Call Vote:

Ayes: 5 – Gilbert, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

Res. No. 2004-17

RESOLUTION NO. 2004-17: City Attorney Chris White stated he received a lawsuit relating to Scotty's. The lawsuit involved both Scotty's and the City. He asked the Council to approve a Resolution authorizing him to represent and defend the City.

Moved by Gilbert, seconded by Weldon.

Motion: **TO APPROVE RESOLUTION 2004-17 AUTHORIZING CITY ATTORNEY CHRIS WHITE TO REPRESENT AND DEFEND THE CITY IN THE SCOTTY'S LAWSUIT.**

Roll Call Vote:

Ayes: 5 – Gilbert, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

Adjournment

There being no further business, the meeting adjourned at 7:45 p.m.

Richard A. Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
SPECIAL CITY COUNCIL MEETING
SEPTEMBER 20, 2004 AT 7:00 P.M.
CITY HALL, 116 FIRST STREET
NEPTUNE BEACH, FLORIDA

Pursuant to proper notice a Special Meeting of the City Council of the City of Neptune Beach was held September 20, 2004, at 7:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

Mayor Richard A. Brown
Vice Mayor James Gilbert
Councilor Harriet Pruette
Councilor John Weldon
City Attorney Christopher White
City Manager James Jarboe
City Clerk Lisa Volpe, CMC

ABSENT:

Councilor Larry Shealy

STAFF:

Director of Community Development Jason Cleghorn
Director of Finance Steve Ramsey
Director of Public Services Leon Smith
Deputy City Clerk Karla Strait, CMC
Assistant to the Building Official Piper Turner

Order Call

Mayor Brown called the special meeting to order at 7:00 p.m. and announced the purpose of the meeting was to adopt Ordinance No. 2004-05, Fences, Walls, and Hedges on emergency reading and public hearing.

Ord. No. 2004-15

ORDINANCE NO. 2004-15, EMERGENCY READING AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING SECTION 27-330 FENCES, WALLS AND HEDGES AND ESTABLISHING AN EFFECTIVE DATE.

City Manager Jarboe explained the purpose of the emergency ordinance was to allow 6-foot privacy fences that were damaged by the Tropical Storm Francis to be replaced without having to wait until the new Land Development Regulations were adopted.

Mayor Brown introduced an amendment to Ordinance 2004-15 that would allow 6-foot privacy fences on side yards adjacent to Third Street to go beyond the front of houses.

Mayor Brown read Ordinance No. 2004-15 by title only and opened the public hearing.

Steve Hartsaw, 301 Oleander Street, supported the ordinance with the amendment.

Anne Catherine Cruddas, 601 Bowles Court, stated she was forced to install a 75% solid hurricane proof fence to replace her old 6-foot privacy fence. She felt the fence ordinance should be fair to everyone and all fences should have to be hurricane proof for the protection of all citizens.

Beverly Hartsaw, 301 Oleander Street, stated she was unable to use her side yard because of the noise and traffic from Third Street. She supported the ordinance with the amendment.

Christine Chin, 227A Margaret Street, felt 6-foot privacy fences would not decrease the traffic noise from Third Street. She questioned if 6-foot privacy fences were allowed on side yards abutting Third Street, how could the Council deny 6-foot privacy fences in front yards facing Third Street.

There being no further comments from the public the public hearing was closed.

Councilor Weldon was concerned about adding an amendment to an emergency ordinance. He felt the issue of 6-foot privacy fences on side yards adjacent to Third Street was not considered an emergency. He suggested staff study the sound and design quality of fences and provide a report for discussion at a workshop meeting before Council took action.

Vice Mayor Gilbert stated he did not wish to see different types of fences along Third Street. He suggested in order for the fences to look consistent they be covered by an equal height of hedges.

Mayor Brown asked City Attorney White to comment on whether or not the amendment was appropriate at this time.

City Attorney White advised the amendment was not necessarily an emergency and only the emergency should be addressed at this time.

Vice Mayor Gilbert called the question to vote on Ordinance No. 2004-15 as it was written.

Motion: **TO VOTE ON ORDINANCE NO. 2004-15 AS IT WAS WRITTEN WITHOUT THE AMENDMENT.**

Roll Call Vote:

Ayes: 4 – Gilbert, Pruette, Weldon, Brown

Noes: 0

Absent: 1 – Shealy

MOTION CARRIED

Moved by Gilbert, seconded by Weldon.

Motion: **TO ADOPT ORDINANCE 2004-15, ON EMERGENCY READING AND PUBLIC HEARING.**

Roll Call Vote on the adoption of Ordinance No. 2004-15:

Ayes: 3 – Gilbert, Weldon, Brown

Noes: 1 – Pruette

Absent: 1 – Shealy

MOTION CARRIED

Vice Mayor Gilbert asked staff to study and report at the workshop meeting.

TO ADOPT ORDINANCE 2004-15, ON EMERGENCY READING AND PUBLIC HEARING.

Adjournment

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

Richard Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
WORKSHOP CITY COUNCIL MEETING
SEPTEMBER 20, 2004, AT 7:36 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 September 20, 2004 at 7:36 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

Mayor Richard A. Brown
Vice Mayor James Gilbert
Councilor Harriet Pruette
Councilor John Weldon
City Attorney Christopher White
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

ABSENT:

Councilor Larry Shealy

STAFF:

Community Development Director Jason Cleghorn
Director of Finance Steve Ramsey
Director of Public Services Leon Smith
Deputy City Clerk Karla Strait, CMC
Assistant to the Building Official Piper Turner

Call to Order/Roll Call Mayor Brown called the meeting to order at 7:36 p.m.

PRESENTATIONS / NONE

COMMITTEE REPORTS / NONE

CITY MANAGERS ACTION LIST

Pubic Services	Director of Public Service Director Leon Smith received notice that the fence company off loaded equipment today in preparation to begin construction of the fencing around the Water Plant as required by state security guidelines.
Repaving Project	The paving company also off loaded equipment today in preparation to begin the repaving project.
Clean Up Efforts	The Public Services Department worked aggressively cleaning up debris from the storm, moving ahead of Jacksonville Beach Electric, clearing the roads in order for power to be restored quickly. Grubbs Emergency Services brought in a lot of equipment. Waste

Services of Florida, the normal service provider under contract was also required to help. A staging area was created in Jarboe Park in which the debris has created a mound. The debris would be taken to the Jacksonville Landfill. During the storm there was extremely good cooperation between the Public Safety Department and the Public Services Department moving traffic around and keeping roads unblocked and cleared.

Councilor Weldon questioned if the temporary pump located behind Beaches Chapel operated sufficiently with all the rain from the storms. Mr. Jarboe responded Public Services kept an eye on the pump and it held up well during all the rain with no problems. He added the Water Management District might require the City to build a large reservoir in that area to pump the water to another location when it collected.

Vice Mayor Gilbert asked Mr. Jarboe about the status of the Florida Boulevard Landscaping Design. Community Development Director Jason Cleghorn replied he would inquire as to the status.

PUBLIC COMMENTS

Bob Zimpfer, 2545 Watersedge Drive, thanked the city for repairing the potholes on Watersedge Drive.

Steve Hartsaw, 301 Oleander Street, thanked the Council for placing the issue of fencing on Third Street side yards on a workshop meeting agenda.

Beverly Hartsaw, 301 Oleander Street, stated she was astonished by the quick reaction of all of the city departments after the storm. She added the city did a fantastic job and it was appreciated.

Ralph LaPerna, 2507 Watersedge Drive, thanked the city for repairing the potholes on Watersedge Drive. He favored an additional charge on the utility bills for Watersedge Drive residents in order for the city to maintain the road. He also asked the city to pave Pine Place. He was also concerned about flooding.

PROPOSED ORDINANCES / NONE

CONTRACTS / AGREEMENTS / NONE

ISSUE DEVELOPMENT

Short Term Rentals

SHORT TERM RENTALS FOR SUPER BOWL WEEK: Mayor Brown stated there was potential and interest at the beaches for renting private residences for the week of the Super Bowl. Mayor Brown introduced Jay Fogle, Realtor for Coldwell Banker - Walter Williams Property Rentals.

Mr. Jay Fogle explained he was one of ten rental agents working through Coldwell Banker, Walter Williams Realty, who was awarded the management for the Super Bowl Host Committee for rental properties provided for the event and the NFL. He asked the Council to consider a one time exception to the short-term rental ordinance to allow people to rent their personal residential properties and condominiums during the week of the Super Bowl. The time period of January 30, 2005 through February 7, 2005. Mr. Fogle explained the time period would not affect the Homestead Exception for personal residences as long it was rented for less than 14 days during the calendar year of 2005. The Super Bowl Host Committee had contracted out 17,000 commercial hotel rooms throughout Northeast Florida. The NFL had already assigned 15,000 of those hotel rooms. They currently had over 850 homes and condominiums signed up for the program, which only made a dent in the demand. He was hoping to be able to provide enough rentals for those visiting so

everyone would have a pleasurable experience. Historically guests have spent \$350.00 per person per day on dining and shopping. He already had a list in excess of 50 residents of Neptune Beach that had inquired about the opportunity to rent their property for the event. Mr. Fogle added the City of Atlantic Beach passed a one time special exception allowing short-term rentals for the Super Bowl. He felt it would be a good opportunity for Neptune Beach to participate in the event and generate extra income for the retailers and restaurants. The guests would be limited per house and they would be required to abide by all city ordinances.

Mr. Jarboe stated there was not a provision in the Code that allowed Council to waive the Code for certain circumstances without adopting a new ordinance. He suggested adopting an ordinance that would allow Council to waive areas of the Code for thirty days under unusual circumstances. The ordinance could also be used to waive any number of things in the Code without adopting an ordinance each time.

Councilor Pruette questioned if personal items would have to be moved out of the houses prior to the tenant's arrival. Mr. Fogle explained with each inquiry a rental agent would inspect the property to make sure it met the guidelines. The facility would have to be clean, fully furnished, and be a place you would want to stay when you were out of town on vacation. They recommended personal photos and other such personal items be removed. Most people put their personal belongings in one closet with a lock on the door.

Councilor Weldon asked what kind of provisions the rental agents were taking to insure the peace and tranquility of the community would not be disturbed. Mr. Fogle stated the guest would be paying substantial rental rates plus a security deposit. The agency would make sure the tenants understood there were guidelines they had to abide by as if they were the resident of the property. If for any reason they created a nuisance of themselves they would have nowhere else to go, except home. The majority of the rentals would be corporate where an employee would stay on behalf of their employer. Therefore they would not want to create a problem that may effect their continued employment. The security deposit would be anywhere from 50% to 100% of the weekly rate. The guest would also pay a cleaning fee and any applicable bed and sales tax. The properties were renting anywhere between \$12,000 and \$15,000 for the week with certified funds.

Councilor Weldon questioned how the guests per property would be limited. Mr. Fogle stated there was no way to govern that 100%. But the tenant would be required to sign a contract and disclose everyone that would be occupying the property.

Councilor Pruette asked if the rental agency would acquire a permit from the city for each property. Mr. Fogle stated permits had not been required from any other community.

Mr. Jarboe stated under the Code, the listing agency, Coldwell Banker, would be held accountable for any Code violations. In the event of a violation Coldwell Banker would be required to go before the Code Enforcement Board and pay any fines.

Vice Mayor Gilbert voiced concern about allowing visitors to go into the residential community when the city has already opposed commercial public events.

Mayor Brown asked for a consensus of the Council to have City Attorney White and City Manager Jarboe prepare an ordinance.

Consensus: **TO CREATE AN ORDINANCE FOR FIRST READ ON SEPTEMBER 27, 2004 AND SECOND READ ON OCTOBER 4, 2004 TO ALLOW SHORT TERM RENTALS FOR THE WEEK OF THE SUPER BOWL.**

City Manager Jarboe asked the Council if they would also like to create an ordinance waiving the Code under special circumstances.

City Attorney White stated this would allow flexibility so that a separate ordinance would not need to be adopted each time.

Consensus: **CREATE A SECOND ORDINANCE TO WAIVE THE CODE UNDER CERTAIN DETAILED CIRCUMSTANCES.**

Recess/Reconvene Mayor Brown called a recess at 8:10 p.m. and reconvened the meeting at 8:25 p.m.

Watersedge Dr. WATERSEEDGE DRIVE: Mayor Brown stated there was some debate regarding the legalities of the City maintaining Watersedge Drive.

Councilor Pruette agreed with Mayor Brown's suggestion to add a fee to the Watersedge Drive resident's utility bills to cover the cost of the city provided maintenance.

Vice Mayor Gilbert also agreed and asked City Attorney White about the legalities. He questioned who would be responsible if the property was rented, the owner or the tenant.

City Attorney White advised the problem was that Watersedge Drive was not city property. The City could not levy a special assessment on private property.

Mayor Brown stated it would not be an assessment. It would be an adjustment to the utility bill. Mr. White advised if it was not called an assessment he would still express concerns about taking over the obligation, responsibility, and associated liabilities of maintaining property that was not the responsibility of the city.

City Manager Jarboe suggested if the homeowners would form a Homeowners Association the City could go under contract with the Homeowners Association to provide the maintenance of the road. The contract would clearly state the City was providing a particular service and would not accept liability for the road.

City Attorney White stated that agreeing to restrictions on limiting the City's liability did not guarantee the City would not be liable. The City would be brought into any type of legal action that would involve the road.

City Manager Jarboe explained because the owners leased the road from J.E.A. each property owner was individually liable for the road. He advised it would be to the owners benefit to form a Homeowners Association.

Councilor Weldon suggested this would be good opportunity to study and create a master plan for a long-term solution for the Prado Ferrer community. He supported the City providing maintenance of the road until such time as a master plan was complete.

Vice Mayor Gilbert suggested placing the issue on a five-year plan.

City Manager Jarboe stated the Prado Ferrer area was not a priority during the goal-setting meeting. He advised if Council wanted to upgrade the area to a priority he would revise the goal-setting tier and report back to Council with a plan.

Light Manufacturing LIGHT MANUFACTURING: City Manager Jarboe introduced Brenna Durden, and stated she would be available to answer questions. Mayor Brown stated a cabinet manufacturing company had been in place for a number of years. The owner wanted to build a new building across the street where light manufacturing was not permitted.

Vice Mayor Gilbert stated the code did not specify if light manufacturing was allowed in the C-2 or C-3 zoning districts. He recommended light manufacturing be allowed in the C-2 and C-3 districts by special exception.

Councilor Weldon stated he would like a clearer definition of light manufacturing.

Ms. Brenna Durden stated permitting the use by special exception was appropriate. She suggested establishing special performance standard criteria for the special exception. She asked the Council to also take into consideration that under Florida case law any person who met that criteria would have a right to utilize the land for that special exception.

Consensus: **TO ALLOW LIGHT MANUFACTURING IN THE C-2 ZONING DISTRICT AS A SPECIAL EXCEPTION AND DEVELOP PERFORMANCE STANDARDS AND A DEFINITION FOR LIGHT MANUFACTURING.**

Duplex Lots

DUPLEX LOTS: City Manager Jarboe explained there were several nonconforming duplex lots within the R-4 Zoning District. The Land Development Code currently allowed one unit per 4,356 square feet requiring 8,712 square feet for a duplex. The Comprehensive plan required density not to exceed 10 living units per acre. To achieve this, the R-4 zoning district would require 4,356 square feet of land area per living unit bringing the total to 8,712 for a duplex. Mr. Jarboe stated the Comprehensive Plan and the Land Development Regulations should be consistent. Because of the conflict, the Comprehensive Plan needed to be changed to before the Land Development Regulations were.

Ms. Durden explained that some of the duplex lots would meet the lot size requirements, but because of the Comprehensive Plan you could only have one unit.

Councilor Weldon stated Council established the 10 units per acre to keep the density at a manageable level and he would like to see that remain.

Mr. Terry McCue stated he had two lots with duplexes currently on them. He would like to demolish the old duplexes and replace them with new duplexes. However, the current Code would not allow him. He felt he should be entitled to his property rights.

Vice Mayor Gilbert asked for a consensus to change the Comprehensive Plan to be consistent with the Code.

Councilor Pruette questioned exactly what would be changed. Mr. Jarboe replied it would be easier to change the Comprehensive Plan to be consistent with the current Code.

Mr. Jarboe explained that legally the Council could not change the LDR's to be different from the Comprehensive Plan. The Comprehensive Plan should be updated before a change can be made.

Ms. Durden stated the Comprehensive Plan had not been updated since 1991. She explained it would be difficult for a property owner in 2004 to argue that the density requirements took away their property rights. She cautioned that the Land Development Regulations should be as consistent with the Comprehensive Plan as much as possible. If you allowed 6,532 square feet as the minimum lot size for a duplex the Comp Plan would change to 13 units per acre.

Councilor Weldon reiterated there was already a problem with the density in the R-4 District now and felt the Council should not encourage more.

Vice Mayor Gilbert stated the existing problems were because of unregulated building. There are now guidelines such as total lot coverage, parking requirements per unit, etc. He

supported changing the Comp Plan.

Mayor Brown supported changing the Comp Plan.

Councilor Pruette stated residents had been remodeling their duplexes into single-family homes and the City needed to survey how many duplex and single family houses it now has.

Director of Community Development Jason Cleghorn stated amending the Comp Plan was a lengthy process and would require the states approval.

City Clerk Lisa Volpe suggested going ahead and adopting the Revised Land Development Regulations and then change the density in the Comprehensive Plan if the council wishes.

Mr. Jarboe suggested holding another workshop on the Land Development Regulations and have Ms. Durden return.

City Clerk Volpe stated a Special Meeting was already scheduled for Money September 27, 2004. She suggested holding the Workshop Meeting following that meeting. The Land Development Regulations could then be adopted on October 4, 2004.

Consensus: **TO HOLD A WORKSHOP MEETING AFTER THE SPECIAL MEETING ON SEPTEMBER 27, 2004 TO DISCUSS THE LAND DEVELOPMENT REGULATIONS.**

Adjournment

There being no further business, the meeting adjourned at 10:00 p.m.

Attest:

Richard A. Brown, Mayor

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
WORKSHOP CITY COUNCIL MEETING
LAND DEVELOPMENT REGULATIONS
SEPTEMBER 27, 2004 AT 6:45 P.M.
CITY HALL, 116 FIRST STREET
NEPTUNE BEACH, FLORIDA

Pursuant to proper notice a Special Workshop Meeting of the City Council of the City of Neptune Beach was held September 27, 2004, at 6:45 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

Mayor Richard A. Brown
Vice Mayor James Gilbert
Councilor Harriet Pruette
Councilor Larry Shealy
Councilor John Weldon

STAFF:
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC
Dir. of Community Dev. Jason Cleghorn
Ass't to the Bldg Official Piper Turner

ABSENT:

City Attorney Christopher White

Call to Order/Roll Call

The Mayor called the meeting to order at 6:45 p.m.

Land Development

City Manager Jarboe stated this document has been a long process and is a good final product that may need some changes in the future. He introduced Community Development Director Jason Cleghorn and Brenna Durden from Lewis, Longman & Walker, PA. He explained they would be reviewing the changes made from the legal review. There are no major changes.

Ms. Durden began by giving the council copies of state law regarding the local planning agencies. She explained that the code suggested that the Planning and Development Review Board served as the city's local planning agency. The council discussed the local planning agency.

Art. I.

Ms. Durden commented on the definitions. She explained she had made some changes on condominiums, coastal construction control line.

Ms Durden suggested changing the definition of lot and lot coverage. Council discussed the repercussions to those definitions. Councilor Pruette questioned the 40 foot lot width requirement. Discussion ensued about lot size and density.

Consensus:

TO DELETE THE PHRASES "OF AT LEAST SUFFICIENT SIZE TO MEET MINIMUM ZONING REQUIREMENTS FOR USE COVERAGE AND AREA, AND TO PROVIDE SUCH YARDS ANND OTHER OPEN SPACES AS ARE HEREIN REQUIRED AND THE" AND "OF SUCH LOT SHALL" TO HAVE MS. DURDEN CLARIFY THE DEFINITION OF LOT COVERAGE.

Ms. Durden stated she had just tried to simplify the definition of lot coverage. It should be only any impervious surface. Vice Mayor Gilbert questioned the definition of impervious surface. The council discussed whether a pool was impervious surface. Ms. Durden stated that water bodies in the definition now would include retention ponds which are not impervious.

Consensus: **ADD POOLS TO IMPERVIOUS SURFACE AND DELETE WATER BODIES AND FOR THE CONSULTANT TO SUBSTITUTE A WORKABLE DEFINITION FOR LOT COVERAGE.**

Mr. Jarboe asked Mr. Cleghorn to point out anything else he had not changed so discussion could be made. Mr. Cleghorn stated there were not any more. He pointed out a couple of new definitions that were added.

Art. II

Councilor Weldon highlighted that Section 27 was changed so that the planning and development review board did not hear commercial variances but instead variances in C-1, C-2, C-3 and CBD. He suggested that conservation be added to that list since it is non residential district. Ms. Durden stated there were a few more places that need to be changed.

Consensus: **ADDING CONSERVATION TO 27-36 AND 27-39 (C) AND DELETE IT FROM 27-48 (2)**

Councilor Weldon brought for discussion that the code stated the Planning and Development Review Board had final decision for variances. Discussion ensued over this change.

Consensus: **TO STRIKE "AND MAKE FINAL DECISION" FROM 27-39 (C)**

Ms. Durden stated some changes will have to be made because of that deletion. She would make those before the final read.

Councilor Pruette emphasized PUDS should not be included in Article IV.

Art. III

Ms. Durden asked if there were any questions in Article III. She added definition of preliminary development plan and final development order. There was discussion. She commented a table for the entire procedure would be appropriate. Councilor Weldon agreed this could be done in the future.

Vice Mayor Gilbert questioned section 27-147 (7). Discussion ensued over required findings and precedent setting.

Consensus: **TO LEAVE SECTION 27-147 AS IS.**

Ms. Durden stated that in 27-149 variances had not been transferable and so she had added words to allow an applicant to request transferability. Council discussed this issue.

Art. IV

Council discussed PUDS. Ms. Durden stated it provides options but was not absolutely necessary. It is not a legal issue and could be addressed in the future. Mayor Brown stated it could be useful.

Ms. Durden let the council know she changed Section 27-178 and 188 so that an appeal had to be filed within 30 days.

Councilor Pruette asked why in Table 27-229-1 corner lot side yard setback was changed to 8 feet in R4. This issue, why and when it was changed, was discussed.

Councilor Shealy asked why 35 feet height was not changed. City Clerk Volpe stated the consensus was to treat that as a separate ordinance and first read would be on October 4th.

Mayor Brown questioned Section 27-222 and if goals could be used for or against variance applicants. Ms. Durden answered they could be used to support or deny a decision. Discussion ensued.

Vice Mayor Gilbert discussed that light manufacturing was added to C-2 by exception. Council discussed whether it should be included in the LDR's or left as its own ordinance.

Consensus: **TO PUT IT IN THE OCTOBER WORKSHOP AND TREAT LIGHT MANUFACTURING AS A SEPARATE ORDINANCE.**

Ms. Durden questioned moving and storage facility. She confirmed the council did not want this provision and therefore it was correct to cross it out. She also pointed out that adult entertainment was now by exception. This caused some discussion.

Art. V Councilor Pruette question 27-328 which gave distances of air compressor units. Discussion ensued.

Consensus: **TO KEEP IT AS IS AND CHANGE IT IN THE FUTURE IF IT BECOMES A PROBLEM.**

Art. IX No discussion on Article IX. Councilor Pruette did suggest educating citizen about trees.

Art. X. Vice Mayor Gilbert asked if section 27-479 required just one house to have sidewalk on a street. Discussion over the wording ensued. Ms. Durden suggested collecting a fee for sidewalk construction until enough as collected to do the entire block.

Consensus: **TO ALLOW THE CONSULTANT TO CHANGE WORDING SO SUBSTANTIAL MEANS 3 LOTS OR MORE IN RESIDENTIAL AREAS.**

Art. XIII. Councilor Weldon confirmed parking in CBD was reduced.

Art. XVIII Councilor Pruette wanted to know why principal was replaced with non residential in section 27-706 (2). She reminded Ms. Durden the council allowed the footprint bill to include commercial zones. Ms. Durden stated she agreed it needed to be changed but would take another look at it.

Consensus: **TO CHANGE NON RESIDENTIAL BACK TO PRINCIPAL.**

Councilor Weldon asked why platted was stricken in 27-705. Ms. Durden stated by putting in platted lot you are restricting someone from rebuilding on a metes and bounds lot (not part of a subdivision). Discussion ensued.

City Clerk Volpe questioned if the changes would be complete by the end of the week so that the second read could be on October 4th. Ms. Durden stated that would be fine. Ms. Volpe clarified that the 35 foot ordinance would be on first read in October and the light manufacturing would be at the October workshop.

City Manager Jarboe asked for a consensus to use Ms. Durden's firm for the comp plan.

Consensus: **TO USE LEWIS, LONGMAN & WALKER, PA. FOR THE COMP PLAN.**

City Clerk Volpe let the council know the final ordinance would not have bold and italicize. Councilor Pruette requested a copy of the changes made.

City Manager Jarboe stated there would be a grand opening for the new City Yard on October 7th at 6:00 pm.

Ms. Durden thanked the council and stated it was a good working document.

Adjournment

There being no further business, the meeting adjourned at 9:00 p.m.

ATTEST:

Richard A. Brown, Mayor

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
SPECIAL CITY COUNCIL MEETING
SEPTEMBER 27, 2004 AT 6:00 P.M.
CITY HALL, 116 FIRST STREET
NEPTUNE BEACH, FLORIDA

Pursuant to proper notice a Special Meeting of the City Council of the City of Neptune Beach was held September 27, 2004, at 6:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

Mayor Richard A. Brown
Vice Mayor James Gilbert
Councilor Harriet Pruette
Councilor Larry Shealy
Councilor John Weldon
City Manager James Jarboe
City Clerk Lisa Volpe, CMC

ABSENT:

City Attorney Christopher White

STAFF:

Director of Community Development Jason Cleghorn
Director of Finance Steve Ramsey
Assistant to the Building Official Piper Turner

Order Call

Mayor Brown called the special meeting to order at 6:00 p.m. and announced the purpose of the meeting was to adopt the millage rate, budget, Ordinance No. 2004-16, Temporary suspension of individual ordinances and Grubbs Emergency Services Agreement.

Ord. No. 2004-11

ORDINANCE NO. 2004-11, ADOPTING FINAL MILLAGE RATES, SECOND READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, ADOPTING FINAL MILLAGE RATES AND LEVYING AD VALOREM TAXES FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2004, AND ENDING SEPTEMBER 30, 2005; SETTING FORTH CERTAIN INFORMATION REGARDING "ROLLED BACK RATES"; DIRECTING THE CITY MANAGER TO ADJUST THE ADOPTED MILLAGE RATES IN THE EVENT OF CHANGES IN THE ASSESSMENT ROLL AND TAXABLE VALUE; PROVIDING AN EFFECTIVE DATE.

Mayor Brown read Ordinance No. 2004-11 by title only and opened the public hearing.

There being no further comments from the public the public hearing was closed.

Moved by Pruette, seconded by Gilbert.

Motion: **TO ADOPT ORDINANCE NO. 2004-11 ON SECOND READ AND PUBLIC**

HEARING.

Roll Call Vote:

Ayes: 5 – Gilbert, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

Ord. No. 2004-12

ORDINANCE NO. 2004-12, ADOPTING A FINAL BUDGET, SECOND READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, ADOPTING A FINAL BUDGET AND APPROPRIATING FUNDS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2004, AND ENDING SEPTEMBER 30, 2005; AND PROVIDING AN EFFECTIVE DATE.

Mayor Brown read Ordinance No. 2004-15 by title only and opened the public hearing.

There being no further comments from the public the public hearing was closed.

Moved by Gilbert, seconded by Pruette.

Motion: **TO ADOPT ORDINANCE 2004-12, ON SECOND READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 5 – Gilbert, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

Ord. No. 2004-16

ORDINANCE NO. 2004-16, FIRST READ: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA ADDING SECTION 2-50, TEMPORARY SUSPENSION OF INDIVIDUAL ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

Mayor Brown read Ordinance No. 2004-16. Mayor Brown stated this ordinance will help if the city wants to allow Super Bowl renting. City Manager Jarboe clarified this allows the council to legally suspend an ordinance for special circumstances. The council discussed the effect of this ordinance and the definition of special circumstances.

Moved by Weldon, seconded by Pruette.

Motion: **TO ADOPT ORDINANCE 2004-16, ON FIRST READ.**

Roll Call Vote:

Ayes: 5 - Gilbert, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

Grubbs Contract

GRUBBS EMERGENCY SERVICES, L.L.C. – CONSENT TO EXTEND DISASTER RECOVERY AGREEMENT: City Manager Jarboe stated this was to extend the contract already in place for storm debris removal. He recommended passing this since it helped in the quick response of debris removal for Hurricanes Frances and Jeanne.

Moved by Pruette, seconded by Gilbert.

Motion: **TO APPROVE THE CONTRACT WITH GRUBBS EMERGENCY**

SERVICES LLC.

Roll Call Vote:

Ayes: 5 - Gilbert, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

City Manager Jarboe informed the city council that the fence is complete around the water plant with the exception of painting. He also stated the paving has begun but was stalled for a couple days due to the hurricane.

Adjournment

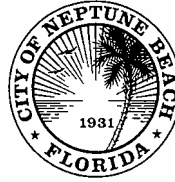
There being no further business, the meeting adjourned at 6:30 p.m.

Richard Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
REGULAR CITY COUNCIL MEETING
AUGUST 2, 2004, 7:00 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 August 2, 2004, at 7:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

Mayor Richard A. Brown
Vice Mayor James Gilbert
Councilor Harriet Pruette
Councilor Larry Shealy
Councilor John Weldon
City Attorney Christopher White
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

STAFF:

Sergeant Anthony Carrillo
Community Development Director Jason Cleghorn
Director of Finance Steve Ramsey
Director of Public Services Leon Smith
Deputy City Clerk Karla Strait, CMC

Order Call/Pledge

Mayor Brown called the meeting to order at 7:00 p.m. and asked Councilor Shealy to lead the pledge of allegiance.

AWARDS / PRESENTATIONS / RECOGNITION OF GUESTS / NONE

APPROVAL OF MINUTES

Motion: **TO APPROVE THE FOLLOWING MINUTES:**
JULY 6, 2004, REGULAR CITY COUNCIL MEETING
JULY 12, 2004, LAND DEVELOPMENT MEETING
JULY 19, 2004, WORKSHOP CITY COUNCIL MEETING

Moved by Pruette, seconded by Gilbert.

Roll Call Vote:

Ayes: 5 – Gilbert, Pruette, Shealy, Weldon, Brown
Noes: 0

MOTION CARRIED

COMMUNICATIONS AND CORRESPONDENCE / NONE**CITY MANAGER REPORTS**

PUBLIC SERVICES FACILITY PROJECT: City Manager Jarboe reported the contractor was finishing up the landscaping and final punch list on the Public Services Facility.

PUBLIC COMMENTS

Micheline Grabulis, 217 Odom's Mill Boulevard, Ponte Vedra, supported the DePaul School. Her family moved from West Virginia so her child, who was dyslexic, could attend the school.

Stan Christovich, 110 Seagate Avenue, Neptune Beach, opposed the special exception for DePaul School. He was concerned about added noise and traffic in the residential area.

Al Ray, 202 Hopkins Street, Neptune Beach, lived across the street from First Christian Church and opposed the special exception for DePaul School. He was concerned about added noise and traffic in the residential area.

Cynthia Hall, 1700 South San Pablo Road, Jacksonville, Dean of the DePaul School, supported the special exception.

Philip Koelker, 215 Margaret Street, Neptune Beach, supported the special exception for the DePaul School.

Candace Carr, 215 Margaret Street, Neptune Beach, parent of a second grader enrolled in DePaul School, supported the special exception.

Susan Harper, 1822 Leeward Lane, Neptune Beach, teacher at the DePaul School, supported the special exception.

Kathryn Ivey, 353 Tarrasa Drive, Jacksonville, whose son attended DePaul School, supported the special exception.

Kris Matson, 540 Hopkins Street, Neptune Beach, opposed the special exception for DePaul School. He was concerned about noise and traffic in the residential area.

Susan Eldredge, 1816 Leeward Lane, Neptune Beach, employee of the DePaul School, supported the special exception.

Jo Anne Waddill, 115 Oleander Street, Neptune Beach, opposed the special exception for the DePaul School. She was concerned about the effects of noise and traffic in the residential area.

Kathleen Walsh, 1422 Indian Woods Drive, Neptune Beach, whose daughter attended DePaul School supported the special exception.

Kevin Gay, 20 North 20th Avenue, Jacksonville Beach, opposed the special exception for DePaul School. He was concerned about the noise and traffic in the residential area.

Galye Cane, 11857 Coastal Lane, Jacksonville, President of DePaul School, supported the special exception for DePaul School.

Linda Stout, 221 Magnolia Street, Atlantic Beach, also owner of rental property at 213 Cherry Street, Neptune Beach, supported DePaul School.

Harriett Christovich, 110 Seagate Avenue, Neptune Beach, opposed the special exception for DePaul School. She was concerned about noise and traffic in the residential area.

City Clerk Lisa Volpe read the following letter from Pastor Mahlon S. Dixon, Jr., of the First Christian Church of the Beaches for the record.

To citizens gathered and concerned:

I am confident that everyone appreciates the educational services provided by The DePaul School of Northeast Florida. The commitment to understanding and educating students with specific learning differences such as visual and auditory processing disorders, memory or attention deficits and dyslexia, is above reproach. However, the issue before the Neptune Beach City Council has little to do with the quality of education provided by the school. The issue is whether or not First Christian Church of the Beaches (Disciples of Christ) can host the school on a temporary basis while the school pursues a permanent facility somewhere in the Beaches Community. What is the impact to our neighbors and community?

It needs to be stated that First Christian Church of the Beaches (Disciples of Christ) has made no decision to house The DePaul School of Northeast Florida. Our official board unanimously voted to send the issue to our Trustee's. The Trustee's have made no recommendation to our Official Board and a congregational vote would be required should the Trustee's and Official Board make a positive recommendation. The Trustee's have opted to wait in their study of the impact of the school upon our church family, and making any recommendation, until a decision was made by our city government with regard to the temporary exception in zoning.

I have been the minister at First Christian Church of the Beaches (Disciples of Christ) for the past sixteen months. It is my understanding that our church has always had a good relationship with our surrounding neighbors and together we make the quality of life on the beach acceptable. That cooperation will certainly continue under my leadership. Our church family significantly reduced the impact upon our neighbors by those seeking the sand and surf or when neighbors have gatherings and their private property can not sustain the transportation of their guests. Our private parking lots are open on a daily basis to the general public. Even on Sunday mornings we do not enforce parking in our private lots in an attempt to be a "good neighbor" and for the sake of the "common good." Conversely, we are very grateful to our neighbors for their tolerance of our church family and its activities.

First Christian Church of the Beaches (Disciples of Christ) has no plans to operate a school. Our call as Christians is to be of service to our neighbors and our community. When The DePaul School of Northeast Florida came to us and asked to help them on a temporary basis, our desire was to investigate the possibility of serving the school, knowing the value the school affords the Beaches.

We will graciously receive whatever decision the Neptune Beach City Council makes and we thank you for serving us, our neighbors and our wonderful community.

Blessings!
Mahlon S. Dixon, Jr.

DePaul School

PRELIMINARY DEVELOPMENT ORDER AND SPECIAL EXCEPTION – 2125 OCEANFRONT BOULEVARD – DEPAUL SCHOOL: The application was for a special exception to allow the operation of DePaul School at First Christian Church of the Beaches on Oceanfront Boulevard. The beaches branch of DePaul School was formerly housed in the Neptune Baptist Church on Third Street. The DePaul School main campus is located in Arlington.

Moved by Weldon.

Motion: **TO APPROVE THE PRELIMINARY DEVELOPMENT ORDER AS RECOMMENDED BY THE PLANNING & DEVELOPMENT REVIEW BOARD.**

MOTION DIED DUE TO LACK OF A SECOND

Councilor Weldon stated the DePaul School had been housed at Neptune Baptist Church for the last six years and had a flawless track record. He encouraged Council to allow the school to remain in Neptune Beach and operate out of the First Christian Church.

Councilor Shealy questioned how many students currently attended the school, how long they intended to operate at First Christian Church, and if the school was a non-profit organization. He also questioned why they waited so late in the year to request the special exception when the school year was set to begin in a few weeks.

Gayle Cane, 11857 Coastal Lane, President of the DePaul School, responded there were currently 40 students enrolled. The school was non-profit and they were requesting the location for one year. Ms. Cane stated Neptune Baptist Church informed them at the beginning of the last school year they would not renew the lease because the Church needed the space occupied by the school. However they did initially offer to the lease the school a smaller space within the church. The school considered the smaller space as a last alternative while seeking a new location in the beaches area until the end of the last school year when they were notified that space also was no longer available.

Councilor Shealy asked out of the 40 students enrolled, how many were residents of Neptune Beach. Ms. Cane replied only three of the students were residents of Neptune Beach.

Councilor Pruette stated she supported the school but felt it was not an appropriate location for children.

Moved by Gilbert, seconded by Shealy.

Motion: **TO DENY THE APPLICATION AS APPROVED BY THE PLANNING & DEVELOPMENT REVIEW BOARD.**

Roll Call Vote:

Ayes: 4 – Gilbert, Pruette, Shealy, Brown

Noes: 1 – Weldon

MOTION CARRIED

Local 630

APPROVAL OF LOCAL 630 CONTRACT: City Manager Jarboe explained the 3-year contract had been negotiated and ratified by union employees. The contract would give employees a 5% salary increase as of October 1, 2004. On October 1st of the second and third year employees would receive a cost of living increase and a possible merit increase based on a performance evaluation not to exceed a total of 5%. The new contract also included Christmas Eve as a full holiday.

Moved by Shealy, seconded by Pruette.

Motion: **TO APPROVE THE LOCAL 630 CONTRACT.**

Roll Call Vote:

Ayes: 5 – Gilbert, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

Councilor Weldon emphasized the merit increase was designed to provide incentives to employees and should not be automatically given.

CONSENT AGENDA

STORM DRAINAGE REPAIR EAST OF THIRD STREET: Approval of Insituform Technologies, Inc. proposal for the amount of \$135,229.10 to repair the storm drainage system east of Third Street. Director of Public Services Leon Smith stated Insituform was ready to begin the repairs and the repaving east of Third Street would begin in 2 to 3 weeks once the repairs were complete.

Moved by Pruette, seconded by Gilbert.

Motion: **TO APPROVE THE CONSENT AGENDA.**

Roll Call Vote:

Ayes: 5 – Gilbert, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED**VARIANCES / NONE****ORDINANCES**

Ord. No. 2004-10

ORDINANCE NO. 2004-10 – AMENDING AND REVISING CHAPTER 27 UNIFIED LAND DEVELOPMENT REGULATIONS, FIRST READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING AND REVISING CHAPTER 27 UNIFIED LAND DEVELOPMENT REGULATIONS; REVISING THE FOLLOWING ARTICLES: ARTICLE I IN GENERAL, ARTICLE II ADMINISTRATIVE AND ENFORCEMENT BODIES, ARTICLE III ADMINISTRATIVE AND ENFORCEMENT PROCEDURES, ARTICLE IV LAND USE, ARTICLE V ACCESSORY STRUCTURES AND USES, ARTICLE IX TREE PROTECTION AND LANDSCAPING, ARTICLE X STREETS, SIDEWALKS, AND RIGHT OF WAY, ARTICLE XIII OFF STREET PARKING AND LOADING AND ARTICLE XVIII NONCONFORMING LOTS, STRUCTURES, USES AND SIGNS, AND PROVIDING AND EFFECTIVE DATE.

Mayor Brown read Ordinance No. 2004-10 by title only and opened the public hearing.

There being no comments from the public the public hearing was closed.

Moved by Gilbert, seconded by Shealy.

Motion: **TO PASS ORDINANCE NO. 2004-10 ON FIRST READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 5 – Gilbert, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

OLD BUSINESS / NONE**NEW BUSINESS**

Res. No. 2004-12 **RESOLUTION NO. 2004-12:** A RESOLUTION APPOINTING BOARD MEMBERS TO THE CODE ENFORCEMENT BOARD AND REAPPOINTING MEMBERS TO THE PLANNING & DEVELOPMENT REVIEW BOARD.

Moved by Pruette, seconded by Weldon.

Motion: **TO APPROVE RESOLUTION 2004-12.**

Roll Call Vote:

Ayes: 5 – Gilbert, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

Res. No. 2004-13 **RESOLUTION NO. 2004-13, SUPER BOWL FUNDING:** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEPTUNE BEACH, FLORIDA ASKING FOR THE CITY OF JACKSONVILLE TO HELP FUND THE NECESSARY COSTS OF THE SUPERBOWL.

Moved by Pruette, seconded by Gilbert.

Motion: **TO APPROVE RESOLUTION NO. 2004-13.**

Roll Call Vote:

Ayes: 5 – Gilbert, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

Res. No. 2004-14 **RESOLUTION NO. 2004-14, TOWN CENTER SPECIAL EVENTS:** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEPTUNE BEACH, FLORIDA OPPOSING TOWN CENTER SPECIAL EVENTS DURING THE WEEK OF THE SUPER BOWL.

Moved by Weldon, seconded by Shealy.

Motion: **TO APPROVE RESOLUTION NO. 2004-14.**

Roll Call Vote:

Ayes: 5 – Gilbert, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

Jay Lubeck **PRELIMINARY DEVELOPMENT ORDER FOR 132 ORANGE STREET AND 219 FIRST STREET – JAY LUBECK:** The development order was for the purpose of constructing an upper deck on the north side to connect to the existing deck on the east side. The deck would not be open to the public.

Moved by Gilbert, seconded by Weldon.

Motion: **TO APPROVE THE DEVELOPMENT ORDER FOR JAY LUBECK – 132 ORANGE AND 219 FIRST STREET.**

Roll Call Vote:

Ayes: 5 – Gilbert, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

Mezza Luna

PRELIMINARY DEVELOPMENT ORDER AND SPECIAL EXCEPTION – 110 FIRST STREET – OUTDOOR SEATING – MEZZA LUNA: The development order and special exception was to allow Mezza Luna to provide patrons outdoor seating in the courtyard area.

Moved by Gilbert, seconded by Pruette.

Motion: **TO APPROVE THE DEVELOPMENT ORDER AND SPECIAL EXCEPTION FOR 110 FIRST STREET FOR OUTDOOR SEATING.**

Councilor Weldon stated he had questions and asked if a representative for Mezza Luna was present. Community Development Director Jason Cleghorn replied the owners were informed of the meeting date but a representative was not present.

Councilor Gilbert withdrew the motion.

Consensus: **TO TABLE THE DEVELOPMENT ORDER FOR MEZZA LUNA UNTIL SUCH TIME AS A REPRESENTATIVE WAS AVAILABLE.**

Bldg. Dept. Vehicle

EMERGENCY PURCHASE OF A VEHICLE FOR THE BUILDING DEPARTMENT: City Manager Jarboe explained the vehicle driven by the building official had been in the shop numerous times in the last several months for repairs and was currently in the shop for repairs to the air conditioning system. The vehicle had 90,000 miles and was no longer dependable.

Moved by Weldon, seconded by Gilbert.

Motion: **TO SURPLUS THE OLD JEEP, WAIVE THE PURCHASING CODE, AND AUTHORIZE THE CITY MANAGER TO PURCHASE A 2004 CHEVY PICK UP TRUCK FOR \$15,370.45.**

Roll Call Vote:

Ayes: 5 – Gilbert, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

Adjournment

There being no further business, the meeting adjourned at 8:40 p.m.

Richard A. Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
WORKSHOP CITY COUNCIL MEETING
AUGUST 16, 2004, AT 6:30 P.M.
CITY HALL, 116 FIRST STREET
NEPTUNE BEACH, FLORIDA

Pursuant to proper notice a Workshop Meeting of the City Council of the City of Neptune Beach was held August 16, 2004 at 6:30 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

Mayor Richard A. Brown
Vice Mayor James Gilbert
Councilor Harriet Pruette
Councilor Larry Shealy
Councilor John Weldon
City Attorney Christopher White
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

STAFF:

Community Development Director Jason Cleghorn
Deputy City Clerk Karla Strait, CMC

Call to Order/Roll Call Mayor Brown called the meeting to order at 6:30 p.m.

PRESENTATIONS / NONE

COMMITTEE REPORTS / NONE

CITY MANAGERS ACTION LIST

Public Services Facility	City Manager Jarboe reported the new Public Services Facility should be completed within 2 to 3 weeks. The contractor was completing the landscaping and punch list. Once completed an open house for the public would be scheduled.
Stormwater	The stormwater repairs were underway and should be completed within the next 2 weeks.
Paving	Once the stormwater repairs were complete the paving should begin, which should take place late this week. The paving contractor would begin with the area west of Third Street. The paving included replacing existing speed bumps with speed humps. There would be a speed hump on every street east of Third Street.
Third St.	The City of Jacksonville committed \$250,000 for the beautification of Third Street. Once they have approved the landscaping design it would be placed for bid.

Kings Rd. Bridge

The design for the Kings Road Bridge was expected to be complete by the end of August and would be ready to start the bid process.

Councilor Weldon requested replacement of beach signage along with the replacement of the street signage.

PUBLIC COMMENTS

Bob Zimpfer, 2545 Waters Edge Drive, felt the city should be responsible for paving Waters Edge Drive because they had made the repairs in the past. He also asked the city to consider paving Bartolome Drive.

Adelbert O. Baker, 106 Pine Street, opposed the streetlight shading due to security and liability.

Brooklyn Perry, 2523 Waters Edge Drive, asked the city to repair the potholes on Waters Edge Drive.

Ralph LaPerna, 2507 Waters Edge Drive, stated the city had been repairing the potholes on Waters Edge Drive since 1976 and he did not understand why the city would not repair them now.

City Manager Jarboe explained the residents of Waters Edge Drive were notified the meeting would begin at 7:00 p.m. Because the meeting began at 6:30 p.m. he asked Mayor Brown to postpone the public hearing until 7:00 p.m.

PROPOSED ORDINANCES / NONE**CONTRACTS / AGREEMENTS**

Grant Consulting

PROPOSAL FROM LANGTON ASSOCIATES FOR GRANT CONSULTING SERVICES: City Manager Jarboe explained he received a proposal from Langton Associates for grant consulting services for the Florida Communities Trust grant program for land acquisition. The proposal included an assessment fee of \$1,000 to compare the criteria and priorities of other cities and determine if the grant would be worth seeking. If the consultant determined the city was likely to receive the grant they would write the grant for a fee of \$8,000.

Councilor Weldon questioned if the \$8,000 would be paid if the grant was not received.

City Manager Jarboe stated he would do some research and report back to the Council at the September regular meeting.

Consensus: **HAVE THE CITY MANAGER RESEARCH AND REPORT BACK TO THE COUNCIL AT THE SEPTEMBER REGULAR MEETING.**

ISSUE DEVELOPMENT

Personnel Policy

RESOLUTION AMENDING THE PERSONNEL POLICY: Mr. Jarboe explained the Resolution updated the personnel policy to coincide with the union contract.

Councilor Weldon questioned if the salary ranges had been adjusted. He was concerned about senior staff salaries being adjusted without the consent of the Council. Mr. Jarboe replied it was only a salary range and did not reflect the exact salary of the employee.

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

PUBLIC COMMENTS

Tim Ingram, 113 Pine Street, stated the streetlight illuminated excessive light onto his property and he would like the streetlight to remain shaded.

John Roberts, 109 Pine Street, felt shaded streetlights defeated the overall purpose. He was concerned about security.

Todd Krohn, 102 Pine Street, felt streetlights provided security and should not be shaded.

Nicole Evans, 220 Pine Street, stated Pine Street was dark and the streetlight was needed for security.

Debbie Lupole, 116 Pine Street, felt the streetlight provided security and deterred crime and should not be shaded.

Peg Paschal, 113 Pine Street, stated the streetlight on Pine Street was too bright and should be shaded. She felt private property owners should provide their own security lighting.

Robert Varn, 2539 Waters Edge Drive, asked the city to repair the potholes on Waters Edge Drive.

Streetlight Policy

City Manager Jarboe explained he received requests from residents to shade and not to shade the streetlight on Pine Street. The city did not have a policy in place regarding the shading of streetlights. He created a policy that would require a percentage of signatures of the affected residents as to whether or not streetlights should be shaded.

Councilor Shealy questioned how many streetlights in the city were shaded. Jarboe replied over the years many streetlights had been shaded. Councilor Shealy questioned if the city would be liable in the case of crime if the streetlight were shaded. He felt residents should put shades in their windows if they were concerned about streetlights shining into their homes.

City Attorney White advised the city had the right of discretion to control street lighting and would not be liable.

Councilor Weldon asked the Council to consider a consensus to dispense of the current streetlight policy, have all streetlights within the city unshaded, and have them all set to the standard wattage.

Mayor Brown suggested gathering information regarding what the standard streetlight wattage was before unshading the lights.

City Manager Jarboe stated he would conduct a study of standard streetlight wattage and report back to the Council in October. During the study no shades would be removed or installed.

Recess/reconvene

Mayor Brown recessed the meeting at 7:50 p.m. and reconvened the meeting at 7:58 p.m.

Waters Edge Dr.

City Manager Jarboe stated the residents on Waters Edge Drive asked the city to repair the potholes. Research showed Waters Edge Drive was on a J.E.A. easement granted to the owner of the property and therefore was a private road. The developer tried to dedicate the road to the city but it did not meet city standards. Although the city had repaired the potholes in the past in order to make the road usable for city services, Mr. Jarboe

contacted J.E.A. and was informed the current property owners were responsible for the maintenance of the road. He also stated the southern part of the road was privately owned and the owner could block access if they desired.

Mr. Jarboe added repairing the potholes would only be a temporary solution. The road needed to be completely reconstructed. It would be very costly for the city to reconstruct the road, as Department of Environmental Protection and St. Johns Water Management permits would be required. The city would also have to lease the road from J.E.A. If the city reconstructed the road there would be a major assessment for the property owners.

City Attorney White stated the road was never dedicated to the city therefore the city was not obligated to maintain it. The fact that the city had made repairs in the past had no bearing. The road was granted to the developer from J.E.A. in 1975. The city could not fix the road because it did not belong to the city. Mr. White explained if the city reconstructed Waters Edge Drive, and assessed the property owners, it would then be considered a public street and the city would be required to take over future maintenance.

Councilor Gilbert felt since the city allowed the property to be built and sold separately the city could at the least patch the potholes. He also suggested paving Bartolome Road as an alternative.

Councilor Pruette agreed the city should try to help and work out a plan to do something with the easement or pave Bartolome.

Mayor Brown stated the city was not to blame. It was private property. He had concerns about spending taxpayers' dollars to repair or construct private property.

City Manager Jarboe stated it would cost roughly \$1,300 to \$1,400 for the city to repair the potholes.

Councilor Weldon felt the property owners had a responsibility for the way the property was developed and the person that sold them the property was to blame. He asked staff to provide proposals for the cost and assessments per owner. He would support the city repairing the potholes on a one-time basis, however he was opposed to the city accepting responsibility for the road.

Councilor Shealy stated the Council was elected as stewards of the citizens of Neptune Beach and should not spend tax dollars on property that did not belong to the city.

Councilor Pruette asked City Manager Jarboe to find out the cost of constructing Bartolome Road. She recommended the Waters Edge property owners form a homeowners association.

City Manager Jarboe stated the engineering for the road was over 15 years old and funds would be required for a new engineering study.

Consensus: **TO DIRECT STAFF TO STUDY OPTIONS AND SPEND \$1,500 TO REPAIR THE POTHOLES ON A ONE TIME BASIS FOR EMERGENCY VEHICLE ACCESSIBILITY.**

City Manager Jarboe emphasized the city was doing the one time repairs for public service vehicle accessibility.

Monster Homes/
35' Height Limit

Councilor Pruette explained she placed the issue of monster homes on the agenda for discussion so the changes could be added to the Land Development Regulations Ordinance 2004-10 before the second reading in September.

Community Development Director Jason Cleghorn described the different zoning districts.

Councilor Weldon stated the purpose of the ordinance was to protect monster homes from being constructed in the R-3 and R-4 districts. He recommended allowing the 35' height in the R-1 and R-2 districts if the lot sizes were a minimum of 10,000 square feet, had 100 foot of frontage with a minimum of a 5/12-roof pitch.

Discussion ensued regarding lot sizes, widths, and roof pitches.

City Clerk Lisa Volpe recommended that a separate ordinance for the height limit be prepared for first read at the October regular meeting.

Consensus: **TO ALLOW 35' HEIGHT IN THE R-1 AND R-2 DISTRICTS WITH A MINIMUM LOT SIZE OF 10,000 SQUARE FEET, SOME MINIMUM FRONTAGE, AND A MINIMUM OF A 5/12 ROOF PITCH FOR FIRST READ IN OCTOBER.**

City Clerk Lisa Volpe reminded the Council the September regular meeting would be held on Monday September 13, 2004 due to the Labor Day holiday.

Councilor Pruette informed the Council that Kara Tucker was in the hospital and asked if the Council could write a letter wishing her well. City Clerk Volpe stated she could write a proclamation for "Kara Tucker Day" for the Council to sign.

Vice Mayor Gilbert thanked City Manager Jarboe for keeping the Council updated during the emergency situation with Hurricane Charley.

City Manager Jarboe stated six police officers were being sent to the disaster area to relieve others. The officers would receive first hand experience on the aftermath of a hurricane. FEMA would reimburse the city for the officers' time.

City Manager Jarboe informed the Council the partying and noise situation on Margaret Street continued and was out of hand. He would be meeting with the residents to try to resolve the issue.

Adjournment

There being no further business, the meeting adjourned at 9:31 p.m.

Richard A. Brown, Mayor

Attest:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
REGULAR CITY COUNCIL MEETING
JULY 6, 2004, 7:00 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 July 6, 2004, at 7:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

Mayor Richard A. Brown
Vice Mayor James Gilbert
Councilor Harriet Pruette
Councilor John Weldon
City Attorney Christopher White
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

ABSENT:

Councilor Larry Shealy

STAFF:

Sergeant Anthony Carrillo
Director of Community Development Jason Cleghorn
Director of Public Services Leon Smith
Director of Finance Steve Ramsey
Deputy City Clerk Karla Strait, CMC

Order Call/Pledge

Mayor Brown called the meeting to order at 7:00 p.m. and asked Councilor Pruette to lead the pledge of allegiance.

AWARDS / PRESENTATIONS / RECOGNITION OF GUESTS

Chris Hoffman, American Cancer Society, Unit Executive Director, expressed her thanks to the Council for allowing the Relay for Life event to take place in Jarboe Park. The event was a huge success and raised \$37,000.

APPROVAL OF MINUTES

Motion: **TO APPROVE THE FOLLOWING MINUTES:**
JUNE 7, 2004, SPECIAL CITY COUNCIL MEETING
JUNE 7, 2004, REGULAR CITY COUNCIL MEETING
JUNE 21, 2004, WORKSHOP CITY COUNCIL MEETING
JUNE 21, 2004, SPECIAL CITY COUNCIL MEETING

Moved by Pruette, seconded by Weldon.

Roll Call Vote:

Ayes: 4 – Gilbert, Pruette, Weldon, Brown

Noes: 0

Absent: 1 – Shealy

MOTION CARRIED

COMMUNICATIONS AND CORRESPONDENCE

Mayor Brown recognized Eric Pardee, Chairman of the Code Enforcement Board, for being 1 of 5 finalists for the City of Jacksonville's Employee of the Year Award.

Councilor Pruette complimented the Public Safety Department for their efforts during the 4th of July holiday adding that she received many positive comments from the public.

City Manager Jarboe stated the following letters were received commending the Public Safety Department: 1) Officer Dehm was commended for retrieving a stolen bicycle for an eleven-year-old boy. 2) Lifeguard Jason Snead was commended for rescuing a mother and her daughter after their kayak flipped over in the ocean and they were caught in a run out. 3) The department received a letter of thanks for providing a report on the patrolling of a vacant home while the owners were out of town.

CITY MANAGER REPORTS

PUBLIC SERVICES FACILITY PROJECT: The Public Services Facility Project was close to completion. The Certificate of Occupancy should be received in August. The public would be invited for a Grand Opening and Ribbon Cutting Event.

PUBLIC COMMENTS

Sybil Ansbacher, 2008 Strand Street, Chairperson of the Board of Appeals, stated the Board of Appeals abided by the Code regarding the denial of the 6foot privacy fence for Ms. Korman, 529 Margaret Street. She added most citizens had the need for 6-foot privacy fences and asked the Council to address fence heights.

CONSENT AGENDA

VOICE STRESS ANALYZER: Approval of request for Public Safety to expend \$10,800 for a voice stress analyzer from the forfeiture fund.

LAND DEVELOPMENT REGULATIONS LEGAL REVIEW: Approval of request to expend the cost of the Land Development Regulations legal review from the contingency fund.

Moved by Gilbert, seconded by Weldon.

Motion: **TO APPROVE THE CONSENT AGENDA.**

Roll Call Vote:

Ayes: 4 – Gilbert, Pruette, Weldon, Brown

Noes: 0

Absent: 1 – Shealy

MOTION CARRIEDVARIANCES

V04-14
Ms. Korman
527 Margaret St.

VARIANCE REQUEST – V04-14 – PAMELA KORMAN – 529 MARGARET STREET:
Appeal the replacement of a 6foot privacy fence in the rear yard that was denied by the Board of Appeals.

Ms. Korman explained she installed a swimming pool in her backyard and wanted to replace the old six-foot privacy fence. The fence company informed her it was against the city's code to have a solid six-foot privacy fence. They recommended a five-foot solid fence with a one-foot lattice top panel. The lattice did not provide much privacy or security and she would like to replace the top lattice panel with a solid panel. She added other property owners were putting up fences without applying for a permit and she felt she was being penalized for following the law and obtaining a permit. She also had submitted letters of approval from her surrounding neighbors.

Councilor Pruette disclosed she had spoken with Ms. Korman and members of the Board of Appeals regarding the fence.

City Clerk Lisa Volpe reminded the Council the Land Development Review Meeting scheduled for Monday, July 12, would cover the fence portion of the Code.

Councilor Weldon felt Ms. Korman should abide by the Code and the fence should remain 75% solid until the Code was changed.

Councilor Pruette stated she asked the Council to revise the fence height at the March 22, 2004 meeting and felt the Council was partly to blame. She felt that Ms. Korman had been honest and law abiding by obtained a permit and it was not right to deny her request to replace the fence when many citizens had done the same thing.

For the Record Councilor Gilbert stated for the record six-foot privacy fences should be standard and limits should be set on anything above the standard.

Councilor Weldon stated people were required to follow the law. He added Council did not take action based on approval of surrounding neighbors.

Moved by Pruette, seconded by Gilbert.

Motion: **TO REVERSE THE DECISION OF THE BOARD OF APPEALS AND ALLOW THE SIX FOOT PRIVACY FENCE.**

Ayes: 3 – Gilbert, Pruette, Brown

Noes: 1 – Weldon

Absent: 1 – Shealy

MOTION CARRIEDORDINANCES

Ord. No. 2004-09

ORDINANCE NO. 2004-09 – AMENDING THE OPERATING BUDGET, SECOND READ AND PUBLIC HEARING: AN ORDINANCE AMENDING THE OPERATING BUDGET FOR THE CITY OF NEPTUNE BEACH, FLORIDA FOR FISCAL YEAR 2004 BEGINNING OCTOBER 1, 2003 AND ENDING SEPTEMBER 30, 2004.

Mayor Brown read Ordinance No. 2004-09 by title only and opened the public hearing.

There being no comments from the public the public hearing was closed.

Moved by Weldon, seconded by Pruette.

Motion: **TO ADOPT ORDINANCE NO. 2004-09 ON SECOND READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 4 – Gilbert, Pruette, Weldon, Brown

Noes: 0

Absent: 1 – Shealy

MOTION CARRIED

OLD BUSINESS

Strategic Plan

STRATEGIC PLAN FOR FISCAL YEAR 2004 / 2005: City Manager Jarboe stated the Strategic Plan was developed to achieve the goals for fiscal year 2004 / 2005 defined at the Goal Setting Workshop Meeting. He asked Council to formally endorse the plan.

Moved by Gilbert, seconded by Pruette.

Motion: **TO ENDORSE THE STRATEGIC PLAN FOR FISCAL YEAR 2004 / 2005 AS SUBMITTED.**

Roll Call Vote:

Ayes: 4 – Gilbert, Pruette, Weldon, Brown

Noes: 0

Absent: 1 – Shealy

MOTION CARRIED

Roundabouts

ROUNABOUT FEASIBILITY STUDY: To approve a contract with Alternate Street Design, P.A., to conduct a roundabout feasibility study at the intersections of Penman Road and Florida Boulevard and Florida Boulevard and Windward Lane. The contract was for an estimated amount of \$9,995.00 with additional services charged at an hourly rate of \$130.00.

Mayor Brown stated he would like to delay the expenditure and identify the level of support from the county.

Richard McCubbin, P.E., Interim Chief Traffic Engineering Division, City of Jacksonville, stated roundabouts were considered traffic calming devices and were not recommended for collector roads. It was his experience that roundabouts did not reduce traffic or speeding. He added the City of Jacksonville was willing to work with Neptune Beach in considering options.

Mayor Brown asked if the county would assist in the study. Mr. McCubbin replied the study would be done through contract, however they would review the study and be glad to assist. Mayor Brown asked if they would help financially. Mr. McCubbin replied that would be left up to City of Jacksonville Councilman Art Graham.

Councilor Pruette stated widening Penman Road was not an option because Penman Road was in a residential area, the citizens were totally against it, and it would devastate the quality of life.

Mayor Brown felt that widening Penman Road would encourage more traffic.

Mr. McCubbin stated the only problem currently on Penman Road was traffic during morning and afternoon rush hours.

Councilman Art Graham, Beaches Representative for the City of Jacksonville, explained he had spoken with Jacksonville Mayor John Peyton and he had agreed to have the Metropolitan Planning Organization conduct a study of Penman Road. The study was to begin in the 3^d quarter and results were expected in early November. He urged the Council to wait until the Metropolitan Planning Organization completed their study before expending the \$10,000 for the roundabout study. He added once the study was complete the Neptune Beach City Council would be able to consider all options.

Moved by Weldon, seconded by Gilbert.

Motion: **TO POSTPONE THE DISCUSSION ABOUT ROUNDABOUTS UNTIL WE HAVE HAD FEEDBACK FROM THE CITY OF JACKSONVILLE OR IT'S COMMITTEE WITH A FULL RANGE OF ALTERNATIVES.**

Roll Call Vote:

Ayes: 4 – Gilbert, Pruette, Weldon, Brown

Noes: 0

Absent: 1 – Shealy

MOTION CARRIED

NEW BUSINESS / NONE

Adjournment

There being no further business, the meeting adjourned at 8:12 p.m.

Richard A. Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
WORKSHOP CITY COUNCIL MEETING
LAND DEVELOPMENT REGULATIONS
JULY 12, 2004 AT 6:30 P.M.
CITY HALL, 116 FIRST STREET
NEPTUNE BEACH, FLORIDA

Pursuant to proper notice a Special Workshop Meeting of the City Council of the City of Neptune Beach was held July 12, 2004, at 6:30 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

Mayor Richard A. Brown
Vice Mayor James Gilbert
Councilor Harriet Pruette
Councilor Larry Shealy
Councilor John Weldon

STAFF:
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC
Dir. of Community Dev. Jason Cleghorn
Ass't to the Bldg Official Piper Turner

ABSENT:

City Attorney Christopher White

Call to Order/Roll Call

The Mayor called the meeting to order at 6:55 p.m.

Land Development

City Manager Jarboe introduced Community Development Director Jason Cleghorn and explained he was going to give a presentation of some helpful information about development. Mr. Cleghorn gave a slide presentation about development. The presentation was from Louisiana State University.

LAND DEVELOPMENT REGULATIONS GROUP 3: Mr. Cleghorn started on Article IX Tree Protection and Landscaping.

Councilor Weldon commented that the tree protection article covered all the key points.

Councilor Shealy asked how dead trees were handled. Mr. Jarboe said they could be taken down with a permit.

Mayor Brown questioned the process of tree removal for a pool installation. Mr. Jarboe stated it was taken care of during the pool permit process.

Community Development Director Cleghorn explained that the current code allowed trees within 20 feet of development to be taken down. With the way lots are in Neptune Beach most trees fit this requirement. The new ordinance is not as liberal allowing for more conservation of trees.

Vice Mayor Gilbert inquired if the city is liable if a tree removal is not granted and it damages a house during a storm. Mr. Cleghorn answered there is more of a standard for removal and the city can ask for some replanting.

Councilor Pruette asked if her Christmas tree in back of city hall is protected. Mr. Cleghorn stated protection of trees start with a 6 inch trunk.

Mr. Jarboe requested Mr. Cleghorn to go section by section and answer any questions the Council may have. Mr. Cleghorn proceeded to review the article.

Councilor Pruette asked if there was a charge for a tree permit. Mr. Cleghorn answered no.

Councilor Weldon pointed out a typo in Section 27-448 (5). Planning and Development Review Board needed to be capitalized.

Assistant to the Building Official Piper Turner observed that in Section 27-452 it asked for a removed tree to be measured 4 feet up when usually only a stump remains. Council determined the language needed to be cleaned up.

Mayor Brown questioned which sections of Neptune Beach will be most affected by this ordinance. Mr. Cleghorn felt west of Third Street, since there are more trees. Councilor Weldon specifically cited Steve Jarrett's developments on the intra coastal and how he accommodated the Planning and Development Review Board by not cutting too many trees.

Vice Mayor Gilbert reported some of the trees saved on Emma Lane, a Jarrett Development, are too close to the road and the trees are dying. This may cause a burden on the homeowners having to deal with dead tree removal. There has to be some protection for the homeowner in a new development. Vice Mayor Gilbert remarked that preservation is the key but all aspects need to be looked at. Councilor Weldon stated these concerns were addressed in preservation. There is a time period where trees have to be replaced if they die. City Manager Jarboe added if the street is deeded over to the city, there will be a survey to determine whom the tree belongs to and who is responsible for its upkeep.

Councilor Weldon explained to Councilor Pruette that only the vehicular use areas of parking garages are exempt. The vehicles do have to be screened from adjacent properties.

Councilor Weldon commented that Landscape Requirements is a difficult section to understand.

Councilor Pruette asked if shopping centers were responsible for letting trees die. Mr. Cleghorn informed council that there are provisions for upkeep and replacement in Section 27-459.

Mayor Brown asked about the conflict between having 20% area of landscaping and the parking requirements on a commercial property. Mr. Cleghorn stated there is provision when the property would just not accommodate it.

Chairman of the Board of Appeals Sybil Ansbacher requested the tree tables be moved to an appendix for easier updating. City Clerk Volpe commented it was not really necessary.

Consensus: **THEY AGREED NOT TO CHANGE ANYTHING IN ARTICLE IX.**

ARTICLE X STREETS SIDEWALKS AND RIGHTS-OF-WAY – Community Development Director Jason Cleghorn stated the new sidewalk dining ordinance was already included. He continued stating this article was reviewed by Director of Public Services Leon Smith since this is more within the public works field. Director Smith reviewed it. Most of the information comes from the Florida Department of Transportation Handbook.

Councilor Pruette questioned Section 27-478(d) Vacations of rights of way since the city has had past concerns. She asked that "shall be approved" be changed to "may be approved". City Manager Jarboe stated right of way changes should be done by permit. Some discussion ensued.

Consensus: **THAT "SHALL BE APPROVED" BE CHANGED TO "MAY BE APPROVED" IN SECTION 27-478(D)**

Mr. Cleghorn explained that Section 27-478 (c) outlines procedure for pavers being replaced in city right of way. City Manager Jarboe explained this was causing a lot of expense to the city when rights of way were damaged from utility work. The Council discussed this.

City Manager Jarboe added, in Section 27- 480 Driveway aprons and pavement material, it does encourage people to use pavers for drainage. Council discussed pervious and impervious areas in driveways.

Consensus **IN SECTION 27-480(B) TO DELETE "SUCH AS COQUINA, CRUSHED SHELL OR PEA GRAVEL, ALSO MAY BE USED." AND ADD "OR STABILIZED POROUS MATERIALS" AND ADD "AS APPROVED BY THE CITY MANAGER MAY ALSO BE USED.". TO DELETE SECTION 27-480 (C).**

Recess/Reconvene

Mayor Brown called a recess at 8:05 p.m. and reconvened the meeting at 8:20 p.m.

Development Director Cleghorn continued with a discussion of the unfinished issues in Group II of the Land Development Code.

PODS

Ms. Cleghorn had added PODS into Section 27-324. City Manager Jarboe clarified the problem with pods was some people used them for months. Mr. Jarboe felt they should be in a yard no longer than 6 weeks. Councilor Pruette asked if the code language was specific to the length of time. Community Development Director Cleghorn stated Section 27-324 needed to be clarified more. City Manager Jarboe informed the council that new language will be added.

FENCES

Councilor Weldon asked council to look at the impact of allowing stockade fences along Third Street. The Code allows 8 feet walls in the backyard. He felt this should not be encouraged. Councilor Shealy commented that the city should leave leeway for people who want privacy in their backyard. Councilor Pruette emphasized the code should be consistent, fair and enforced. Mayor Brown felt there was a problem with inconsistency. He found it puzzling to require someone to buy a more expensive fence.

Councilor Pruette suggested including language from the Jacksonville Beach code that allowed the city to declare fences in disrepair nuisances.

Vice Mayor Gilbert felt 8 feet fences in backyards are excessive. He argues that 6 feet is a good size and the code should be more concerned with height than with what type of fence. To restrict type (solid or not) is undue burden costwise. City Manager Jarboe commented that 8 feet is used as a buffer to commercial areas. He asked if 8 feet could be stipulated for commercial buffer areas.

Councilor Pruette questioned the definition of 75% solid.

Councilor Weldon felt that new developments were better without stockade fences. Some incentive should be added to have 75% solid fencing. He would accept 6 foot fences but felt the code should be enforced on corner lots where only a 4 ft fence is allowed on an exterior side.

Community Development Director Cleghorn informed council that the city is starting to enforce permitted fencing. City Manager Jarboe suggested code enforcement be addressed in a council meeting to decide if the city wants to be proactive or reactive. Discussion of code enforcement ensued.

Consensus: **TO ALLOW 6 FT FENCES IN BACKYARDS AND 8 FT ONLY IF BACKING UP TO COMMERCIAL AREA WITH APPROVAL OF THE CITY MANAGER. TO DELETE THE 75% RULE BUT ENCOURAGE IT. TO ADD NUMBER 10 WITH THE JACKSONVILLE BEACH LANGUAGE "FENCES TO BE MAINTAINED AND REPAIRED. ALL FENCES SHALL BE MAINTAINED IN A GOOD STATE OF REPAIR AND STRUCTURALLY SOUND CONDITION, INCLUDING BUT NOT LIMITED TO, PAINTING AND REPAINTING; REPLACEMENT OF MISSING, DECAYED, CORRODED, OR DAMAGED COMPONENT PARTS, AND KEEPING IN PLUMBING. FAILURE TO SO MAINTAIN AND REPAIR SAID FENCE MAY RESULT IN THE FENCE BEING DECLARED A NUISANCE AND ABATED IN ACCORDANCE WITH THE PROVISIONS OF NEPTUNE BEACH CHAPTER 28." TO CHANGE 27-330 (4) FROM AUTOMOBILES TO MOTORIZED VEHICLES.**

Councilor Pruette asked about allowing for higher hedges if well manicured. There was some discussion.

AWNINGS

Mr. Cleghorn stated the code already had a definition of awnings. He added verbiage to Section 27-235 to require wind loads.

Councilor Weldon asked to change automobile to motor vehicles. Some discussion ensued.

Consensus: **MAKE EVERYTHING AFTER "ALL CARPORTS..." NO. 4 AND RENUMBER. DELETE "FOR AUTOMOBILES."**

City Clerk Volpe outlined the next step for the Land Development Code. Once the final changes are made a complete copy of all three groups will be sent to council. First read will be at the August regular meeting. Once the legal review is complete any changes necessary will be made and second read should be in September.

The council asked for a complete copy of the definitions.

Adjournment

There being no further business, the meeting adjourned at 9:10 p.m.

ATTEST:

Richard A. Brown, Mayor

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
WORKSHOP CITY COUNCIL MEETING
JULY 19, 2004, 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 July 19, 2004 at 6:00 pm., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

Mayor Richard A. Brown
Councilor Harriet Pruette
Councilor Larry Shealy
Councilor John Weldon
City Attorney Christopher White
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

ABSENT:

Vice Mayor James Gilbert

STAFF:

Public Safety Director William Brandt
Sergeant Anthony Carrillo
Community Development Director Jason Cleghorn
Building Official Tony Perez Guerra
Director of Finance Steve Ramsey
Director of Public Services Leon Smith
Deputy City Clerk Karla Strait, CMC
Assistant to the Building Official Piper Turner

Call to Order/Roll Call Mayor Brown called the meeting to order at 6:00 p.m.

PRESENTATIONS / NONE

COMMITTEE REPORTS / NONE

CITY MANAGERS ACTION LIST

Contract Wall Fencing City Manager Jarboe reported the concrete wall fencing of Jarboe Park and the Public Services Facility was underway.

First St. Mr. Jarboe stated the paving of First Street would begin in August after the stormwater drainage repairs were complete.

Building Activity Report	Mr. Jarboe presented a Building Activity Report for the months of October 1, 2003, through June 30, 2004, calling attention to a total of \$153,937.90 in cash receipts.
New Street Signs	Councilor Pruette asked if the new street signs had been received. Director of Public Services Leon Smith replied the signs were received late last week. City Manager Jarboe mentioned he was asked to reposition some of the stop signs on First Street because they were obstructing drivers views.
Street Signs on the Beach	Councilor Weldon described the street signs at the street ends eastward of the crossovers on the ocean as unsightly and asked if they were necessary. Chief Brandt informed that the street signs were necessary for emergency purposes. Councilor Weldon suggested replacing the existing signs with more durable and attractive signs. City Manager Jarboe stated he would examine other options.
Kings Rd. Bridge	Councilor Weldon questioned when the final design of the Kings Road Bridge would be ready for review. Director of Public Services Leon Smith advised the plans should be delivered the third week of August.

PUBLIC COMMENTS / NONE

PROPOSED ORDINANCES / NONE

CONTRACTS / AGREEMENTS

Sewer Line Repairs	City Manager Jarboe informed he received a proposal for \$132,000 for the repair of the damaged stormwater sewer lines that were recently televised. He would place the contract on the August regular city council meeting agenda for approval.
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ISSUE DEVELOPMENT

2004/2005 Budget	<u>FISCAL YEAR 2004-2005 BUDGET:</u> Director of Finance Steve Ramsey presented the Fiscal Year 2004-2005 General Fund Proposed Budget.
Revenue	The proposed revenue of \$4,457,007 was based on a 2.9 Milage rate and reflected a 5.08% overall increase from the previous year.

Expenditures	Department	Total Expenditures	Percent Increase / Decrease
	Mayor & City Council	\$ 37,717	- 0.66%
	City Managers Office	\$ 91,269	- 20.79%
	Finance Department	\$ 113,113	4.37%
	Legal Counsel	\$ 63,300	11.44%
	Building Department	\$ 225,395	18.16%
	City Clerks Office	\$ 138,256	12.74%
	Non-Departmental	\$ 662,586	- 4.43%
	Police Department	\$ 2,329,557	7.17%
	Fire Services	\$ 4,100	2.50%
	Animal Control	\$ 114,417	23.34%
	Street Department	\$ 316,595	9.46%
	Parks Department	\$ 123,736	- 5.93%
	Lifeguards / Beach Cleanup	\$ 216,169	4.94%

Total Expenditures	\$4,456,210	5.06%
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Mr. Ramsey specified the expenditures in each department included a 10% increase in employee health insurance.

The major increases in the Building Department included the expense to rewrite the Comprehensive Plan, educational courses, overtime, probationary increases, coverage for time off, and the expense for the operation of two vehicles.

The major increases in the City Clerk's office included imaging and elections.

The major increases in the Non-Departmental included rent on a new copier for City Hall and \$75,000 for Super Bowl expenses.

Discussion ensued regarding the \$75,000 Super Bowl expense.

Councilor Pruette suggested drafting a Resolution asking the City of Jacksonville to provide funding for the expenses.

Councilor Weldon agreed the City of Jacksonville would receive more benefits and he felt \$75,000 in expenses far outweighed the benefits Neptune Beach would receive.

Consensus: **TO DRAFT A RESOLUTION FOR COUNCIL CONSIDERATION AT THE AUGUST REGULAR COUNCIL MEETING.**

For the Record Councilor Weldon stated for the record he was opposed to Town Center events during the Super Bowl weekend. He felt the city should try to limit the amount of public events.

Consensus: **TO DRAFT A RESOLUTION OPPOSING ANY SPECIAL EVENTS DURING THE WEEK OF THE SUPER BOWL.**

The increased amount in the Animal Control Department was due to overtime for employees having to work weekends, and for the purchase of a used four-wheel drive.

The Lifeguards were paid $\frac{3}{4}$ of their salary from an interlocal agreement with the City of Jacksonville. Because lifeguards were seasonal employees they did not get time and a half for overtime.

In Summary:

Total Revenue	\$4,457,007
Total Expenditures	<u>\$4,456,210</u>

Net Income	\$ 797
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Councilor Shealy asked Mr. Ramsey to research and find out if insurance benefits were available to Council members. Mr. Ramsey responded insurance was available for Council members at the same rate of the full time employees. He would gather information on how much it would cost the city per council member and a total cost for the entire council.

Mr. Ramsey summarized the budget was based on a milage rate of 2.9 plus reserves. He added as the amount of reserves decreased the milage rate would need to be increased to

balance future budgets.

City Manager Jarboe advised the 2.9 milage rate was lower than in any other northeast Florida city. The general fund surplus was above what the auditors prefer. Mr. Ramsey added the auditors preferred only one month of operating expenses to be held in reserves.

Mr. Ramsey explained 2 years ago the council allowed the city manager to set the Not to Exceed Milage Rate. The city manager would set it at 3.5 so there could be chance of having to increase the Final Milage Rate from the Not to Exceed.

Homestead
Exemption

PROPOSED CONSTITUTION AMENDMENT TO INCREASE HOMESTEAD EXEMPTION:

The Florida Supreme Court ruled the proposed amendment to double the state's \$25,000 homestead exemption would not be on the November ballot. Council action to oppose the amendment was therefore not necessary.

Recess/Reconvene

Mayor Brown called a recess at 7:06 p.m. and reconvened the meeting at 7:15 p.m.

Beach Access

BEACH ACCESS MORATORIUM / STREET END SURVEYS: Councilor Pruette voiced concern that the moratorium on the development of beach accesses and street ends would expire in November. She felt it was time for Council to consider other options to protect the beach accesses.

City Attorney Chris White mentioned he had sent a letter to former City Manager Richard Linn describing other actions. He added the moratorium could continue past the expiration until it was challenged.

Councilor Weldon asked the City Attorney and the City Manager to investigate directions the Council could take to control what happens to the beach accesses. City Attorney White agreed he would work with City Manager Jarboe.

Consensus: **FOR THE CITY ATTORNEY AND THE CITY MANAGER TO LOOK AT DIRECTIONS THE COUNCIL COULD TAKE TO CONTROL WHAT HAPPENS ON THE BEACH ACCESSES.**

Height Limitation

35' HEIGHT LIMITATION FOR RESIDENTIAL WEST OF THIRD STREET: Councilor Shealy stated he would like Council to consider raising the height limit on larger size lots.

Community Development Director Jason Cleghorn explained a normal roof pitch was 6/12. Therefore the total height for a 50' wide two-story house with 10' ceilings would be 34' 10". Mr. Cleghorn explained other scenarios relating to roof pitches and height limits.

Councilor Weldon declared the referendum to increase the height limit to 35' did not include overall heights. The purpose of the referendum was to protect the city from over development. He would agree to allow 35' height in the R-1 district with a 10,000 square foot minimum lot size requirement.

Consensus: **FOR COMMUNITY DEVELOPMENT DIRECTOR JASON CLEGHORN TO STRUCTURE A STARTING POINT AND HAVE STAFF COME UP WITH OPTIONS FOR CONSIDERATION.**

Storm Drainage

STORM DRAINAGE REPAIR EAST OF THIRD STREET: City Manager Jarboe advised blockages were found in the stormwater sewers east of Third Street during the televising and cleaning. He received a proposal for the repairs in the amount of \$132,000 piggybacking off of

the City of Jacksonville. The contract would be placed on the August regular meeting for approval.

Consensus: **TO FORWARD THE CONTRACT TO THE AUGUST REGULAR COUNCIL MEETING FOR APPROVAL.**

Adjournment

There being no further business, the meeting adjourned at 8:15 p.m.

Richard A. Brown, Mayor

Attest:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
REGULAR CITY COUNCIL MEETING
JUNE 7, 2004, 7:20 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 June 7, 2004, at 7:20 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

Mayor Richard A. Brown
Vice Mayor James Gilbert
Councilor Harriet Pruette
Councilor Larry Shealy
Councilor John Weldon
City Attorney Christopher White
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

STAFF:

Director of Finance Steve Ramsey
Assistant to the Building Officer Piper Turner
Director of Public Services Leon Smith
Deputy City Clerk Karla Strait, CMC

Order Call/Pledge

Mayor Brown called the meeting to order at 7:20 p.m. and asked Councilor Pruette to lead the pledge of allegiance.

AWARDS / PRESENTATIONS / RECOGNITION OF GUESTS / NONE

APPROVAL OF MINUTES

Motion: **TO APPROVE THE FOLLOWING MINUTES:**
MAY 3, 2004, REGULAR CITY COUNCIL MEETING
MAY 10, 2004, SPECIAL CITY COUNCIL MEETING
MAY 17, 2004, SPECIAL CITY COUNCIL MEETING
MAY 17, 2004, WORKSHOP CITY COUNCIL MEETING
MAY 24, 2004, WORKSHOP LAND DEVELOPMENT MEETING

Moved by Gilbert, seconded by Weldon.

Roll Call Vote:

Ayes: 5 – Gilbert, Pruette, Shealy, Weldon, Brown
Noes: 0

MOTION CARRIEDCOMMUNICATIONS AND CORRESPONDENCE

Councilor Pruette stated citizens were concerned about the use of the rear entrance gate to the new Public Services Facility. She had requested in a memo to place the issue on the June workshop agenda to hear concerns from residents. City Manager Jarboe had already invited the residents to meet with him Thursday, June 10, 2004 at City Hall to discuss their concerns. Therefore she felt it was longer necessary to place the issue on the agenda. City Manager Jarboe stated he would report back to the Council.

Agenda Amendment City Manager Jarboe requested amending the agenda to include a request for cleaning of storm drains east of Third Street. Mayor Brown stated he would add it to the agenda under new business.

CITY MANAGER REPORTS

SEWER IMPROVEMENT PROJECT: The Sewer Improvement Project was complete.

PUBLIC SERVICES FACILITY PROJECT: The Public Services Facility Project was estimated to be complete in six to eight weeks. The contractor was having a difficult time keeping subcontractors on the job.

MENZI MUCK DELIVERY: The menzi muck was on order and should be delivered in 2 months. It is manufactured in Switzerland and takes 120 days for delivery.

Councilor Pruette suggested the repaving schedule be placed on the web page. Director of Public Services Leon Smith stated repaving was scheduled to begin the mid to end of July.

PUBLIC COMMENTS

Agenda Amendment Mayor Brown amended the agenda to hear the development order for Scotty's.

Scott Laughlin, 791 Assisi Lane #608, Atlantic Beach, favored the development order for the indoor outlet mall for Scotty's. He felt it would be valuable for retailers and buyers. He added as a jeweler he planned on renting space within the building.

NEW BUSINESS

Development Order
630 Atlantic Blvd.
Scotty's DEVELOPMENT ORDER – SCOTTY'S – 630 ATLANTIC BOULEVARD: City Manager Jarboe stated Jason Cleghorn, the Community Development Director was on vacation. He invited the representatives from Scotty's to speak.

Paul Hardin, Attorney for Scotty's, stated the property was currently zoned for the use of an outlet mall. The Planning & Development Review Board recommended approval of the mall. He asked David James to come forward and explain the project.

David James, Vice President of Scotty's, explained the outlet mall would provide affordable retail space to retailers. It would not be a flea market because only new products would be sold. It would be a fun place to shop in a clean environment with live entertainment. There would be full time management and maintenance staff along with a full time activities director. The plan included restrooms a food court, and a central checkout. The retailers would have the option of whether or not they wanted to use the central checkout. The retailers would lease the space on a month-to-month basis with no long-term commitments.

Councilor Shealy asked if each retailer would acquire a separate occupational license. Mr. James responded each retailer would have to provide an occupational license from the City of Neptune Beach prior to moving into the building.

Councilor Weldon asked other than selling new products what else separated the outlet mall from a flea market. Mr. James responded used products would not be sold. Flea markets sold used products such as yard sale type goods that did not appeal to the cliental. The mall would have a festive atmosphere, would be air conditioned, and would operate with aggressive advertisement.

Councilor Weldon questioned if there would be cooking on the premises and if alcohol would be sold. Mr. James replied there would be no alcohol sales. The cooking would depend upon the vendor. There were three types of food offered, packaged food, food prepared on site, and food that was prepared at an offsite located and transported.

Councilor Weldon asked if all of the food providers would be properly licensed and inspected. Mr. James replied they would be properly licensed and meet the health department requirements.

Councilor Weldon asked what type of retailers had signed up. Mr. James responded 56 retailers had expressed an interest.

Councilor Weldon asked how many retail spaces there would be. Mr. James stated the quantity would vary depending upon the size of space for the individual retailer. The spaces would vary from 10 x 10, or 10 x 20, to 20 x 60 with 6-foot aisles. Without the aisles and the common space it would leave approximately 30,000 square feet for venders.

Councilor Weldon asked if Scotty's other outlet malls in the state were successful and how long they had been in operation. Mr. James stated they were doing quite well since the openings last November.

Councilor Pruette was concerned the houses were too close to the lumberyard. She was concerned about noise problems and parking requirements. Mr. James replied the mall operating hours would be from 10:00 a.m. to 6:00 p.m. Wednesday through Sunday. The houses were across a retention area. They would be utilizing the yard area for vendor parking. The lease provided them with 303 parking spaces.

Councilor Shealy asked if they planned to change the pole sign to a monument sign as recommended by the Planning & Development Review Board. Mr. James replied yes.

Councilor Weldon asked if the fascia signs would have internal lighting. Mr. James stated he was informed internal lighting would be acceptable based on the new sign ordinance.

Councilor Weldon asked if the problem with the fire lane would be corrected. Mr. James replied that appealed to him and they would consider that in the process.

Vice Mayor Gilbert asked the staff if each retailer would need a permit. Assistant to the Building Official Piper Turner replied they would not need a building permit but they would be required to have an occupational license.

Vice Mayor Gilbert asked if the occupational licensing and safety inspections would place a burden on the staff. Mrs. Turner replied Fire Marshal John Webber would inspect the property before an occupational license was issued and inspect the building on the first of

each month. He asked who would ultimately be responsible for any violations. Mrs. Turner stated the owner of the shopping center would be ultimately responsible.

Vice Mayor Gilbert questioned since the mall was a new concept, if Council could stipulate that the mall would be subject to a review at the end of year.

City Attorney Chris White cautioned the Council that placing stipulations on development orders exceeded the Council's authority. He advised any problems should be properly handled through code enforcement.

Mayor Brown felt the mall would be controlled through occupational licensing and code enforcement. He added the outlet mall would be better than having a boarded up building.

Moved by Gilbert, seconded by Shealy.

Motion: **TO APPROVE THE DEVELOPMENT ORDER WITH THE STIPULATIONS STATED BY THE PLANNING & DEVELOPMENT REVIEW BOARD.**

Councilor Pruette asked Mr. James if they would provide five additional handicap parking spaces. Mr. James stated he would have no objection to that.

Roll Call Vote:

Ayes: 5 – Gilbert, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

Mayor Brown asked when was the projected opening date. Mr. James replied the tentative opening date was August 28, 2004.

CONSENT AGENDA / NONE

VARIANCES / NONE

ORDINANCES

Ord. No. 2004-06

ORDINANCE NO. 2004-06 – BUILDING HEIGHT – FIRST READ: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA CALLING FOR A REFERENDUM TO AMEND THE CHARTER TO CREATE A NEW SECTION 4.07 TO LIMIT THE HEIGHT OF ALL BUILDING STRUCTURES IN THE CITY OF NEPTUNE BEACH TO THIRTY-FIVE FEET; AND ESTABLISHING AN EFFECTIVE DATE.

Mayor Brown read Ordinance No. 2004-06 by title only and opened the public hearing.

Jim Stinekraus, 208 Bay Street, questioned the need to raise the height limit from the current 28 feet maximum to 35 feet maximum.

There being no further comments from the public the public hearing was closed.

Mayor Brown explained the referendum would make the height restriction tighter. It did not mean that all building structures could be 35'. The referendum would prevent future council's from raising the height limit without the vote of the citizens.

Moved by Pruette, seconded by Weldon.

Motion: **TO ADOPT ORDINANCE NO. 2004-06 ON SECOND READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 5 – Gilbert, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

City Clerk Volpe asked the Council to clarify the language they wanted placed on the ballot.

Consensus: **TO PLACE THE TITLE AND SUMMARY ON THE BALLOT.**

Vice Mayor Gilbert asked to have the height limit referendum published in the Cast-a-Line two months in a row leading up to the election.

Ord. No. 2004-07

ORDINANCE NO. 2004-07, SPECIAL EVENTS POLICY – FIRST READ: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING THE EXISTING CHAPTER 18, ADDING SECTION 18-3 SPECIAL EVENTS AND PROVIDING AN EFFECTIVE DATE.

Mayor Brown read the ordinance by title only and opened the public hearing.

There being no comments from the public the public hearing was closed.

Moved by Weldon, seconded by Pruette.

Motion: **TO ADOPT ORDINANCE NO. 2004-07 ON SECOND READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 5 – Gilbert, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

OLD BUSINESS / NONE

NEW BUSINESS

Development Order
622, 624, & 630
Oceanfront

DEVELOPMENT ORDER – GREGORY SCOTT – 622, 624, & 630 OCEANFRONT: Mr. Gregory Scott stated he would like to replat Lots 4 & 5 Block 19, Neptune Replat into one single lot. He was requesting two residential addresses for the combined property. The existing duplex would be renovated and converted to a single-family home with a detached garage with guest apartment to be newly constructed.

City Manager Jarboe stated without the replat Mr. Scott would be able to build a duplex on each of the two lots.

Moved by Shealy, seconded by Pruette.

Motion: **TO APPROVE THE FINAL DEVELOPMENT ORDER FOR MR. GREG SCOTT AT 622, 624, & 630 OCEANFRONT.**

Roll Call Vote:

Ayes: 5 – Gilbert, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

Storm Drains

CLEANING OF STORM DRAINS EAST OF THIRD: City Manager Jarboe asked the Council for permission to contract with Environmental Pipeline Rehabilitation for \$21,000 to televise and clean all of the stormwater drains east of Third Street. The contract would piggyback on a J.E.A. contract for \$3.00 per linear foot.

Moved by Weldon, seconded by Gilbert.

Motion: **TO AUTHORIZE THE CITY MANAGER TO EXPEND \$21,000 TO T.V. AND CLEAN STORM DRAINS EAST OF THIRD STREET.**

Ayes: 5 – Gilbert, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

Mayor Brown stated Ordinance No. 2004-08, regarding fireworks should be adopted before July 4, 2004.

Vice Mayor Gilbert felt the vote to banning fireworks was premature without further documentation of associated problems. He also felt there would not be enough time to inform the public before the July 4th holiday.

Mayor Brown called a special meeting to be held following the June workshop meeting for the second read and public hearing of the fireworks regulation Ordinance No. 2004-08.

Consensus: **TO HOLD A SPECIAL MEETING FOLLOWING THE JUNE WORKSHOP FOR THE SECOND READ AND PUBLIC HEARING OF ORDINANCE 2004-08.**

Vice Mayor Gilbert asked the City Manager to provide documentation that Jacksonville Beach and Atlantic Beach had adopted a similar ordinance at the June workshop meeting.

City Manager Jarboe stated Council would be considering for the first time a capital outlay plan at the June workshop meeting and a presentation on the Technology Evaluation Study.

Adjournment

There being no further business, the meeting adjourned at 8:31 p.m.

Richard A. Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
SPECIAL WORKSHOP CITY COUNCIL MEETING
JUNE 7, 2004 AT 6:30 P.M.
CITY HALL, 116 FIRST STREET
NEPTUNE BEACH, FLORIDA

Pursuant to proper notice a Special Workshop Meeting of the City Council of the City of Neptune Beach was held June 7, 2004, at 6:30 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

Mayor Richard A. Brown
Vice Mayor James Gilbert
Councilor Harriet Pruette
Councilor Larry Shealy
Councilor John Weldon
City Attorney Christopher White
City Manager James Jarboe
City Clerk Lisa Volpe, CMC

STAFF:

Assistant to the Building Official Piper Turner
Director of Finance Steve Ramsey
Director of Public Services Leon Smith
Deputy City Clerk Karla Strait, CMC

Order Call

Mayor Brown called the special workshop meeting to order at 6:40 p.m. and announced the purpose of the meeting was to decide the design for the Kings Road Bridge.

Kings. Rd. Bridge

KINGS ROAD BRIDGE REPLACEMENT DESIGN: Mayor Brown stated there were safety concerns with the way the bridge was to be designed and cost issues. City Manager Jarboe reviewed that the discussion had centered on where to put walkways on the bridge. City Manager Jarboe introduced Gregory Nettuno, P.E. Vice President of North Florida Operations, G.A.I. Consultants who would answer questions. Mr. Jarboe emphasized that the city needed a consensus from council so that the project could be started since the cost of steel was going up everyday.

Vice Mayor Gilbert understood there was some concern for a separation between vehicles and pedestrians. The current bridge is 16 feet wide. Vice Mayor Gilbert questioned why four feet could be added for pedestrians for a total of 20 feet instead of a 24 feet design. Mr. Nettuno answered the span type is premade and comes in 8 feet sections. That is the reason for 24 feet. The city is not saving money by going to 20 feet span since a half span would be needed. If you use 6 feet spans you lose the safety section and you would not save a significant amount of money. The cost is \$120 per square foot, the total cost approximately being \$330,000.

Councilor Shealy's only concern was the safety of the kids walking and fishing. He felt the bridge project needed to start as soon as possible.

Councilor Pruette was also concerned for safety. She explained she would like a handrail between vehicles and pedestrians.

Councilor Weldon asked what was the cost difference between 24 feet and 20 feet. Mr. Nettuno answered it would not be saving much by making it narrower than 24 feet. He prefers to protect the sidewalk with a handrail and rail on top of wall. Mr. Nettuno explained there is no expectable DOT standard for just a rail for safety. Vice Mayor Gilbert commented the pedestrian walk way would be on the west side. Mayor Brown suggested making the sidewalk smaller. Mr. Nettuno stated 5 feet was used regularly for ADA requirements.

Councilor Pruette asked if it were possible to make both sides safe for pedestrians. Mr. Nettuno stated it would not be safe to make travel lanes 12 feet without any shoulder. Councilor Weldon commented it was better to have one side very safe than two sides unsafe. The city could enforce no fishing on one side of the bridge. Mr. Nettuno offered to add signs.

Consensus: **THE MIDDLE DESIGN SUBMITTED WHICH ALLOWED FOR A 5 FOOT PROTECTED SIDEWALK ON THE WEST SIDE WITH RAILING ON TOP OF THE BARRIER AND A 12 FOOT TRAVEL LANE WITH A SHOULDER ON EACH SIDE.**

Adjournment

There being no further business, the meeting adjourned at 6:55 p.m.

Richard Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
WORKSHOP CITY COUNCIL MEETING
JUNE 21, 2004, 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, 2004 at 6:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

Mayor Richard A. Brown
Vice Mayor James Gilbert
Councilor Harriet Pruette
Councilor John Weldon
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

ABSENT:

Councilor Larry Shealy
City Attorney Christopher White

STAFF:

Public Safety Director William Brandt
Director of Community Development Jason Cleghorn
Director of Finance Steve Ramsey
Director of Public Services Leon Smith
Deputy City Clerk Karla Strait, CMC

Call to Order/Roll Call Mayor Brown called the meeting to order at 6:00 p.m.

PRESENTATIONS

TECHNOLOGY EVALUATION AND STRATEGIC TECHNOLOGY DIRECTION INFORMATION

PLAN: City Manager Jarboe stated one of the issues from the Goal Setting Meeting was to determine necessary steps to upgrade the city's technology system. His office contacted the Florida League of Cities and requested assistance in conducting a Technology Evaluation. Mr. Frank Hagy, CPM, Chief Information Officer for Florida League of Cities was prepared to present a report on the findings.

Mr. Hagy explained the League began its work by gathering City data, spending time on-site interviewing various employees and talking with current software vendors and providers. The League recommended that the City upgrade the technology infrastructure including the network transport system, upgrade the desktop environment, and replace the current enterprise software package.

The following were specific recommendations:

- Priority 1: Separate NT Server from ISERIES (AS/400)
- Priority 2: Establish a Standard Architecture
- Priority 3: Replace Obsolete PC's (12)
- Priority 4: Replace the Current Enterprise Software Package (H.T.E.)
- Priority 5: Connect to the Public Works Complex
- Priority 6: Imaging

City Manager Jarboe stated according to the report the purchase of new hardware and software would save the city approximately \$160,000 over a 10 year period. He added the Florida League of Cities was non-bias and they were not trying to sell a product.

Councilor Weldon asked City Manager Jarboe if Council action was needed at this time. City Manager Jarboe replied the funds for the technology update were included in the fiscal year Capital Improvement Plan and would be approved by Council when the 2004-2005 budget was approved.

COMMITTEE REPORTS / NONE

CITY MANAGERS ACTION LIST

City Manager Jarboe asked Council if they had any questions regarding his Action List. He advised one of the projects currently underway was the videotaping and cleaning of the storm water sewers. A copy of the videotape was on file in his office for anyone to view.

Vice Mayor Gilbert asked if the pump behind Beaches Chapel had been installed. City Manager Jarboe replied there were no recent problems with flooding in the area. He would like to find out from the televising what work would be needed before the installation.

Councilor Weldon questioned if the grant software purchased for \$4,000 was an asset. Community Development Director Jason Cleghorn responded the software worked fine but many of the available grants were not for a city of our size. City Manager Jarboe stated having no low-income areas precluded obtaining grants.

Councilor Pruette asked when the repaving would begin. City Manager Jarboe replied he wanted to make sure the First Street drainage problem was complete before repaving to avoid having to cut the street up again. He estimated the repaving would begin toward the end of July and once they started it would only take about 2 or 3 weeks to complete.

Councilor Weldon asked if the A1A landscaping would be funded through the Better Jacksonville Plan. City Manager Jarboe replied once the landscape design was approved by the City of Jacksonville it would be funded through the Better Jacksonville Plan.

Councilor Weldon asked about the concrete wall that was to be built around the lift station on Third Street and Florida Boulevard. City Manager Jarboe explained at the present time it was extremely difficult to get the materials for a concrete wall. The contractor was still waiting for material to complete the wall around the new Public Works Complex.

For the Record Councilor Weldon stated for the record he did not want to drop the idea of adequately screening the lift station at the corner of Florida Boulevard and A1A in Jarboe Park.

City Clerk Lisa Volpe stated the Regular Council Meeting for July fell on July 5th, which was a holiday, and City Hall would be closed. She asked the Council if they would prefer to reschedule the meeting for Tuesday July 6th or Monday July 12th. She added Community Director Jason Cleghorn had completed Group 3 of the Land Development Regulations and a meeting needed to be scheduled.

City Manager Jarboe added he would like to have a Labor Strategy Meeting before the Workshop Meeting on July 19, 2004 at 6:00 p.m.

Consensus: **TO HOLD THE REGULAR MEETING TUESDAY JULY 6, 2004 AT 7:00 P.M. AND THE LABOR STRATEGY MEETING JULY 12, 2004 AT 6:00 P.M AND THE LAND DEVELOPMENT MEETING JULY 12, AT 6:30 P.M.**

PUBLIC COMMENTS / NONE

PROPOSED ORDINANCES

Ord. No. 2004-08

ORDINANCE NO. 2004-08 – REGULATION OF FIREWORKS: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING THE EXISTING CHAPTER 14 OFFENSES; BY CREATING A NEW SECTION 14-9, "REGULATION OF FIREWORKS;" SETTING FORTH REGULATIONS FOR THE POSSESSION OF FIREWORKS; PROVIDING PENALTIES; PROVIDING FOR CONFLICTING ORDINANCES; SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Councilor Pruette stated the word "sales" was left out of the title and the body of the Ordinance. She requested a friendly amendment to add the word "sales." City Clerk Volpe stated the title could not be changed but it could be added to the body of the Ordinance.

Consensus: **TO INCLUDE THE WORD "SALE" IN THE BODY OF THE ORDINANCE.**

Councilor Weldon questioned the intent of the Ordinance and if it would prevent people from using fireworks on their property. Chief Brandt replied the objective and intent of the Ordinance was to prevent all fireworks other than city sponsored events. It would prevent people from using fireworks on their property.

Consensus: **FORWARD TO THE SPECIAL MEETING FOLLOWING THIS WORKSHOP TO TAKE ACTION.**

CONTRACTS / AGREEMENTS / NONE

ISSUE DEVELOPMENT

Voice Stress
Analysis

REQUEST FOR PUBLIC SAFETY TO EXPEND \$10,800 FOR A VOICE ANALYZER FROM THE FORFEITURE FUND: Chief Brandt explained the voice analyzer was a tool used to find out if people were lying or telling the truth. He added one of the officers had professional training on the operation of the device.

Consensus: **FORWARD TO THE JULY REGULAR CITY COUNCIL MEETING.**

Recess/Reconvene

Mayor Brown called a recess at 7:23 p.m. and reconvened the meeting at 7:36 p.m.

Budget 2004-2005

CAPITAL IMPROVEMENT PLAN AND ENTERPRISE FUNDS: City Manager Jarboe

explained this was the portion of the budget that included the Enterprise Funds and the Capital Improvement Plan. The format for the Capital Improvement Plan included items over \$15,000 for Council to consider throughout the upcoming 5-year period.

Director of Finance Steve Ramsey reported the water & sewer rate increase of 3.04% approved last year would be effective October 1, 2004. He projected a 4.6% increase in the overall Water & Sewer Revenue.

Mr. Ramsey reported the following Proposed Budget for Year Ending September 30, 2005.

Account	2005 Budget Request	% Increase (Decrease)
General & Administrative	\$ 337,204	6.92%
Sewer Services	\$ 906,155	9.51%
Water Services	\$ 740,190	3.10%
Interfund Transfers	\$ 69,727	3.49%
Stormwater Utility Fund	\$ 247,061	25.36 %

Capital Impr.

CAPITAL IMPROVEMENTS OVER \$15,000 FISCAL YEAR 2005

Department	Capital Asset Requested	Total
Wastewater Department		
	Rehab of Wet Wells / Manholes	\$ 25,000
	Lift Station Pumps	\$ 17,000
	Fencing	\$ 30,000
	Rebuild Fletcher Lift Station	\$ 30,000
	Touchread Meter Replacement	<u>\$ 20,000</u>
	Total	\$122,000
Water Department		
	Truck	\$ 22,000
	Front Gate for Water Plant	\$ 25,000
	Touchread Meter Replacement	<u>\$ 20,000</u>
	Total	\$ 67,000
Stormwater Department		
	Head Wall (Neptune Lake)	<u>\$ 24,000</u>

Total **\$ 24,000**

CAPITAL IMPROVEMENTS UNDER \$15,000 FISCAL YEAR 2005

Water Department	(2) Electric Pumps	\$ 12,000
	Double Diaphragm Pump	\$ 10,000
	Rewire Electric Panel	\$ 10,000
	Horizontal Boring Machine	\$ 3,600
	Water Pipe Locator	\$ 3,500
	Water Tapping Machine	<u>\$ 2,200</u>

Total **\$ 41,300**

Sewer Department	(2) Effluent Pump Motors	\$ 14,500
	Surveillance Equipment	<u>\$ 14,000</u>

Total **\$ 28,500**

Storm Water	Fail Motor for Menzi Muck	<u>\$ 14,500</u>
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Total **\$ 14,500**

TOTAL COMBINED CAPITAL IMPROVEMENTS 2005

Water Department \$108,300

Sewer Department \$150,500

Storm Water \$ 38,500

Total Combined Capital Improvements Fiscal Year 2005 **\$297,300**

Technology

TECHNOLOGY UPDATE FOR ALL DEPARTMENTS FISCAL YEAR 2005

(12) Personal Computers	\$ 15,370
Software Purchases	\$ 50,000
Conversion & Training	\$ 48,000
Hardware Cost	\$ 10,000
Software Maintenance	<u>\$ 10,000</u>

Total Technology Update Fiscal Year 2005 **\$133,370**

Adjournment

There being no further business, the meeting adjourned at 8:05 p.m.

Richard A. Brown, Mayor

Attest:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
SPECIAL CITY COUNCIL MEETING
JUNE 21, 2004 AT 8:05 P.M.
CITY HALL, 116 FIRST STREET
NEPTUNE BEACH, FLORIDA

Pursuant to proper notice a Special Meeting of the City Council of the City of Neptune Beach was held June 21, 2004, at 8:05 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

Mayor Richard A. Brown
Vice Mayor James Gilbert
Councilor Harriet Pruette
Councilor John Weldon
City Manager James Jarboe
City Clerk Lisa Volpe, CMC

ABSENT:

Councilor Larry Shealy
City Attorney Christopher White

STAFF:

Director of Public Safety William Brandt
Director of Community Development Jason Cleghorn
Director of Finance Steve Ramsey
Director of Public Services Leon Smith
Deputy City Clerk Karla Strait, CMC

Order Call

Mayor Brown called the special meeting to order at 8:05 p.m. and announced the purpose of the meeting was for the second reading and public hearing of Ordinance No. 2004-08, regulation of fireworks.

Ord. No. 2004-08

ORDINANCE NO. 2004-08, REGULATION OF FIREWORKS, SECOND READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING THE EXISTING CHAPTER 14 OFFENSES; BY CREATING A NEW SECTION 14-9, "REGULATION OF FIREWORKS;" SETTING FORTH REGULATIONS FOR THE POSSESSION OF FIREWORKS; PROVIDING PENALTIES; PROVIDING FOR CONFLICTING ORDINANCES; SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Mayor Brown read Ordinance No. 2004-08 by title only and opened the public hearing.

Wade Westbrook, 1918 Strand Street, stated there were a lot of fireworks near his house from May through September leaving litter all over the beach. He favored Ordinance No. 2004-08.

There being no further comments from the public the public hearing was closed.

Moved by Pruette, seconded by Weldon.

Motion: **TO ADD THE WORD "SALE" IN PARAGRAPH 2(A) AND ADOPT ORDINANCE NO. 2004-08 AS AMENDED.**

Inconvenience

Vice Mayor Gilbert felt the ordinance was imposed on Neptune Beach due to Jacksonville Beach and Atlantic Beach passing a similar ordinance. He stated citizens had enjoyed fireworks on the beach for the past 20 years. He was also concerned there was not sufficient time to notify the citizens before the 4th of July celebration.

Roll Call Vote:

Ayes: 4 – Gilbert, Pruette, Weldon, Brown

Noes: 0

Absent: 1 – Shealy

MOTION CARRIED

Adjournment

There being no further business, the meeting adjourned at 8:20 p.m.

Richard Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
REGULAR CITY COUNCIL MEETING
MAY 3, 2004, 7:00 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 May 3, 2004, at 7:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

Mayor Richard A. Brown
Councilor Harriet Pruette
Councilor Larry Shealy
Councilor John Weldon
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

ABSENT:

Vice Mayor James Gilbert
City Attorney Christopher White

STAFF:

Director of Public Safety Chief William Brandt
Director of Community Development Jason Cleghorn
Director of Public Services Leon Smith
Deputy City Clerk Karla Strait, CMC

Order Call/Pledge

Mayor Brown called the meeting to order at 7:00 p.m. and asked Councilor Weldon to lead the pledge of allegiance.

AWARDS / PRESENTATIONS / RECOGNITION OF GUESTS

Mayor Brown recognized and presented plaques to Steven Davie, Jerry Dredge, Mike Todd, and Harry Mullins, for their assistance in the transportation of the Easter Bunny to the "City of Neptune Beach Easter in the Park Event 2004".

Mayor Brown recognized Elaine Kenny and Rebecca Miller for volunteering and organizing the "Sunday in the Park" event.

Ron Hoogle, Project Manager for G.A.I. Consultants, gave a presentation of the proposed design of the Kings Road Bridge. He explained the structure of the bridge and construction materials.

Discussion ensued regarding different design options and materials.

City Manager Jarboe stated he would obtain additional pricing for suggested options and forward the information to the workshop meeting for discussion.

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

APPROVAL OF MINUTES

Motion: **TO APPROVE THE FOLLOWING MINUTES:**
APRIL 3, 2004, GOAL SETTING MEETING
APRIL 5, 2004, REGULAR CITY COUNCIL MEETING
APRIL 19, 2004, WORKSHOP CITY COUNCIL MEETING

Moved by Pruette, seconded by Shealy.

Roll Call Vote:

Ayes: 4 –Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

COMMUNICATIONS AND CORRESPONDENCE

Councilor Pruette stated the residents on Margaret Street were once again having problems with noise, and parking. City Manager Jarboe responded he was aware of the situation and was taking action. Councilor Pruette also commented that she received a letter from Jacksonville City Councilman Art Graham denying the city's request to put a light on Florida Blvd by the elementary school. She asked the city to keep up this effort.

City Clerk Volpe introduced Cynthia Baines and John Reeves to the Council. They were both to be appointed to the Board of Appeals by Resolution 2004-09, which was later on the agenda.

CITY MANAGER REPORTS

SEWER IMPROVEMENT PROJECT: The Sewer Improvement Project was complete with the exception of a few odds and ends.

PUBLIC SERVICES FACILITY PROJECT: The Public Services Facility Project was estimated to be complete in six weeks. A ribbon cutting ceremony and hot dog social would be planned once the project was complete.

Councilor Weldon questioned if the area on the north side of the fence would be landscaped. City Manager Jarboe replied once the asphalt was completed they would work with the neighbors on landscaping the area on south side of Forest Avenue from the fence to the road.

Councilor Pruette asked if new furniture would be purchased for the new offices. City Manager Jarboe stated new furniture would be purchased for Director of Public Services Leon Smith's office and for the entrance lobby. For the time being the old furniture would be used in the remaining offices.

PUBLIC COMMENTS

Steve Jarrett, 36 Seawood Drive, Jacksonville Beach, asked the Council to consider allowing extra height limits for commercial structures to hide air conditioning units, elevator shafts, and other equipment generally placed on the roofs.

Marsha Coker, 206 Margaret Street, asked for increased police patrol on Margaret Street to control the noise, late night partying, and illegally parked cars.

Christine Chin, 227A Margaret Street, stated Margaret Street residents were once again having problems with noise, late night partying and illegally parked cars.

Dennis Joyce, 1998 Strand, stated the parked cars on Margaret Street sometimes prevented other cars from driving down the road. He questioned if it was legal for cars to be parked in the street. City Manager Jarboe stated parking on the street was legal, as long it did not block the road. He explained a letter would be sent to all the residents on Margaret Street informing them of city ordinances and the penalties for violations.

David Cole, 1500 Penman Road, asked Council to forward Ordinance No. 2004-06, to the next workshop to consider allowing extra height for commercial buildings.

CONSENT AGENDA

Res. No. 2004-08

RESOLUTION NO. 2004-08: A RESOLUTION ESTABLISHING THE ATLANTIC BOULEVARD REVITALIZATION COMMITTEE AND APPOINTING MEMBERS.

ATLANTIC COAST ASPHALT COMPANY CONTRACT: Approval of a purchase order with Atlantic Coast Asphalt to pave streets and install speed humps.

AQUA EAST SURF CAMP: Approval to allow Scott Holmes to conduct surf camps on the beach.

Councilor Pruette requested removing Resolution No. 2004-08 from the consent agenda for further discussion.

Moved by Pruette, seconded by Weldon.

Motion: **TO REMOVE RESOLUTION NO. 2004-08 FROM THE CONSENT AGENDA AND VOTE ON ITEMS B & C.**

Roll Call Vote:

Ayes: 4 – Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

Councilor Pruette suggested striking the words “in a row” from Section 5 which read: Any committee member missing more than three (3) called meetings in a row will no longer remain a member of the committee.

The remaining Council Members disagreed and felt “in a row” should not be stricken.

Moved by Pruette, seconded by Weldon.

Motion: **TO APPROVE RESOLUTION 2004-08.**

Roll Call Vote:

Ayes: 4 – Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

VARIANCES

Variance V04-10
Stang
122 Margaret St.

APPEAL OF VARIANCE REQUEST FOR – V04-10– STANG – 122 MARGARET STREET: The purpose of the appeal was for a balcony to extend 12 feet into the 25-foot front setback. The Board of Appeals approved the request to extend the deck only six feet.

Moved by Weldon, seconded by Pruette.

Motion: **TO REAFFIRM THE DECISION OF THE BOARD.**

Roll Call Vote:

Ayes: 4 – Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

ORDINANCES

Ord. No. 2004-05

ORDINANCE NO. 2004-05 – AMENDING CHAPTER 2, ADDING SECTION 2-363, SECOND READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING THE EXISTING CHAPTER 2, ADDING SECTION 2-363 TRANSFER OF APPROPRIATIONS AND PROVIDING AN EFFECTIVE DATE.

Mayor Brown read Ordinance No. 2004-05 by title only and opened the public hearing.

Leslie Karlin, 1506 Spindrift Circle West, favored approval of Ordinance No. 2004-05.

There being no further comments from the public the public hearing was closed.

Moved by Pruette, seconded by Weldon.

Motion: **TO ADOPT ORDINANCE NO. 2004-05 ON SECOND READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 4 – Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

Ord. No. 2004-06

ORDINANCE NO. 2004-06 – BUILDING HEIGHT – FIRST READ: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA CALLING FOR A REFERENDUM TO AMEND THE CHARTER TO CREATE A NEW SECTION 4.07 TO LIMIT THE HEIGHT OF ALL BUILDING STRUCTURES IN THE CITY OF NEPTUNE BEACH TO THIRTY-FIVE FEET; AND ESTABLISHING AN EFFECTIVE DATE.

Councilor Shealy suggested the ordinance read, “no residential building structure in the city shall be allowed to exceed 35 feet.” This would leave commercial building structures height limitations as they now stood.

Councilor Weldon felt commercial buildings should have a special exception to mount utilities on the roof.

Discussion ensued regarding the current height limitations on commercial buildings.

Steve Jarrett suggested amending the ordinance to include the 41 feet for commercial buildings.

For the Record Councilor Weldon stated for the record the code did not allow an automatic extra 6 feet or 41 feet for commercial buildings.

City Clerk Volpe stated in order for the referendum to be placed on the ballot the

ordinance had to be in the Supervisor of Elections Office by July 19, 2004.

Councilor Weldon suggested passing Ordinance No. 2004-06 on first read and working out the details at the workshop meeting.

Councilor Pruette suggested the ordinance read as follows: "no residential building structure in the city shall be allowed to exceed 35 feet and no commercial building shall not exceed 41 feet."

Moved by Weldon, seconded by Pruette.

Motion: **TO PASS ORDINANCE NO. 2004-06 ON FIRST READ CALLING FOR A REFERENDUM ELECTION AMENDING THE CHARTER REGARDING BUILDING HEIGHT LIMITATION AND THAT THE COUNCIL AGREE TO REVISE THE LANGUAGE IN THE ORDINANCE TO ADDRESS THE ISSUE OF ROOF TOP UTILITIES AND PARAPET WALLS TO SCREEN UTILITIES.**

Roll Call Vote:

Ayes: 4 – Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

Ord. No. 2004-07

ORDINANCE NO. 2004-07, SPECIAL EVENTS POLICY – FIRST READ: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING THE EXISTING CHAPTER 18, ADDING SECTION 18-3 SPECIAL EVENTS AND PROVIDING AN EFFECTIVE DATE.

Councilor Shealy agreed to sponsor the ordinance.

Moved by Pruette, seconded by Shealy.

Motion: **TO PASS ORDINANCE NO. 2004-07 ON FIRST READ.**

Roll Call Vote:

Ayes: 4 – Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

Ord. No. 2004-08

ORDINANCE NO. 2004-08 – FIREWORKS – FIRST READ: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING THE EXISTING CHAPTER 14, OFFENSES; BY CREATING A NEW SECTION 14-9, "REGULATION OF FIREWORKS;" SETTING FORTH REGULATIONS FOR THE POSSESSION OF FIREWORKS; PROVIDING PENALTIES; PROVIDING FOR CONFLICTING ORDINANCES; SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Director of Public Safety William Brandt explained the ordinance would give police officers the authority to confiscate illegal fireworks. Atlantic Beach and Jacksonville Beach were both adopting similar ordinances before July 4, 2004.

Councilor Pruette questioned how the ordinance would be enforced. Chief Brandt replied officers would issue "Notices to Appear."

Moved by Pruette, seconded by Shealy.

Motion: **TO PASS ORDINANCE NO. 2004-08 ON FIRST READ.**

Roll Call Vote:

Ayes: 4 – Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIEDOLD BUSINESS

Fencing Water Plant

PRECAST TECHNOLOGIES, INC. – PROPOSAL FOR FENCING OF WATER PLANT: City Manager Jarboe explained because of an increase in steel pricing we could no longer piggyback off of Jacksonville's contract as planned. The project was advertised for bids. Precast Technologies was the sole bidder. He asked Council to approve the bid and allow him to make a decision depending on funds available. He advised he would ask Council for further direction if funds were not available.

Moved by Pruette, seconded by Weldon.

Motion: **TO APPROVE THE BID CONTINGENT UPON THE CITY MANAGER ASSURING THE FUNDS ARE AVAILABLE.**

Roll Call Vote:

Ayes: 4 – Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIEDNEW BUSINESS

Res. No. 2004-09

RESOLUTION NO. 2004-09: A RESOLUTION APPOINTING BOARD MEMBERS TO THE BOARD OF APPEALS.

Appointees Cynthia Baines and John Reeves introduced themselves to Council Members.

Moved by Pruette, seconded by Shealy.

Motion: **TO APPROVE RESOLUTION NO. 2004-09.**

Roll Call Vote:

Ayes: 4 – Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

Duval County

DUVAL COUNTY PUBLIC SCHOOL JOINT VENTURE: City Manager Jarboe explained in order to have a cooperative venture with another governmental body an agreement was required between the two bodies spelling out each party's responsibilities.

Moved by Weldon, seconded by Pruette.

Motion: **TO DIRECT THE CITY MANAGER TO EXECUTE THE AGREEMENT WITH DUVAL COUNTY PUBLIC SCHOOLS.**

Roll Call Vote:

Ayes: 4 – Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

Ditch Maint.

DITCH MAINTENANCE PLAN – PURCHASE OF MENZI MUCK: City Manager Jarboe explained the Menzi Muck could be purchased by piggybacking off of the City of Jacksonville for a cost of \$175,000 saving an estimated \$30,000. The Menzi Muck would enable the city to have the equipment in house to maintain ditches. The company would also train city employees to operate and maintain the equipment.

Councilor Weldon was concerned because the money was not budgeted and asked if it could be incorporated into the coming years budget. City Manager Jarboe stated he would inquire as to when the City of Jacksonville's contract expired.

City Manager Jarboe explained Finance Director Steve Ramsey suggested borrowing the money from the general fund and paying it back over four years. He added he would institute a Capital Outlay Plan for the upcoming budget.

Moved by Pruette, seconded by Shealy.

Motion: **TO APPROVE THE PURCHASE OF THE MENZI MUCK.**

Roll Call Vote:

Ayes: 4 – Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIEDDevelopment Order
450 Atlantic Blvd.

DEVELOPMENT ORDER – WILLIAM NEWBERN – 450 ATLANTIC BOULEVARD: Director of Community Development Jason Cleghorn explained the Planning & Review Board recommended approval of the order for Mr. Newbern to lease a portion of Sportsplex to operate a tanning and massage parlor.

Moved by Weldon, seconded by Pruette.

Motion: **TO APPROVE THE FINAL DEVELOPMENT ORDER FOR MR. WILLIAM NEWBERN TO OPERATE A TANNING AND MASSAGE AT 450 ATLANTIC BOULEVARD.**

Roll Call Vote:

Ayes: 4 – Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

Surplus

SURPLUS ITEMS: City Clerk Volpe stated there was a list of surplus items from the Public Services Department in the agenda packet.

Mayor Brown questioned how the surplus items would be sold. City Clerk Volpe stated the pickup trucks would be auctioned on the "govdeals.com" website.

Moved by Pruette, seconded by Shealy.

Motion: **TO APPROVE THE SURPLUS OF THE ITEMS.**

Moved by Pruette, seconded by Shealy.

Roll Call Vote:

Ayes: 4 – Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

Res. No. 2004-10

RESOLUTION 2004-10: A RESOLUTION OF THE CITY OF NEPTUNE BEACH, FLORIDA AUTHORIZING THE CITY ATTORNEY CHRISTOPHER WHITE TO DEFEND AND PROSECUTE HOWEVER APPROPRIATELY IN RESPONSE TO THE LAWSUIT OF UTILX CORP. VS. CITY OF NEPTUNE BEACH, FLORIDA AND POST BUCKLEY SHUS & JERNIGAN.

Moved by Weldon, seconded by Pruette.

Motion: **TO APPROVE RESOLUTION NO. 2004-10.**

Roll Call Vote:

Ayes: 4 – Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

Councilor Pruette stated bricks were being sold for \$100.00 to raise funds for the track improvements at Neptune Beach Elementary School. The project was scheduled to begin the first of June and be completed by the middle of July.

Councilor Weldon stated the current code allowed exceptions to accommodate elevator shafts and utilities and did not specifically allow 41 feet. He asked council members to consider that while thinking about how to word the referendum.

City Manager Jarboe read Section 27-239 of the Code. Building height limitations. (b) Exceptions. The following features are exempt from the height limitation: 1) Church steeples, chimneys and similar structures not intended as places of occupancy or storage, 2) Flag poles and similar devices, and 3) Heating and air conditioning equipment, solar collectors, elevator shafts, and similar equipment, fixtures, and devices provided that: (a) They are set back from the edge of the roof a minimum distance of one foot for every foot by which such feature extend above the roof surface of the principle building to which they are attached, (b) No more than one-third of the total roof area may be occupied by such features, and (c) Parapet walls are constructed up to a height not to exceed the height of such features.

Adjournment

There being no further business, the meeting adjourned at 9:03 p.m.

Richard A. Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
SPECIAL CITY COUNCIL MEETING
MAY 10, 2004 AT 6:00 P.M.
CITY HALL, 116 FIRST STREET
NEPTUNE BEACH, FLORIDA

Pursuant to proper notice a Special Meeting of the City Council of the City of Neptune Beach was held May 10, 2004, at 6:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

Mayor Richard A. Brown
Vice Mayor James Gilbert
Councilor Harriet Pruette
Councilor Larry Shealy
Councilor John Weldon
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

ABSENT:

City Attorney Christopher White

STAFF:

Community Development Director Jason Cleghorn
Director of Finance Steve Ramsey
Deputy City Clerk Karla Strait, CMC

Order Call

Mayor Brown called the special meeting to order at 6:00 p.m. and announced the purpose of the meeting was the second read and public hearing for Ordinance No. 2004-02 and the first read and public hearing for Ordinance No. 2004-10.

Ord. No. 2004-02

ORDINANCE NO. 2004-02, AMENDING CHAPTER 27, SECTION 27-479, SIDEWALKS AND BIKEWAYS, SECOND READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING THE EXISTING CHAPTER 27, SECTION 27-479 SIDEWALKS AND BIKEWAYS AND PROVIDING AN EFFECTIVE DATE.

Mayor Brown read Ordinance No. 2004-02 by title only and opened the public hearing.

Hays Bishop, 1443 Spindrift Circle East, opposed Ordinance No. 2004-02 allowing sidewalk dining on public property.

Joanne Hoffman, 130 Sandcastle Way, opposed Ordinance No. 2004-02. She turned in a petition signed by other citizens that also opposed.

Mary Ann Padrta, 1030 Second Street, opposed Ordinance No. 2004-02 and asked the Council to vote "no".

There being no further comments from the public the public hearing was closed.

Moved by Weldon, seconded by Gilbert.

For the Record Councilor Pruette stated for the record that she enjoyed outdoor dining, but not on public property.

Councilor Shealy felt allowing sidewalk dining on the right-of-way would not benefit Town Center.

Motion: **TO ADOPT ORDINANCE NO. 2004-02 ON SECOND READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 3 – Gilbert, Weldon, Brown

Noes: 2 – Pruette, Shealy

MOTION CARRIED

Councilor Pruette quoted Section 4.5 of the Code of Ordinances. "It shall be unlawful for any person to consume any alcoholic beverage or to possess any alcoholic beverage in an open container while upon the Atlantic Ocean beach, public property such as streets and highways and other rights-of-ways." She felt this section of the code needed to be addressed.

Councilor Gilbert requested placing the subject on the workshop agenda to address and obtain a legal opinion from City Attorney White.

Ord. No. 2004-10

ORDINANCE NO. 2004-10, AMENDING THE OPERATING BUDGET, FIRST READ AND PUBLIC HEARING: AN ORDINANCE AMENDING THE OPERATING BUDGET FOR THE CITY OF NEPTUNE BEACH, FLORIDA FOR FISCAL YEAR 2004 BEGINNING OCTOBER 1, 2003 AND ENDING SEPTEMBER 30, 2004.

City Manager Jarboe explained the ordinance would amend the budget to allow expenditures for the menzi muck, regular salaries due to changes in city managers, and contributions to the Police Pension Fund.

Mayor Brown read Ordinance No. 2004-10 by title only and opened the public hearing.

There being no comments from the public the public hearing was closed.

Moved by Weldon, seconded by Shealy.

Motion: **TO PASS ORDINANCE NO. 2004-10 ON FIRST READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 5 – Gilbert, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

Ord. No. 2004-02

Councilor Weldon questioned the need to address the issue of Section 4.5 of the Code when City Attorney White had already reviewed and approved of the ordinance. He felt the process had been held up long enough.

City Manager Jarboe stated he would speak with the City Attorney the next day and provide the Council his opinion.

Vice Mayor Gilbert stated he would be satisfied with a letter or memo from the City Attorney.

City Clerk Volpe reminded the Council the development order for Sunny Caribbee still required approval. It was postponed until the ordinance was adopted.

Council Members questioned why the development order was not placed on this agenda.

Community Development Director Cleghorn stated the ordinance was not solely for Sunny Caribbee. This was only the beginning of the process to allow outdoor seating on the public right-of-way.

Councilor Weldon clarified the council was not working solely on behalf of Mr. Brocato. He asked City Manager Jarboe to tie up all the loose ends before the June regular meeting.

Mayor Brown questioned why the issue of the development order and the resolution had not been discussed in previous meetings.

City Manager Jarboe explained the development order could not be approved concurrently. The first step was to adopt the ordinance and the next step was to approve the development order. He added anytime there was a change to an original development order a new order was required.

Adjournment

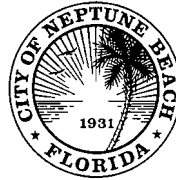
There being no further business, the meeting adjourned at 6:36 p.m.

Richard Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
WORKSHOP CITY COUNCIL MEETING
MAY 17, 2004, AT 7:20 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 May 17, 2004 at 7:20 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

Mayor Richard A. Brown
Vice Mayor James Gilbert
Councilor Harriet Pruette
Councilor Larry Shealy
Councilor John Weldon
City Attorney Christopher White
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

STAFF:

Public Safety Director William Brandt
Director of Finance Steve Ramsey
Director of Public Services Leon Smith
Deputy City Clerk Karla Strait, CMC

Call to Order/Roll Call Mayor Brown called the meeting to order at 7:20 p.m.

PRESENTATIONS

APPRECIATION PLAQUE PRESENTATIONS – LARRY DEAN, SAM BASS, AND JOAN HERMAN: Mayor Brown recognized and presented plaques to Officer Larry Dean for 30 years of service with the city, Officer Sam Bass for 25 years of service, and Joan Herman for 25 years of service.

ROUNDAABOUT PRESENTATION – MICHAEL WALLWORK, P.E., ALTERNATE STREET DESIGN, P.A.: Michael Wallwork, P.E., Alternate Street Design, gave a presentation on roundabouts verses traffic signals at intersections.

Discussion ensued regarding the placement of roundabouts on Penman Road at Florida Boulevard and Penman Road at Seagate Avenue.

City Manager Jarboe stated Florida Boulevard was a county road and would require cooperation from the City of Jacksonville.

Consensus: **SOLICIT A PROPOSAL FROM MR. WALLWORK FOR A FEASIBILITY**

STUDY.

Vice Mayor Gilbert requested the study include placement of a roundabout at Windward Lane and Florida Boulevard at the entrance of the Neptune Beach Elementary School.

AUDIT PRESENTATION – DUFRESNE & ASSOCIATES: Linda Defrasne, Defrasne & Associates, C.P.A., P.A., presented and reviewed the audit report.

LONG RANGE TRANSPORTATION PLAN PRESENTATION – FIRST COAST METROPOLITAN PLANNING ORGANIZATION: Denise Bunnewith gave a presentation on the Metropolitan Planning Organization's long-range transportation plan that would be completed in December of 2004. She encouraged the public to attend the workshops and provide opinions.

KINGS ROAD BRIDGE PRESENTATION – G.A.I. CONSULTANTS: Ronald Hooglan, P.E., Project Manager, G.A.I. Consultants, presented a design for the Kings Road bridge. The design was for a 12' travel lane and a sidewalk with pedestrian railing separated from the travel lane by a barrier rail. He explained how the bridge would be constructed and the materials that would be used.

Councilor Shealy stated the sidewalk would provoke children to fish off of the bridge. He felt this would be a safety concern because when the tide went down they would want to fish from the other side where there was no sidewalk. He suggested maybe placing a sidewalk on both sides.

City Manager Jarboe stated it would cost an additional \$50,000 to add a sidewalk on the west side. He was concerned about the rising cost of materials

Vice Mayor Gilbert felt the sidewalk would encourage people to gather and fish and he did not see that as an asset to the community.

Mayor Brown stated there would be activity on the bridge with or without the sidewalk.

Councilor Weldon felt the bridge should be rebuilt to accommodate vehicles, bicyclist, and pedestrians. He felt eliminating the sidewalk would be a disservice to the community.

Discussion continued regarding the size of the bridge and the need for a sidewalk.

Mr. Hooglan suggested painting bicycle lanes on both sides with the traffic lane in the middle. The bicycle lanes would allow pedestrians and cyclist to safely use the bridge.

City Manager Jarboe asked what the total construction cost would be for the bridge. Mr. Hooglan estimated the cost of the bridge to be around \$325,000.

Consensus: **TO DESIGN A 24 FOOT WIDE BRIDGE WITH A 12' TRAVEL LANE AND 4' PAINTED BICYCLE LANES ON EACH SIDE.**

Recess/Reconvene

Mayor Brown called for a recess at 9:35 p.m. and reconvened the meeting at 9:45 p.m.

City Clerk Volpe reminded the Council of the Land Development Regulations Review meeting on Monday, May 24, 2004 at 6:00 p.m.

COMMITTEE REPORTS / NONE**CITY MANAGERS ACTION LIST**

City Manager Jarboe asked the Council to phone him if they had any questions regarding the City Manager's Action List.

PUBLIC COMMENTS

David Cole, 1500 Penman Road, was concerned about the point of reference for the height limit due to hurricane regulations set by the Department of Environmental Protection.

Steve Jarrett, 36 Seawood Drive, Jacksonville Beach, felt 2-way pedestrian traffic was not necessary on the new Kings Road bridge and eliminating one could save the city \$60,000. He was concerned about regulations set by the St. Johns River Water Management District and the Department of Environmental Regulations and recommended the finished floor begin 1 foot above an approved site plan.

Daryl Grubbs, 1919 Nightfall Lane, felt the referendum raising the height limit was not necessary and needed more research. He agreed there was an issue with children fishing off of the Kings Road bridge.

Christine Chin, 227A Margaret Street, felt the referendum needed to be clear on the point of reference.

PROPOSED ORDINANCES

Ord. No. 2004-06

ORDINANCE NO. 2004-06 – BUILDING HEIGHT REFERENDUM: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, CALLING FOR A REFERENDUM TO AMEND THE CHARTER TO CREATE A NEW SECTION 4.07 TO LIMIT THE HEIGHT OF ALL BUILDING STRUCTURES IN THE CITY OF NEPTUNE BEACH TO THIRTY-FIVE FEET; AND ESTABLISHING AN EFFECTIVE DATE.

Mayor Brown asked if the proposal before the council was the language that would be on the ballot.

City Manager Jarboe suggested the following proposal:

Height Limit
Referendum

Section 4.07 Building Height Limitation Set by Referendum., no building that exceeds 35 feet shall be permitted in the City.

- a) *Purpose.* To protect the public health, safety, general welfare and aesthetics.
- b) *Point of Reference.* The height of a building will be determined by using the average natural grade of that portion of the property that is to be built upon.
- c) *Damaged Buildings over 35 feet.* Such buildings may be built back to their original height.
- d) *Exceptions:* 1. Non-residential buildings may be allowed an additional five-feet for uses such as air conditioners, solar cells, elevators and parking. 2) Antennas, flagpoles, spires, water towers not intended for human occupation may exceed the height limit.
- e) *Lower Height Limits.* City Council may impose lower height limits in individual zoning districts.

BALLOT TITLE: Adding Section 4.07 Building Height Limitation to the Neptune Beach City Charter.

BALLOT SUMMARY: Adding Section 4.07 Building Height Limitation to the Neptune Beach Charter limiting the height of new and remodeled buildings to 35 feet; providing height definitions and exclusions; allowing for a provision for damaged buildings to be rebuilt to their existing height, the City Council may impose lower height limits in individual zoning districts.

City Manager Jarboe explained the proposal outlined the language that could be placed on the ballot. Section 4.07 Building Height would be the language actually added to the Charter if the referendum was approved. The Ballot Title was limited to no more than 15 words and the Ballot Summary was limited to 75 words.

Mayor Brown stated at the last discussion it was suggested that the easiest way to describe the referendum to the public would be for residential buildings only.

Councilor Weldon stated there was a misconception that the language on the referendum was limited. It was since learned that you could actually write an ordinance in more detail as long as the ballot summary clearly reflected the changes to the Charter. He felt both commercial and residential structures needed to be addressed in the referendum. He felt a) was okay, b) could be saved for later discussion, c) okay, d) change "non-residential" to "commercial". He felt if Council agreed with the proposal with the grammar changes, they only needed to decide the point of reference.

City Manager Jarboe added for consideration: b) or development required grade for drainage or coastal setback requirements.

Vice Mayor Gilbert felt if state agencies dictated a certain grade then that should be the point of reference and lots not requiring state agency approval needed to be in line with the neighboring existing homes.

Mayor Brown suggested identifying the point of reference in ordinance form instead of putting it in the Charter.

Vice Mayor Gilbert questioned if the entire proposal from City Manager Jarboe including; Section 4.07, Ballot Title, and Ballot Summary would be on the ballot.

City Clerk Volpe replied she would inquire with Supervisor of Elections Office.

Discussion ensued regarding point of reference.

Councilor Pruette suggested the issue of point of reference be discussed Monday, May 24, 2004 before the Land Development meeting.

Councilor Weldon agreed to forward the discussion to Monday, May 24, 2004, adding that he would like to change the following: c) to read "rebuilt to their original height, d) 1. to read "commercial buildings allowed an additional 5 feet" as opposed to non-residential, and d) 2. to replace the word "spires" with "antennas, flagpoles, church steeples, and water towers not intended for human occupation.

City Manager Jarboe stated he would be concerned about discrimination if it read only church steeples because other commercial buildings may want to erect steeples.

Councilor Weldon agreed to take out the word "church" leaving " steeples."

Councilor Weldon stated the last change he would like to change the last sentence of the Ballot Summary to read: "providing height definitions and exclusions: allowing for provisions for damaged buildings to be rebuilt to their existing height and authorizing City Council to impose lower height limits in individual zoning districts.

Consensus: **TO DISCUSS THE POINT OF REFERENCE ON THE 35' HEIGHT LIMITATION BEFORE THE LAND DEVELOPMENT MEETING ON MAY 24, 2004 AT 6:00 P.M.**

Ord. No. 2004-08

ORDINANCE NO. 2004-08 – FIREWORKS: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING THE EXISTING CHAPTER 14 OFFENSES; BY CREATING A NEW SECTION 14.9, "REGULATION OF FIREWORKS;" SETTING FORTH REGULATIONS FOR THE POSSESSION OF FIREWORKS; PROVIDING PENALTIES; PROVIDING FOR CONFLICTING ORDINANCES; SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Vice Mayor Gilbert felt the ordinance did not go through the proper channels for first read and requested this ordinance be deferred to the June workshop meeting.

Consensus: **TO DEFER ORDINANCE NO. 2004-08 TO THE JUNE WORKSHOP MEETING.**

CONTRACTS / AGREEMENTS / NONE

ISSUE DEVELOPMENT / NONE

Adjournment

There being no further business, the meeting adjourned at 10:45 p.m.

Attest:

Richard A. Brown, Mayor

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
SPECIAL CITY COUNCIL MEETING
MAY 17, 2004 AT 6:30 P.M.
CITY HALL, 116 FIRST STREET
NEPTUNE BEACH, FLORIDA

Pursuant to proper notice a Special Meeting of the City Council of the City of Neptune Beach was held May 17, 2004, at 6:30 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

Mayor Richard A. Brown
Vice Mayor James Gilbert
Councilor Harriet Pruette
Councilor Larry Shealy
Councilor John Weldon
City Attorney Christopher White
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

STAFF:

Director of Public Safety William Brandt
Director of Finance Steve Ramsey
Director of Public Services Leon Smith
Assistant to the Building Official Piper Turner
Deputy City Clerk Karla Strait, CMC

Order Call

Mayor Brown called the special meeting to order at 6:30 p.m. and announced the purpose of the meeting was to vote on the Development Order for Sunny Caribbee and Resolution No. 2004-11.

Sunny Caribbee
100 First St.

DEVELOPMENT ORDER – SUNNY CARIBBEE – 100 FIRST STREET: City Manager Jarboe explained the Planning & Development Review Board denied recommending approval of the development order because there were no provisions in the Code that allowed for outdoor seating on public right-of-ways. The development order was postponed until Ordinance No. 2004-02 was adopted and a vote was now in order.

Moved by Gilbert, seconded by Weldon.

Motion: **TO APPROVE THE DEVELOPMENT ORDER FOR SUNNY CARIBBEE.**

City Manager Jarboe suggested including in the motion that the development order would be contingent on the conditions of the lease agreement

Moved by Weldon, seconded by Gilbert.

Friendly **APPROVAL OF THE DEVELOPMENT ORDER WILL BE CONTINGENT**

Amendment **ON THE CONDITIONS OF THE LEASE AGREEMENT.**

Roll Call Vote:

Ayes: 3 – Gilbert, Weldon, Brown

Noes: 2 – Pruette, Shealy

MOTION CARRIED

Res. No. 2004-11

RESOLUTION NO. 2004-11 – LEASE FOR PUBLIC RIGHT-OF-WAYS: A RESOLUTION OF THE CITY OF NEPTUNE BEACH, FLORIDA AUTHORIZING THE LEASE AGREEMENT BETWEEN THE CITY OF NEPTUNE BEACH AND SUNNY CARIBBEE.

Moved by Weldon, seconded by Gilbert.

Motion: **TO APPROVE RESOLUTION NO. 2004-11, BASED ON A RENTAL LEASE RATE OF \$10.05 PER SQUARE FOOT @ 433.5 SQUARE FEET.**

Councilor Pruette suggested making the following changes to the lease:

- Changing the trial period from one year to six months.
- Require Mr. Brocato to be responsible for replacing and maintaining trash receptacles.
- The entrance into the outdoor dining area would be through the restaurant only.
- Glass containers would not be allowed in the outdoor seating area.
- Mr. Brocato would be required to remove and replace the personalized bricks upon owner request and replace them if damaged during the move.

Councilor Weldon asked Mr. Brocato how he felt about those conditions. Mr. Brocato replied he would be happy to remove and relocate bricks upon request and would replace them if they were damaged during the move. He would be responsible for the trash receptacles and would immediately remove any broken glass from the outdoor seating area.

Councilor Weldon stated the trial period had previously been discussed and determined and the Ordinance stated Council had the right to revoke the lease at any time.

Vice Mayor Gilbert stated the lease required that all dining or other activities cease no later than 10:00 p.m. He questioned if that meant the area was to be cleared of patrons at 10:00 p.m. or if 10:00 p.m. would be the latest to seat patrons. Mr. Brocato replied the average table of four usually dined forty five minutes and he would have to stop seating patrons outdoors at 9:15 p.m.

Councilor Shealy also felt one year was too long for a trial period.

Councilor Weldon stated he would not object to a six or eight month trial period.

Mr. Brocato stated he was in the process of committing to guests during the super bowl and it was important that he have the space available. He would also have to commit to manpower and could not do that if he was limited.

Roll Call Vote:

Ayes: 3 – Gilbert, Weldon, Brown

Noes: 2 – Pruette, Shealy

MOTION CARRIED

Adjournment

There being no further business, the meeting adjourned at 7:04 p.m.

Richard Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
WORKSHOP CITY COUNCIL MEETING
LAND DEVELOPMENT REGULATIONS
MAY 24, 2004 AT 6:00 P.M.
CITY HALL, 116 FIRST STREET
NEPTUNE BEACH, FLORIDA

Pursuant to proper notice a Special Workshop Meeting of the City Council of the City of Neptune Beach was held May 24, 2004, at 6:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

Mayor Richard A. Brown
Vice Mayor James Gilbert
Councilor Harriet Pruette
Councilor Larry Shealy
Councilor John Weldon
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

ABSENT:

City Attorney Christopher White

STAFF:

Director of Community Development Jason Cleghorn
Assistant to the Building Official Piper Turner

Call to Order/Roll Call

The Mayor called the meeting to order at 6:08 p.m.

Height Referendum

Mayor Brown stated the first item to discuss was the Height Referendum.

City Manager Jarboe explained at the last meeting there was discussion as to what the point of reference was. The staff's recommendation for the point of reference was within the packet. He read it aloud, "The Point of Reference for determining the height of a building shall be of one foot above the crown of the road in front of the propose building or the average of the natural existing grade. The point of reference for determining the height of a commercial building affected by the Coastal Construction Control Line will be the minimum elevation required for habitable space required by Florida Administrative Code."

Councilor Weldon stated he was happy with it except the conflict of natural grade or crown of the road. After some discussion it was suggested adding "the greater of". He also explained the second line had an effect on all of the commercial area. Council discussed the effect of this line, which would make some commercial buildings slightly higher.

City Clerk Volpe stated the elections office confirmed that the code language, ballot title

and ballot summary could all be included on the ballot. Council asked if the code language could be left out to avoid confusion. Ms. Volpe commented she would find out.

Councilor Weldon pointed three typo's 1) in c "back" needed to be deleted and "building" needed to be directly after "damaged" 2) in d add "and" after steeples and change "occupation" to "occupancy".

City Manager Jarboe stated once the changes were made it would be sent out for the council to look at. The city could send out information about the referendum instead of the newsletter before election.

Consensus **TO INSERT THE NEW WORDING INTO THE ORDINANCE.**

: ***Section 4.06 Building Height Limitation Set by Referendum., no building that exceeds 35 feet shall be permitted in the City.***

- (a) *Purpose. To protect the public health, safety, general welfare and aesthetics.*
- (b) *Point of Reference. The Point of Reference for determining the height of a building shall be the greater of one foot above the crown of the road in front of the propose building or the average of the natural existing grade. The point of reference for determining the height of a commercial building affected by the Coastal Construction Control Line will be the minimum elevation required for habitable space required by Florida Administrative Code.*
- (c) *Damaged Buildings over 35 feet. Such buildings maybe rebuilt back to their original height.*
- (d) *Exceptions. 1. Non-residential buildings maybe allowed an additional five-feet
for uses such as air conditioners, solar cells,
elevators and parking.
2. Antennas, flagpoles, steeples, and water towers
not intended for
human occupancy may exceed the height limit.*
- (e) *Lower Height Limits. City Council may impose lower height limits in individual zoning districts.*

BALLOT TITLE: Adding Section 4.07 Building Height Limitation to the Neptune Beach City Charter.

BALLOT SUMMARY: Adding Section 4.07 Building Height Limitation to the Neptune Beach Charter limiting the height of new and remodeled buildings to 35 feet; providing height definitions and exclusions; allowing for a provision for damaged buildings to be rebuilt to their existing height, and authorizing the City Council to impose lower height limits in individual zoning districts.

Land Development

LAND DEVELOPMENT REGULATIONS GROUP 1 & 2: City Manager Jarboe explained Table 27-226-1 needed to be reviewed to finish Land Use.

Table 27-226-1

He stated mall type retail space needed to be discussed since the issue has come up in the city recently. After some discussion, Vice Mayor Gilbert recommended doing it by exception. City Manager Jarboe stated the problem is that it is not mentioned at all in the table and therefore a problem. It causes problems with the building official and code enforcement and occupational licensing. It is labor intensive for a small staff. The council will hear the mall issue in Scotty's at the June regular meeting. Planning Development and Review Board passed the Scotty's development order with some exceptions.

Consensus: **TO ADD MALL TYPE RETAIL SPACE BY EXCEPTION IN C1, C2, AND C3.**

Community Development Director Cleghorn asked if an entire new line item under retail needed to be added. Council said yes. Mr. Cleghorn would research the correct name for this type of establishment.

Vice Mayor Gilbert asked about worship facility not being permitted where social fraternal club and lodge was permitted. It should be all or none to avoid discrimination. Gilbert suggested not allowing any in commercial zone. Discussion ensued over what to allow. City Manager Jarboe and Community Development Director Cleghorn suggested allowing all by exception in commercial. Councilor Weldon suggested only allowing all in residential by exception.

Consensus: **TO ALLOW WORSHIP FACILITY IN ALL DISTRICTS BY EXCEPTION AND MAKE FRATERNITY/SOCIAL CLUBS BY EXCEPTION BUT NOT PERMITTED IN ALL COMMERCIAL ZONES.**

Vice Mayor Gilbert asked why building height pages were included in the packet. Mr. Cleghorn asked if building height definition in the text of the code had to be changed to match the upcoming referendum definitions.

Consensus: **TO CHANGE THE CODE TO MATCH THE REFERENDUM.**

Councilor Pruette asked if we should define POD's. Community Development Director Cleghorn said he would add that to the definitions as well as in Article V. Discussion ensued over how long they should be allowed. Vice Mayor Gilbert said limit to 30 days unless on the building permit.

Councilor Pruette mentioned a "horse trailer" on Myra Street. Assistant to the Building Official Piper Turner said it would be taken away by June 7th. Mr. Cleghorn said he would look into it.

Article V

Community Development Director Cleghorn started with page one of Article V Accessory Structures and Uses.

Councilor Pruette asked about temporary carports and also other temporary structures. Mr. Cleghorn stated he would look into it.

In Section 27-328(a) (2) (c), Vice Mayor Gilbert stated there are already a lot of houses that do not have 10 feet to install air conditioner units. Discussion ensued about this. Mr. Cleghorn stated he needed to change 5 foot fence to 4 feet in Section 27-328(a) (2)(c)(2) so the fence does not have to be solid.

Consensus: **TO LEAVE 2C ABOUT AIR CONDITIONING COMPRESSORS AS IS AND TO CHANGE THE FENCE HEIGHT TO FOUR FEET.**

Mr. Cleghorn pointed out Section 27-330 (a) (3) Any fence should be not be more than seventy-five (75) percent solid. Vice Mayor Gilbert opposed regulating the type of fence. Councilor Pruette preferred shadow box east of Third Street for any type of breeze. Councilor Weldon agreed with her. Vice Mayor Gilbert suggested doing it by zone. Discussion ensued. Mr. Cleghorn suggested to have any fence over 6 foot not be solid or to add except in R4 district.

Vice Mayor Gilbert asked why an overlay district east of Third Street could not be made. Mr. Cleghorn stated this would take a lot of research and may want to pass the Land Development Regulations and then look into this.

Consensus: **TO COME BACK TO THE FENCE ISSUE AT A FUTURE MEETING.**

City Manager Jarboe pointed out Section 27 (330)(c) needs to be updated for the ordinance we just passed.

Fred Catter, a Neptune Beach resident, emailed asking that real estate brokers be added to home occupations. Mr. Cleghorn stated the trade is governed by state law, where they are required to have a sign at their place of business. This would be a problem in the city's code, which prohibits external signs for home occupations. Also home occupations should not have additional traffic. The council discussed this idea. Mr. Cleghorn recommended to leave it as is. Councilor Weldon agreed with him.

Discussion ensued about different occupations allowed at home.

Consensus: **TO KEEP REAL ESTATE AGENT AND BROKER LICENSE ISSUE AS IS IN THE CURRENT DRAFT.**

City Manager Jarboe questioned contractor storage.

Recess/Reconvene Mayor Brown called a recess at 7:15 p.m. and reconvened the meeting at 7:30 p.m.

Kings Road Bridge Councilor Weldon asked if the public could speak about the Kings Road Bridge.

Ron Powell, 1830 Nightfall Drive, had concerns about the bridge design with no railings between vehicle traffic and pedestrians. He would like to see an area designated for pedestrians which provides safety.

Roger Bennett, 1875 Nightfall Drive, had concerns about the bridge design having no railings between vehicle traffic and pedestrians.

James Wetzel, 1821 Indian Woods Drive, have lived there a long time, consider change add sidewalk on west side and speed should take into consideration

Reeny Grider, 1870 Nightfall Drive, has seen area grow, there is a lot of kids going over bridge and should have safe sidewalk.

Sue Connelly, 1864 Nightfall Drive, voiced support for better safety conditions on bridge.

Steve Jarrett, Jacksonville Beach, questioned what the safety issue was.

Councilor Weldon thanked council for allowing them to speak. Councilor Pruette agreed.. City Manager Jarboe stated the changes must be made soon. Discussion about bridge ensued.

Consensus: **SET A WORKSHOP AT 6:30 P.M. ON JUNE 7, 2002 BEFORE THE REGULAR MEETING.**

Mr. Cleghorn stated he would have to look into Section 27-333. He did not know why the consultant put it in. It could be discussed at the next meeting.

Article XIII Cleghorn moved on to Article XIII Off Street Parking and Loading.

Councilor Pruette suggested adding building official to Section 27-540(d). Mr. Cleghorn stated that was ok.

Consensus: **TO ADD BUILDING OFFICIAL TO SECTION 27-540(d).**

Community Development Director Cleghorn added Section 27-542 Bicycle parking requirements. He felt it was a good idea that came out of the Town Center Parking Committee for the CDB. Vice Mayor Gilbert stated it should not be the responsibility of the storeowner to provide surveillance equipment.

Consensus: **TO TAKE OUT SURVEILLANCE.**

Mr. Cleghorn explained Section 27-543. In some conditions it was impossible to conform to the parking requirements. He had added Section 27-545(b)(2) where owners could add landscaping if parking requirements were deferred. Mayor Brown did not see the reason for this. Mr. Cleghorn stated he could make it a suggestion instead of a mandatory rule.

Weldon asked to take out "thru the input of Community Development Director" since this was inferred.

Consensus: **CHANGE THE LANDSCAPING PLAN FOR DEFERRED PARKING AREA FROM "SHALL" TO "MAY" AND TAKE OUT "THRU THE INPUT OF THE COMMUNITY DEVELOPMENT DIRECTOR".**

Councilor Pruette questioned Section 27-548(h) about drainage. Discussion ensued.

Community Development Director Jason Cleghorn stated he and Sonya Doring of Atlantic Beach would get together in the future to establish some guidelines for the two cities to be in common. As it was now there was not much difference.

Councilor Pruette questioned Section 27-540-1 table that only asked for 2 spaces for single-family homes. Most families have more than to 2 vehicles. Councilor Weldon disagreed because the city should not encourage over paving. Vice Mayor Gilbert suggested the lots are not big enough to ask for more parking. Discussion ensued.

Article XVIII

Mr. Cleghorn moved on to Article XVIII Nonconforming lots, structures, uses and signs.

He stated he did not make many changes to this article. Section 27-707 needed to be changed to comply with the new sign ordinance.

Councilor Pruette asked Mr. Cleghorn to explain Section 27-705(b) Terminating nonconforming development. Mr. Cleghorn stated there was a lot of discussion on Section 27-706 (b), but it still works as written.

Assistant to the Building Official Piper Turner stated the building official asked how far is substantially taken down voluntarily, what is remodel and what is rebuild. Is it 50% or one wall or what is the determination? Discussion ensued.

Adjournment

There being no further business, the meeting adjourned at 9:20 p.m.

ATTEST:

Richard A. Brown, Mayor

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
WORKSHOP CITY COUNCIL MEETING
GOAL SETTING
APRIL 3, 2004 AT 9:00 A.M.
CITY HALL, 116 FIRST STREET
NEPTUNE BEACH, FLORIDA

Pursuant to proper notice a Special Workshop Meeting of the City Council of the City of Neptune Beach was held April 3, 2004, at 9:00 a.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

Mayor Richard A. Brown
Vice Mayor James Gilbert
Councilor Harriet Pruette
Councilor Larry Shealy
Councilor John Weldon
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

STAFF:

Director of Public Safety Director William Brandt
Director of Public Service Leon Smith
Director of Finance Steve Ramsey

Call to Order/Roll Call

The Mayor called the meeting to order at 9:00 a.m.

City Manager Jim Jarboe introduced Marilyn Crotty from the Institute of Government at the University of Central Florida.

Ms. Crotty lead the city council and staff through team building and goal setting exercise. The following goals were decided upon for the city to work on in the next year:

First tier:

Growth management:

- * Rewrite land use code
- * Height limitation referendum
- * City wide landscape plan

Infrastructure:

- * Develop a five-year priority plan for the following infrastructure- water, sewer, stormwater, streets and bike path.

Economic Development:

- * Staff to develop an ordinance/resolution to establish a citizen committee for commercial economic development.

Fiscal:

- * Develop and adopt a five year capital improvement plan

Streamline government:

- * Review citizen advisory board; adopt policy for appointment and evaluation.

Second tier:

Infrastructure:

- * City should provide necessary infrastructure in Prado Ferrer area.

Stream line government:

- * Update charter

Internal and external communication:

- * Develop and implement council protocol
- * Establish a public information program for the city

Ms. Crotty stated she would forward a full and complete report for the session within the next couple of weeks.

Adjournment

There being no further business, the meeting adjourned at 3:30 p.m.

ATTEST:

Richard A. Brown, Mayor

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
REGULAR CITY COUNCIL MEETING
APRIL 5, 2004, 7:00 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 April 5, 2004, at 7:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

Mayor Richard A. Brown
Vice Mayor James Gilbert
Councilor Harriet Pruette
Councilor Larry Shealy
City Attorney Christopher White
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

ABSENT:

Councilor John Weldon

STAFF:

Detective Master Sergeant Tony Carrillo
Director of Community Development Jason Cleghorn
Assistant to the City Manager Terry Klein
Director of Finance Steve Ramsey
Director of Public Services Leon Smith
Deputy City Clerk Karla Strait, CMC

Order Call/Pledge

Mayor Brown called the meeting to order at 7:00 p.m. and led the pledge of allegiance.

AWARDS / PRESENTATIONS / RECOGNITION OF GUESTS

Paul Dawson, representative for Risk Management, presented a plaque to the City in recognition of outstanding safety performance related to workers compensation insurance.

Mayor Brown presented a certificate to City Clerk Lisa Volpe in recognition of her advancement into the first level of the Master Municipal Clerk Academy.

APPROVAL OF MINUTES

Motion: **TO APPROVE THE FOLLOWING MINUTES:**
FEBRUARY 23, 2004, WORKSHOP CITY COUNCIL MEETING
MARCH 1, 2004, REGULAR CITY COUNCIL MEETING
MARCH 8, 2004, LAND DEVELOPMENT CITY COUNCIL MEETING
MARCH 22, 2004, SPECIAL CITY COUNCIL MEETING
MARCH 22, 2004, WORKSHOP CITY COUNCIL MEETING

MARCH 29, 2004, LAND DEVELOPMENT CITY COUNCIL MEETING

Moved by Gilbert, seconded by Pruette.

Roll Call Vote:

Ayes: 4 – Gilbert, Pruette, Shealy, Brown

Noes: 0

MOTION CARRIED

Res. No. 2004-07

RESOLUTION NO. 2004-07: A RESOLUTION APPOINTING BOARD MEMBERS TO THE CODE ENFORCEMENT BOARD.

Moved by Gilbert, seconded by Pruette.

Motion: **TO APPROVE RESOLUTION NO. 2004-07.**

Roll Call Vote:

Ayes: 4 – Gilbert, Pruette, Shealy, Brown

Noes: 0

MOTION CARRIED**COMMUNICATIONS AND CORRESPONDENCE**

Mayor Brown thanked the volunteers for their efforts in the success of "Sunday in the Park".

Councilor Pruette thanked the volunteers for their efforts in "Sunday in the Park" and thanked staff for their involvement in the Goal Setting Workshop.

Vice Mayor Gilbert introduced local artist Gary Mack and thanked him for his donation of artwork as a door prize at the Northeast Florida League of Cities monthly dinner meeting.

City Manager Jarboe thanked council members and staff for attending the goal setting workshop meeting.

CITY MANAGER REPORTS

City Manager Jarboe gave each council member a copy of his project status report. The report included sixteen projects, the responsible department, and the status of each project.

MENZI MUCK DEMONSTRATION: A demonstration of the Menzi Muck would be conducted April 6, 2004 at 1:30 p.m. at the corner of Third Street and Bay Street.

LIFT STATION ON FIRST STREET: The landscaping of the lift station on First Street had been completed and a tap was to be installed.

SUMMER SANDS ENTRANCE: A turn lane for the Summer Sands entrance on Ish Brant Boulevard was to begin construction on April 7, 2004.

City Manager Jarboe asked if there were any questions from the council regarding the project report.

TOWN CENTER PARKING SPOT PAVING: Councilor Pruette asked if the parking spot paving of Town Center would include an area for motorcycles. Mr. Jarboe replied motorcycle parking was not included in the plan but he would look into it.

PUBLIC SERVICES FACILITY: City Manager Jarboe added there would be a ribbon cutting ceremony for the new Public Services Facility in approximately eight weeks.

PUBLIC COMMENTS / NONE

CONSENT AGENDA / NONE

VARIANCES / NONE

ORDINANCES

Ord. No. 2004-01

ORDINANCE NO. 2004-01 – AMENDING CHAPTER 27, ARTICLE XV, ADVERTISING, SECOND READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING THE EXISTING CHAPTER 27, ARTICLE XV ADVERTISING, AMENDING SEC. 27-575 PURPOSE AND INTENT, SEC. 27-576 DEFINITIONS, SEC. 27-577 MAINTENANCE OF SIGNS, SEC. 27-580 EXEMPTIONS, SEC. 27-581 PROHIBITED SIGNS, SEC. 27-582 SIGN AREA COMPUTATION, SEC. 27-583 PERMITTED TEMPORARY SIGNS, SEC. 27-584 GROUND SIGNS, SEC. 27-586 ENTRANCE SIGNS FOR SUBDIVISIONS AND MULTIFAMILY DEVELOPMENTS, SEC. 27-589 PLACEMENT STANDARDS, SEC. 27-591 DESIGN STANDARDS, SEC. 27-592 NONCONFORMING SIGNS, SEC. 27-593 VIOLATION CONSTITUTE NUISANCE; ABATEMENT, DELETING SEC. 27-585 BUILDING SIGNS AND ADDING SEC. 27-585A BUILDING SIGNS, SEC. 27-585B UNIFIED SIGNS PLAN, SEC. 27-585C SIGNS WITHIN PLANNED UNIT DEVELOPMENT (PUD) ZONING DISTRICTS, SEC. 27-585D SIGNS WITHIN CONSERVATIONS (CON) ZONING DISTRICTS AND PROVIDING AN EFFECTIVE DATE.

Mayor Brown read Ordinance No. 2004-01 by title only and opened the public hearing.

There being no comments from the public the public hearing was closed.

Moved by Pruette, seconded by Shealy.

Motion: **TO ADOPT ORDINANCE NO. 2004-01 ON SECOND READ AND PUBLIC HEARING AS AMENDED.**

Roll Call Vote:

Ayes: 4 – Gilbert, Pruette, Shealy, Brown

Noes: 0

MOTION CARRIED

Ord. No. 2004-02

ORDINANCE NO. 2004-02 – AMENDING CHAPTER 27, SECTION 27-479, SIDEWALKS AND BIKEWAYS, SECOND READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING THE EXISTING CHAPTER 27, SECTION 27-479 SIDEWALKS AND BIKEWAYS AND PROVIDING AN EFFECTIVE DATE.

Mayor Brown requested action be deferred on Ordinance No. 2004-02 until a full Council was present.

Vice Mayor Gilbert stated Atlantic Beach Commissioners had contacted him regarding conditions of the ordinance. They were concerned as to how the ordinance would impact Atlantic Beach. He asked to forward the ordinance to the workshop meeting for further discussion.

City Attorney White stated the public hearing was advertised for the ordinance and should not be dismissed. He advised the Council to listen to the public comments and then decide what action they wanted to take.

Mayor Brown read Ordinance No. 2004-02 by title only and opened the public hearing.

Joanne Hoffman, 130 Sand Castle Way, opposed Ordinance No. 2004-02. She was concerned about smoking, drinking, and bad language.

Gary Mack, 315 Plaza, Atlantic Beach, supported Ordinance No. 2004-02. He felt outdoor seating would be an asset to the community.

Steven Orr, 371 Fourth Street, supported Ordinance No. 2004-02.

Jay Starr, 683 Sturdivant Avenue, supported Ordinance No. 2004-02.

Bill Darush, 304 Sunrise Circle, opposed the Ordinance. He felt public property should not be leased for the purpose of serving food and alcoholic beverages. He was also concerned about sidewalk congestion.

David Baker, 1102 First Street, opposed the Ordinance. He questioned how many other restaurants would qualify under the conditions. He was also concerned there would be problems with parking and drinking.

Mary Ann Padrta, 1030 Second Street, opposed the Ordinance. She suggested a referendum to allow the citizens to vote on whether or not public property should be leased to restaurants for outdoor seating. She was concerned about smoking, drinking and parking.

Christine Chin, 227 Margaret Street, favored the Ordinance with the condition that the city would monitor the area and withdraw the lease agreement if there were persistent problems.

There being no further comments from the public the public hearing was closed.

Moved by Pruette, seconded by Gilbert.

Motion: **TO DEFER ORDINANCE NO. 2004-02 FOR ACTION TO THE MAY REGULAR CITY COUNCIL MEETING AND TO PUT IT ON THE NEXT WORKSHOP AGENDA.**

Roll Call Vote:

Ayes: 4 – Gilbert, Pruette, Shealy, Brown

Noes: 0

MOTION CARRIED

Ord. No. 2004-03

ORDINANCE NO. 2004-03, AMENDING AND REWORDING SECTION 27-377, SECOND READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING AND REWORDING SECTION 2-377 AND ADDING NEW SUBSECTIONS AND PROVIDING AN EFFECTIVE DATE.

City Manager Jarboe explained this Ordinance would formalize purchasing procedures and allow the city to piggyback on existing government contracts.

Mayor Brown read Ordinance No. 2004-03 by title only and opened the public hearing.

There being no comments from the public the public hearing was closed.

Moved by Shealy, seconded by Gilbert.

Motion: **TO ADOPT ORDINANCE NO. 2004-03 ON SECOND READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 4 – Gilbert, Pruette, Shealy, Brown

Noes: 0

MOTION CARRIED

Ord. No. 2004-04

ORDINANCE NO. 2004-04, AMENDING CHAPTER 27, SECTION 27-330, FENCES, WALLS AND HEDGES, SECOND READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING THE EXISTING CHAPTER 27, SECTION 27-330 FENCES, WALLS AND HEDGES AND PROVIDING AN EFFECTIVE DATE.

City Manager Jarboe explained this Ordinance would allow the city to install safety fences around public facilities.

Mayor Brown read Ordinance No. 2004-04 by title only and opened the public hearing.

There being no comments from the public the public hearing was closed.

Moved by Gilbert, seconded by Pruette.

Motion: **TO ADOPT ORDINANCE NO. 2004-04 ON SECOND READ AND PUBLIC HEARING AS AMENDED.**

Roll Call Vote:

Ayes: 4 – Gilbert, Pruette, Shealy, Brown

Noes: 0

MOTION CARRIED

Ord. No. 2004-05

ORDINANCE NO. 2004-05, AMENDING CHAPTER 2, ADDING SECTION 2-363, FIRST READ: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING THE EXISTING CHAPTER 2, ADDING SECTION 2-363 TRANSFER OF APPROPRIATIONS AND PROVIDING AN EFFECTIVE DATE.

City Manager Jarboe explained transfers of appropriations have traditionally been done and this would put those transfers in Ordinance form.

Vice Mayor Gilbert agreed to sponsor Ordinance No. 2004-05.

Moved by Gilbert, seconded by Pruette.

Motion: **TO PASS ORDINANCE NO. 2004-05 ON FIRST READ.**

Roll Call Vote:

Ayes: 4 – Gilbert, Pruette, Shealy, Brown

Noes: 0

MOTION CARRIED

OLD BUSINESS / NONE

NEW BUSINESS

Verizon

VERIZON WIRELESS CONTRACT: City Attorney Chris White stated he was still waiting for additional documents for the contract. He recommended deferring approval of the contract until the additional documentation was received.

PBS&J

PBS&J CONTRACT APPROVAL FOR DRAINAGE DESIGN: City Manager Jarboe explained approval of the PBS&J contract for professional engineering services would allow the drainage design of First Street to move forward.

Moved by Gilbert, seconded by Pruette.

Motion: **TO APPROVE THE PBS&J CONTRACT FOR DRAINAGE DESIGN.**

Roll Call Vote:

Ayes: 4 – Gilbert, Pruette, Shealy, Brown

Noes: 0

MOTION CARRIED

Street Paving

APPROVAL OF CONTRACT FOR ATLANTIC COAST ASPHALT COMPANY FOR STREET PAVING: City Manager Jarboe explained the contract was a piggyback off the City of Jacksonville's contract for asphalt paving. The contract was 50% less than market and would allow the city to pave more streets than originally planned. The estimated cost to pave the whole city was \$450,000 and included the speed humps.

Moved by Gilbert, seconded by Shealy.

Motion: **TO APPROVE THE CONTRACT FOR ATLANTIC COAST ASPHALT COMPANY.**

Roll Call Vote:

Ayes: 4 – Gilbert, Pruette, Shealy, Brown

Noes: 0

MOTION CARRIED

Hickory Marsh

APPROVAL OF PLATTING HICKORY MARSH SUBDIVISION: Community Development Director Jason Cleghorn explained Hickory Marsh was a five-lot subdivision in a cul-de-sac off of Forest Avenue. The developer would be required to install either a fence or a wall along the Penman Road portion. The plat met all Code requirements.

Moved by Shealy, seconded by Gilbert.

Motion: **TO APPROVE THE PLATTING OF HICKORY MARSH SUBDIVISION.**

Roll Call Vote:

Ayes: 4 – Gilbert, Pruette, Shealy, Brown

Noes: 0

MOTION CARRIED

Adjournment

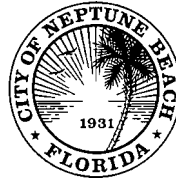
There being no further business, the meeting adjourned at 9:20 p.m.

Richard A. Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
WORKSHOP CITY COUNCIL MEETING
APRIL 19, 2004, AT 7:00 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, 2004 at 7:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

Mayor Richard A. Brown
Vice Mayor James Gilbert
Councilor Harriet Pruette
Councilor Larry Shealy
Councilor John Weldon
City Attorney Christopher White
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

STAFF:

Public Safety Director William Brandt
Community Development Director Jason Cleghorn
Director of Finance Steve Ramsey
Director of Public Services Leon Smith
Assistant to the Building Official Piper Turner
Deputy City Clerk Karla Strait, CMC

Call to Order/Roll Call Mayor Brown called the meeting to order at 7:00 p.m.

GUEST SPEAKERS

Mayor Brown opened the floor to Atlantic Beach Mayor John Meserve and Former Atlantic Beach Commissioner Mike Borno so the Council could hear their concerns regarding Ordinance 2004-02.

Atlantic Beach Mayor John Meserve asked Council to consider the precedence the ordinance would set for Town Center. He asked Council to delay taking action on the ordinance until staff from both Neptune Beach and Atlantic Beach could set common rules for Town Center. Mayor Meserve also asked for support for the beach cities to join in with the City of Jacksonville to establish events to be held at the beach during the week of the Super Bowl.

Mayor Brown stated Ordinance 2004-02 would allow Sunny Caribbee a lease for a one-year trial period for outdoor seating. If there were persisting problems the lease could be revoked. He felt it would be beneficial to Town Center as a whole.

Councilor Weldon questioned the need for special events at the beach during the Super Bowl period. He felt the beach itself would attract people.

Mayor Brown added the Super Bowl Host Committee was working to insure a good time for all and he looked forward to working with Mayor Meserve.

Former Atlantic Beach Commissioner Mike Borno asked Council to consider coordinating and establishing issues and perimeters of Town Center such as overlay zones. He added they were looking for sponsorships to fund the Super Bowl events.

PRESENTATIONS

Leon Smith

DIRECTOR OF PUBLIC SERVICES LEON SMITH – APPRECIATION PLAQUE: Mayor Brown recognized Public Services Director Leon Smith and presented a plaque for 28 years of service to the city. A proclamation was previously presented to Mr. Smith on his 28th anniversary naming April 13th, 2004 “Leon Smith Day.”

COMMITTEE REPORTS

IBBC

ISH BRANT BEAUTIFICATION COMMITTEE: City Manager Jarboe reported he was working with the Ish Brant Beautification Committee to develop a team concept with city staff. The committee was setting up a budget for potential projects and would seek approval of the Council for those projects. The committee would also be involved with the landscaping of the Water Plant.

CITY MANAGERS ACTION LIST

City Manager Jarboe asked if there were any questions regarding the 28 items on the “Action List”. There were no questions from the Council.

PUBLIC COMMENTS

Lynda Padrta, 1113 First Street, opposed outdoor seating for Sunny Caribbee, opposed the height increase referendum, and was concerned about code enforcement.

Michael Dunlap, 212 Lora Street, supported the sidewalk café but opposed the height referendum.

Rhonda McDonald, 515 Third Street, supported the outdoor seating.

Kara Tucker, opposed the sidewalk seating. She felt people like herself with a disability would not have enough space to walk on the sidewalk.

Virginia Smith, 553 Davis Street, requested the city have a representative at the public hearing for the testing of explosives at Mayport.

Sandy Golding, 1203 18th Avenue North, Jacksonville Beach, applauded the efforts of letting the citizens vote on the height limitation. She wished Jacksonville Beach had done the same.

Kelly Elmoore, 1650 Beach Avenue, Atlantic Beach, supported the sidewalk seating.

Neil Falone, 108 First Street, owner of Hibernia and President of the Town Center Agency, favored the outdoor seating.

Steve Jarrett, asked Council to consider rezoning the R-4 District to allow the 35' height limit before the November election.

Steve Hould, 111 Walnut Street, felt the 28' height limit should remain east of Third Street.

David Cole, 1500 Penman Road, owner of the Sea Horse Oceanfront Inn, asked Council to consider leaving latitude for exceptions on the 35' height limit.

PROPOSED ORDINANCES

Ord. No. 2004-02

ORDINANCE NO. 2004-02, SIDEWALKS & BIKEWAYS: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING THE EXISTING CHAPTER 27, SECTION 27-479 SIDEWALKS AND BIKEWAYS AND PROVIDING AN EFFECTIVE DATE.

Vice Mayor Gilbert stated he would not be present for the May regular meeting and suggested Ordinance No. 2004-02 be deferred to June for a full Council vote. He added he was in favor of the ordinance.

Mayor Brown stated without calling a special meeting it would go into June and he felt Mr. Brocato deserved an answer sooner.

Councilor Weldon felt the issue had been debated long enough and it was a little late for Atlantic Beach to get involved. He felt it should be left up to the restaurant owner to determine if food should be served with alcohol. He agreed the Council should vote on the Ordinance in May.

Mayor Brown stated the one-year trial period would allow the Town Center organization to observe and make recommendations. He added there would still be room on the sidewalk for pedestrians.

Councilor Pruette stated other businesses would be harmed because of the parking situation. She would vote against it.

Councilor Shealy was concerned about functional abandonment and parking problems. He would not support it at this time.

Mayor Brown suggested setting a date for a special meeting to vote on Ordinance 2004-02.

Councilor Gilbert asked for a consensus to table it to the June meeting when all council members would be present.

Councilor Weldon stated he would not be present for the June meeting. He was willing to support a special meeting.

City Clerk Volpe stated the special meeting had to be advertised 10 days in advance. She suggested holding the meeting on May 10th or before the workshop meeting on May 17th.

Councilor Pruette stated one agenda item should not be different from another and the vote should be done at the May regular meeting as long as there was a quorum.

Mayor Brown asked for a consensus to hold a special meeting Monday the 10th of May.

Councilor Pruette was not in favor of the special meeting.

Councilor Shealy stated out of respect and fairness for fellow council members he would support a special meeting.

Consensus: **TO HOLD A SPECIAL MEETING FOR THE SECOND AND FINAL READING OF ORDINANCE 2004-02 ON MAY 10, 2004 AT 6:00 P.M.**

Councilor Weldon stated there were several "should's" that still needed to be changed to "shall's" and asked Community Development Director Jason Cleghorn to make those changes.

Councilor Pruette asked about the condition that food must be served with orders for alcohol.

Consensus: **TO ADD THE CONDITION THAT FOOD MUST BE PURCHASED WITH THE PURCHASE OF ALCOHOLIC BEVERAGES.**

Councilor Pruette asked about the condition that personalized bricks be removed and replaced at the request of the owner. Mr. Brocato stated he would either move the bricks to another location or have new ones made to be placed in a different location.

Ord. No. 2004-XX

ORDINANCE NO. 2004-XX, SPECIAL EVENTS: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING THE EXISTING CHAPTER 18, ADDING SECTION 18-3 SPECIAL EVENTS AND PROVIDING AN EFFECTIVE DATE.

City Manager Jarboe stated this ordinance set rules and guidelines for special event permits. In the past each event was taken as it came without set rules for protection of the citizens and the city.

Councilor Weldon asked if the City Attorney had approved the ordinance.

City Attorney White stated he was satisfied with the ordinance.

Councilor Weldon suggested adding Item I to the ordinance to read "no sales or rentals of any kind."

Consensus: **FORWARD TO THE MAY REGULAR MEETING FOR FIRST READ.**

Ord. No. 2004-XX

ORDINANCE NO. 2004-XX, BUILDING HEIGHT: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA CALLING FOR A REFERENDUM TO AMEND THE CHARTER TO CREATE A NEW SECTION 4.07 TO LIMIT THE HEIGHT OF ALL BUILDING STRUCTURES IN THE CITY OF NEPTUNE BEACH TO THIRTY-FIVE FEET; AND ESTABLISHING AN EFFECTIVE DATE.

City Clerk Lisa Volpe stated she spoke with the Supervisor of Elections Office and there were requirements for advertising a referendum. The ordinance would need to be adopted by mid June in order to advertise for the November election.

Councilor Weldon agreed to sponsor the ordinance. He asked the ordinance be reworded to read " Section 4.07 Building Height Limitation – No building structure in the City of Neptune Beach shall be allowed to exceed 35 feet in height without prior approval of the electors. Lower height limits may be established by the city council in individual zoning districts." The reason was so that anyone reading it on the ballot would understand that it was a height cap.

On the Record Councilor Weldon stated for the record he would strongly oppose any increase in the 28' height limit in the R-4 District. He did not object to the 35' height limit in the R-1 District where the lots were much larger if reasonable restrictions were placed on the roof pitches.

City Attorney White advised the height cap had to be on all structures.

City Clerk Volpe stated the substance of the amendment must be an explanatory statement not to exceed 75 words length and styled in a manner that a "yes" vote would indicate approval of the proposal and a "no" vote would indicate rejection. The ballot title shall consist of a caption not exceeding 15 words in length in which the measure is commonly referred to or spoken of.

Councilor Weldon was concerned about the reconstruction of the Seahorse Hotel. The City had agreed to allow him 35 feet for the building and an extra 3 or 4 feet to obscure utility equipment on the roof. He felt the City should honor the agreement.

City Attorney White advised the Council not to make exceptions in the referendum. Referendums were to be clear and concise and not subject to interpretations.

Councilor Pruette felt the entire council should sponsor the ordinance.

Consensus: **FOR ALL COUNCIL MEMBERS TO SPONSOR THE ORDINANCE.**

City Manager Jarboe stated if the referendum passed, the 28' height limit would remain until changed by the Council.

Consensus: **TO CHANGE THE ORDINANCE TO READ "NO BUILDING STRUCTURE IN THE CITY SHALL BE ALLOWED TO EXCEED 35 FEET IN HEIGHT WITHOUT PRIOR APPROVAL OF THE ELECTORS. LOWER HEIGHT LIMITS MAY BE ESTABLISHED BY THE CITY COUNCIL IN INDIVIDUAL ZONING DISTRICTS."**

Consensus: **FORWARD TO THE MAY REGULAR MEETING FOR FIRST READ.**

Recess/Reconvene Mayor Brown called a recess at 8:25 p.m. and reconvened the meeting at 8:43 p.m.

CONTRACTS / AGREEMENTS

Atlantic Coast Asphalt **ATLANTIC COAST ASPHALT COMPANY CONTRACT:** City Manager Jarboe explained the contract was a piggyback off the City of Jacksonville. He was uncomfortable with the contract and suggested using a purchase order with the City Manager and the Public Services Director aligning the work schedule. He added an inspector would be hired to inspect and insure we were receiving the services we were paying for.

Councilor Weldon questioned if speed humps would be placed on all of the east west in R-4.

City Manager Jarboe replied the existing speed bumps would be replaced with speed humps.

Councilor Weldon stated the Volkert Traffic Study proposed exactly were the speed humps would be placed.

Vice Mayor Gilbert stated the speed humps should be placed according to the Volkert Traffic Study.

Councilor Pruette stated the citizens should be informed of the additional speed humps. She added there were areas west of Third Street where the speed bumps would be replaced with speed humps.

City Manager Jarboe stated he would have the speed humps placed according to the Volkert Study. He added there would be a cost increase.

Consensus: **FORWARD TO THE MAY REGULAR MEETING ADDING UNIFORM SPEED HUMPS AS RECOMMENDED BY THE VOLKERT TRAFFIC STUDY EAST OF THIRD STREET AND REPLACE THE SPEED BUMPS WEST OF THIRD STREET AS RECOMMENDED.**

ISSUE DEVELOPMENT

Aqua East
Surf Camps

AQUA EAST REQUEST TO HOST SURF CAMPS WITHIN THE VICINITY OF NEPTUNE BEACH: Scott Holmes, 696 Atlantic Boulevard, representative for Aqua East Surf Shop, requested permission to host a surf camp on the beach at the end of Lemon Street. He added the surf camp would provide a safe and fun environment for children to learn how to surf.

City Manager Jarboe stated background checks and fingerprints were required for anyone working with children and the surf shop would also be required to add the city to their insurance policy. He added any signs used on the beach would have to be approved and there could be no sales or orders for sales on the beach.

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

Ditch Maint.

DITCH MAINTENANCE PROGRAM: City Manager Jarboe stated he would like to improve the maintenance on the major ditches. Public Services was now capable of doing 25% a year with the available funding for ditch maintenance. The plan involved the purchase of equipment that would actually get down into the ditch. The equipment would allow Public Services to clean all the ditches within a one-year period. The demonstrator of the equipment agreed to train two employees on site while working on a project.

Vice Mayor Gilbert stated he saw the demonstration and it was a great piece of equipment. He felt it would be a good investment for the city. He asked City Manager Jarboe to inquire if FDOT would reimburse the city for cleaning their part of the ditches.

Councilor Weldon stated the reimbursement from FDOT would defray the cost of equipment.

City Manager Jarboe stated he would ask FDOT about a maintenance agreement.

City Manager Jarboe stated Director of Finance Steve Ramsey suggested borrowing the money for the equipment from the general fund with a 3.5% interest rate instead of paying the interest to an outside lender.

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

ABRC

RESOLUTION ESTABLISHING THE ATLANTIC BOULEVARD REVITALIZATION COMMITTEE AND APPOINTING MEMBERS: City Manager Jarboe explained the Resolution was to form a committee to encourage desirable tenants for the vacant commercial properties.

Councilor Pruette asked to change the resolution to allow the Town Center Agency to chose which of its members to serve on the committee.

City Manager Jarboe stated he would make any changes before the regular meeting.

Councilor Weldon recommended Lori Gaglione to serve on the committee.

City Manager Jarboe stated there were a number of qualified people who would like to serve on the committee. He would like to consider all interested applicants then bring them before the Council for consideration.

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

Utilex City Attorney Chris White advised the city was served a lawsuit from Utilex naming both the city and PBS&J. He considered the lawsuit to be totally without merit. He asked if anyone had questions to call his office.

FLC City Manager Jarboe recommended Council members attend the Florida League of Cities training institute.

Scotty's Councilor Pruette questioned an article in the Shorelines regarding turning Scotty's into an outlet mall. City Manager Jarboe replied the city was not aware of the changes and they had not been approved by the City or the Planning & Development Review Board. Community Development Director Jason Cleghorn stated he was in the process of working with them and would meet the CEO Wednesday.

Adjournment There being no further business, the meeting adjourned at 9:22 p.m.

Richard A. Brown, Mayor

Attest:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
REGULAR CITY COUNCIL MEETING
MARCH 1, 2004, 7:00 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 March 1, 2004, at 7:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

Mayor Richard A. Brown
Vice Mayor James Gilbert
Councilor Harriet Pruette
Councilor Larry Shealy
Councilor John Weldon
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

ABSENT:

City Attorney Christopher White

STAFF:

Director of Community Development Jason Cleghorn
Assistant to the City Manager Terry Klein
Director of Finance Steve Ramsey
Director of Public Services Leon Smith
Deputy City Clerk Karla Strait, CMC

Order Call/Pledge

Mayor Brown called the meeting to order at 7:00 p.m. and asked Councilor Pruette to lead the pledge of allegiance.

AWARDS / PRESENTATIONS / RECOGNITION OF GUESTS / NONE

APPROVAL OF MINUTES

Motion: **TO APPROVE THE FOLLOWING MINUTES:**
JANUARY 27, 2004, SPECIAL CITY COUNCIL MEETING
FEBRUARY 2, 2004, SPECIAL CITY COUNCIL MEETING
FEBRUARY 2, 2004, REGULAR CITY COUNCIL MEETING
FEBRUARY 9, 2004, SPECIAL CITY COUNCIL MEETING
FEBRUARY 9, 2004, LAND DEVELOPMENT WORKSHOP MEETING

Moved by Weldon, seconded by Gilbert.

Roll Call Vote:

Ayes: 5 – Gilbert, Pruette, Shealy, Weldon, Brown
Noes: 0

MOTION CARRIED**COMMUNICATIONS AND CORRESPONDENCE**

Mayor Brown stated he received a letter from City of Jacksonville Mayor John Peyton regarding Penman Road Improvements. The letter advised that he had asked the City of Jacksonville Public Works Department to handle the matter.

Mayor Brown was concerned about a letter he received from the Duval County Health Department with news that Neptune Beach had a higher than average infant mortality rate. The Health Department requested our help in publicizing services for expectant mothers at the beaches. Councilor Shealy stated the correspondence was based on the percentage of one per thousand, which he felt, made our numbers seem higher than average.

Mayor Brown stated the Boys & Girls Club was campaigning to raise funds for improvements. He encouraged the community to support their fund drive.

Mayor Brown advised the City of Atlantic Beach, the City of Jacksonville Beach and the City of Neptune Beach were hosting the monthly Florida League of Cities Dinner Meeting on March 18, 2004 at the Sea Turtle Inn and he encouraged the Council to attend.

Mayor Brown stated his wife Elaine Brown wished to thank the city for the kinds thoughts and flowers during her hospital stay.

Councilor Gilbert stated Atlantic Beach City Commissioner Desmond Waters was heading up a campaign for door prizes for the Florida League of Cities Dinner if any local businesses would like to donate.

Councilor Pruette stated she had written a memo concerning the Penman Road Traffic Study and would like to place the issue on the March workshop meeting agenda.

Mayor Brown commended Officer Robert S. Jones for receiving a Certificate of Appreciation for his participation in the Buckle Up Florida Enforcement Wave.

City Clerk Lisa Volpe informed Council reservations must be made for attendance at the Florida League of Cities Dinner Meeting by March 15th. She advised she would make reservations for anyone who wished to attend.

CITY MANAGER REPORTS

Action List

CITY MANAGER ACTION LIST: City Manager Jarboe described the following projects that he placed on an action list.

1. A CITY WIDE DRAINAGE IMPROVEMENT PLAN: He would be meeting with representatives of Jacksonville Beach to discuss possible long-term shared drainage options.
2. BAL HARBOR DRAINAGE IMPROVEMENT: He recommended installing a permanent small lift station as a solution for the Bal Harbor drainage problem.
3. FIRST STREET DRAINAGE IMPROVEMENT: He was working on putting together a request for proposals for drainage improvements on First Street.
4. FIRST STREET REBUILD PLAN: Once the drainage improvements were complete he planned to have First Street milled down as far as possible and overlay the top. He felt this could be done within the budget and would take a week or less to complete.

5. STREET PAVING PLAN: He proposed to move forward on the repaving project provided by the Volkert Study. The paving could be done within the existing budget by piggybacking off of the City of Jacksonville's contract.
6. WATER PLANT IMPROVEMENT: He proposed to fence in the entire Water Plant area and install landscaping to make it less intrusive. The fencing could also be funded within the existing budget and the landscaping expense would come from the Convention Development Tax Fund.

Mr. Jarboe informed the Council he would provide periodic updates on each project outlining the stage and expenses to date.

Discussion ensued regarding street paving priorities.

City Manager Jarboe stated he would meet individually with Council Members to discuss their concerns and would report back with a revised priority list for their approval.

Sewer Project SEWER IMPROVEMENT PROJECT: The contractor was finishing up the change order work on the sewer improvement project.

City Yard Project CITY YARD PROJECT: Director of Public Services Leon Smith reported the construction of the new city yard was still on schedule and should be complete by June 1st, 2004.

Beach Accesses BEACH ACCESSES: Community Development Director Jason Cleghorn, stated Boatwright / Durden Land Surveyors ordered concrete markers for the beach accesses. They would begin surveying once the markers were received.

Mr. Cleghorn prepared a Beach Access Preliminary Survey that determined out of all the accesses six of them had the potential for future development.

City Manager Jarboe stated coastal aerial views would soon be available from the Department of Environmental Protection and would provide a more detailed view of the accesses.

PUBLIC COMMENTS

James Raimondo, 1305 Noe Court, supported the donation from the City for the Neptune Beach Elementary Track.

Lynda Padrta, 1113 First Street, opposed allowing the use of the public property for outdoor restaurant seating.

CONSENT AGENDA

WAIVER OF OPEN CONTAINER ORDINANCE FOR "DANCIN' IN THE STREETS": Approval to waive the open container ordinance for the annual "Dancin' in the Streets".

NEPTUNE BEACH ELEMENTARY TRACK DONATION OF \$5,000: Approval to donate \$5,000 toward the construction of the new track and provide equipment and labor for sod placement.

Moved by Pruette, seconded by Shealy.

Motion: **TO APPROVE THE CONSENT AGENDA.**

Roll Call Vote:

Ayes: 5 – Gilbert, Pruetto, Shealy, Weldon, Brown
Noes: 0

MOTION CARRIED

VARIANCES / NONE

ORDINANCES

Ord. No. 2004-01

ORDINANCE NO. 2004-01 – AMENDING CHAPTER 27, ARTICLE XV, ADVERTISING, FIRST READ: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING THE EXISTING CHAPTER 27, ARTICLE XV ADVERTISING, AMENDING SEC. 27-575 PURPOSE AND INTENT, SEC. 27-576 DEFINITIONS, SEC. 27-577 MAINTENANCE OF SIGNS, SEC. 27-580 EXEMPTIONS, SEC. 27-581 PROHIBITED SIGNS, SEC. 27-582 SIGN AREA COMPUTATION, SEC. 27-583 PERMITTED TEMPORARY SIGNS, SEC. 27-584 GROUND SIGNS, SEC. 27-586 ENTRANCE SIGNS FOR SUBDIVISIONS AND MULTIFAMILY DEVELOPMENTS, SEC. 27-589 PLACEMENT STANDARDS, SEC. 27-591 DESIGN STANDARDS, SEC. 27-592 NONCONFORMING SIGNS, SEC. 27-593 VIOLATION CONSTITUTE NUISANCE; ABATEMENT, DELETING SEC. 27-585 BUILDING SIGNS AND ADDING SEC. 27-585A BUILDING SIGNS, SEC. 27-585B UNIFIED SIGNS PLAN, SEC. 27-585C SIGNS WITHIN PLANNED UNIT DEVELOPMENT (PUD) ZONING DISTRICTS, SEC. 27-585D SIGNS WITHIN CONSERVATIONS (CON) ZONING DISTRICTS AND PROVIDING AN EFFECTIVE DATE.

Moved by Gilbert, seconded by Weldon.

Motion: **TO PASS ORDINANCE NO. 2004-01 ON FIRST READ.**

Councilor Pruetto stated she would support the Ordinance on first read but wanted to hear the city attorney's opinion before second read.

Mayor Brown stated he would also support the Ordinance on first read but he had questions he would like to discuss at the workshop meeting.

Councilor Weldon stated he had spoken with City Attorney White and Mr. White had no objections to the Ordinance.

Councilor Weldon instructed Development Director Jason Cleghorn to review the Ordinance and change the words "should" and the words "maybe" to shall.

Councilor Weldon advised Section 27-584(2) that allowed developers or landowners on corner lots to have two signs on their property was deleted.

Roll Call Vote:

Ayes: 5 – Gilbert, Pruetto, Shealy, Weldon, Brown
Noes: 0

MOTION CARRIED

Ord. No. 2004-02

ORDINANCE NO. 2004-02 – AMENDING CHAPTER 27, SECTION 27-479, SIDEWALKS AND BIKEWAYS, FIRST READ: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING THE EXISTING CHAPTER 27, SECTION 27-479 SIDEWALKS AND BIKEWAYS AND PROVIDING AN EFFECTIVE DATE.

Moved by Weldon, seconded by Gilbert.

Motion: **TO PASS ORDINANCE NO. 2004-02 ON FIRST READ.**

Mr. Brocato, Owner, Sunny Caribbee, stated he felt the lease rate of \$11.00 per square foot was reasonable. He also agreed to comply with 50% being designated a nonsmoking area and placing a sign designating alcohol was not to leave the premises.

Councilor Pruette asked that the ordinance include provisions that during "Dancin' in the Streets" the tables and chairs would have to be removed. She also asked that the restaurant owner relocate personalized bricks if there were any written requests from citizens. She felt the building official should inspect the area. She also asked that patrons be required to buy an entrée in order to sit outside and drink.

Councilor Weldon explained in response to Lynda Padrta's comment the lease rate was reasonable because the area would not be useable year round and there was no infrastructure associated other than the sidewalk itself. He felt the owner should not have to bear the cost of moving tables & chairs for "Dancin' in the Streets". He felt Councilor Pruette's request to have bricks relocated was reasonable. He felt it placed a burden on patrons not the restaurant owner if an entrée was required to have a drink.

Mayor Brown asked the Council to keep in mind the lease would be renewed on an annual basis and if they were not satisfied the lease could be discontinued.

Councilor Shealy had concerns about smoking and drinking on public property.

Mayor Brown stated now that patrons were not allowed to smoke inside restaurants they would gather outside the entrances to smoke.

Vice Mayor Gilbert agreed the building official should inspect the area for safety issues. He preferred the entire area to be nonsmoking because smoke could not be detained in a specific area due to winds.

Vice Mayor Gilbert asked to place the ordinance on the workshop meeting agenda.

Moved by Weldon, seconded by Gilbert.

Friendly Amendment: **TO APPROVE ORDINANCE NO. 2004-02 ON FIRST READ INCLUDING REVIEWING SOME THE ISSUES AT THE NEXT WORKSHOP.**

Roll Call Vote:

Ayes: 3 – Gilbert, Weldon, Brown

Noes: 2 – Pruette, Shealy

MOTION CARRIED

OLD BUSINESS

Whataburger

DEVELOPMENT ORDER – WHATABURGER – 1201 ATLANTIC BOULEVARD: Mayor Brown stated the Planning & Development Review Board recommended approval of the Whataburger Development Order.

Councilor Weldon added the Planning & Development Review Board recommended approval conditional on bringing two sign options.

Brian Smith, Senior Project Manager, FesteCapital Development, stated Whataburger would be a full service sit down restaurant with a drive through window and turnaround. He explained the proposal was to convert the old Burger King into a Whataburger with minimal site changes. The covered area on the northside of the building would be eliminated and landscaping would be added. The exterior of the building would be orange

and white. They wanted to maintain the existing 25' pole sign changing the logo. The playground equipment was to be donated to a school.

Vice Mayor Gilbert stated the PDRB had asked them to bring in two signs options, one being a monument sign.

Mr. Smith stated they brought in two potential sign options but they preferred to use the existing pylon sign.

Beth Breeding, owner/landlord, stated there were constraining factors which prevented the placement of a monument sign. She read the following letter from Ward Koutnik, President of Transportation Planners & Engineers, a company they hired to look at the site.

As requested, TPE conducted a site investigation and took appropriate photographs regarding the driver's sight distance clearance at Penman Road and Atlantic Boulevard related to the southwest corner business site (previous Burger King restaurant). Figure 1 shows the site and the corner details.

At present, the northeastern portion of the property has 3' to 6' height bushes and the single pole pylon business sign which is about 18 feet from the north property line and 17 feet from the east property line.

In order to meet the Florida Department of Transportation's "Sight distance at the intersection" (Index 546), a driver stopped at the stop bar on Penman Road would have to have a clear line of sight to the west two feet above the ground (top of ground cover) as shown on Figure 1. Nothing within the clear sight area should be higher than two feet above the ground.

Figure 1 also shows the 25 foot corner setback used by the City of Jacksonville. Some of the present landscaping at the property will have to be removed and replaced with low growing plants (e.g.-junipers) in order to meet the two foot height criteria for sign distance.

At present, the only objects that hinder a motorist view on Penman Road at the stop bar or on Atlantic Blvd. traveling eastbound, are the traffic signal pole, the power pole, the pedestrian signal and the JTA bus stop bench and trash can. Of course, you have no responsibility for these items.

The present single pole pylon business sign doesn't block any driver views. It is outside the FDOT's sight distance standard as well as the 25 foot corner triangle area. This sign should remain where it is. No monument sign should be located on the property since it would likely block various driver views at the driveways and or/on-site. Furthermore, driver views approaching the Penman/Atlantic intersection from the south and west, respectively, would be blocked by a monument sign around the present single pole business sign. Hence, when the traffic signal is about to change from "red" to "green" for the eastbound direction and the reverse for the northbound direction, an intersection accident could occur. (vehicle runs red light and approaching vehicle enters without stopping). The reverse situation can also occur.

In conclusion, if the landscaping within or near the FDOT sign distance "limit of clear sight" is modified to be only two feet above the ground level, there should be no sight blockage as discussed above. Furthermore, there is no need to remove the existing business sign related to traffic safety.

Ward Koutnik, President

Ms. Breeding felt based on those safety issues the pole sign should remain.

Moved by Weldon.

Motion: **TO DENY THE DEVELOPMENT ORDER FOR WHATABURGER.**

MOTION DIED FOR LACK OF SECOND.

Councilor Weldon stated within 30 days the new ordinance would prohibit pylon signs and pole signs. The new ordinance would require all pylon and pole signs be removed within 10 years. He added the five other businesses that recently located in the area recognized the community's interest and complied voluntarily.

Ms. Breeding argued the other businesses were not located on a busy intersection and did not have visibility issues.

Councilor Pruette stated that was a busy corner and she could see where there would be a problem with visibility.

Mayor Brown stated traffic safety could not be ignored and a monument sign should not be required because the new sign ordinance had not been adopted. He added traffic safety would continue to be an issue even after the ordinance was adopted and would have to be considered.

Vice Mayor Gilbert stated he would have seconded Councilor Weldon's motion if he felt it was legal to deny it. He added he would be the first one to demand that it come down in ten years. They were giving them the opportunity to install a monument sign now instead of ten years from now.

Mayor Brown stated it was correct the city was moving in the direction of monument signs but the request was not illegal.

Moved by Gilbert, seconded by Pruette.

Motion: **TO APPROVE THE DEVELOPMENT ORDER FOR WHATABURGER.**

Councilor Pruette asked once more if they were willing to reconsider and install a monument type sign.

Mr. Smith stated they would like to get the development order approved with the 25' pole sign, however it was something they may reconsider.

Roll Call Vote:

Ayes: 3 – Gilbert, Pruette, Brown

Noes: 2 – Shealy, Weldon

MOTION CARRIED

Recess/Reconvene

Mayor Brown called a recess at 8:25 p.m. and reconvened the meeting at 8:30 p.m.

Monahan Roofing

DEVELOPMENT ORDER – MONAHAN ROOFING – 2050 KINGS CIRCLE: Development Order for Thomas Monahan, owner, Monahan Roofing, 2050 Kings Circle.

Director of Community Development Jason Cleghorn, explained Mr. Monahan received approval from the Planning & Development Review Board in May of 2002 but did not move forward with that plan. The plans have been reviewed and revised moving the building toward the rear of the property to allow for parking. A variance was required and approved for the relocation of the building. Mr. Cleghorn also discovered part of the street encroached onto Mr. Monahan's property and would have to be removed.

Moved by Weldon, seconded by Pruette.

Motion: **TO APPROVE THE DEVELOPMENT ORDER FOR MONAHAN ROOFING.**

Ayes: 5 – Gilbert, Pruette, Shealy, Weldon, Brown
Noes: 0

MOTION CARRIED

NEW BUSINESS

Res. No. 2004-05

RESOLUTION NO. 2004-05: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEPTUNE BEACH, FLORIDA CALLING FOR A REVISION IN JHA UTILITY PAYMENT PROCEDURES.

Moved by Gilbert, seconded by Pruette.

Motion: **TO APPROVE RESOLUTION NO. 2004-05.**

Roll Call Vote:

Ayes: 5 – Gilbert, Pruette, Shealy, Weldon, Brown
Noes: 0

MOTION CARRIED

Res. N. 2004-06

RESOLUTION NO. 2004-06: A RESOLUTION APPOINTING BOARD MEMBERS TO THE BOARD OF APPEALS.

Moved by Pruette, seconded by Gilbert.

Motion: **TO APPROVE RESOLUTION NO. 2004-06.**

Roll Call Vote:

Ayes: 5 – Gilbert, Pruette, Shealy, Weldon, Brown
Noes: 0

MOTION CARRIED

Adjournment

There being no further business, the meeting adjourned at 8:40 p.m.

Richard A. Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
WORKSHOP CITY COUNCIL MEETING
LAND DEVELOPMENT REGULATIONS
MARCH 8, 2004 AT 6:55 P.M.
CITY HALL, 116 FIRST STREET
NEPTUNE BEACH, FLORIDA

Pursuant to proper notice a Special Workshop Meeting of the City Council of the City of Neptune Beach was held March 8, 2004, at 6:55 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

Mayor Richard A. Brown
Vice Mayor James Gilbert
Councilor Harriet Pruette
Councilor Larry Shealy
Councilor John Weldon
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

ABSENT:

City Attorney Christopher White

STAFF:

Director of Community Development Jason Cleghorn
Assistant to the Building Official Piper Turner

Call to Order/Roll Call

The Mayor called the meeting to order at 6:55 p.m.

Land Development

LAND DEVELOPMENT REGULATIONS GROUP 1 & 2: Mayor Brown introduced former Board of Appeals Chairman Donald White. Mr. White gave a written copy and a brief description of his ideas for the land use changes.

Councilor Pruette asked if prior consensus had already been incorporated into the rewrite. City Clerk Volpe stated she had reviewed what the present council had completed and all but a few words had been changed by the consultant. There was some discussion over prior consensus.

Community Development Director Jason Cleghorn explained the version of the land development regulations before the Council included some changes he had made. He would review page by page the changes made. Mr. Cleghorn explained that most of the changes were minor grammatical ones and if anyone had any concerns what so ever to please stop him at any point.

Mr. Cleghorn started page by page with his minor changes. There was discussion over the 27-15 Definitions. Councilor Pruette questioned garage apartments and if all definitions were in the code. Mr. Cleghorn stated they were all listed somewhere in the

code. Vice Mayor Gilbert stated the council changed the definition of family by ordinance.

Sec. 27-22 Effective date, this would have to be changed when it was adopted. Councilor Weldon stated some definitions would be added when the code was being revised. Steve Jarrett questioned Sec. 27-16 Computation of required or permitted units. Mr. Cleghorn and Piper Turner stated it read the way it was to control density. Council agreed.

Council discussed Sec. 27-47 Membership and officers (d) (1), whether a member should be removed from the board if they fail to attend three meetings. No changes were made.

Recess/Reconvene

Mayor Brown called a recess at 8:00 p.m. and reconvened the meeting at 8:10 p.m.

Development Director Cleghorn continued with his changes. Sec.2-84 ~~Concept~~ Preliminary plan requirements, he added that they had to be drawn to scale. Councilor Pruette asked why stormwater management was stricken. Councilor Weldon stated it was just a checklist for the preliminary plans. Mr. Cleghorn stated it is addressed in another part of the code. He also had to review if the sign conditions corresponded with the new sign ordinance.

Mr. Cleghorn added Sec. 27-101.1 Platting requirements and 27-101.2 Required plat information. This standard information was necessary and would help the city.

Consensus: **COUNCIL WAS COMFORTABLE WITH THESE NEW SECTIONS**

Steve Jarrett had a question of 27-86 Final development plant requirements (5). After some discussion City Manager Jarboe suggested he submit his concerns in writing to be looked into at a later date.

Councilor Pruette questioned Sec. 27-109 Standards and restrictions (4). This was to control density with minor replats. After much discussion, "specified in Comp Plan" was added.

Mr. Cleghorn changed 27-143 Application requirements so that the city would mail notices not the applicant.

Mr. Cleghorn added Sec. 27-145.1 Administrative Variances. This allows the Community Development Director to grant variances that are under 10% of the applicable zoning district's requirements. There was discussion as to whether this was necessary; if it could be appealed and the effect on the Development Director.

Consensus: **TO LEAVE IN ADMINISTRATIVE VARIANCES AND SEE HOW IT WORKS.**

Mr. Cleghorn added verbiage on Sec. 27-149 Expiration of issued variance. Councilor Weldon asked for the added language to be reworded to say "After a variance is expired a new variance must be applied for, the new fees must be paid and the newly filed variance will go through the same procedure."

Mayor Brown asked if Mr. Cleghorn could look over Mr. White's recommendation and see if it could be used. Mr. Cleghorn stated he would look at it and see if parts could be used. He also had used some ideas already.

Councilor Weldon stated that when the city worked with the consultants all "his/her" were taken out and asked for Mr. Cleghorn to do the same.

In Sec. 27-222 Purpose and intent of zoning districts, Mr. Cleghorn changed the densities to "not to exceed" to match the Comp Plan. There was some discussion on how the figures for density came about.

Sec. 27-227 Special restrictions and conditions on allowable uses within zoning districts. (4), needed to be looked at as to whether persons or people should be used and if the 30 person minimum complied with the alcohol and beverage section of the code.

City Manager Jim Jarboe asked Mr. Cleghorn to double check Sec. 27-227 8 (b) about parking lot sales with permits. Also (11) needed to be changed from ambulance service to fire rescue services.

Community Development Director Cleghorn suggested stopping at Sec. 27-229 Minimum lot area requirements.

Consensus: **TO HOLD THE NEXT LAND DEVELOPMENT WORKSHOP MEETING ON MONDAY, MARCH 29, 2004, STARTING AT 6:00 P.M.**

Adjournment

There being no further business, the meeting adjourned at 9:30 p.m.

Richard A. Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
SPECIAL CITY COUNCIL MEETING
MARCH 22, 2004 AT 6:30 P.M.
CITY HALL, 116 FIRST STREET
NEPTUNE BEACH, FLORIDA

Pursuant to proper notice a Special Meeting of the City Council of the City of Neptune Beach was held March 22, 2004, at 6:30 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

Mayor Richard A. Brown
Vice Mayor James Gilbert
Councilor Harriet Pruette
Councilor Larry Shealy
Councilor John Weldon
City Attorney Christopher White
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

STAFF:

Director of Public Safety William Brandt
Community Development Director Jason Cleghorn
Assistant to the City Manager Terry Klein
Director of Finance Steve Ramsey
Director of Public Services Leon Smith
Deputy City Clerk Karla Strait, CMC
Assistant to the Building Official Piper Turner

Order Call

Mayor Brown called the special meeting to order at 6:30 p.m. and announced the purpose of the meeting was the first reading of Ordinance No. 2004-03 and Ordinance No. 2004-04.

Ord. No. 2004-03

ORDINANCE NO. 2004-03, FIRST READ: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, AMENDING AND REWORDING SECTION 2-377 AND ADDING NEW SUBSECTIONS AND PROVIDING AN EFFECTIVE DATE.

City Manager Jarboe explained the ordinance would change the requirements for bids for certain goods and services and allow the city to piggyback on other governmental agencies contracts.

Mayor Brown agreed to sponsor the ordinance.

Moved by Pruette, seconded by Shealy.

Motion:

TO PASS ORDINANCE NO. 2004-03 ON FIRST READ AND TO INCLUDE SECTION 2-377(C) NONE OF THE EXCEPTIONS DETAILED ABOVE

SHALL VOID THE CITY'S RESPONSIBILITY TO PROCURE ALL GOODS AND SERVICES AT REASONABLE AND COMPETITIVE RATES.

Roll Call Vote:

Ayes: 5 – Gilbert, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

Ord. No. 2004-04

ORDINANCE NO. 2004-04, FIRST READ: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, AMENDING THE EXISTING CHAPTER 27, SECTION 27-330 FENCES, WALLS AND HEDGES AND PROVIDING AN EFFECTIVE DATE.

City Manager Jarboe explained the ordinance would allow public agencies to install fencing above the normal height limitation for safety and protection.

Councilor Pruette quoted Section 27-330(3) stating that any fence in excess of four feet in height shall not be more than 75% percent solid. She asked Council to consider allowing citizens to replace old fences that were more than 75% solid.

Councilor Weldon stated he did not want extra large fences built around public facilities without approval of the Council.

Moved by Gilbert, seconded by Shealy.

Motion: **TO PASS ORDINANCE NO. 2004-04 ON FIRST READ.**

Councilor Gilbert and Councilor Shealy agreed to sponsor the ordinance.

Roll Call Vote:

Ayes: 5 – Gilbert, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

DEP Consent Order

DEPARTMENT OF ENVIRONMENTAL PROTECTION CONSENT ORDER: City Manager Jarboe explained the Department of Environmental Protection conducted an inspection of the stormwater facilities last year and fined the city \$10,000 for not providing a copy of the Stormwater Pollution Plan. Department of Public Services Leon Smith worked with the DEP to prepare a plan and the fine was reduced to \$2,000.

Councilor Weldon questioned how the city was placed in the position of being fined.

Director of Public Services Leon Smith stated he was not informed of such a plan until the time of the inspection.

Moved by Shealy, seconded by Weldon.

Motion: **TO AUTHORIZE THE CITY MANAGER TO PAY THE CONSENT ORDER.**

Roll Call Vote:

Ayes: 5 – Gilbert, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

Adjournment

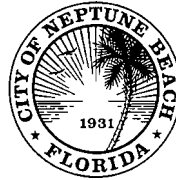
There being no further business, the meeting adjourned at 6:46 p.m.

Richard Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
WORKSHOP CITY COUNCIL MEETING
MARCH 22, 2004, AT 6:50 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 March 22, 2004 at 6:50 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

Mayor Richard A. Brown
Vice Mayor James Gilbert
Councilor Harriet Pruette
Councilor Larry Shealy
Councilor John Weldon
City Attorney Christopher White
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

STAFF:

Public Safety Director William Brandt
Community Development Director Jason Cleghorn
Assistant to the City Manager Terry Klein
Director of Finance Steve Ramsey
Director of Public Services Leon Smith
Deputy City Clerk Karla Strait, CMC

Call to Order/Roll Call Mayor Brown called the meeting to order at 6:50 p.m.

CITY MANAGERS PUNCH LIST

Special Goals Workshop	<u>SPECIAL GOALS WORKSHOP MEETING:</u> City Manager Jarboe reminded the Council a Special Goals Workshop Meeting was scheduled for Saturday, April 3 rd from 9:00 a.m. to 4:00 p.m.
Water Project	<u>WATER IMPROVEMENT PROJECT:</u> The city was still waiting on a response from the contractor for final payment and settlement of the dispute.
Sewer Project	<u>SEWER IMPROVEMENT PROJECT:</u> The Sewer Improvement Project was almost completely finished with the exception of a few small items. The Public Services Department would be installing vegetation around the lift station on First Street.
Kings Rd. Bridge	<u>KINGS ROAD BRIDGE:</u> The design was underway for the new Kings Road Bridge. Public Services Director Leon Smith and Code Enforcement Officer Larry Dean had been speaking with the residents and providing handouts regarding information.

- Public Services Facility PUBLIC SERVICES FACILITY: The new Public Services Facility was under construction and moving along quickly. The occupants of the old administration building were being moved to the new administration building and the old one would be demolished. A ribbon cutting ceremony and hot dog social would be planned for early this summer.
- Hopkins Creek HOPKINS CREEK DRAINAGE IMPROVEMENTS: Public Services were in the process of doing drainage work. A maintenance plan would be set after Ordinance No. 2004-03 was adopted.
- The drainage work for First Street would also begin after the adoption of Ordinance No. 2004-03.
- Complaint System NEW COMPLAINT SYSTEM – BETTER PLACE: A new complaint system had been implemented and Council would be provided a printout of complaints at the next Council meeting.
- City Manager Jarboe stated he would be changing the name “City Manager’s Punch List” to a more formal name.

PRESENTATIONS

- Roy Deese RECOGNITION OF ROY DEESE FOR OUTSTANDING COMMUNITY SERVICE: Mayor Brown recognized Roy Deese for his outstanding community service and presented him with a plaque.
- Recess/Reconvene Mayor Brown called a recess at 7:00 p.m. and reconvened the meeting at 7:10 p.m.

PUBLIC COMMENTS

- Stephen Kuti, 1132 Linkside Drive, Atlantic Beach, opposed Ordinance No. 2004-02 regarding outdoor seating on public right-of-way.
- June Baldwin, thanked the Council for supporting the first annual “Sandy Paws Event”. She stated over 300 people and 450 greyhounds attended the event. She presented Mayor Brown and Animal Control Officer John Webber with a Certificate of Appreciation. The organization would like to have the event again next year.

PROPOSED ORDINANCES

- Ord. No. 2004-01 ORDINANCE NO. 2004-01, ADVERTISING ORDINANCE, SPONSORED BY COUNCILOR WELDON: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING THE EXISTING CHAPTER 27, ARTICLE XV ADVERTISING, AMENDING SEC. 27-575 PURPOSE AND INTENT, SEC. 27-576 DEFINITIONS, SEC. 27-577 MAINTENANCE OF SIGNS, SEC. 27-580 EXEMPTIONS, SEC. 27-581 PROHIBITED SIGNS, SEC. 27-582 SIGN AREA COMPUTATION, SEC. 27-583 PERMITTED TEMPORARY SIGNS, SEC. 27-584 GROUND SIGNS, SEC. 27-586 ENTRANCE SIGNS FOR SUBDIVISIONS AND MULIFAMILY DEVELOPMENTS, SEC. 27-589 PLACEMENT STANDARDS, SEC. 27-591 DESIGN STANDARDS, SEC. 27-592 NONCONFORMING SIGNS, SEC. 27-593 VIOLATION CONSTITUTE NUISANCE; ABATEMENT, DELETING SEC. 27-585 BUILDING SIGNS AND ADDING SEC. 27-585A BUILDING SIGNS, SEC. 27-585B UNIFIED SIGN PLAN, SEC. 27-585C SIGNS WITHIN PLANNED UNIT DEVELOPMENT (PUD) ZONING DISTRICTS, SEC. 27-585D SIGNS WITH CONSERVATION (CON) ZONING DISTRICTS AND PROVIDING AN EFFECTIVE DATE.

Councilor Weldon stated no changes had been made to the ordinance after the first read.

Discussion ensued regarding the timing of when political signs could be placed.

Consensus: **PAGE 6, ITEM (7), STRIKE OUT THE WORD "QUALIFIED".**

City Attorney White cautioned the Council not to place time limits or any restrictions on political signs.

Consensus: **PAGE 6, ITEM (7), PARAGRAPH 3, STRIKE OUT "SHALL NOT BE PLACED ON PROPERTY PRIOR TO QUALIFICATION OF THE CANDIDATE TO RUN FOR OFFICE."**

Discussion ensued regarding the size of political signs.

Consensus: **PAGE 6, ITEM 7, ADD 4 SQUARE FEET FOR RESIDENTIAL AREAS AND 32 SQUARE FEET FOR ALL OTHER ZONING DISTRICTS.**

Community Development Director Jason Cleghorn stated there were several small changes that needed to be made to the ordinance.

City Clerk Volpe asked the Council if Mr. Cleghorn could go ahead and make those required changes.

City Attorney White stated when an Ordinance is presented to the Council it should be a clean copy. Mr. Cleghorn could make the changes and present the Council a clean copy and review the changes he made with the Council at the time of the second reading.

Consensus: **PAGE 14, ITEM (4), STRIKE "NOT" AND ADD "ALSO."**

Councilor Weldon asked Mr. Cleghorn if snipe signs were addressed in the ordinance. Mr. Cleghorn responded they were addressed on page 4.

Councilor Shealy asked if the ordinance addressed people dressed in costumes holding and waving signs. Mr. Cleghorn replied he thought that was covered by a separate ordinance.

Mayor Brown asked for commercial addresses to be clear and visible. Mr. Cleghorn stated the issue was addressed on page 11.

Mr. Cleghorn stated he would make the appropriate changes to the ordinance for the April regular meeting.

Consensus: **FORWARD TO APRIL REGULAR MEETING.**

Ord. No. 2004-02

ORDINANCE NO. 2004-02, SIDEWALKS AND BIKEWAYS: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING THE EXISTING CHAPTER 27, SECTION 27-479 SIDEWALKS AND BIKEWAYS AND PROVIDING AN EFFECTIVE DATE.

Mayor Brown agreed to sponsor Ordinance No. 2004-02.

Community Development Director Jason Cleghorn stated there was still a question of smoking and drinking in the outdoor seating area.

Mayor Brown asked if there were a consensus on the smoking.

Councilor Weldon stated a smoking area was an incentive for restaurants to have an outdoor seating section and felt 50/50 would be reasonable.

Councilor Gilbert was concerned that 50/50 may cause conflicts between patrons.

Councilor Shealy questioned if it would be a violation of the state law to permit smoking. City Attorney White stated the state smoking ban was for indoors.

Mr. John Brocato, 100 First Street, Sunny Caribbee, stated he had the opportunity to speak with his customers regarding the smoking issue. He found his customers preferred to have a non-smoking outdoor seating area to a smoking one.

Councilor Pruette felt because the outdoor seating would be on public property patrons must be required to purchase a meal or entrée in order to be served an alcoholic beverage. She also felt an evaluation should be performed quarterly by the building official or city manager and the owner should be required to relocate personalized bricks upon request.

City Clerk Volpe stated Section 27-479d(14) covered the right for the city to prohibit the operation at any time because of anticipated or unanticipated problems or conflicts.

Vice Mayor Gilbert asked Mr. Brocato how he felt about the entrée requirement. Mr. Brocato replied the intention of the outdoor area was for dining not drinking. He added he did not want to have to tell patrons they had to purchase an entrée in order to have a drink.

City Attorney White stated the intent was to have a resolution for situations that may arise and Section 27-479d(1) stated the Council shall determine and establish by resolution the charges, terms and termination procedures for the right-of-way sidewalk uses.

Vice Mayor Gilbert felt one of the benefits for Sunny Caribbee was the patrons would enter through a front door and would have to go out the side door into the outdoor seating area.

Councilor Weldon stated other restaurants would be excluded if they were required to have a separate entrance through the restaurant to be seated outdoors. He suggested seating by a hostess could be required.

Consensus: **TO MAKE THE OUTDOOR SEATING AREA ALL NON-SMOKING AND FORWARD TO THE APRIL REGULAR MEETING.**

Councilor Pruette asked what would be done regarding the personalized bricks. City Manager Jarboe stated it could be included in the resolution that Mr. Brocato be required to relocate the bricks upon request.

CONTRACTS / AGREEMENTS / NONE

ISSUE DEVELOPMENT

Vineyard Church

VINEYARD CHRISTIAN FELLOWSHIP CHURCH: Vice Mayor Gilbert stated Reverend Lee Brookins was currently investigating through property management if the church could lease space inside Scotty's. The code still needed to be addressed in regard to allowing religious establishments in commercial districts.

City Attorney White stated he would work with City Manager Jarboe to prepare an ordinance.

Florida Blvd.
Landscape

LANDSCAPE DESIGN CONTRACT BY GODARD DESIGN & ASSOCIATES: Vice Mayor Gilbert stated a landscape design was necessary in order to apply for a grant. The project was for the one block area between Kings Circle and Bay Road on Florida Boulevard. Godard Design & Associates offered a contract for the design in the amount of \$3,500.

Councilor Weldon requested the council approve the conceptual plan design before proceeding with the construction document design.

Councilor Pruette asked for an update on the Atlantic Boulevard entrance sign.

Consensus: **TO SUPPORT THE LANDSCAPE DESIGN CONTRACT.**

Adjournment

There being no further business, the meeting adjourned at 8:43 p.m.

Attest:

Richard A. Brown, Mayor

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
WORKSHOP CITY COUNCIL MEETING
LAND DEVELOPMENT REGULATIONS
MARCH 29, 2004 AT 6:00 P.M.
CITY HALL, 116 FIRST STREET
NEPTUNE BEACH, FLORIDA

Pursuant to proper notice a Special Workshop Meeting of the City Council of the City of Neptune Beach was held March 29, 2004, at 6:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

Mayor Richard A. Brown
Vice Mayor James Gilbert
Councilor Harriet Pruette
Councilor John Weldon
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

ABSENT:

Councilor Larry Shealy
City Attorney Christopher White

STAFF:

Director of Community Development Jason Cleghorn
Assistant to the Building Official Piper Turner

Call to Order/Roll Call

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

Land Development

LAND DEVELOPMENT REGULATIONS GROUP 1 & 2: Community Development Director Jason Cleghorn explained at the last LDR meeting the council stopped at 27-229. He stated table 27-229-1 was the major information that needed to be reviewed at this meeting.

Council discussed at length the percentage of lot coverage. Vice Mayor Gilbert questioned whether all zoning districts should be the same regardless of lot size.

Consensus:

TO CHANGE THE PERCENTAGE OF LOT COVERAGE BACK TO 50% FOR R1-R5 DISTRICTS AND TO ADD LANGUAGE THAT ALL IMPERVIOUS SURFACES COUNT INCLUDING SWIMMING POOLS.

Mr. Steve Rosenbloom, Greenscape, announced that Greenscape would be having their annual tree sale in Town Center on Saturday April 3rd, starting at 7 am. He stated he was told by the Finance Department that he had to request, in person, for council to donate \$500 to Greenscape for the tree sale. Council discussed the donation. No decision could be made at a workshop.

Council discussed setbacks in residential zoning districts. Mr. Cleghorn pointed out that he had changed the side yard to 5 feet in R5.

Consensus: **LEAVE R4 SIDEYARD SETBACKS AT 7 FEET NOT 5 FEET.**

Council discussed height limitations in all districts. Vice Mayor Gilbert mentioned changing residential to 35 feet. Discussion ensued over a referendum asking that height was limited to 35 feet. Council asked staff how could this be done. City Clerk Volpe stated a referendum can be placed on the ballot by petition or by an ordinance passed by council.

Consensus: **TO LEAVE R5 HEIGHT LIMITATION AT 28 FEET. AND TO HAVE STAFF DRAFT AN ORDINANCE FOR A REFERENDUM TO HAVE THE HEIGHT MAXIMUM AT 35 FEET AND IT BE PLACED ON THE APRIL WORKSHOP.**

Recess/Reconvene

Mayor Brown called a recess at 7:15 p.m. and reconvened the meeting at 7:30 p.m.

Development Director Cleghorn continued with a discussion of setbacks in the commercial zone. Council questioned why the CDB now had a five feet setback. Mr. Cleghorn stated this complied with the state fire code.

Consensus: **COUNCIL WAS COMFORTABLE WITH COMMERCIAL SETBACKS.**

Councilor Pruette asked about section 27-235 use of front, side and rear yards. She questioned permitting for awnings and temporary carports. She requested there be a definition for awnings. The council discussed awnings and temporary carports.

Consensus: **TO DEFINE AWNING, ADD "FROM WINDOW OR DOOR" AFTER CANOPIES IN (3) AND TO DELETE "MARQUEE" IN (3).**

Mr. Cleghorn informed the council that he had added a Planned Unit Development (PUD) section. He stated it was in the City's Comprehensive Plan and therefore should not be deleted from the LDR. He felt it was a flexible land use tool that could be used to the benefit of the community.

Mayor Brown stated it was a good tool in order for developers to improve their land and the city to receive benefits in return. He felt it was not wise to eliminate it completely, even if it would not be used.

Vice Mayor Gilbert felt that PUD's had been removed so that condos and apartments would not be built. Mr. Cleghorn explained density would still have to be met and could not be ignored.

Councilor Weldon questioned what the benefits of PUD's were. Mr. Cleghorn said the developer gives concessions such as parks and open land in return for some thing from the city. Councilor Weldon felt in his experience the city usually does not get any compromises for the benefit of the community.

Councilor Pruette felt the problems she reads about in communities were always about PUD's. She does not support them.

Consensus: **TO DELETE SECTION 27-243 PLANNED UNIT DEVELOPMENT.**

Community Development Director Cleghorn suggested stopping at the end of Article IV Land Use.

Council discussed how to proceed with the LDR in order to finish before elections. City Manager Jarboe explained once the LDR is approved the Comp Plan needs to be changed in order to be in compliance with the LDR changes. There was some discussion on the frequency and time of meetings including a suggestion to have an hour after the regularly scheduled workshop.

City Manager Jim Jarboe reminded the council of the Saturday goal setting session. He also said there would be a menzi muck demonstration on April 6th.

Adjournment

There being no further business, the meeting adjourned at 8:30 p.m.

Richard A. Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
SPECIAL WORKSHOP CITY COUNCIL MEETING
FEBRUARY 2, 2004 AT 6:30 P.M.
CITY HALL, 116 FIRST STREET
NEPTUNE BEACH, FLORIDA

Pursuant to proper notice a Special Workshop Meeting of the City Council of the City of Neptune Beach was held February 2, 2004, at 6:30 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

Mayor Richard A. Brown
Vice Mayor James Gilbert
Councilor Harriet Pruette
Councilor Larry Shealy
Councilor John Weldon
City Attorney Christopher White
Interim City Manager & Public Safety Director William Brandt
Interim Assistant City Manager & City Clerk Lisa Volpe, CMC

STAFF:

Assistant to the City Manager Terry Klein
Assistant to the Building Official Piper Turner
Director of Finance Steve Ramsey
Director of Public Services Leon Smith
Deputy City Clerk Karla Strait, CMC

Order Call

Mayor Brown called the special workshop meeting to order at 6:30 p.m. and announced the purpose of the meeting was to hear a presentation by G.A.I. Consultants regarding the Kings Road Bridge.

Kings. Rd. Bridge

KINGS ROAD BRIDGE REPLACEMENT DESIGN: Ronald Hooglan, P.E., Project Manager, and Gregory Nettuno, P.E. Vice President of North Florida Operations, G.A.I. Consultants gave a presentation on the design and construction of the replacement bridge.

Mr. Hooglan stated the contract for the design and inspections was for the amount of \$108,000. The contract included the design of a one-way direction bridge with a pedestrian walkway with two alternate designs to choose from and inspections. The estimated construction time was 2 ½ months. The City of Jacksonville Beach agreed to open a temporary access while the bridge was out of service.

Interim City Manager Chief Brandt stated he would prefer the pedestrian walkway to be on the west side of the bridge. Mr. Hooglan stated that would not be a problem.

City Attorney Chris White asked that the following changes be made to the draft contract:

1) Responsibility of Client: The conditions that Client is responsible for right-of-entry on the land and/or facilities for GAI, etc. and change restorations of the land and/or facilities accomplished at the Clients expense.

2) Limitation of Liability: He would expect the limitation liability to be 1 million as opposed to \$50,000 or the price of the contract whichever is greater.

3) Terms of Agreement: He would ask that the prevailing party be entitled to attorney fees and cost as opposed to each party sharing their own attorneys fees and cost.

Vice Mayor Gilbert asked to place the contract on the workshop meeting agenda for review and forward to the March regular meeting for action.

Ty Edwards, Public Works Director, Jacksonville Beach, stated he would coordinate the temporary access with Public Services Director Leon Smith.

Interim City Manager Chief Brandt added G.A.I. would also conduct neighborhood meetings to keep the residents informed and allow their input.

Adjournment

There being no further business, the meeting adjourned at 6:55 p.m.

Richard Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
REGULAR CITY COUNCIL MEETING
FEBRUARY 2, 2004, 7:00 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 February 2, 2004, at 7:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

Mayor Richard A. Brown
Vice Mayor James Gilbert
Councilor Harriet Pruette
Councilor Larry Shealy
Councilor John Weldon
City Attorney Christopher White
Interim City Manager & Public Safety Director William Brandt
Interim Assistant City Manager & City Clerk Lisa Volpe, CMC

STAFF:

Assistant to the City Manager Terry Klein
Assistant to the Building Official Piper Turner
Director of Finance Steve Ramsey
Director of Public Services Leon Smith
Deputy City Clerk Karla Strait, CMC

Order Call/Pledge

Mayor Brown called the meeting to order at 7:00 p.m. and led the pledge of allegiance.

AWARDS / PRESENTATIONS / RECOGNITION OF GUESTS / NONE

APPROVAL OF MINUTES

Motion: **TO APPROVE THE FOLLOWING MINUTES:**
JANUARY 5, 2004, REGULAR CITY COUNCIL MEETING
JANUARY 12, 2004, WORKSHOP CITY COUNCIL MEETING

Moved by Weldon, seconded by Gilbert.

Roll Call Vote:

Ayes: 5 – Gilbert, Pruette, Shealy, Weldon, Brown
Noes: 0

MOTION CARRIED

COMMUNICATIONS AND CORRESPONDENCE

Councilor Pruette stated she had presented a memo to the Council regarding the ranking of the seven finalists for the city manager position. She felt the process was flawed and could lead to legal issues.

Vice Mayor Gilbert asked City Attorney Chris White if he had the opportunity to review the process and if he felt the process involved in legal issues. He felt the Council should move forward if there were no legal issues involved.

City Attorney Chris White replied he spoke with Councilor Pruette last Friday. It was his opinion everything that took place during the ranking process at the last Council meeting was legal.

Councilor Shealy stated it should be noted that the same three candidates would have come out on top without the inclusion of the staff vote.

On the Record Councilor Weldon stated for the record he agreed with Councilor Pruette that the process that occurred at the last special meeting to narrow the list of candidates for City Manager lent an air of impropriety to the entire effort. It reflected badly on the city and badly on the ultimate choice of a city manager, however, he felt there was no benefit in making an issue of it now.

Councilor Pruette quoted the language in Section 2-67 of the City Code. "The city manager and such other officers of the city as may be designated by vote of the City Council shall be entitled to seats in Council, but shall have no vote therein." She did not agree with the way the process was handled.

Mayor Brown stated there was no policy and procedure in place for hiring a city manager. He suggested defining and adopting a policy and procedure in a future workshop meeting.

CITY MANAGER REPORTS

Sewer Project **SEWER IMPROVEMENT PROJECT:** Director of Public Services Leon Smith reported the contractor was connecting the sewer services on South Street. They still had to open cut the new main from the Sea Horse Motel to Lemon Street. There were also two point repairs that needed to be done on the west side of Third Street at Florida Boulevard. He estimated the project would be completed in a few weeks.

City Yard Project **CITY YARD PROJECT:** Director of Public Services Leon Smith reported the construction of the new city yard was on schedule. The heating and air conditioning ducts were being installed, the interior wall studs had been installed and the electrical wiring was being installed.

PUBLIC COMMENTS

Susan Conley, 1864 Nightfall Drive, was concerned that Hopkins Creek was filling up with silt and was getting shallower.

Sandy Leidy, 1810 Strand Street, stated of all the candidates for city manager it was amazing that after hiring a consultant to do a nationwide search the one selected was living here in Neptune Beach. He felt because Mr. Jarboe was already known in the community that the decision was decided beforehand and was not fair to the other candidates.

Richard Keene, 733 Bay Street, felt his neighborhood had been the storage shed for sewer equipment. He questioned the completion date of the sewer project. Jim

Miller, PBS&J, responded the estimated completion date was March 15, 2004.

Christine Chin, 227A Margaret Street, felt Walter Barry would be a comfortable choice for city manager. She questioned if the ranking would have been different had the Council not known Mr. Jarboe. She felt the Council was divided and encouraged them to find a way to heal the division.

Lynda Padrta, 1113 First Street, was concerned about the process of the hiring of a city manager.

Steve Jarrett, 210 South Street, thanked the Council for donating their time to the betterment of the government of Neptune Beach and asked them to keep up the good work.

Mary Ann Padrta, 1030 Oak Street, felt staff should not have been involved in the ranking of candidates for city manager and was disappointed the Council was unwilling to correct the process. She also questioned if Mr. Jarboe would have been chosen if he had not been known.

Scott Wiley, 723 Davis Street, stated he knew Jimmy Jarboe and felt he was qualified for the position of city manager.

Leslie Lyne, 501 Hopkins Street, felt if there were no names on the resumes the top candidates would have been the same. She also felt there would be a smoother transition if the Council all agreed on the top candidate.

CONSENT AGENDA / NONE

VARIANCES / NONE

ORDINANCES / NONE

OLD BUSINESS

Kings Rd. Bridge

KINGS ROAD BRIDGE REPLACEMENT DESIGN: Approval of contract for G.A.I. Consultants for the design of new Kings Road Bridge.

Moved by Pruette, seconded by Gilbert.

Motion: **APPROVE THE CONTRACT FOR G.A.I CONSULTANTS, CONTINGENT ON THE CITY ATTORNEY'S APPROVAL OF THE FINAL LANGUAGE.**

Roll Call Vote:

Ayes: 5 – Gilbert, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

NEW BUSINESS

Shade Mtg.

REQUEST FOR SHADE MEETING: City Attorney Chris White requested Council schedule a shade meeting to discuss pending litigation of the Dan Arlington and Solantic cases.

Consensus: **TO HOLD A SHADE MEETING PRIOR TO THE WORKSHOP ON FEBRUARY 23, 2004, AT 6:30 P.M.**

Resolution No.

RESOLUTION NO. 2004-04: A RESOLUTION APPOINTING BOARD MEMBERS TO

2004-04

THE CODE ENFORCEMENT BOARD.

Councilor Pruette stated Council had not met appointee Constance Green. She suggested postponing Ms. Green's appointment until she could attend a council meeting.

Moved by Gilbert, seconded by Shealy.

Motion: **TO ADOPT RESOLUTION NO. 2004-04 APPOINTING LORI GAGLIONE TO THE CODE ENFORCEMENT BOARD.**

Roll Call Vote:

Ayes: 5 – Gilbert, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

Whataburger

DEVELOPMENT ORDER – WHATABURGER – 1201 ATLANTIC BOULEVARD: Vice Mayor Gilbert stated he did not approve of the proposed pole sign for Whataburger.

Councilor Shealy added the Planning & Development Review Board recommended approval of the development order with the stipulation in the motion that the applicant would provide additional sign options, one being for a monument type sign.

Councilor Weldon asked if the applicant for Whataburger was present to answer questions. Councilor Weldon asked to postpone the development order until a representative was available to answer questions. He asked the City Attorney if it would be feasible to post a moratorium on sign construction until the new sign ordinance became effective.

City Attorney White stated he would draft a Resolution to pass a moratorium for the building of pole signs and have it available for the February Workshop Meeting.

Hank Baltar, Chairman of the Planning & Development Review Board, stated the Board did in fact ask the applicant to provide alternative sign designs emphasizing the desire for a monument type sign.

Consensus: **TO POSTPONE THE DEVELOPMENT ORDER FOR WHATABURGER.**

Consensus: **TO HAVE CITY ATTORNEY CHRIS WHITE PREPARE A RESOLUTION FOR A MORATORIUM ON POLE SIGNS FOR THE WORKSHOP MEEETING.**

Monahan Roofing

DEVELOPMENT ORDER – MONAHAN ROOFING – 2050 KINGS CICLE SOUTH: City Clerk Lisa Volpe informed the Council there was not a representative present for Monahan Roofing.

Councilor Weldon asked to postpone the development order until the applicant could be present.

Hank Baltar, Chairman of the Planning & Development Board, felt the applicants should be present for the final approval of development orders. He added once the Board recommended approval the applicant was informed when it would go before the council so they could be present.

Consensus: **TO DEFER THE APPLICATION UNTIL THE APPLICANT COMES BEFORE COUNCIL TO BE AVAILABLE TO ANSWER QUESTIONS.**

City Manager

CITY MANAGER CONTRACT: Mayor Brown asked if Council members had received the

correspondence from the consultant regarding the top three candidates interest and starting salary.

Moved by Shealy, seconded by Gilbert.

Motion: **TO NEGOTIATE A CONTRACT WITH JAMES JARBOE TO BE THE NEXT CITY MANAGER.**

Mayor Brown stated Mr. Jarboe was a finalist because of his background, resume, and interview process.

On the Record Councilor Shealy stated for the record he did not know James Jarboe until the interview process began. He was impressed by his experience and goal setting, and stood behind his decision of making him his number one choice.

Vice Mayor Gilbert stated he did not know James Jarboe personally and he treated Mr. Jarboe equal with the other candidates. His final decision was based on Mr. Jarboe's experience and interview and he felt he was the proper candidate for the position.

Councilor Weldon offered an amendment to the motion that the Council unanimously select James Jarboe as the City Manager.

Moved by Weldon, seconded by Shealy.

Friendly Amendment **TO UNANIMOUSLY AS A COUNCIL SELECT JAMES JARBOE AS THE CITY MANAGER.**

Vice Mayor Gilbert stated he did not want to risk the loss of a top candidate by the addition of the amendment but he urged the Council to vote unanimously.

City Attorney White stated Councilor Weldon offered the amendment and Councilor Shealy seconded the motion. The amendment needed to be voted on before the motion.

Councilor Pruette stated she was unhappy with the selection process but she would support the majority of the Council.

Councilor Shealy withdrew his second on the amendment.

AMENDMENT WITHDRAWN

Vice Mayor Gilbert asked for a roll call on the original motion.

Roll Call Vote:

Ayes: 5 – Gilbert, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

Adjournment

There being no further business, the meeting adjourned at 8:12 p.m.

Richard A. Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
SPECIAL WORKSHOP CITY COUNCIL MEETING
FEBRUARY 9, 2004 AT 6:00 P.M.
CITY HALL, 116 FIRST STREET
NEPTUNE BEACH, FLORIDA

Pursuant to proper notice a Special Workshop Meeting of the City Council of the City of Neptune Beach was held February 9, 2004, at 6:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

Mayor Richard A. Brown
Vice Mayor James Gilbert
Councilor Harriet Pruette
Councilor Larry Shealy
Councilor John Weldon
City Attorney Christopher White
Interim City Manager & Public Safety Director William Brandt
Interim Assistant City Manager & City Clerk Lisa Volpe, CMC

STAFF:

Community Development Director Jason Cleghorn
Assistant to the City Manager Terry Klein
Assistant to the Building Official Piper Turner
Director of Finance Steve Ramsey
Deputy City Clerk Karla Strait, CMC

Order Call

Mayor Brown called the special workshop meeting to order at 6:00 p.m. and announced the purpose of the meeting was to negotiate a contract with James Jarboe for the position of City Manager.

**City Manager
Contract**

CITY MANAGER CONTRACT NEGOTIATION: Mayor Brown asked City Attorney White to comment on the structure of the contract.

City Attorney White explained the contract was a form contract provided by the International City Manager's Association. It was up to the Council to determine the terms of salary and benefits.

Councilor Pruette stated according to the Florida League of Cities salary survey the minimum salary for a city manager in a city with a population of less than 10,000 was \$63,321 and the maximum was \$68,617. The \$80,000 proposed salary was 26% above the average. She asked Council to consider making the following changes to Mr. Jarboe's proposal:

- **Section 2.A. Term:** Change February 16, 2009 to February 16, 2007.
- **Section 2. B. Term:** Change the written notice from 180 days to 90 days.
- **Section 3.1. Suspension:** Strike the word "employee".

- Section 4.A. Termination and Severance Pay: Change from 6 months to 3 months.
- Section 7 Salary: Change annual base salary from \$80,000 to \$73,386 and change the minimum of 5% base salary increase to 3%.
- Section 8.B. Performance Evaluation: Change from each year to each fiscal year.
- Section 12.A. Vacation, Sick, and Military Leave: Change accrual of leave time from being accrued by general employees of Employer with 10 to 15 years of continual full time service to being accrued by general employees with beginning full time service.
- Section 14. Retirement: Change contribution amount of deferred compensation plan from 10% to 7%.

If those changes were made the contract would remain the same as past City Manager Richard Linn's contract with a 5% increase in salary.

Mayor Brown felt the \$80,000 salary and terms of the proposed contract were fair. He stated the other top candidates had requested a higher salary.

Councilor Shealy stated he was comfortable with the conditions of Mr. Jarboe's proposed contract. He felt \$80,000 was a fair salary for someone with Mr. Jarboe's experience.

Mayor Brown stated he worked with Mr. Jarboe on the Jacksonville City Council and his relationship with the county would benefit the city.

Vice Mayor Gilbert felt Mr. Jarboe deserved a salary of \$80,000 because of his experience. He was willing to accept the proposed contract.

Councilor Weldon stated he was not concerned with the format of the contract but he felt the terms should be reviewed in detail. In his opinion it would be irresponsible for the Council to give Mr. Jarboe everything he asked for in the contract and he felt Mr. Jarboe did not expect to get everything he requested. He agreed with the \$80,000 salary but suggested the following changes be made to the contract:

- He agreed the written notice should be 90 days in lieu of 180 days.
- The termination severance pay should be 3 months in lieu of 6 months.
- The salary increases should not be guaranteed they should be subject to review.
- Outside activities 10 hours a month

Councilor Weldon also felt a whole life insurance policy in the amount equal to the annual gross salary was an expensive proposition. The deferred compensation should be reviewed in a year. He felt professional development and club memberships should be limited and subject to Council approval.

Mayor Brown stated he would like the new City Manager to be involved the community. He would also expect him to manage his time and curtail club memberships.

Councilor Shealy stated the verbiage in the contract regarding club memberships was exactly the same as the previous City Manager's contract.

Councilor Pruette stated \$115,184 was a lot of money for a city of this size to pay for a city manager.

Councilor Shealy asked Councilor Pruette how she came up with the \$115,184 figure.

Councilor Pruette stated she asked Director of Finance Steve Ramsey to compare the differences between the previous city manager contract and the proposed new city

manager contract including salary and total cost of added benefits. The total amount of the proposed contract including benefits amounted to \$115,184. She added that Mr. Jarboe was also asking for a 5 year contract in lieu of a 3 year contract.

Mayor Brown stated the contract could be terminated at any time given written notice. City Attorney Chris White added the city manager could always be terminated but the city would have to pay him severance.

Moved by Weldon.

Motion: **APPROVE THE CONTRACT THAT WAS SUBMITTED WITH THE FOLLOWING CHANGES: 1) THE TERM IN SECTION 2-B BE REDUCED FROM 180 DAYS TO 90 DAYS, 2) THE TERMINATION AND SEVERANCE PAY IN SECTION 4 BE LIMITED TO 3 MONTHS RATHER THAN 6 MONTHS, AND 3) SECTION 7, SALARY THAT THERE ARE NO AUTOMATIC PAY RAISES, THEY ARE AVAILABLE ONLY SUBJECT TO ANNUAL REVIEWS.**

MOTION DIED FOR LACK OF A SECOND

Moved by Shealy, seconded by Gilbert.

Motion: **TO APPROVE THE CONTRACT AS SUBMITTED.**

Councilor Weldon commented that the other three council members continued to ignore himself and Councilor Pruette. He was concerned that if a pattern were created it would not benefit anyone. He added that he would appreciate a little more cooperation from the three council members.

Councilor Pruette stated she had received many telephone calls from citizens who had lost confidence in the elected officials.

Councilor Shealy stated the three council members disagreeing with Councilor Weldon and Councilor Pruette was only in one instance. He felt hiring Mr. Jarboe was a good opportunity for the city. He added the telephone calls he had received from citizens were positive.

Councilor Weldon stated contracts were negotiated all the time and he felt the Council should negotiate the details.

Mayor Brown stated he did not think the contract was unreasonable.

Councilor Pruette stated there had been no negotiating, the majority of the Council gave Mr. Jarboe everything he asked for in the proposed contract and the citizens would have to pay for it.

Mayor Brown asked City Clerk Lisa Volpe to call the roll on the motion to approve the contract as submitted.

Roll Call Vote:

Ayes: 3 – Gilbert, Shealy, Brown

Noes: 2 – Pruette, Weldon

MOTION CARRIED

Mayor Brown asked when the contract would be become effective. Interim City Manager

Chief Brandt stated Mr. Jarboe would begin work for the city on February 17, 2004.

Adjournment

There being no further business, the meeting adjourned at 6:35 p.m.

Richard Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
WORKSHOP CITY COUNCIL MEETING
LAND DEVELOPMENT REGULATIONS
FEBRUARY 9, 2004 AT 6:45 P.M.
CITY HALL, 116 FIRST STREET
NEPTUNE BEACH, FLORIDA

Pursuant to proper notice a Special Workshop Meeting of the City Council of the City of Neptune Beach was held February 9, 2004, at 6:45 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

Vice Mayor James Gilbert
Councilor Harriet Pruette
Councilor Larry Shealy
Councilor John Weldon
Interim City Manager & Public Safety Director William Brandt
Interim Assistant City Manager & City Clerk Lisa Volpe, CMC

ABSENT:

Mayor Richard A. Brown

STAFF:

Director of Community Development Jason Cleghorn
Assistant to the Building Official Piper Turner

Call to Order/Roll Call

The Vice Mayor called the meeting to order at 6:45 p.m.

Land Development

LAND DEVELOPMENT REGULATIONS GROUP 1 & 2: Vice Mayor Gilbert stated he had not had the opportunity to review the latest version of the revised land development regulations.

Councilor Weldon questioned the Council as to how they would like to proceed with the review. He spoke with Gary Dickens, formerly of Ivey, Harris & Walls. Mr. Dickens informed him there was an amount remaining on the contract with Ivey, Harris, & Walls. Councilor Weldon stated he would like to deplete the remainder of the amount of the contract.

City Clerk Lisa Volpe stated Mr. Dickens was no longer with Ivey, Harris & Walls. She added the amount remaining on the contract was \$9,400.

Councilor Weldon stated he was aware Mr. Dickens was no longer employed by Ivey, Harris, & Walls. But because Mr. Dickens did all the work on the project Mr. Ivey had no objection to transferring the contract from Ivey, Harris, & Walls.

City Clerk Lisa Volpe stated she was concerned about Mr. Dickens reliability because he had not returned telephone calls in the past.

Councilor Weldon stated Mr. Dickens had been hard to reach due to his transition from Ivey, Harris, & Walls. He added the city had invested a lot of money with Ivey, Harris, & Walls and recommended giving Mr. Dickens the opportunity to complete the task.

Councilor Pruette stated she had no confidence in Mr. Dickens. The Council had come to many consensuses to changes they wanted that were not implemented.

Interim City Manager Chief Brandt questioned whether the consultant had already been paid the \$9,400. If so they owed the city \$9,400 worth of services.

City Clerk Lisa Volpe stated the contract with the consultant included: turning over the 1998 and 1999 revised material, attendance at five council meetings, and the legal review. All that remained was the revisions to Group 3 and the legal review.

Interim City Manager Chief Brandt suggested proceeding in the following manner. Have Mr. Dickens turn over the revised materials to Community Development Director Jason Cleghorn, have Mr. Cleghorn review the material, send it to Council for approval, then back to Mr. Dickens to provide the legal review. He suggested during the process each Council member meet with Mr. Cleghorn to discuss any concerns.

Councilor Pruette replied she felt the Council Members needed to hear each other's concerns.

Vice Mayor Gilbert stated he did not want to go through the revisions line by line. He was willing to allow Mr. Dickens the opportunity to complete the project.

Councilor Shealy agreed to give Mr. Dickens another opportunity.

Community Development Director Jason Cleghorn explained the version of the land development regulations before the Council included some changes he had made without the knowledge of the Council.

City Clerk Lisa Volpe explained Group 1 and Group 2 up to Section 27-234, was reviewed by the consultant and changes agreed to by the Council before Mr. Cleghorn's changes. The Council had not started the review of Group 3.

Councilor Shealy questioned why Mr. Cleghorn made changes to Group 1 and Group 2, up to Section 27-234 if it had already been approved by the Council.

Mr. Cleghorn replied he was told to review the Code and make any changes he felt were necessary.

Councilor Weldon asked Mr. Cleghorn to go over the changes he made with the Council and have the Council agree or disagree and move forward from there.

City Clerk Volpe suggested Mr. Cleghorn draw up a document showing all the changes he made.

Vice Mayor Gilbert asked Mr. Cleghorn how many changes he had made.

Mr. Cleghorn replied the major changes he made were to Section 27-145, Variances, adding certain items that needed to be included on plat maps, a new Administrative Variance Section, and changes to zoning districts.

Councilor Weldon suggested for a starting point to have Mr. Cleghorn go over all the changes he made to Group 1 with the Council and have the Council agree or disagree on each change and finish up Group 1.

Vice Mayor Gilbert asked Mr. Cleghorn to be prepared to go over the changes he made with the Council at the next meeting.

City Clerk Volpe stated all the consensuses the Council agreed to up to Section 27-234 were included in the current document. She recommended that Mr. Cleghorn go over the changes he made up to Section 27-234 with the Council and complete the project up to that point. Then the Council needed to decide if they wanted the consultant or Mr. Cleghorn to complete Group 3.

Vice Mayor Gilbert stated if the Council agreed Mr. Cleghorn could go over his changes with the Council at the next meeting and finish up Group 1 and Group 2 up to Section 27-234.

Councilor Weldon asked City Clerk Volpe to make sure the changes the Council agreed to by consensus were included and had not been altered.

Vice Mayor Gilbert asked Mr. Cleghorn how much time he needed to prepare to go over the changes he made to Group 1 and Group 2, Section 27-234 with the Council.

City Clerk Lisa Volpe stated Monday, March 8, 2004, was available.

Mr. Cleghorn asked Council to clarify what they wanted him to do.

Vice Mayor Gilbert instructed Mr. Cleghorn to highlight the changes he made in his copy up to Section 27-234 and be prepared to go over those changes verbally with the Council at the next meeting.

Consensus: **TO HOLD THE NEXT LAND DEVELOPMENT WORKSHOP MEETING ON MONDAY, MARCH 8, 2004, STARTING AT 6:00 P.M.**

Adjournment

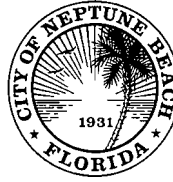
There being no further business, the meeting adjourned at 7:30 p.m.

ATTEST:

Richard A. Brown, Mayor

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
REGULAR CITY COUNCIL MEETING
JANUARY 5, 2004, 7:00 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, 2004, at 7:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

Mayor Richard A. Brown
Vice Mayor James Gilbert
Councilor Harriet Pruette
Councilor Larry Shealy
Councilor John Weldon
City Attorney Christopher White
Interim City Manager & Public Safety Director William Brandt
Interim Assistant City Manager & City Clerk Lisa Volpe, CMC

STAFF:

Community Development Director Jason Cleghorn
Assistant to the City Manager Terry Klein
Director of Finance Steve Ramsey
Director of Public Services Leon Smith
Deputy City Clerk Karla Strait, CMC

Order Call/Pledge

Mayor Brown called the meeting to order at 7:00 p.m. and asked Vice Mayor Gilbert to lead the pledge of allegiance.

AWARDS / PRESENTATIONS / RECOGNITION OF GUESTS / NONE

APPROVAL OF MINUTES

Motion: **TO APPROVE THE FOLLOWING MINUTES:**
DECEMBER 1, 2003, REGULAR CITY COUNCIL MEETING
DECEMBER 15, 2003, WORKSHOP CITY COUNCIL MEETING

Moved by Gilbert, seconded by Shealy.

Roll Call Vote:

Ayes: 5 – Gilbert, Pruette, Shealy, Weldon, Brown
Noes: 0

MOTION CARRIED

COMMUNICATIONS AND CORRESPONDENCE

Vice Mayor Gilbert asked Director of Public Works Leon Smith for an update on the Bal Harbor flooding issues. Mayor Brown stated Mr. Smith would comment on the issue under the City Manager Reports.

Councilor Pruette asked to place the stormwater system on the workshop agenda for January 12, 2004. She asked that the study for widening Penman Road include alternatives.

City Clerk Lisa Volpe stated the regular workshop meeting date of January 19, 2004 fell on Martin Luther King Jr. Day, and would be moved to January 12, 2004.

CITY MANAGER REPORTS

- Sewer Project **SEWER IMPROVEMENT PROJECT:** Director of Public Services Leon Smith explained the sewer project was moving along on schedule. The contractor was pulling out the old liner on Third Street and installing new pipe. The contractor had agreed to clean up the storage area.
- City Yard Project **CITY YARD PROJECT:** Director of Public Services Leon Smith stated the wastewater treatment plant building and the animal control building were dried in; meaning the trusses were set, the plywood was on, and the tar paper was on. The administration building should be dried in by the end of the week.
- Bal Harbor **BAL HARBOR STORM DRAINAGE:** Director of Public Services Leon Smith stated the drainage in Bal Harbor was a problem for private property owners during heavy rains when the ditches were full and when the tide was high because all of the water drained into Hopkins Creek. To help control the problem he had an access pipe for a trailer-mounted pump installed so that the water could be pumped out into the ditch. The only other solution was to install a pumping station.

PUBLIC COMMENTS

Elaine Kenny, 1301 Neptune Grove Drive West, requested permission from the Council to Chair "Sunday in the Park". She introduced Rebecca Miller who volunteered to Co-chair the event. The event would take place on April 4th or 18th.

Rick Sonner, 547 Magnolia Street, was concerned about the flooding on his property in Bal Harbor. He suggested the city install a small pump house.

Wayne Willey, 569 Bay Street, was concerned about flooding on his property in Bal Harbor.

Tim Slater, 573 Magnolia Street, was concerned about flooding on his property in Bal Harbor. He felt the problem was the amount of water going into the retention areas was increasing and the capacity of the retention areas were decreasing. He suggested the city use the funds collected for stormwater to enlarge the ditches.

Jim Clements, 616 Magnolia Street, was concerned about flooding on his property. He stated the moisture from the flooding had caused his garage floor to rise and he was concerned about the foundation of his house. He felt the problem was also a public safety issue for people that were not familiar with the area.

Leslie Karlin, 1506 Spindrift Circle West, favored approval of Resolution 2004-01. She questioned the issues of Resolution 2004-02. She stated Solantic understood the action of the Code Enforcement Board. She asked the Council to consider other

citizens rights when a religious organizations asked for exceptions.

Todd Brown, 1512 Strand Street, felt the proceedings for request for relief for 104 Davis Street was not appropriate and had no merit. He felt it would be a waste of taxpayer money because the mediation was non-binding.

Laura Patronik, 1520 Leeward Lane, opposed the widening of Penman Road. She stated the beach accesses were already protected and there was no need for surveys.

Lynda Padrta, 1113 First Street, supported surveying the beach accesses. She also supported the approval of Resolution 2004-01. She asked the Council to support the Code Enforcement Board action regarding the Solantic sign.

CONSENT AGENDA

Approve surveys for beach accesses to be completed by Boatwright Land Surveyors for \$6,000.

RESOLUTION NO. 2004-01: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEPTUNE BEACH, FLORIDA OPPOSING CREATION OF A STATE-WIDE WATER AUTHORITY, PRIVITIZATION OF WATER RIGHTS, AND THE TRANSPORT OF NORTH FLORIDA WATER RESOURCES TO CENTRAL AND SOUTH FLORIDA.

Moved by Weldon, seconded by Pruette.

Motion: **TO APPROVE THE ABOVE CONSENT AGENDA.**

Mayor Brown asked to remove the survey for beach accesses from the consent agenda and vote on each subject separately.

Councilor Weldon withdrew the motion.

Moved by Pruette, seconded by Weldon.

Motion: **TO APPROVE SURVEYS FOR BEACH ACCESSES TO BE COMPLETED BY BOATWRIGHT LAND SURVEYORS FOR \$6,000.00.**

Roll Call Vote:

Ayes: 4 – Gilbert, Pruette, Shealy, Weldon

Noes: 1 – Brown

MOTION CARRIED

Moved by Pruette, seconded by Weldon.

Motion: **TO APPROVE RESOLUTION NO. 2004-01.**

Roll Call Vote:

Ayes: 5 – Gilbert, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

VARIANCES

104 Davis St.

VARIANCE FOR 104 DAVIS STREET – REQUEST FOR RELIEF: City Attorney White explained if a property owner sought relief under the state statute the city was required to participate and did not have the option to decline. He explained the city and the property

owner had to agree on a Special Master who would determine whether or not the action by the city unfairly restricts or imposes an undue burden on the owners use of the property. He and the attorney for the property owner agreed to use Bill Birchfield as the Special Master. Approval of the Council was necessary to set the proceedings in motion and move forward.

Moved by Gilbert, seconded by Shealy.

Motion: **TO ACCEPT THE ADVICE OF CITY ATTORNEY WHITE AND USE BILL BIRCHFIELD AS THE SPECIAL MASTER.**

Roll Call Vote:

Ayes: 5 – Gilbert, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

ORDINANCES

Ord. No. 2003-19

ORDINANCE NO. 2003-19, WIRELESS TELECOMMUNICATIONS FACILITY, PUBLIC HEARING AND FINAL READ: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA REGULATING THE SITING OF WIRELESS TELECOMMUNICATION FACILITY AND PROVIDING AN EFFECTIVE DATE.

Mayor Brown read Ordinance 2003-19 by title only and opened the public hearing.

There being no comments from the public the public hearing was closed.

Moved by Gilbert, seconded by Weldon.

Motion: **TO ADOPT ORDINANCE NO. 2003-19 ON SECOND READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 5 – Gilbert, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

OLD BUSINESS

Solantic Sign

SOLANTIC SIGN: City Attorney White stated Solantic would be moving forward with a lawsuit. The lawsuit sought relief relating to the action of the Code Enforcement Board and the subsequent action of the Council relating to the sign. He asked the Council to authorize the preparation and approval of a Resolution allowing him the authority to move forward and take all necessary action to defend the matter and prosecute any action the city may wish to take against Solantic in terms of issues discussed at the previous meeting.

Councilor Weldon asked Mr. White if the lawsuit would derail any action by the city to seek injunctive relief in the interim. Mr. White stated Solantic had asked for injunctive relief to prevent the Code Enforcement Board action from being enforced. In turn the primary offensive tactic the Council should consider was to seek injunctive relief to see that the actions of the Code Enforcement Board were enforced.

Moved by Weldon, seconded by Gilbert.

Motion: **TO APPROVE A RESOLUTION AUTHORIZING CITY ATTORNEY CHRIS**

**WHITE TO DEFEND AND PROSECUTE HOWEVER APPROPRIATELY IN
RESPONSE TO THE LAWSUIT.**

Roll Call Vote:

Ayes: 5 – Gilbert, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

NEW BUSINESS

Beaches Chapel

APPLICATION FOR SPECIAL EXCEPTION FOR BEACHES CHAPEL – 610 FLORIDA BOULEVARD: The application for the special exception was for the reconfiguration of the monument sign.

Wayne Bezman, authorized agent for Beaches Chapel, explained the request was to upgrade the existing plywood sign to match the newly remodeled church. The existing sign was 9' wide x 8' tall. The proposed new sign would be 12' wide x 8 tall'.

Moved by Gilbert, seconded by Shealy.

Motion: **TO APPROVE THE SPECIAL EXCEPTION FOR BEACHES CHAPEL.**

Roll Call Vote:

Ayes: 5 – Gilbert, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

Res. No. 2004-02

RESOLUTION NO. 2004-02: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEPTUNE BEACH, FLORIDA URGING MEMBERS OF FLORIDA LEGISLATURE TO SUPPORT THE FOLLOWING MUNICIPAL ISSUES DURING THE 2004 LEGISLATIVE SESSION.

Moved by Weldon, seconded by Gilbert.

Motion: **TO APPROVE RESOLUTION 2004-02.**

Roll Call Vote:

Ayes: 5 – Gilbert, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

Dial-a-Ride

REQUEST FOR DONATION FOR DIAL-A-RIDE PROGRAM: Director of the Senior Activity Center Leslie Lyne requested a donation from the city of \$1,000 for the Dial-a-Ride Program.

For the Record Director of Finance Steve Ramsey stated for the record the last contribution to the Dial-a-Ride Program was in 2001.

Councilor Weldon felt the Council should be informed of how much money they needed in order to operate. He asked that future requests for donations include budgets and annual reports.

Moved by Gilbert, seconded by Pruette.

Motion: **TO APPROVE A DONATION OF \$1,000 FOR THE DIAL A RIDE PROGRAM.**

Roll Call Vote:

Ayes: 5 – Gilbert, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

LDR

LAND DEVELOPMENT REGULATIONS: Councilor Weldon asked when the next meeting for review of the Land Development Regulations would be held. Director of Community Development Jason Cleghorn replied Group 1 & 2 would be the January 12, 2004 workshop agenda.

Adjournment

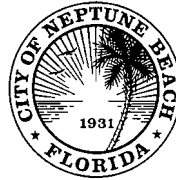
There being no further business, the meeting adjourned at 8:20 p.m.

Richard A. Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
WORKSHOP CITY COUNCIL MEETING
JANUARY 12, 2004, AT 7:00 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 12, 2004 at 7:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

Mayor Richard A. Brown
Vice Mayor James Gilbert
Councilor Harriet Pruette
Councilor Larry Shealy
Councilor John Weldon
Interim City Manager & Public Safety Director William Brandt
Interim Assistant City Manager & City Clerk Lisa Volpe, CMC

STAFF:

Community Development Director Jason Cleghorn
Assistant to the City Manager Terry Klein
Director of Finance Steve Ramsey
Director of Public Services Leon Smith
Deputy City Clerk Karla Strait, CMC

Call to Order/Roll Call Mayor Brown called the meeting to order at 7:00 p.m.

PRESENTATIONS/NONE

COMMITTEE REPORTS/NONE

CITY MANAGERS PUNCH LIST

Water Project **WATER IMPROVEMENT PROJECT:** Interim City Manager Brandt stated final payment would be made to Utilex once the billing was received in proper format.

Sewer Project **SEWER IMPROVEMENT PROJECT:** Jim Miller, PBS&J, stated the sewer contractor had continued running into problems with the old liner on Third Street. The latest problem was at the corner of Third Street and Florida Boulevard where the water contractor had difficulty installing the bore and jack and damaged a sewer line. Due to the problems, Mr. Miller recommended at the contractors request, a 45-day extension of the contract. Mr. Miller added that with all the problems and extra work the project would still be completed under the contracted time.

Director of Public Services Leon Smith stated the sewer line for the Sea Horse Motel was backing up quite a bit and a sewer line for a house on Orange Street at the oceanfront needed

to be extended. He would have the contractor take care of those problems as well.

Consensus: **TO ALLOW THE CONTRACTOR A 45 DAY EXTENSION TO DO REPAIRS ON ORANGE AND MIDWAY.**

Councilor Weldon voiced concern regarding low water pressure on a property on the oceanfront north of Cedar Street. Mr. Smith stated he would look into the situation.

Kings Rd. Bridge

KINGS ROAD BRIDGE: Interim City Manager Brandt stated G.A.I. Consultants were prepared to give a presentation to the Council on the design and construction of a new bridge.

Consensus: **TO HOLD A SPECIAL MEETING FOR G.A.I. CONSULTANTS ON FEBRUARY 2, 2004, AT 6:30 P.M. PRIOR TO THE REGULAR COUNCIL MEETING.**

Public Services Facility

PUBLIC SERVICES FACILITY: Director of Public Services Leon Smith stated the construction of the new public services facility was moving along well and ahead of schedule. The construction was due to be complete by June 1st.

Hopkins Creek

HOPKINS CREEK PROJECT: Mayor Brown stated the Florida Department of Transportation continued to look at options other than the original plan for culvert.

City Manager Selection

CITY MANAGER SELECTION PROCESS: Councilor Pruette suggested the reception for the city manager candidates be held at City Hall in lieu of the Beaches Diner. She felt more citizens would attend if it were held at the City Hall building.

Mayor Brown stated the Beaches Diner would be open for the reception attendees only and there were also more available parking at that location.

PUBLIC COMMENTS

Sandy Leidy, 1810 Strand Street, asked the Council to reconsider the sequence of public comments on the agenda. He felt the public should have an opportunity to speak before each agenda item.

Tim Slater, 573 Magnolia Street, asked Council to consider a cost effective solution for cleaning the drainage ditches. He suggested Council consider charging impact fees on development.

Lynda Padrta, 1113 First Street, questioned the timeline for street replacement and landscape repairs and the impact on the stormwater system from the addition of the stormwater drainage from Town Center.

PROPOSED ORDINANCES

LDR

LAND DEVELOPMENT REGULATIONS: Council was asked to set a date for a workshop meeting to review the Land Development Regulations. City Clerk Lisa Volpe stated February 16th was a holiday and the available dates for the workshop were February 9th or the 23rd.

Consensus: **TO HOLD THE LAND DEVELOPMENT REVIEW WORKSHOP ON FEBRUARY 9TH AT 6:00 P.M. AND THE REGULAR WORKSHOP MEETING ON THE 23RD AT 7:00 P.M.**

Sign Ord.

SIGN ORDINANCE: Councilor Weldon felt the sign ordinance should be more consistent with the Atlantic Beach sign ordinance. He asked Council to allow him to work with Community Development Director Jason Cleghorn and submit a new draft to Council for approval. City Clerk Lisa Volpe advised the latest draft did not include the ordinance relating to political signs.

Consensus: **COUNCILOR WELDON TO WORK WITH JASON CLEGHORN AND DRAFT THE SIGN ORDINANCE.**

CONTRACTS / AGREEMENTS/NONE

ISSUE DEVELOPMENT

Sunny Caribbee

SUNNY CARIBBEE: Chief Brandt stated Mr. Brocato, owner of Sunny Caribbee was not prepared to appear before the Council and asked to defer the item.

Councilor Weldon stated applicants should not be allowed to determine the council agenda. He was prepared to discuss the issue of outdoor seating on public right-of-ways. He added that he was willing to consider the idea if the following guidelines were set: 1) a fair price per square foot was determined, 2) a clear insurance guaranty to protect the city, 3) clear enforcement regarding enforcement of alcohol and food, 4) it would not be used as an excuse to allow a smoking area and would have a non-smoking section, and 5) determine the amount of space necessary for pedestrians in addition to the space being utilized for sidewalk dining.

Councilor Pruette agreed that if sidewalk dining was allowed, guidelines should be set so there would be no misunderstandings.

Councilor Weldon stated Mr. Brocato was asked to determine the fair price for the outdoor retail space for the Council to consider. Instead he suggested staff contact local merchants and come up with a fair price per square foot for retail restaurant space.

Mayor Brown stated other sidewalks in retail areas were narrow and could not be considered for sidewalk dining because there would not be additional space for pedestrians.

Vice Mayor Gilbert stated he did not have a problem with the sidewalk dining. He was concerned that if the restaurant provided entertainment after 10:00 p.m. it would create an adult situation and felt at that point it should no longer be considered a restaurant.

Councilor Shealy stated his two majors concerns were the cost per square footage for retail restaurant space on the right-of-way and liability. He was also concerned about creating a public safety issue.

Mayor Brown asked the staff to prepare a draft of guidelines and contact local merchants regarding the price per square foot for rental of outdoor seating space.

Councilor Pruette asked Director of Community Development Jason Cleghorn to copy information regarding sidewalk dining permits to the other Council members. She also felt agenda items should go through the City Managers office. City Clerk Lisa Volpe stated unless the issue was ongoing all agenda items were approved by the City Manager's office.

Chief Brandt stated there was also the issue of sidewalk diners serving alcohol verses those serving coffee. He suggested a barrier be placed around the dining area if alcohol was being served.

Councilor Weldon asked staff to prepare a set of perimeters for the next Council meeting. He also wanted the City Attorney's analysis of the liability the city may face by accepting rent money.

Councilor Shealy stated the guidelines should also include an escape clause.

Stormwater

STORMWATER: Councilor Pruette stated most areas east of Third Street were fully developed

and the water east of Third Street drained into First Street. She felt the only relief for the drainage was to keep the drainage ditch on First Street cleaned out and free of debris. She suggested the city initiate a regular schedule for cleaning drainage ditches and pay to have the debris hauled off.

Interim City Manager Chief Brandt asked Director of Public Services Leon Smith if the debris removed from the drainage ditches would be considered biohazard. Mr. Smith replied there was a potential that petroleum products may be within the debris but the debris would not be considered the same as sludge.

Jim Miller, PBS&J, stated it would be up to the Department of Environmental Protection to determine the contents of the debris and whether or not it would be considered a biohazard. Mr. Miller stated the overall problem was the ditches from Atlantic Beach and Jacksonville Beach also flowed into Hopkins Creek. The stormwater sewer system was undersized and old. Out of 33 subsystems 22 had flood problems some of which go down immediately once the rain had stopped. He added the only solution would be to install a pumping station.

Councilor Pruette stated cleaning out the ditch behind the church helped with the situation in Bal Harbor. She felt that dredging out and cleaning the ditches would be helpful in other areas.

Director of Public Services Leon Smith agreed the ditches needed to be cleaned but stated his department did not have the capability to dredge all of the ditches. He added he would request the money to be included in his budget for next year.

Vice Mayor Gilbert stated the stormwater system was the final portion of updating the city's infrastructure. Standing water has been a problem for a long time and would take time to repair. He felt temporary repairs would work until priorities were set and the city could look into a long-term diligent approach to the drainage problems. He felt impact fees would be a way to help generate funding.

Councilor Weldon requested the Council be presented a formal report outlining the problems in the existing system. The information provided in the report would locate the critical areas and staff could produce a plan to address the issues.

Jim Miller, PBS&J, stated his company prepared a Stormwater Master Plan for the City in 1998.

Councilor Weldon stated he was unaware of the Stormwater Master Plan. He asked staff to prepare a brief of the plan for the Council outlining critical areas where immediate action should be taken and prepare a price estimate.

Jim Miller stated he would meet with Leon Smith and prepare a summary with up to date cost.

Mayor Brown stated the problem in Bal Harbor has been temporarily corrected. He asked the summary show the difference between what was considered an inconvenience and what was considered a major problem. He felt there were some areas in need of attention but the situation was not a crisis.

Consensus: **DIRECT STAFF TO WORK WITH THE CITY ENGINEER AND CREATE AN EXECUTIVE SUMMARY FOR THE COUNCIL HIGHLIGHTING THE CRITICAL AREAS NEEDING ATTENTION RIGHT NOW AND A PLAN OF ACTION TO ADDRESS THE ENTIRE STORMWATER SYSTEM WITH A TIME LIMIT.**

New Yrs. Event

Councilor Pruette suggested having a big screen television brought into Town Center for the 2005 New Years Eve celebration. She thought it would be nice for citizens to come together in Town Center to celebrate the new year and watch the ball drop.

Adjournment

There being no further business, the meeting adjourned at 8:40 p.m.

Richard A. Brown, Mayor

Attest:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
SPECIAL CITY COUNCIL MEETING
JANUARY 27, 2004 AT 6:00 P.M.
CITY HALL, 116 FIRST STREET
NEPTUNE BEACH, FLORIDA

Pursuant to proper notice a Special Workshop Meeting of the City Council of the City of Neptune Beach was held January 27, 2004 at 6:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

Mayor Richard A. Brown
Vice Mayor James Gilbert
Councilor Harriet Pruette
Councilor Larry Shealy
Councilor John Weldon
City Attorney Christopher White
Interim City Manager & Public Safety Director William Brandt
Interim Assistant City Manager & City Clerk Lisa Volpe, CMC

STAFF:

Community Development Director Jason Cleghorn
Assistant to the City Manager Terry Klein
Assistant to the Building Official Piper Turner
Director of Finance Steve Ramsey
Director of Public Services Leon Smith
Deputy City Clerk Karla Strait, CMC

Order Call

Mayor Brown called the special meeting to order at 6:00 p.m. and announced the purpose of the meeting was to select a new city manager.

Mayor Brown thanked Chief Brandt for his role as Interim City Manager and Bob Slavin for his role as consultant.

**Hiring of new
City Manager**

Mr. Bob Slavin recommended each Council Member rank the candidates one (1) through seven (7); collect the results; and select the top three candidates. He would then contact the top three to find out if they were still interested and their salary requirements.

City Clerk Lisa Volpe tallied the votes and announced the results. The candidates ranked in the following order:

Jim Jarboe	16 (first)
Walter Barry & Dennis Kelly	19 (tie for second)
Rance Leaders	21 (third)
Barbara Bramblett	26 (fourth)
Mark Eckert	32 (fifth)
Joseph Turner	35 (sixth)

Councilor Pruette asked to see the results.

Councilor Pruette questioned why the staff was included in the voting. She added she understood the staff would advise the Council of their preference but it was her understanding only the Council would vote.

Councilor Weldon agreed the staff should not be included in the vote.

Interim City Manager Chief Brandt replied that when he accepted the position of Interim City Manager he was told staff would have a say in who would be the next City Manager.

Discussion ensued regarding the involvement of the staff vote.

Mayor Brown asked if there would be any benefit in eliminating the bottom four and voting again on the top three.

Councilor Weldon stated Council agreed before getting to this stage the results would be discussed before a final vote. He asked for a recount of the votes excluding staff's vote.

Councilor Shealy felt because staff was included in the interviewing process he did not have a problem with the vote.

Mayor Brown added that council did not ask for the staff recommendation before voting and felt the vote should be included.

Councilor Weldon stated he was interested in the staff recommendation but he was not comfortable with the staff input swaying the decision of the Council.

Councilor Pruette stated she also valued the staff input but felt the Council should make the final decision. It was her understanding the staff would discuss their recommendation with the Council.

City Attorney White suggested Council determine whether or not the staff should be included in the vote before making an adjustment in the numbers as opposed to voting and then deciding.

Councilor Pruette questioned City Attorney White as to who could legally vote and who could not. City Attorney White stated the vote in terms of offering a package would be entirely the vote of the Council. How the Council got to that point was up to the discretion of the Council. There was no rule.

Vice Mayor Gilbert stated maybe staff should have recommended to Council beforehand. But he had a problem changing the rules after the votes had been counted. He suggested making it clear that when it came to the final vote they would accept the staff's input but staff would not be included.

Moved by Weldon, seconded by Pruette.

Motion: **TO RECOUNT THE VOTES ELIMINATING THE STAFF VOTE.**

Roll Call Vote:

Ayes: 2 – Pruette, Weldon

Noes: 3 – Gilbert, Shealy, Brown

MOTION FAILED

Moved by Gilbert, seconded by Shealy

Motion: **FROM THIS POINT ON STAFF DOES NOT HAVE A VOTE IN THE FINAL OFFERING OF THE PACKAGE TO ANY INDIVIDUAL OR ANY FURTHER NARROWING DOWN OF CANDIDATES.**

Ayes: 5 – Gilbert, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

Mayor Brown asked Mr. Slavin if there was any value in breaking the tie vote. Mr. Slavin replied no and suggested that he speak with all three of them first regarding their interest and requirements.

Councilor Weldon asked Council Members if they had received Dennis Kelly's written material that was not included in the final report. He questioned why Mr. Slavin why this was not included in the final report.

Each Council Member and Interim City Manager Chief Brandt discussed the reasons for their top choices.

Mr. Slavin encouraged the Council to allow him to speak with each candidate regarding terms and conditions before selecting and announcing a top candidate.

Mayor Brown stated the selection of the City Manager would then be placed on the February 2, Regular Council Meeting agenda.

Adjournment

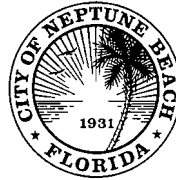
There being no further business, the meeting adjourned at 7:16 p.m.

Richard Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
WORKSHOP CITY COUNCIL MEETING
DECEMBER 15, 2003, AT 7:00 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 December 15, 2003 at 7:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

Mayor Richard A. Brown
Vice Mayor James Gilbert
Councilor Harriet Pruette
Councilor Larry Shealy
Councilor John Weldon
Interim City Manager & Public Safety Director William Brandt
Interim Assistant City Manager & City Clerk Lisa Volpe, CMC

STAFF:

Community Development Director Jason Cleghorn
Assistant to the City Manager Terry Klein
Director of Finance Steve Ramsey
Director of Public Services Leon Smith
Deputy City Clerk Karla Strait, CMC

Call to Order/Roll Call Mayor Brown called the meeting to order at 7:00 p.m.

PRESENTATIONS

COMCAST - \$5,000 CONTRIBUTION TO THE CABLE TELEVISION EXPENDABLE TRUST FUND: Ann Murphy, representative for Comcast introduced Doug McMillin, Vice President and General Manager and Bill Ferrer, Area Director of Government Affairs for Comcast. Mr. McMillin presented a \$5,000 annual contribution to the city for special events.

COMMITTEE REPORTS / NONE

CITY MANAGERS PUNCH LIST

Water Project

WATER IMPROVEMENT PROJECT: Jim Miller, PBS&J stated the water project was substantially complete with the exception of the cleaning of debris from the storm sewers. Utilix submitted their final invoice in the wrong format with demands.

The remaining balance of the contract was for \$615,106.23 minus the change order for liquidated damages in the amount of \$125,250.80 leaving a balance of \$489,853.53 once the storm sewers were cleaned. Because the storm sewers had not been cleaned they were

charged another \$10,000 leaving a final remaining balance of \$479,853.53. Utilex was asked to turn in an invoice for that amount in the proper format.

There was still the potential of litigation because Utilex was requesting somewhere over one million dollars in claims against the city for work beyond what they thought was in the scope. Utilex was reminded that their bid was for a lump sum amount and they were given many opportunities to withdraw their bid.

- Sewer Project SEWER IMPROVEMENT PROJECT: Director of Public Services Leon Smith stated the contractor was moving along on schedule.
- Kings Rd. Bridge KINGS ROAD BRIDGE: Director of Public Services Leon Smith stated he had met with GAI and was awaiting a response.
- Public Services Facility PUBLIC SERVICES FACILITY: Construction of the Public Services Facility was moving along on schedule. The block work would be completed by next week and trusses for the main administration building had been delivered.
- Hopkins Creek HOPKINS CREEK PROJECT: Mayor Brown stated he had spoken with Aage Schroder, District Secretary FDOT. Mr. Schroder informed him FDOT was still working on a new design that would be more suitable for Neptune Beach.

Councilor Pruette voiced concern regarding a property located on the drainage ditch on Twentieth Street across from the school on the northeast side.

Councilor Weldon voiced concern regarding a drainage problem on Magnolia Street caused by the renovations of the Beaches Chapel. He asked Director of Public Services Leon Smith to inspect the problem and report back to the council.

PUBLIC COMMENTS

Tim Slater, 573 Magnolia Street, stated he had spent a lot of time and money improving his property and was concerned about a flooding problem in the neighborhood. The problem was the drainage ditch retention area running parallel to Florida Boulevard and Magnolia Street between his property and the Beaches Chapel. The problem was so bad it filled the ditch up to the brim and flooded the west end of the Beaches Chapel building and caused flooding inside his home. He asked the Council to help correct the problem.

Director of Public Services Leon Smith stated he would inspect the problem and respond to Mr. Slater within a few days.

PROPOSED ORDINANCES / NONE

CONTRACTS / AGREEMENTS

- Beach Access Surveys BOATWRIGHT LAND SURVEYS – BEACH ACCESS SURVEY: Boatwright Land Surveyors provided an estimate of \$6,000 to survey the beach accesses which included a \$2,000 cost for concrete monuments to be set at the boundaries. Interim City Manager Chief Brandt recommended acceptance of the proposal.

Vice Mayor Gilbert suggested that adjacent property owners be notified in writing of the intent of the surveys.

- For the Record Mayor Brown stated for the record he felt the expenditure was not necessary because the beach accesses were not being threatened.

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

ISSUE DEVELOPMENT

Greyhound Gathering **GREYHOUND GATHERING EVENT:** June Baldwin, Sandy Paws Event Co-coordinator, stated the "Greyhound Gathering Event" was scheduled for the weekend of March 5th. People from many states would be attending the event thereby boosting economy for the local hotels, restaurants and area shops. She requested leniency for allowing dogs on the beach and requested that extra trash cans be placed throughout Jarboe Park that weekend.

Wayne Baldwin stated the "Blessing of the Animals" was planned for 9:00 a.m. March 6th at the lifeguard station. The "Dancing Greyhounds" would be at Jarboe Park approximately 4:30 p.m. March 6th. He invited everyone to come out and enjoy the events.

Interim City Manager Chief Brandt stated he had no opposition to the event and official action by the City Council was not necessary.

Beaches Chapel **BEACHES CHAPEL HISTORICAL STRUCTURE:** Interim City Manager Chief Brandt stated the Beaches Chapel had offered to donate and pay for the relocation of the old chapel to Jarboe Park.

Vice Mayor Gilbert felt there was not enough room in Jarboe Park for placement of the structure. He felt the building would be better placed in a historical district.

Councilor Weldon stated he would consider the placement of the structure in Jarboe Park. He added it would provide a place for public meetings and community gatherings.

Councilor Pruette opposed placing the structure in Jarboe Park. She added that Section 4.05 of the Code stated the city shall be prohibited from reducing the size of any parks or parklands without prior approval of the voters.

Mayor Brown stated he would like to consider creative ideas from the community. He suggested getting the dimensions of the structure.

Councilor Weldon encouraged everyone to take a look at the structure and think about it.

First Street **FIRST STREET BLINKING LIGHTS:** Councilor Pruette asked the Council to consider removing the blinking lights on First Street. She felt once the repaving and traffic calming was complete they would no longer be needed.

Consensus: **TO ASK THE CITY OF JACKSONVILLE BEACH TO REMOVE THE BLINKING LIGHTS ON FIRST STREET AT THEIR EARLIEST CONVENIENCE.**

Florida Blvd. **FLORIDA BOULEVARD LANDSCAPING:** Vice Mayor Gilbert stated Community Development Director Jason Cleghorn had indicated grant money may be available for the landscaping of Florida Boulevard. A landscape design was necessary in order to apply for the grant. He asked for a consensus to get proposals for a landscape design.

Consensus: **TO EXPLORE THE COST OF A LANDSCAPE DESIGN.**

Interim City Manager Chief Brandt stated request for proposals would need to be advertised.

Director of Community Development Jason Cleghorn stated he found an old landscape plan for Stevens Park and would like permission to apply for a grant.

Dayne Etherton, IBBC Member, suggested incorporating the beautification of Stevens Park and all of Florida Boulevard into one project. The Ish Brant Beautification Committee had submitted several grant applications already for Stevens Park and had asked the state for \$250,000 for improvements on Florida Boulevard.

Community Development Director Jason Cleghorn stated the projects each should be treated separately. Council agreed to allow Mr. Cleghorn to apply for the Stevens Park grant.

Adopt-an-Area

ADOPT AN AREA AGREEMENT: Interim City Manager Chief Brandt stated he and the City Attorney had read and approved the new Adopt-an-Area agreement.

Councilor Weldon voiced concerned regarding the 4' height limit for landscaping. He was concerned that existing landscaping would have to be adjusted or changed.

Joanne Waddill, Ish Brant Beautification Comminttee Member, stated the 4' height limitation provision coincided with the city code regarding the 4' height limit on fences. The 4' height limit was added to the agreement to provide uniformity. She added the Adopt-an-Area Agreements had to be approved by the Committee and exceptions could be made. She asked the Council to support the efforts of the Committee in receiving state funding.

Consensus: **TO APPROVE THE ADOPT AN AREA AGREEMENT.**

Penman Rd.

WIDENING OF PENMAN ROAD: Councilor Weldon stated members of the City of Jacksonville Beach Council contacted him regarding the widening of Penman Road. He felt it was time to consider the possibility and encourage the City of Jacksonville to prepare a study.

Mayor Brown felt the widening of Penman Road would encourage more traffic and completely change the character of the neighborhood.

Vice Mayor Gilbert supported moving forward with the study. He questioned if it was part of the Interlocal Agreement that the City of Jacksonville would be required to pay for the study if asked.

Councilor Pruette suggested that an in-depth study of the situation of growth at the beaches be done. She felt Neptune Beach had not grown but the traffic was coming through Neptune Beach.

Interim City Manager Chief Brandt asked City Attorney White if the Interlocal Agreement called for the City of Jacksonville to be responsible for the operation and maintenance of Penman Road. City Attorney White responded yes; it was the responsibility of the City of Jacksonville.

Solantic

SOLANTIC SIGN COMPLIANCE: Councilor Weldon stated the Solantic Walk-in Urgent Care Center sign was not in compliance. By flashing the unnecessary advertising the sign was in violation of the Code and the agreement with the Code Enforcement Board. He felt it was clear Solantic had no intention of removing the sign and it was time for the Council to seek relief in order to have the sign shut off or removed.

Mayor Brown asked City Attorney White to comment.

City Attorney White stated Florida law allowed the City to seek injunctive relief through the circuit court to see if the City would be entitled to a preliminary injunction to halt the violation of the zoning regulation and further seek a permanent injunction. Mr. White added that once litigation was initiated the court would order mediation.

Vice Mayor Gilbert stated the ultimate goal was to bring the sign into compliance. He felt the

more effort the City put forth to resolve the problem the better. He felt Solantic should be given another opportunity to bring the sign into compliance.

City Attorney White suggested writing a letter to Solantic asking them what actions they intended to take to bring the sign into compliance. Court proceedings could be started depending upon their response. In order to start the proceedings the Council would need to approve a Resolution for the January Regular Council Meeting.

Consensus: **HAVE CITY ATTORNEY SEND SOLANTIC A LETTER ASKING WHAT THEIR INTENTIONS WERE REGARDING THE SIGN AND ACT DEPENDING ON THE RESPONSE.**

Water Resources

NORTH FLORIDA WATER RESOURCES: Mayor Brown stated the Northeast Florida League of Cities was encouraging the northern cities to adopt a resolution in opposition of creating a statewide water authority.

Consensus: **TO MOVE FORWARD WITH THE RESOLUTION.**

104 Davis St.

Councilor Pruette questioned correspondence received from the law firm of Edwards, Cohen regarding a Request for Relief Pursuant to Section 70.51, Florida Statutes; V03-34; Variance Request that was turned down for 104 Davis Street. She asked City Attorney White to comment.

City Attorney White stated he would respond to the letter accordingly. He added that Chapter 70 of the Florida Statutes was the Bert Harris Act that dealt with whether or not an undue burden was being placed on the development of the property. A Special Master could also hear the issue. Under the law the adjacent property owners and anyone who presented significant input in the variance process must be notified.

Adjournment

There being no further business, the meeting adjourned at 8:50 p.m.

Richard A. Brown, Mayor

Attest:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
REGULAR CITY COUNCIL MEETING
DECEMBER 1, 2003, 7:00 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 December 1, 2003, at 7:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

Vice Mayor James Gilbert
Councilor Harriet Pruette
Councilor Larry Shealy
Councilor John Weldon
City Attorney Christopher White
Interim City Manager & Public Safety Director William Brandt
Interim Assistant City Manager & City Clerk Lisa Volpe, CMC

ABSENT:

Mayor Richard A. Brown

STAFF:

Community Development Director Jason Cleghorn
Assistant to the City Manager Terry Klein
Assistant to the Building Official Piper Turner
Director of Finance Steve Ramsey
Director of Public Services Leon Smith
Deputy City Clerk Karla Strait, CMC

Order Call/Pledge

Vice Mayor Gilbert called the meeting to order at 7:00 p.m. and led the pledge of allegiance.

AWARDS / PRESENTATIONS / RECOGNITION OF GUESTS / NONE

APPROVAL OF MINUTES

Motion: **TO APPROVE THE FOLLOWING MINUTES:**
NOVEMBER 3, 2003, REGULAR CITY COUNCIL MEETING
NOVEMBER 17, 2003, WORKSHOP CITY COUNCIL MEETING

Moved by Shealy, seconded by Pruette.

Roll Call Vote:

Ayes: 4 – Pruette, Shealy, Weldon, Gilbert
Noes: 0

Absent: 1 – Brown

MOTION CARRIED

COMMUNICATIONS AND CORRESPONDENCE

Councilor Pruette announced the annual Christmas in the Park would be held Friday, December 5th, and the Town Center Tree Lighting would be held Saturday, December 6th.

Vice Mayor Gilbert announced that Jacksonville City Councilman Art Graham was holding a Town Meeting Tuesday, December 2, 2003, at 7:00 p.m. at Fletcher High School to discuss traffic situations at the beach.

Councilor Shealy stated he had received calls from the resident on the corner of Florida Boulevard and Penman Road concerning noises. Chief Brandt replied the Public Safety Department was aware of the situation and it was currently under control.

CITY MANAGER REPORTS

City Yard Project CITY YARD PROJECT: Director of Public Safety Leon Smith reported the City Yard Project was moving along on schedule. The block walls were being erected, electric was being installed, and the trusses for the administration building were due to be delivered on December 11, 2003.

DART NOISE ORDINANCE – DART TEAM: Chief Brandt reported the DART Team had devised warning tickets for first offenses of the noise ordinance and violation tickets for the second offense. To date only warning tickets had been written. There had not been a need to write any violation tickets.

Junk Cars JUNK CAR ABANDON PROPERTY ORDINANCE: Assistant to the Building Official Piper Turner reported twenty-one vehicles had been tagged since the Junk Car Abandon Property Ordinance was enacted. Seventeen of the twenty-one were removed by the owners and four had to be towed away.

Land Use LAND USE REGULATIONS: Chief Brandt stated Community Development Director Jason Cleghorn was working on obtaining a CD from Ivy, Harris, & Walls that included the updated changes. It would be easier to make new changes once the CD was received. He felt Council should wait until Mr. Cleghorn received the CD and could provide the Council members with an updated hard copy before scheduling the Land Use Regulations Review meetings.

Discussion ensued regarding the process of the Land Use Review.

Consensus: **TO MEET THE MONDAY, JANUARY 12, 2004, TO REVIEW THE LAND DEVELOPMENT.**

Sewer Project SEWER IMPROVEMENT PROJECT: Chief Brandt stated the sewer project would be completed \$150,000 to \$200,000 under the budgeted amount. He recommended using the remainder of the money to inspect the area south of Florida Boulevard between Third Street and Fifth Streets.

Jim Miller, PBS&J, stated Kinsel Industries offered to clean and TV inspect the area South of Florida Boulevard between Third and Fifth Streets for \$41,670 in order to find out what work is needed. Approval from the Council was necessary in order to add the work to the Kinsel contract.

Moved by Shealy, seconded by Pruette.

Motion: **TO APPROVE EXPENDITURE OF \$41,670 TO KINSEL INDUSTRIES.**

Roll Call Vote:

Ayes: 4 – Pruette, Shealy, Weldon, Gilbert

Noes: 0

Absent: 1 – Brown

MOTION CARRIED

PUBLIC COMMENTS / NONE

CONSENT AGENDA

Beaches Resource Center, \$4,000 contribution
G.A.I. Consultants – Kings Road Bridge Engineering Services

Moved by Pruette, seconded by Weldon.

Motion: **TO APPROVE THE ABOVE CONSENT AGENDA.**

Roll Call Vote:

Ayes: 4 – Pruette, Shealy, Weldon, Gilbert

Noes: 0

Absent: 1 – Brown

MOTION CARRIED

VARIANCES / NONE

ORDINANCES

Ord. No. 2003-17

ORDINANCE NO. 2003-17, OPEN AIR SALES, SECOND READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING SECTION 17-35 LOCATION OF OPEN AIR SALES AND MARKETS, SECTION 17-36 OPEN AIR MARKET AREA, SECTION 17-38, PERMIT AND PROVIDING AN EFFECTIVE DATE.

Vice Mayor Gilbert read Ordinance 2003-17 by title only and opened the public hearing.

There being no comments from the public the public hearing was closed.

Moved by Pruette, seconded by Weldon.

Motion: **TO ADOPT ORDINANCE NO. 2003-17 ON SECOND READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 4 – Pruette, Shealy, Weldon, Gilbert

Noes: 0

Absent: 1 – Brown

MOTION CARRIED

Ord. No. 2003-19

ORDINANCE NO. 2003-19, WIRELESS TELECOMMUNICATIONS FACILITY, FIRST

READ: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLOIRDA REGULATING THE SITING OF WIRELESS TELECOMMUNICATION FACILITY AND PROVIDING AN EFFECTIVE DATE.

Councilor Weldon agreed to sponsor Ordinance No. 2003-18. Fred Prickle, Gannett Fleming, explained some of the major points of the ordinance.

Moved by Pruette, seconded by Weldon.

Motion: **TO PASS ORDINANCE NO. 2003-19 ON FIRST READ.**

Roll Call Vote:

Ayes: 4 – Gilbert, Pruette, Shealy, Weldon

Noes: 0

Absent: 1 – Brown

MOTION CARRIED

OLD BUSINESS / NONE

NEW BUSINESS

Res. No. 2003-16

RESOLUTION NO. 2003-16: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEPTUNE BEACH, FLORIDA ALLOWING AN INTERIM APPLICATION PROCESS FOR THE ERECTION OF WIRELESS TELECOMMUNICATIONS FACILITIES.

Moved by Weldon, seconded by Pruette.

Motion: **TO APPROVE RESOLUTION 2003-16.**

Roll Call Vote:

Ayes: 4 – Pruette, Shealy, Weldon, Gilbert

Noes: 0

Absent: 1 – Brown

MOTION CARRIED

Res. No. 2003-17

RESOLUTION NO. 2003-17: A RESOLUTION OF THE CITY OF NEPTUNE BEACH, FLORIDA ALLOWING WASTE SERVICES OF FLORIDA, INC. TO ASSUME THE CONTRACT OF BROWN FERRIS INDUSTRIES OF FLORIDA.

Moved by Shealy, seconded by Pruette.

Motion: **TO APPROVE RESOLUTION 2003-17.**

Roll Call Vote:

Ayes: 4 – Pruette, Shealy, Weldon, Gilbert

Noes: 0

Absent: 1 – Brown

MOTION CARRIED

Surplus Equip.

SURPLUS OF CITY EQUIPMENT: Surplus the following city equipment:

<u>Name</u>	<u>Make</u>	<u>Model</u>	<u>Serial #</u>
Police Vehicle	1999 Ford	Crown Victoria	2FAFP71W4XX172793
Police Vehicle	1998 Ford	Crown Victoria	2FAFP71W5WX177497

Ricoh Copier/Finance 1995 MV715 MIO

Moved by Weldon, seconded by Pruette.

Motion: **TO APPROVE THE SURPLUS OF ABOVE CITY EQUIPMENT.**

Roll Call Vote:

Ayes: 4 – Pruette, Shealy, Weldon, Gilbert

Noes: 0

Absent: 1 – Brown

MOTION CARRIED

Adjournment

There being no further business, the meeting adjourned at 7:34 p.m.

Richard A. Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
WORKSHOP CITY COUNCIL MEETING
NOVEMBER 17, 2003, AT 7:00 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 November 17, 2003 at 7:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

Mayor Richard A. Brown
Vice Mayor James Gilbert
Councilor Harriet Pruette
Councilor Larry Shealy
Councilor John Weldon
Interim City Manager & Public Safety Director William Brandt
Interim Assistant City Manager & City Clerk Lisa Volpe, CMC

STAFF:

Community Development Director Jason Cleghorn
Assistant to the City Manager Terry Klein
Director of Finance Steve Ramsey
Director of Public Services Leon Smith
Deputy City Clerk Karla Strait, CMC

Call to Order/Roll Call

Mayor Brown called the meeting to order at 7:00 p.m.

PRESENTATIONS

BEACHES RESOURCE CENTER: Rick Carper, Chairman, Beaches Resource Center Oversight Committee, asked the City to contribute \$4,000 to the Beaches Resource Center Foundation to be used for funding literacy and other programs at the Beach.

Consensus: **FORWARD TO DECEMBER REGULAR MEETING CONSENT AGENDA.**

TRAFFIC STUDY – VOLKERT & ASSOCIATES: Jerry Dabkowski, P.E. and Angelo Rao, P.E., representatives from Volkert & Associates, presented the traffic study east of Third Street. They recommended replacing the speed bumps on east/west streets and Strand Street with speed humps or speed tables and installing the appropriate warning signs prior to the installation. Mr. Angelo Rao also recommended that some type of action be taken on First Street for the continual use of non-motorized users.

Discussion ensued regarding cost of the speed humps in conjunction with the repaving.

COMMITTEE REPORTS / NONE

CITY MANAGERS PUNCH LIST

Water Project	<u>WATER IMPROVEMENT PROJECT</u> : The water project was complete. There were still issues with Utilex regarding payment and liquidated damages to be determined through mediation.
Sewer Project	<u>SEWER IMPROVEMENT PROJECT</u> : The sewer project was proceeding along on schedule. The contractor had started piping along Third Street. There were also some point repairs on Third Street.
Public Services Facility	<u>PUBLIC SERVICES FACILITY</u> : The construction of the new public works facility was proceeding on schedule. The contractor had started the block walls on two of the buildings. The footers and rough plumbing were complete on the remaining two buildings.
Hopkins Creek	<u>HOPKINS CREEK</u> : The Florida Department of Transportation was seriously considering installing retaining walls as opposed to culvert.

PUBLIC COMMENTS

Sybil Ansbacher, 2008 Strand Street, Chairman of the Board of Appeals, opposed Ordinance No. 2003-16. She suggested reviewing the Code regarding the variance process. She thanked Council for considering the donation to the Beaches Resource Center where she worked as a mental health counselor.

Lynda Padrta, 1113 First Street, approved of the traffic study, approved of Ordinance No. 2003-16, opposed Ordinance No. 2003-18, opposed the outdoor seating for Sunny Caribbee, and favored protecting the beach accesses.

Michael Dunlap, 212 Lora Street, opposed Ordinance 2003-16 and supported the outdoor seating arrangement for Sunny Caribbee.

Chris Chin, 227A Margaret Street, Member of the Board of Appeals, opposed Ordinance 2003-16.

Steve Jarrett, 221 South Street, suggested moving forward with the review and modifications of the Land Development Regulations.

Claire Zaiser, 111 Davis Street, felt the historic district east of Third Street should be separated having different zoning requirements than other areas of the city. She suggested postponing the second reading of Ordinance No. 2003-16 until after a public hearing was held.

Recess/Reconvene	Mayor Brown called for a recess at 8:12 p.m. and reconvened the meeting at 8:25 p.m.
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PROPOSED ORDINANCES

Ord. No. 2003-16	<u>ORDINANCE NO. 2003-16, VARIANCE APPEALS – SPONSOR VICE MAYOR GILBERT</u> : AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA DELETING SECTION 27-153 PROCEDURE FOR APPEAL AND AMENDING SECTION 27-154 PETITION FOR CERTIORARI AND PROVIDING AN EFFECTIVE DATE.
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Vice Mayor Gilbert stated the ordinance would have variance appeals bypass the council and be settled in circuit court. He felt the variance appeal process should be more consistent. He asked council members to dedicate one day a month to review the Land Development Regulations. He also expressed concern regarding the appointment and orientation of board members. He also felt an attorney should be present at the Board of Appeals meetings.

Mayor Brown stated he appreciated the work of the board. He felt the finding of facts should be modified to allow more flexibility for the Board to approve variance requests.

Councilor Pruette suggested asking the city attorney to meet with the Council and members of the Board of Appeals each January to remind them of their role in the variance process. She also felt an attorney should be present at the Board of Appeals meetings. She asked that all new board members receive a copy of Chapter 27 of the Code.

Councilor Weldon stated when it came to appeals the Council's role was to determine only if the Board handled the request properly not to rehear the case. He felt if there was a consistent problem with the ability to build on lots or reduce a triplex to a single family the code needed some adjustment and Council should focus on changing the Code.

Councilor Shealy agreed the focus should be on changing the Code to allow more flexibility for variance approvals. He also agreed with holding a public hearing and dedicating one Monday a month for the review of the Land Development Regulations.

Mayor Brown suggested the Council and members of the Board of Appeals hold a joint meeting to discuss the variance process and possible adjustments to the Code. He asked Vice Mayor Gilbert if he wanted to defer the Ordinance.

Vice Mayor Gilbert stated he would dismiss the Ordinance if Council would consent to dedicating one Monday a month starting in December to review the Land Development Regulations. He added that Council members should be actively recruiting citizens to serve on the various boards.

Council Weldon asked staff to implement an orientation package for the board members.

Consensus: **TO AGREE TO DEDICATE ONE MONDAY A MONTH STARTING IN DECEMBER TO REVIEW THE LAND DEVELOPMENT REGULATIONS.**

VICE MAYOR GILBERT TABLED ORDINANCE 2003-16.

Ord. No. 2003-18

ORDINANCE NO. 2003-18, GARAGES – SPONSOR, VICE MAYOR GILBERT: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING SECTION 27-328(a)(1) ACCESSORY BUILDINGS AND PROVIDING AN EFFECTIVE DATE.

Vice Mayor Gilbert stated the current code did not allow detached garages in front yards. The proposed ordinance would allow single story detached garages in front yards if they were within the setbacks.

Councilor Shealy stated he would prefer all requests for detached front yard garages require a variance.

Councilor Weldon felt the ordinance should require windows on the front of the garage facing the street and the garage door on the side. He also felt a detached garage should be connected to the house by a breezeway or lanai and that the garage match the exterior of the house.

Vice Mayor Gilbert asked if an open breezeway from the garage to the house was currently considered an attached garage and if the ordinance was needed.

Community Development Director Jason Cleghorn stated each request for a detached garage should go through the variance process and he felt the ordinance was not needed.

Councilor Weldon suggested adopting a resolution stating it was the opinion of the Council that the Board interpret rear loaded lots as a hardship.

Community Development Director Jason Cleghorn suggested the Council adopt a policy statement stating that a rear loaded lot should be considered a hardship for the purpose of allowing a detached garage in the front yard.

Michael Dunlap, architect, favored the idea of establishing an overlay district east of Third Street to define a more compatible set of codes. He added that it was very rare for someone to build a detached garage in the front yard.

Consensus: **CREATE A COUNCIL POLICY STATING THAT IN SPECIFIC CASES WHERE HOMES ARE ON THE REAR OF THE PROPERTY AND THERE IS NO POSSIBILITY OF BUILDING A GARAGE IN THE SIDE OR REAR YARD THE COUNCIL WOULD INTERPRET THAT AS A HARDSHIP FOR THE BENEFIT OF THE BOARD OF APPEALS VARIANCE PROCESS.**

Signs

PROPOSED SIGN ORDINANCE – COUNCILOR WELDON: Councilor Weldon suggested adopting a sign ordinance that would phase out the large pole signs to ground based monument signs and reduce the square footage of signs to 100 square feet. This would coincide with Atlantic Beach's sign ordinance.

Vice Mayor Gilbert agreed the ordinance would establish a more uniform look. He suggested a 10-year or 15 year phase out period.

Councilor Weldon asked for a consensus to instruct staff to rewrite the sign ordinance using the Atlantic Beach sign ordinance as a model or template, adding a 10-year phase out period for the pole signs and forward it first read within three months.

Consensus: **INSTRUCT STAFF TO REWRITE THE SIGN ORDINANCE USING THE ATLANTIC BEACH SIGN ORDINANCE AS A MODEL ADDING A 10 YEAR PHASE OUT PERIOD FOR POLE SIGNS – FORWARD TO FIRST READ WITHIN THREE MONTHS.**

CONTRACTS / AGREEMENTS

Kings Rd. Bridge

KINGS ROAD BRIDGE ENGINEERING SERVICES: Requests for qualifications for engineering services for the replacement of the Kings Road Bridge were received on October 24th. Director of Public Services Leon Smith, City Engineer John Galen, and Interim City Manager Chief Brandt met with the five short listed organizations and recommended negotiating a proposal with G.A.I. for the engineering services.

Consensus: **FORWARD TO THE DECEMBER REGULAR MEETING CONSENT AGENDA.**

ISSUE DEVELOPMENT

Sunny Caribbee

SUNNY CARIBBEE DEVELOPMENT ORDER: Mr. John Brocato, Owner of Sunny Caribbee, submitted an application to provide outdoor seating for the restaurant.

Mayor Brown felt the proposal for outdoor seating was suitable for the atmosphere of Town Center. He suggested the city negotiate a lease with Mr. Brocato for the use of the right-of-way. He also requested Mr. Brocato reduce his proposed amount of tables to eight.

Mr. John Brocato stated he was hoping to provide his customers with the choice of dining outdoors. His request was to use of the right-of-way on the Atlantic Beach side of the

restaurant from the outside wall of building to the columns. The sidewalk on the other side of the columns would be unobstructed. He had reduced the amount of tables to 15. Mike Armeono, insurance agent with Harding & Associates, stated Mr. Brocato had adequate insurance coverage.

Councilor Weldon stated Atlantic Beach did not allow outdoor alcohol sales. He asked Mr. Brocato if alcohol would be served. Mr. Brocato responded "yes" that he did intend to serve alcohol. Interim City Manager Chief Brandt stated the Code did permit alcohol to be served outdoors with a special occupational license.

Councilor Weldon felt the city should be compensated for the use of the right-of-way. He was concerned that other businesses would also want to provide outdoor seating and the right-of-way would turn into a smoking section.

Mr. Brocato stated he did not object to paying market value to lease the right-of-way. He agreed to limit the smoking area.

Councilor Pruette was also concerned that other businesses would request outdoor seating and the city should come up with a policy and adopt an ordinance. She agreed with the lease arrangement and suggested a trial period.

Mr. Brocato replied there were a lot of expenses involved in setting up. He suggested a six-month trial period with an option to renew.

Councilor Shealy was concerned about the open container law and how to keep customers from wondering off with drinks. Mr. Brocato replied customers would enter and exit the outdoor area through the side door of the restaurant and planters would be placed around the edges. He added staff and management would be on site.

Councilor Pruette was concerned people would not be able to view their bricks if they were inside that area. Mr. Brocato agreed to relocate the bricks at his expense if there was a problem.

Mayor Brown stated the sidewalk on Atlantic Boulevard was wider than other areas and that would deter other businesses from requesting outdoor seating.

Councilor Weldon brought up parking issues.

Mayor Brown asked if there was a consensus to look closer at the details and concerns.

Councilor Weldon suggested working through the negotiation process and see if it works then memorialize it in an ordinance.

Consensus: **FORWARD TO JANUARY WORKSHOP ASK MR. BROCATO TO COME UP WITH A REASONABLE PRICE PER SQUARE FOOT AND ADDRESS CONCERNS FOR ALCOHOL AND SMOKING.**

Recess/Reconvene

Mayor Brown called a recess at 10:10 p.m. and reconvened the meeting at 10:20.

Beach Accesses

BEACH ACCESSES: Councilor Pruette felt now that the moratorium was in place eliminating development of the beach accesses for one year it was time for the Council to address the future protection of the beach accesses.

Councilor Pruette requested a legal opinion from City Attorney Chris White on whether or not there was a way to restrict beach accesses from residential development and uses and if they could be dedicated as parks or greenspace. She agreed that a survey should be done on all

the beach accesses.

Consensus: **TO ASK CHRIS WHITE FOR A LEGAL OPINION AND DIRECT STAFF TO GET A COST FOR SURVEYS OF THE BEACH ACCESSES.**

Condos **CONDOS:** Councilor Pruette stated the Community Development Director provided an eleven-page memo on the subject of condominiums and it was determined there was no ability to restrict condominiums. The height limit would prevent high-rise condos.

Greenscape **GREENSCAPE:** Community Development Director Jason Cleghorn explained Greenscape was a nonprofit organization that donated trees for planned projects. He stated a landscape plan was necessary so they could determine how many trees they would provide. Once the landscape plan was complete an application could be filled out. Mayor Brown asked Mr. Cleghorn to get some bids from landscape architects. Councilor Pruette agreed.

Water Plant Fencing **WATER PLANT FENCING:** Director of Public Services Leon Smith contacted four fencing companies for bids on the construction of a concrete fence around the water plant. He recommended Duratek to construct the fence for the cost of \$57,980. The cost also included fencing around the lift station. Director of Finance Steve Ramsey stated the funds could come from the Better Jacksonville Plan if there was enough money left over after the construction of the new Kings Road Bridge.

Adopt an Area **ADOPT AN AREA AGREEMENT:** Councilor Pruette stated the new adopt an area agreement would replace the old adopt a road program.

Councilor Weldon asked if staff had reviewed the revised agreement.

Consensus: **HAVE STAFF REVIEW THE AGREEMENT.**

Councilor Weldon stated he did not want to receive anonymous e-mails and asked for a consensus that they not be copied out to the Council. City Clerk Lisa Volpe responded the policy was to copy out all incoming mail. She added she would reply to the anonymous e-mails and request their name and address.

Consensus: **CONSULT WITH CITY ATTORNEY AS TO WHETHER OR NOT ANONYMOUS E-MAILS SHOULD BE COPIED OUT.**

Adjournment There being no further business, the meeting adjourned at 10.55 p.m.

Richard A. Brown, Mayor

Attest:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
REGULAR CITY COUNCIL MEETING
NOVEMBER 3, 2003, 7:00 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 November 3, 2003, at 7:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

Mayor Richard A. Brown
Vice Mayor James Gilbert
Councilor Harriet Pruette
Councilor Larry Shealy
Councilor John Weldon
City Attorney Christopher White
Interim City Manager & Public Safety Director William Brandt
Interim Assistant City Manager & City Clerk Lisa Volpe, CMC

STAFF:

Community Development Director Jason Cleghorn
Assistant to the City Manager Terry Klein
Assistant to the Building Official Piper Turner
Director of Finance Steve Ramsey
Director of Public Services Leon Smith
Deputy City Clerk Karla Strait, CMC

Order Call/Pledge

Mayor Brown called the meeting to order at 7:00 p.m. and asked Councilor Weldon to lead the pledge of allegiance.

AWARDS / PRESENTATIONS / RECOGNITION OF GUESTS / NONE

APPROVAL OF MINUTES

Motion: **TO APPROVE THE FOLLOWING MINUTES:**
OCTOBER 6, 2003, REGULAR CITY COUNCIL MEETING
OCTOBER 20, 2003, SPECIAL CITY COUNCIL MEETING
OCTOBER 20, 2003, WORKSHOP COUNCIL MEETING

Moved by Gilbert, seconded by Pruette.

Roll Call Vote:

Ayes: 5 – Gilbert, Pruette, Shealy, Weldon, Brown
Noes: 0

MOTION CARRIED**COMMUNICATIONS AND CORRESPONDENCE**

Councilor Pruette stated Jim Miller had asked her to announce publicly that he was not the James Miller that wrote two letters to the editor.

Councilor Pruette publicly thanked Public Services Director Leon Smith and his department for their participation in the clean up and removal of debris from the track at Neptune Beach Elementary School.

Councilor Pruette asked Public Services Director Leon Smith about the status of the beautification around the water plant. Mr. Smith replied he was working on getting prices for fencing and should have something this week.

Interim City Manager Chief Brandt stated he spoke with Mr. Slavin. Mr. Slavin advised him that he had prepared a profile for the position of City Manager to give to the Council and the potential candidates. He had already received five or six resumes.

CITY MANAGER REPORTS

Sewer Project

SEWER IMPROVEMENT PROJECT: Director of Public Services Leon Smith stated the sewer improvement project was moving along on schedule. The contractor ran into some problems due to the old pipe breakages on Third Street. There would be additional cost for the point repair.

Councilor Weldon asked if the additional cost was included in the approved amount.

Jim Miller, PBS&J stated the problems were anticipated and the additional amount was still under the approved loan amount for the project. The project was currently \$250,000 to \$300,000 under the original bid for the job.

City Yard Project

CITY YARD PROJECT: Director of Public Services Leon Smith advised the slab was poured for the administration building. They anticipated the walls would go up this week. The footers and rough plumbing was completed in the three remaining buildings.

PUBLIC COMMENTS

Public Comments

Sheri Nicholson, Representative for Neptune Beach Elementary, thanked the Council members and the Public Services Department for their participation in the removal of the track debris at the Neptune Beach Elementary School. She added that with all the help the project was completed in three hours.

Sandra Brinson, 1512 Strand Street, asked the council to uphold the decision of the Board of Appeals and deny the variance appeal for 104 Davis Street.

Todd Brown, 1512 Strand Street, asked the council to uphold the decision of the Board of Appeals and deny the variance appeal for 104 Davis Street.

Christine Chin, Member of the Board of Appeals, 227-A Margaret Street, felt the Board of Appeals should not have heard the second variance request for 104 Davis Street because there was no substantial change in the plans and there was no error of the Board. She asked the council to uphold the decision of the Board and deny the appeal because there was no error on the boards finding of facts.

Claire Zaiser, 111 Davis Street, asked the Board to uphold the decision of the Board of Appeals and deny the variance appeal for 104 Davis Street.

Ed Jones, 200 First Street, stated when he was a member of the Council the city paid a lot of money to have a traffic study done. He also felt the code needed to be revised in regard to variances.

Barry Grahek, 1403 Oceanfront, felt the council should deny the variance for 104 Davis Street because there was no hardship.

Leslie Karlin 1506 Spindrift Circle West, stated a traffic study had been done. She asked the council to deny the variance for 104 Davis Street. She questioned Resolution 2003-14, if City Attorney Chris White would be representing Dan Arlington or the City in "Arlington versus the City of Neptune Beach."

CONSENT AGENDA

Wireless Telecommunications Facility Siting Services
Ecivic, LLC Grant Research System

Moved by Gilbert, seconded by Pruette.

Motion: **TO APPROVE THE ABOVE CONSENT AGENDA.**

Roll Call Vote:

Ayes: 5 – Gilbert, Pruette, Shealy, Weldon, Brown
Noes: 0

MOTION CARRIED

VARIANCES

104 Davis Street

VARIANCE REQUEST FOR 104 DAVIS STREET – KIM KAWASAKI: Karl Sanders, Attorney for Mr. Kawasaki, submitted for the record a transcript of the hearing before the Board of Appeals on October 15, 2003.

Mr. Sanders explained the basis for the appeal was: 1.) Due process. Due process required having notice and a fair opportunity to be heard. He did not receive the sixteen-page staff report recommending the board deny the request until the night of the hearing after he had already addressed the Board. Therefore he felt the applicant was denied a fair opportunity. 2.) Competent Substantial Evidence. The non-conformities of the lot were existing and permitted by the Brockman Bill. The Brockman Bill permitted non-conformities until such time as they were removed, discontinued or enlarged. The requested addition itself would not require a variance. Based on those issues Mr. Sanders asked the Council to reverse the decision of the Board and approve the variance.

Councilor Weldon stated that was an interesting technical point and asked City Attorney White for an opinion.

City Attorney Chris White stated the city had consistently taken the position of considering all non-conformities on the property. If the size of the footprint is being increased it triggered having to bring the other non-conformities into compliance.

Moved by Pruette, seconded by Shealy.

Motion: **TO AFFIRM THE DECISION OF THE BOARD OF APPEALS.**

On the Record Councilor Weldon stated for the record he welcomed Mr. Kawasaki to the

neighborhood and hoped he would find a way to renovate the home and enjoy Neptune Beach.

Mayor Brown stated he was concerned about the entire variance process and he would vote "no" to affirm the Board's decision.

Roll Call Vote:

Ayes: 4 – Gilbert, Pruette, Shealy, Weldon

Noes: 1 – Brown

MOTION CARRIED

ORDINANCES

Ord. No. 2003-15

ORDINANCE NO. 2003-15, THREE STRIKE CLEAN UP, SECOND READ AND PUBLIC HEARING – VICE MAYOR GILBERT: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING SECTION 13-5(c); ADDING A NEW SECTION 13-5(e) – PROPERTY OWNER RESPONSIBILITY FOR SWORN COMPLAINTS; ADDING A NEW SECTION 13-5(f) – NUISANCE; DECLARING VIOLATIONS; PROVIDING ENFORCEMENT AND PROVIDING AN EFFECTIVE DATE.

Mayor Brown read Ordinance 2003-15 by title only and opened the public hearing.

There being no comments from the public the public hearing was closed.

Moved by Pruette, seconded by Gilbert.

Motion: **TO ADOPT ORDINANCE NO. 2003-15 ON SECOND READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 5 – Gilbert, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

Ord. No. 2003-16

ORDINANCE NO. 2003-16, PROCEDURE FOR APPEAL, FIRST READ – VICE MAYOR GILBERT: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA DELETING SECTION 27-153 PROCEDURE FOR APPEAL AND AMENDING SECTION 27-154 PETITION FOR CERTIORARI AND PROVIDING AN EFFECTIVE DATE.

Vice Mayor Gilbert explained the ordinance would have future variance appeals handled in circuit court.

On the Record Vice Mayor Gilbert stated on the record it was important for the Council to address the Land Use Code.

On the Record Mayor Brown felt it was part of Council's job to represent the citizens of the Neptune Beach and that included cleaning up the entire variance procedure. He felt the ordinance was out of order. He had some amendments to the procedure for Council to consider at the next workshop meeting.

Councilor Weldon stated future applicants for the Board of Appeals needed to be carefully screened for professionalism and thoroughness and also have a clear understanding they would be appointed to uphold the code and not reinterpret it.

Moved by Gilbert, seconded by Shealy.

Motion: **TO PASS ORDINANCE NO. 2003-16 ON FIRST READ.**

Roll Call Vote:

Ayes: 4 – Gilbert, Pruette, Shealy, Weldon

Noes: 1 – Brown

MOTION CARRIED

Ord. No. 2003-17

ORDINANCE NO. 2003-17, OPEN AIR SALES, FIRST READ – COUNCILOR WELDON: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, AMENDING SECTION 17-35 LOCATION OF OPEN AIR SALES AND MARKETS, SECTION 17-36 OPEN AIR MARKET AREA, SECTION 17-38 PERMIT AND PROVIDING AN EFFECTIVE DATE.

Councilor Weldon explained the ordinance would allow open-air markets to operate in the C-3 District as well as the Central Business District. It would also extend the hours of operation from 8:00 a.m. to 1:00 p.m. to 8:00 a.m. to 3:00 p.m.

Moved by Weldon, seconded by Gilbert.

Motion: **TO PASS ORDINANCE NO. 2003-17 ON FIRST READ.**

Roll Call Vote:

Ayes: 5 – Gilbert, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

Recess/Reconvene

Mayor Brown called for a recess at 8:00 p.m. and reconvened the meeting at 8:15 p.m.

Ord. No. 2003-18

ORDINANCE NO. 2003-18, ACCESSORY BUILDINGS, FIRST READ – VICE MAYOR GILBERT: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING SECTION 27-328(a)(1) ACCESSORY BUILDINGS AND PROVIDING AN EFFECTIVE DATE.

Vice Mayor Gilbert explained currently detached garages were not allowed in front yards. This ordinance would allow accessory buildings and detached garages in front yards provided there was room on the property within the building setbacks.

Councilor Weldon questioned why the issue of permitting detached garages in front yards was being addressed when it was part of the review of the land development regulations to be overhauled. He asked staff to examine why detached garages were prohibited in front yards and gather information that would justify the passing of a separate ordinance.

Moved by Gilbert, seconded by Shealy.

Motion: **TO PASS ORDINANCE NO. 2003-18 ON FIRST READ.**

Roll Call Vote:

Ayes: 5 – Gilbert, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

OLD BUSINESS / NONE

NEW BUSINESS

Res. No. 2003-14

RESOLUTION NO. 2003-14: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEPTUNE BEACH, FLORIDA ALLOWING CITY ATTORNEY CHRISTOPHER WHITE TO PARTICIPATE IN THE DANIEL ARLINGTON VS. THE CITY OF NEPTUNE BEACH LITIGATION.

City Attorney White explained this would allow him to be the attorney on record helping avoid potential arguments in the future.

Vice Mayor Gilbert and Councilor Weldon asked if the litigation fell within Mr. White's retainer fee. Mr. White replied the resolution was to authorize additional payments.

Moved by Gilbert, seconded by Weldon.

Motion: **TO APPROVE RESOLUTION 2003-14.**

Roll Call Vote:

Ayes: 5 – Gilbert, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

Res. No. 2003-15

RESOLUTION NO. 2003-15: A RESOLUTION APPOINTING BOARD MEMBERS TO THE PLANNING AND DEVELOPMENT REVIEW BOARD.

Councilor Weldon stated Mr. Baltar was a member of the Board when he was Chairman and took over as chairman of the Board when he resigned. He was a dedicated and committed citizen.

Moved by Pruette, seconded by Weldon.

Motion: **TO APPROVE RESOLUTION 2003-15.**

Roll Call Vote:

Ayes: 5 – Gilbert, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

1311 Atlantic Blvd.

DEVELOPMENT ORDER – 1311 ATLANTIC BOULEVARD – SONIC RESTAURANT: The Planning & Development Review Board recommended approval of the development order for Sonic Restaurant at 1311 Atlantic Boulevard with conditions.

Councilor Weldon encouraged Council to deny the development order if they did not agree to install a monument ground based sign.

Councilor Pruette asked the representatives for Sonic to install a monument sign.

Gary Abbey, Civil Engineer for the project, stated they were originally concerned a monument sign would obstruct drivers view. They now felt they could successfully install a 10' high x 12' long pedestal mounted sign on the eastern side of the site.

Moved by Gilbert, seconded by Shealy.

Motion: **TO APPROVE THE DEVELOPMENT ORDER FOR SONIC WITH THE 10 x 10 MONUMENT SIGN.**

Roll Call Vote:

Ayes: 5 – Gilbert, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

City Attorney White asked Mayor Brown to amend the agenda to hear the Bay Street Replat.

Bay Street Replat

REPLAT ADJACENT TO BAY STREET: Bob Persons, Attorney for Russell Stuart, buyer of the property, stated Mr. Stuart wanted to withdraw the application for the replat.

100 First St.

SPECIAL EXCEPTION – 100 FIRST STREET – SUNNY CARIBBEE: John Brocato, owner of Sunny Caribbee proposed placing outdoor seating on the Atlantic Boulevard side of the building. The area would cover the 7 feet from the wall to the columns leaving 10 feet from the column to the curb. The area would be blocked off with planters and customers would enter the area through the side door on Atlantic Boulevard. His insurance coverage would extend to the outdoor seating area.

Councilor Weldon asked Mr. Brocato if the property was on the city right-of-way. Mr. Brocato replied the property was city right-of-way.

Councilor Pruette asked Mr. Brocato if he would remove the seating during Town Center events. Mr. Brocato stated the space would be utilized during events and customers would have to enter the restaurant to get to the seating. It would not be open for the general public to walk in and sit down.

Mayor Brown felt the idea fit with the Town Center atmosphere. He felt it would not add new business but it would give the customer a choice of indoor or outdoor seating. He suggested deferring action and moving the issue to a workshop for further discussion.

Consensus: **DEFER ACTION AND FORWARD TO THE NOVEMBER WORKSHOP MEETING FOR DISCUSSION.**

Adjournment

There being no further business, the meeting adjourned at 9:00 p.m.

Richard A. Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
SPECIAL CITY COUNCIL MEETING
SEPTEMBER 29, 2003 AT 6:00 P.M.
CITY HALL, 116 FIRST STREET
NEPTUNE BEACH, FLORIDA

Pursuant to proper notice a Special Meeting of the City Council of the City of Neptune Beach was held September 29, 2003, at 6:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

Mayor Richard A. Brown
Vice Mayor James Gilbert
Councilor Harriet Pruette
Councilor Larry Shealy
Councilor John Weldon

ABSENT:

City Attorney Christopher White

STAFF:

Interim City Manager & Public Safety Director William Brandt
Interim Assistant City Manager & City Clerk Lisa Volpe, CMC
Director of Finance Steve Ramsey

Call to Order/Roll Call

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

ICMA Range Riders

ICMA RANGE RIDERS: Mayor Brown introduced Paul Sharon and Thomas C. Kelly from the Range Rider Organization.

Paul Sharon, Range Rider, introduced Thomas Kelly who would be the Range Rider assigned to Neptune Beach.

Thomas Kelly stated that the Florida Range Riders were one of the few in the nation that provided the service of helping cities select city managers. It is a great help to very small cities who cannot afford to hire a search firm. Larger cities would use a search firm who are much more capable of searching out a qualified candidate. The city should first advertise and be specific as to what type of qualities the city is looking for along with a salary range and a description of the city. The first step would be to list characteristics before any ad is placed.

Once applications have been collected Mr. Kelly would go through them and find at least ten that are qualified. It is up to the council to find a match who is technical competent and has a good chemistry with the group. It is up to the city how to interview the final candidates.

It is best not to negotiate the contract yourself but to ask someone either staff or outside help who is experienced in negotiating. Mr. Kelly stated he checks on candidates by using other range riders and people he knows. There is a network of Range Riders throughout the country in twenty-three states. The city should do an extensive background search before they hire a candidate. The Range Riders do fall under the sunshine law there for all communication needs to take place at a meeting. It is also unethical to recruit someone out of another job, which is what a paid consultant could do. The process would take at least a couple of months a paid consultant may be able to accomplish the process somewhat faster.

Mayor Brown questioned where Mr. Kelly had retired from. Mr. Kelly retired from Volusia county for 23 years.

Councilor Shealy asked for recommendations of how to interview and where to advertise. Mr. Kelly stated everyone should pick their top four and see if there is a consensus of 4 or 5 to bring in to interview. The Florida City Managers Association journal. Councilor Shealy asked what the time frame was. Mr. Kelly stated it would take some time but you could put a time limit on the taking of resumes. Sometimes it takes a while if the council does not get along, candidates are more likely to pull out.

Councilor Pruette stated the council gets along pretty good. She asked what the difference was with the Range Riders and a consultant. Mr. Kelly explained a consultant may be able to find someone faster since they can actively recruit. Councilor Shealy asked if it was limiting not being able to recruit. Mr. Kelly answered that the city did not have a bad reputation with too many city managers and if the city were willing to pay a little over the market salary you could get a top notch candidate. Mr. Kelly said military commanders and assistant managers do not have enough experience.

Councilor Weldon asked what the market salary would be. Mr. Kelly did not know. Councilor Weldon asked if the application review was paper only. Mr. Kelly stated it was unless something didn't make sense he would check with someone he knows who would know the candidate. If you have a good quality of applications it is easy to pick an experienced manager instead of asking for an assistant manager.

Councilor Weldon asked why the range riders provided this service in Florida and not in other states. Mr. Kelly stated the managers in Florida felt it was needed especially in the small cities. Also the retired managers wanted to give back to their organization.

Councilor Weldon asked if Mr. Kelly would be managing the process or just advising. Mr. Kelly stated he would be advising. Councilor Weldon asked why they are under the sunshine law. Mr. Kelly said they are basically a committee (unpaid) therefore are subject to the sunshine law.

Councilor Pruette asked what Mr. Kelly has to offer if the city should go with him or a paid consultant. Mr. Kelly stated they could probably do the search faster and the city should call them in and see if that is what they want. Mr. Kelly emphasized that as a board you want to feel comfortable with whomever you hire.

Mayor Brown asked if the city was in a position to find someone who was moving up in their career. Mr. Kelly stated some just want to make a change.

Chief Brandt asked what cities Mr. Kelly had worked with in the past. Mr. Kelly listed Sanford, Fernandina Beach. Chief Brandt also asked if he could help with the ad and salary negotiations. Mr. Kelly said he could be of some help with the ad but the council should be able to come up with characteristics and he was not experienced with negotiations.

Vice Mayor Gilbert stated he understood the functions at the Florida League of Cities Conference.

Councilor Weldon asked when he had worked with Fernandina Beach. Mr. Kelly answered three years. Councilor Pruette asked if there were a salary range would there be a lot of negotiating. Mr. Kelly said there work to be done in this area and should not be taken too lightly.

Paul Sharon stated they had many years of experiences to help in the search. Consultants are basically ex managers and have more resources. As Range riders and not paid consultants they can be more candid if they see the council is going in the wrong direction. Mr. Sharon commented there are times when a person will go to a city to work on something they do not have experience with.

Mayor Brown thanked Paul Sharon and Thomas Kelly for an informative presentation. Councilor Weldon felt it was best to allow someone who specializes in these matters to help the city find a city manager.

Recess/Reconvene

Mayor Brown called a recess at 6:55 p.m. and reconvened at 7:05 p.m.

Mayor Brown stated there needed to be discussion as to which way the council wanted to go with a paid consultant or with the Range Riders.

Councilor Weldon liked the idea that the Range Riders could be more blunt with the council and they have many years of experience as managers. He felt the negatives were no recruitment of working managers, no extensive background searches, no help with negotiating or management of the search. He concluded by stating he was not afraid to spend \$20,000 to find a qualified manager.

Councilor Pruette felt the consultant had a lot more to offer than the Range Riders. She wanted to know where the \$20,000 would come from.

Mayor Brown liked both but felt the paid consultants had more to offer the city and had given some really good ideas.

Councilor Shealy had a background in using headhunters and felt it was a more professional way to hire someone in that position. A consultant could hire someone in a timely way. He did question where the \$20,000 would come from.

Mayor Brown commented that the timeline would probably be the same with Range Rider or the consultant.

Vice Mayor Gilbert felt that the management firm would be the best option but felt the council should listen to at least one more presentation to decide on a firm. He felt \$14,000 was a lot for a professional fee. He thought the consultant could do a much more thorough job. He did not like the sunshine law having an effect on the Range Riders and felt they did not do as much as he had understood. He wanted to know if there was any guarantee with the consultants if the new manager left in a very short amount of time. The council commented that Mercer Group did say something about a guarantee.

Chief Brandt stated the Range Riders do call to check on certain candidates but do not call the city they are working at which agrees to the way the consultant. He was disappointed the Range Riders did not do any background search.

The council discussed city manager characteristics briefly. Mayor Brown wanted someone with a good amount of experience. Councilor Pruette wanted someone who knew how to find grants.

Consensus: **TO INVITE SLAVIN MANAGEMENT CONSULTANTS TO SPEAK AT THE OCTOBER 6TH CITY COUNCIL MEETING.**

Councilor Weldon stated he would not be at the October 6th meeting but he only wanted to be sure that council did not have the meeting to decide characteristics until he could be there.

Ballistic vests

Chief Brandt told the council he received a 50% grant for ballistic vests. He needed their ok to use forfeiture funds to pay the rest of the cost, which would be approximately \$12,000.

Consensus: **TO PLACE THE PURCHASE OF BALLISTIC VESTS ON THE CONSENT AGENDA FOR OCTOBER 6TH COUNCIL MEETING.**

Adjournment

There being no further business, the meeting adjourned at 7:30 p.m.

Richard A. Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
SPECIAL CITY COUNCIL MEETING
SEPTEMBER 22, 2003 AT 6:00 P.M.
CITY HALL, 116 FIRST STREET
NEPTUNE BEACH, FLORIDA

Pursuant to proper notice a Special Meeting of the City Council of the City of Neptune Beach was held September 22, 2003, at 6:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

Mayor Richard A. Brown
Vice Mayor James Gilbert
Councilor Harriet Pruette
Councilor Larry Shealy
Councilor John Weldon

ABSENT:

City Attorney Christopher White

STAFF:

Interim City Manager & Public Safety Director William Brandt
Interim Assistant City Manager & City Clerk Lisa Volpe, CMC
Director of Finance Steve Ramsey
Director of Public Services Leon Smith

Call to Order/Roll Call

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

Ord. No. 2003-13

ORDINANCE NO. 2003-13, FINAL READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, ADOPTING FINAL MILLAGE RATES AND LEVYING AD VALOREM TAXES FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2003, AND ENDING SEPTEMBER 30, 2004; SETTING FORTH CERTAIN INFORMATION REGARDING "ROLLED BACK RATES"; DIRECTING THE CITY MANAGER TO ADJUST THE ADOPTED MILLAGE RATES IN THE EVENT OF CHANGES IN THE ASSESSMENT ROLL AND TAXABLE VALUE; PROVIDING AN EFFECTIVE DATE.

Mayor Brown read Ordinance No. 2003-13 by title only and opened the public hearing.

Lynda Padrta, 1113 First Street, thanked the council for keeping to a strict budget.

There being no further comments from the public the public hearing was closed.

Moved by Gilbert, seconded by Pruette.

Motion: **TO PASS ORDINANCE NO. 2003-13 ON FINAL READ.**

Roll Call Vote:

Ayes: 5 – Gilbert, Pruette, Shealy, Weldon, Brown
Noes: 0

MOTION CARRIED

Ord. No. 2003-14

ORDINANCE NO. 2003-14, FIRST READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, ADOPTING A FINAL BUDGET AND APPROPRIATING FUNDS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2003, AND ENDING SEPTEMBER 30, 2004, PROVIDING AN EFFECTIVE DATE.

Mayor Brown read Ordinance No. 2003-14, by title only and opened the public hearing.

Lynda Padrta, 1113 First Street, thanked the council for keeping to a strict budget.

There being no further comments from the public the public hearing was closed.

Moved by Pruette, seconded by Gilbert.

Motion: **TO PASS ORDINANCE NO. 2003-14, ON FINAL READ.**

Roll Call Vote:

Ayes: 5 – Gilbert, Pruette, Shealy, Weldon, Brown
Noes: 0

MOTION CARRIED

Volkert & Associates

VOLKERT & ASSOCIATES: Director of Public Services Leon Smith gave his recommendation that the consultants should study the area east of Third Street for \$3500 before paving began. Discussion ensued about the paving project such as which streets are to be milled.

Consensus: **TO CONTRACT WITH VOLKERT AND ASSOCIATES FOR AN EAST OF THIRD STREET STUDY FOR \$3500.**

The Mercer Group Inc.

THE MERCER GROUP INC.: Mayor Brown introduced Tom Feijo, Senior Vice President for The Mercer Group.

Tom Freijo went over the process his company would go through to help the city find a city manager. First, he would meet with council members separately to discuss what they are looking for in a city manager, what difficulties the city is facing, what issues will they be facing as city manager and a salary range. After meeting with the council he would advertise in publications and contact managers he knew would fit Neptune Beach. He would pick the best 12 to 18 and have the council pick the top eight to ten candidates to interview. He would do extensive background searches and bring back five or six finalists to interview. The background search includes speaking with department heads and elected officials they have worked with along with internet newspaper searches and more. The interviews would be conducted with the council as a group along as one on one. They would meet with department heads, have a tour of the city, and have a social with the public to meet them. Selection would be made soon after and the candidate would only be given 48 to 72 hours to respond to the offer.

Mayor Brown questioned how a consensus could be facilitated if more than one candidate was on the top of the council's list. Mr. Freijo responded it was up to the council to make that final decision on their first and second choice.

Councilor Weldon asked to be assured that advertising and detailed analysis would be completed. Mr. Freijo stated that all advertisements would be copied to the city along with detailed reports on who was spoken to about each candidate and what they said. He commented he knew a lot of managers and may ask certain people to apply if they were a good fit. Councilor Weldon asked for a comparison of the Mercer Group and the Range Riders. Mr. Freijo stated he felt his company was more in depth than the Range Rider services.

Vice Mayor Gilbert questioned how long the company was in business; if candidates paid a fee; and what the not to exceed fee included. Mr Freijo stated the company has been around for 25 years and in its current form since 1990. He has worked for them for three years. Candidates do not pay any fee. He explained that the expense fee covered such things as advertising and his travel. Any travel by the candidate would be paid directly by the city.

Mr. Freijo emphasized the time line and doing a thorough search the first time not to let good candidates get away. He was ready to get started immediately, which would allow a city manager to start working in January.

Councilor Shealy felt with his background in the private sector that hiring an executive search firm would be in the best interest of the city.

Councilor Pruette asked if the consultant reviewed the city's code. Mr. Friejo stated it is one of the pieces of information he reviewed.

Councilor Weldon asked what mistakes the city should try to avoid in this process. Mr. Freijo stated the first thing to do is hire someone you trust to do the search. Following the time line was very important to keep qualified candidates interested. Giving a person a timely offer after the interviews was necessary to make for a smooth transition. Salary expectations need to be clear at the beginning of the process. He stated if one or two candidates turn the position down you may have to start the process all over again and this stops qualified candidates from applying. You should not speak to the city the manager is presently working for until they are one of the finalists.

Mayor Brown thanked Tom Freijo for an informative presentation. Councilor Weldon felt it was best to allow someone who specializes in these matters to help the city find a city manager.

Adjournment

There being no further business, the meeting adjourned at 7:07 p.m.

Richard A. Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
WORKSHOP CITY COUNCIL MEETING
SEPTEMBER 15, 2003, AT 7:00 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 September 15, 2003 at 7:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

Mayor Richard A. Brown
Vice Mayor James Gilbert
Councilor Harriet Pruette
Councilor John Weldon
Interim City Manager & Public Safety Director William Brandt
Interim Assistant City Manager & City Clerk Lisa Volpe, CMC

ABSENT:

Councilor Larry Shealy
City Attorney Christopher White

STAFF:

Community Development Director Jason Cleghorn
Assistant to the City Manager Terry Klein
Director of Finance Steve Ramsey
Director of Public Services Leon Smith
Deputy City Clerk Karla Strait, CMC

Call to Order/Roll Call

Mayor Brown called the meeting to order at 7:00 p.m.

NEPTUNE BEACH ELEMENTARY FIELD: Sherry Nicholson, representative for Neptune Beach Elementary School, was concerned that the track & field behind the school were in bad condition and in need of improvements. She inquired as to who was responsible for the maintenance of the property. She felt the improvements could be made through the use of grants and foundations. She asked if the city would be able to contribute through the Bed Tax Fund, which could be used for recreational purposes.

Vice Mayor Gilbert asked Mrs. Nicholson if she had cost estimates for the improvements. Mrs. Nicholson replied she had an estimate from James Newman of \$94,000.

Director of Finance Steve Ramsey replied the bed tax amounted to \$13,000 or \$14,000 per year and was to be used for the purpose of recreation. There was currently \$40,000 in the account. Mr. Ramsey added that the funds could only be used on city owned property and the city leased the property from the Duval County School Board.

Councilor Weldon supported making improvements to the field but wanted to understand the School Board's responsibility before allocating any funding.

Councilor Pruette supported the improvements. She felt the city could take care of the cleaning up the trash. She asked if the school board had been contacted about the weeds, ants, and condition of the track. Mrs. Nicholson replied she had not contacted the school board.

Mayor Brown stated the city would look into the lease agreement and the background of the maintenance.

Councilor Weldon asked Chief Brandt to assign someone from the staff to assist Mrs. Nicholson and have that person report back to the council.

COMMITTEE REPORTS

Volkert & Assoc.

VOLKERT & ASSOCIATES: Jerry Dabkowski, P.E. and Angelo Rao P.E., representatives from Volkert & Associates, gave a presentation on various traffic calming devices. They could evaluate traffic calming on every street to be resurfaced in the city for less than \$5,000. To include an evaluation of the signs would cost a total of approximately \$8,000 to \$9,000.

Discussion ensued regarding stop signs, speed humps and which streets were to be resurfaced.

Mayor Brown stated he would like to place the issue back in the hands of staff and place it on next Monday's meeting agenda.

Consensus: **PLACE IN THE HANDS OF STAFF AND ADD TO NEXT WEEK'S AGENDA.**

CITY MANAGERS PUNCH LIST

Kings Rd. Bridge

KINGS ROAD BRIDGE: Interim City Manager Chief Brandt asked for direction on the Kings Road Bridge. Councilor Weldon stated the council came to a consensus to rebid the project. City Clerk Lisa Volpe stated she needed a scope of work in order to advertise the request for proposals.

Hopkins Creek

HOPKINS CREEK: City Attorney White sent a public records request to the Florida Department of Transportation for records relating to the Hopkins Creek drainage project. Mayor Brown stated a resolution was sent out to the FDOT addressing the Council's position on the project.

PUBLIC COMMENTS

Mary Ann Padrta, 1030 Second Street, felt the city should not pay for Mr. Linn to attend the City Manager's Conference in North Carolina because it would not benefit the city. She presented a letter from Lynda Padrta with recommendations for hiring a new city manager.

PROPOSED ORDINANCES

Ord. No. 2001-08

ORDINANCE NO. 2001-08, ACCESSORY BUILDINGS – COUNCILOR PRUETTE: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING SECTION 17-32, DEFINITIONS: AMENDING SECTION 27-328(3) AND 27-328(4) ACCESSORY BUILDINGS AND ADDING SECTION 27-238(A)(5), 27-328(A)(6) AND SECTION 27-(A)(7).

Councilor Pruette felt the ordinance needed to be updated to allow detached garages in front yards. City Attorney Chris White advised her the ordinance should either be left alone having

the property owners continue to seek a variance or change the ordinance to allow detached garages with conditions and restrictions.

Mr. White further advised if detached garages were allowed in front yards on a case-by-case basis the city could face lawsuits.

Vice Mayor Gilbert stated he did not mind if detached garages were allowed in front yards if they were one story and behind the building restriction line.

Councilor Weldon questioned why the previous Council adopted Ordinance No. 2001-08 not allowing detached garages in front yards. Vice Mayor Gilbert replied the Council was trying to avoid allowing garage apartments. Councilor Weldon was concerned that new construction plans may request detached garages in the front yard and felt the issue should be considered in the Land Development Regulations revisions.

Councilor Pruette suggested informing the Board of Appeals that it was not the intent of the Council not allow detached garages in front yards at all. Councilor Weldon did not want to encourage the Board of Appeals to violate the Ordinance. The Board needed to follow the Ordinance until it was changed.

CONTRACTS / AGREEMENTS

Sea & Sky Spectacular **SEA & SKY SPECTACULAR INTERLOCAL AGREEMENT:** Mayor Brown stated the Sea & Sky Spectacular would be held at the beaches this year. The beach cities each contributed \$10,000 for the event in 2001 and were asked to contribute \$10,000 again this year.

Director of Finance Steve Ramsey stated part of the \$10,000 would come from the Cable T.V. Fund and part from the King Neptune Fund.

Councilor Weldon questioned how the show would benefit Neptune Beach. Mayor Brown replied there was the feeling of unity in supporting a major event that was well received by the public and the Neptune Beach residents enjoyed the event. Vice Mayor Gilbert agreed the event was family oriented and benefited the city as a whole.

Councilor Pruette stated in 2001 the \$10,000 contribution was a one-time contribution. City Clerk Volpe replied in 2001 the contribution was placed on the consent agenda and approved. During the discussion at the workshop meeting Vice Mayor Shimp stated on the record that the \$10,000 would be a one-time contribution only, however, the majority of the council did not agree.

Consensus: **FORWARD TO THE OCTOBER REGULAR MEETING CONSENT AGENDA.**

Recess/Reconvene Mayor Brown called a recess at 8:45 p.m. The meeting reconvened at 8:56 p.m.

ISSUE DEVELOPMENT

Variance Appeals **VARIANCE APPEAL PROCESS:** Vice Mayor Gilbert felt non-conformities that were grandfathered into the original footprint should not be considered by the Board of Appeals. Only those non-conformities that were allowed by a previous variance should be considered. He asked Community Development Director Jason Cleghorn to speak to the Council about the benefits of creating an overlay district.

Community Director Jason Cleghorn stated there was a distinction between the community east of Third Street and west of Third Street. Creating an overlay district would reclassify the property east of Third Street and make the lots become conforming. He also explained the benefits of administrative variances.

Councilor Gilbert suggested that once the Board of Appeals denied a variance it should be appealed to the Circuit Court and not to the City Council.

Councilor Weldon stated there were already overlay districts in the community. The real issue was the Council's roll in reviewing decisions made by the Board of Appeals. He agreed appeals should be handled through the circuit court.

Mayor Brown felt there should be some level of flexibility in variances and the whole process needed to be reviewed.

Councilor Pruette stated in the past the procedure for an appeal to the council did not state the errors of the Board as was required.

City Clerk Volpe stated she had created a new form for appeals applicants to fill out that required applicants to state the specific error.

Water Plant
Landscaping

LANDSCAPING OF THE WATER PLANT: Mayor Brown asked Director of Public Services Leon Smith if he could landscape around the chain link fence at the water plant.

Director of Public Services Leon Smith felt landscaping would not completely hide the chain link fence. He recommended a privacy fence with columns similar to the one surrounding the water plant in Jacksonville Beach. He provided photographs of the fence to the Council.

Councilor Weldon added the lift station on the corner of Florida Boulevard and Third Street was also an eyesore and suggested placing a fence around it as well.

Consensus: **PUBLIC SERVICES DIRECTOR LEON SMITH TO GET PROPOSALS ON THE FENCE AND REPORT BACK.**

City Manager Search

EXECUTIVE SEARCH FOR A CITY MANAGER: Chief Brandt stated he spoke with Paul Sharon, International City Manager Association (Range Riders), and was impressed with the service they could provide at no charge. They would provide the same services as a professional company for no charge. A private professional search would cost approximately \$20,000.

Councilor Pruette was not in favor in spending \$20,000 for a professional search. She suggested advertising on the city web page, newspapers, and in the Florida League of Cities Newsletter or using the services provided by the ICMA.

Vice Mayor Gilbert favored using the ICMA (Range Riders). The service was free and the Florida League of Cities endorsed them. If they could not provide results within a few months then we could look at other options.

Mayor Brown suggested each Councilor put their thoughts together on the qualities and requirements they were looking for in a new City Manager before publishing an advertisement.

Councilor Weldon stated hiring a new City Manager would be the most significant act of the Council. He was not opposed to hiring a professional headhunter to help organize the search. He was willing to listen to presentations from both services.

Mayor Brown felt the ICMA and the private company would use the same outlet for information and would advertise in the same publications.

Interim City Manager Chief Brandt stated ICMA could do a presentation at the October 6, 2003, meeting.

City Clerk Lisa Volpe stated she would invite The Mercer Group, Inc. to attend the September 22, 2003 meeting and the ICMA (Range Riders) to attend the September 29, 2003 meeting.

Ad Hoc Parking
Committee

AD HOC PARKING COMMITTEE: Mayor Brown stated Atlantic Beach Mayor John Meserve was inviting all council members to participate in an Ad Hoc Parking Committee that would include the Town Center Merchants.

Adjournment

There being no further business, the meeting adjourned at 9:39 p.m.

Richard A. Brown, Mayor

Attest:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
SPECIAL CITY COUNCIL MEETING
SEPTEMBER 8, 2003 AT 6:00 P.M.
CITY HALL, 116 FIRST STREET
NEPTUNE BEACH, FLORIDA

Pursuant to proper notice a Special Meeting of the City Council of the City of Neptune Beach was held September 8, 2003, at 6:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

Mayor Richard A. Brown
Vice Mayor Jimmy Gilbert
Councilor Harriett Pruette
Councilor Larry Shealy
Councilor John Weldon
City Attorney Christopher White
City Manager Richard A. Linn
City Clerk Lisa Volpe, CMC

Director of Public Safety William Brant
Assistant to the City Manager Terry Klein
Director of Public Safety William Brandt
Director of Public Services Leon Smith
Deputy City Clerk Karla Strait, CMC
Assistant to the Building Official Piper Turner

Call to Order/Roll Call

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

Ord. No. 2003-13

ORDINANCE NO. 2003-13, FIRST READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, ADOPTING FINAL MILLAGE RATES AND LEVYING AD VALOREM TAXES FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2003, AND ENDING SEPTEMBER 30, 2004; SETTING FORTH CERTAIN INFORMATION REGARDING "ROLLED BACK RATES"; DIRECTING THE CITY MANAGER TO ADJUST THE ADOPTED MILLAGE RATES IN THE EVENT OF CHANGES IN THE ASSESSMENT ROLL AND TAXABLE VALUE; PROVIDING AN EFFECTIVE DATE.

Director of Finance Steve Ramsey stated the millage rate would remain at 2.9, the same as last year. The not to exceed rate was 3.5.

Mayor Brown read Ordinance No. 2003-13 by title only and opened the public hearing.

Ron Patten, 405 Davis Street, voiced concern that his tax bill was higher than his sister's who lived in Atlantic Beach.

There being no further comments from the public the public hearing was closed.

Moved by Pruette, seconded by Weldon.

Motion: **TO PASS ORDINANCE NO. 2003-13 ON FIRST READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 5 – Gilbert, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

Ord. No. 2003-14

ORDINANCE NO. 2003-14, FIRST READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, ADOPTING A FINAL BUDGET AND APPROPRIATING FUNDS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2003, AND ENDING SEPTEMBER 30, 2004, PROVIDING AN EFFECTIVE DATE.

Mayor Brown read Ordinance No. 2003-14, by title only and opened the public hearing.

There being no comments from the public the public hearing was closed.

Moved by Pruette, seconded by Gilbert.

Motion: **TO PASS ORDINANCE NO. 2003-14, ON FIRST READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 5 – Gilbert, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

Ord. No. 2003-10

ORDINANCE NO. 2003-10, SECOND READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING SECTION 13-5, CODE OF ORDINANCES OF THE CITY OF NEPTUNE BEACH AND PROVIDING AN EFFECTIVE DATE.

Mayor Brown read Ordinance No. 2003-10 by title only and opened the public hearing.

There being no comments from the public the public hearing was closed.

Moved by Shealy, seconded by Weldon.

Motion: **TO ADOPT ORDINANCE NO. 2003-10 ON SECOND READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 5 – Gilbert, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

Hopkins Creek

HOPKINS CREEK OUTFALL DITCH: Mayor Brown stated the 90-day extension period to explore alternatives to Florida Department of Transportation's proposed closed culvert system was September 18, 2003. Mayor Brown had drafted a letter to Aage Schroder, District Secretary, FDOT, informing a suitable alternative to stabilize the ditch banks and save the mature trees had not been found. He asked council members if they agreed with the drafted letter.

Councilor Pruette stated if FDOT were to proceed with the culvert plan she would be concerned about the future maintenance based on their past maintenance record.

Jim Miller, PBS&J, stated the feasibility study conducted by PBS&J concluded that it was in the best interest of the city not to take over the project unless more funds were provided.

Councilor Weldon stated the proposal from FDOT to take over the ditch for 3.1 million was unreasonable. He felt the city should continue to resist the culvert project. He suggested writing a letter to FDOT stating we were opposed to the continuation of the project, the offer was inadequate and we would pursue it through our state representatives.

Councilor Gilbert agreed the funds offered by FDOT were not sufficient and the city should continue to resist. He was also concerned about prior maintenance of the ditch.

Councilor Shealy voiced concern regarding the city's liability by delaying the state project.

City Attorney White stated he expected at some point the FDOT would either settle with the city or move forward with the project. He added there would be concern of liability once the delay reached a certain point of getting their way.

Councilor Pruette suggested each Council Member speak with the state representatives.

Councilor Weldon felt the city should not endorse, support or in any way cooperate with the state. He had spoken with State Representative Don Davis and Senator Jim King regarding the project and recommended each Council Member also speak with them.

City Attorney White stated the resistance needed to be in the form of a Resolution.

Consensus: **TO OFFICIALLY TAKE THE POSITION TO RESIST BY RESOLUTION.**

On the Record Mayor Brown stated for the record that he did not agree with the direction to resist because he did not hear anything that would lead toward a favorable resolution.

Councilor Weldon stated the city could resist by injunction or by specifying that the city wanted 13.1 million for taking over the project to be paid over the 5-year duration of the project.

City Attorney White stated more discussion was necessary before the city made the decision to commit to taking over complete responsibility of the ditch regardless of the amount of money offered by the State.

Vice Mayor Gilbert stated the State still had not produced the prior maintenance record of the ditch. He would like to see those records and the proposed 10-year plan and maintenance schedule.

City Attorney White stated he would send a public record request to the State for the records.

Consensus: **HAVE CITY ATTORNEY WHITE SEND A PUBLIC RECORD REQUEST TO THE STATE FOR PRIOR MAINTENANCE RECORDS.**

City Manager Position **INTERIM CITY MANAGER POSITION:** Mayor Brown had written a memo provided in the agenda packet recommending Director of Public Safety Chief William Brant be appointed as Interim City Manager and City Clerk Lisa Volpe serve as Interim Assistant City Manager for administration.

Vice Mayor Gilbert agreed with the Mayor's recommendations adding that they should be compensated for the extra duties. He recommended Chief Brant begin receiving the 5% increase that he expected in March, which amounted to an additional \$3,285.00. He further recommended that City Clerk Volpe receive a 20% salary increase in the amount of \$8,127.00.

Mayor Brown questioned if those figures were annual. Vice Mayor Gilbert replied "yes" on top of their current salary.

Councilor Pruette questioned what would happen to the current Administrative Assistant to the City Manager Terry Klein's. Mayor Brown replied her job duties would remain the same.

Councilor Weldon agreed with Mayor Brown's recommendation for the appointments. He did not agree with tying the compensation to salary increases. He suggested defining a six-month bonus for both positions; \$1,500 per month for the Interim City Manager and \$1,000 per month for the Interim Assistant City Manager.

Councilor Pruette asked Chief Brandt if he was willing to accept the appointment. Chief Brandt replied he would accept the appointment of Interim City Manager.

Vice Mayor Gilbert asked Finance Director Steve Ramsey if it would be easier to use Councilor Weldon's suggestion of a six-month bonus or his suggestion of salary increases. Mr. Ramsey replied it would not matter.

Councilor Shealy agreed with Councilor's Weldon's suggestion.

Moved by Gilbert, seconded by Shealy.

Motion: **TO ACCEPT THE TERMS DISCUSSED.**

Roll Call Vote:

Ayes: 5 – Gilbert, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

Steve Ramsey informed the Council that staff was concerned as to the chain of command and who they would report to.

Vice Mayor Gilbert stated the people who reported to Mr. Linn should now report to Chief Brandt.

Councilor Weldon stated there would be only one City Manager, Chief Brant, and that Ms. Volpe would be his assistant.

Discussion ensued regarding the requirements and salary of a new City Manager and if the position should be advertised or if a professional headhunter should be hired.

Councilor Weldon felt the only way to find a qualified candidate was through a professional headhunter and suggested hearing some proposals.

Councilor Shealy agreed with Councilor Weldon.

Vice Mayor Gilbert felt the staff should be involved in the selection of the new City Manager because they would have to work for him.

Mayor Brown asked to place the issue on the September workshop agenda.

Councilor Weldon suggested Interim City Manager Brandt and Interim Assistant City Manager Volpe contact publications and professional headhunters and report back at the workshop meeting.

Repaving

Councilor Weldon stated Volkert & Associates would be present at the workshop meeting to discuss the repaving project.

Public Comment

Julie Cummings, 172 Lighty Lane, felt the city should be reimbursed from the state for services not rendered in the maintenance of the ditch.

Vice Mayor Gilbert stated Council should move forward with the Land Development Revisions now that we had a new Community Development Director.

Councilor Pruette requested that the new Building Official and the new Community Development Director come before the Council at a future workshop meeting and explain their positions and suggestions.

Adjournment

There being no further business, the meeting adjourned at 7:07 p.m.

Richard A. Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
REGULAR CITY COUNCIL MEETING
SEPTEMBER 2, 2003, 6:07 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 September 2, 2003, at 6:07 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

Mayor Richard A. Brown	Master Sergeant Anthony Carrillo
Vice Mayor Jimmy Gilbert	Comm. Development Director Jason Cleghorn
Councilor Harriet Pruette	Assistant to the City Manager Terry Klein
Councilor Larry Shealy	Building Official Tony Perez Guerra
Councilor John Weldon	Director of Finance Steve Ramsey
City Manager Richard A. Linn	Director of Public Services Leon Smith
City Attorney Christopher A. White	Deputy City Clerk Karla Strait, CMC
City Clerk Lisa Volpe, CMC	Assistant to the Building Official Piper Turner

Order Call/Pledge

Mayor Brown called the meeting to order at 6:07 p.m. and led the pledge of allegiance.

AWARDS / PRESENTATIONS / RECOGNITION OF GUESTS / NONE

APPROVAL OF MINUTES

Motion: **TO APPROVE THE FOLLOWING MINUTES:**
AUGUST 4, 2003, REGULAR CITY COUNCIL MEETING
AUGUST 11, 2003, BUDGET CITY COUNCIL MEETING
AUGUST 18, 2003, WORKSHOP CITY COUNCIL MEETING

Moved by Gilbert, seconded by Shealy.

Roll Call Vote:

Ayes: 5 – Gilbert, Pruette, Shealy, Weldon, Brown
Noes: 0

MOTION CARRIED

COMMUNICATIONS AND CORRESPONDENCE

Mayor Brown asked to place the issue of landscaping the area surrounding the water plant in Jarboe Park on the September workshop agenda.

Councilor Pruette questioned when the palm trees on First Street would be trimmed.

Director of Public Services Leon Smith replied the trees on First Street were trimmed once a year and he would check with Public Works Supervisor Paul Williams in regards to the next scheduled trimming.

Councilor Pruette asked City Manager Linn if FDOT had responded to his request to clean the ditch around Fifth Street and Fletcher High School. City Manager Linn stated he had not received a response from FDOT.

Councilor Shealy asked what would be done with the old fire hydrants. Director of Public Safety Leon Smith stated they should be removed in approximately one month.

City Manager Linn introduced the new Community Development Director Jason Cleghorn to the Council.

City Clerk Lisa Volpe reminded the Council a budget meeting was scheduled for next Monday night at 6:00 p.m. to set the millage rate.

CITY MANAGER REPORTS

- Water Project WATER IMPROVEMENT PROJECT: The water improvement project was 100% complete.
- Sewer Project SEWER IMPROVEMENT PROJECT: The contractor had received the permit from FDOT and started the work in the Third Street right-of-way. The pump station at Orange Street and First Street was installed and functioning. The project was moving along on schedule.
- City Yard Project CITY YARD PROJECT: The contractor was given notice to proceed on the 300-day project last week and the large building had been demolished.

PUBLIC COMMENTS

- Public Comments Karl Sanders, attorney representing Mr. Kawasaki asked the Council if he would be given the privilege to speak on V03-21 later on the agenda or if he should speak during the public comments. Council responded they would allow him to speak on the agenda item.
- Sandy Leidy, 1810 Strand Street, was concerned that the meeting started before 7:00 p.m. and not many people were present.
- Council agreed to recess the meeting.
- Recess/Reconvene Mayor Brown recessed the meeting at 6:20 p.m. and reconvened the meeting at 6:47 p.m.
- Sandy Leidy, 1810 Strand Street, voiced concern regarding protection of the beach accesses and avoiding high-rise buildings being built on the beach.
- Mary Ann Padrta, 1030 Second Street, was concerned because animal control was not readily available when dogs were roaming freely in her neighborhood.
- Bob Shimp, 1109 First Street, recommended the Council support City Manager Linn's request to retire in March allowing him the respect he deserved.
- Edith Alcorn, 317 Oceanwood Drive, supported the City Manager's retirement in March allowing him his full retirement benefits and a smooth transition between city managers.

Todd Brown, 1512 Strand Street, felt the motion to reconsider the Council decision to affirm the denial of Variance V03-21 was not valid. He asked the Council to support the Board of the Appeals decision to deny the request and withdraw the motion to reconsider.

Sandra Brinson, 1512 Strand Street, read a letter from Clair Zaiser disapproving the Council's reconsideration of the denial of variance V03-21. She asked the Council to withdraw the motion to reconsider.

Karl Sanders, attorney representing Mr. Kawasaki explained there was a legal distinction between a motion for rehearing and a motion to reconsider. A motion for rehearing was a procedure to rehear a judicial matter under certain circumstances. A motion to reconsider was a legislative term that allowed a legislative body to reconsider their position on anything at the following meeting. City Attorney White stated the Neptune Beach Code was different. Mayor Brown stated he would call on Mr. Sanders if the Council had any questions when the variance was discussed.

CONSENT AGENDA

PQH Architects

AWARD OF CONSTRUCTION ADMINISTRATION SERVICES CONTRACT TO PQH ARCHITECTS IN THE AMOUNT OF \$30,603.29:

Moved by Pruette, seconded by Gilbert.

Motion: **TO APPROVE THE CONSENT AGENDA.**

Roll Call Vote:

Ayes: 5 – Gilbert, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

VARIANCES / NONE

ORDINANCES

Ord. No. 2003-08

ORDINANCE NO. 2003-08, PROHIBITED USES – SECOND READ AND PUBLIC HEARING – SPONSORS, MAYOR BROWN, VICE-MAYOR GILBERT, COUNCILOR PRUETTE: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING SECTION 27-225(2) AND ADDING SECTION 27-223(4) USES EXPRESSLY PROHIBITED WITHIN ZONING DISTRICTS AND PROVIDING AN EFFECTIVE DATE.

Mayor Brown read Ordinance No. 2003-08 by title only and opened the public hearing.

There being no comments from the public the public hearing was closed.

Moved by Gilbert, seconded by Pruette.

Motion: **TO ADOPT ORDINANCE 2003-08 ON SECOND READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 4 – Gilbert, Pruette, Shealy, Brown

Noes: 1 – Weldon

MOTION CARRIED

Ord. No. 2003-09

ORDINANCE NO. 2003- 09, ABANDONED VEHICLES – FIRST READ, SPONSOR VICE MAYOR GILBERT: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, AMENDING CHAPTER 22, SECTION 22-35(A)(B) ADDING 22-35(C)(D)(E) ABANDONED VEHICLES.

Moved by Gilbert, seconded by Pruette.

Motion: **TO PASS ORDINANCE 2003-09 ON FIRST READ.**

Roll Call Vote:

Ayes: 5 – Gilbert, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

Ord. No. 2003-10

ORDINANCE NO. 2003-10, NOISE ORDINANCE – FIRST READ, SPONSORS COUNCILOR SHEALY AND COUNCILOR PRUETTE: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING SECTION 13-5, CODE OF ORDINANCES OF THE CITY OF NEPTUNE BEACH AND PROVIDING AN EFFECTIVE DATE.

Moved by Gilbert, seconded by Shealy.

Motion: **TO PASS ORDINANCE 2003-10 ON FIRST READ.**

Roll Call Vote:

Ayes: 5 – Gilbert, Shealy, Pruette, Weldon, Brown

Noes: 0

City Clerk Lisa Volpe informed the Council at the request of Councilor Shealy the second reading and public hearing for Ordinance 2003-10 would be on September 8, 2003.

MOTION CARRIED

Ord. No. 2003-11

ORDINANCE 2003-11, MORATORIUM ON DEVELOPMENT OF OCEAN ACCESSES – FIRST READ, SPONSORS, COUNCILOR WELDON AND COUNCILOR PRUETTE: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING THE EXISTING CHAPTER 18, STREETS, SIDEWALKS AND OTHER PUBLIC PLACES, ADDING SECTION 18-2 MORATORIUM ON DEVELOPMENT OF OCEAN ACCESSES, AND PROVIDING AN EFFECTIVE DATE.

Councilor Weldon asked City Attorney White to confirm that Section 18-2 would cover any presently proposed development. City Attorney White replied it set an effective date of August 18, 2003. As far as he was concerned if there is any use or development in existence as of today it applies. It would apply to the minor replat on Bay Street.

Moved by Pruette, seconded by Shealy.

Motion: **TO PASS ORDINANCE 2003-11 ON FIRST READ WITH A FRIENDLY AMENDMENT THAT IT NOT INCLUDE THE AUTHORIZATION BY THE ISH BRANT BEAUTIFICATION COMMITTEE.**

Councilor Pruette explained some street ends have been adopted through the City Manager's office for beautification.

City Attorney White stated the moratorium on development did not include landscaping.

FRIENDLY AMENDMENT WITHDRAWN BY COUNCILOR PRUETTE

Mayor Brown stated the public beach access remained protected under the 1997 referendum. The Ordinance will allow the Council to fine tune the protection of the accesses.

Motion: **TO PASS ORDINANCE 2003-11 ON FIRST READ.**

Roll Call Vote:

Ayes: 5 – Gilbert, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

Ord. No. 2003-12

ORDINANCE NO. 2003-12, BUILDING CODE – FIRST READ, SPONSOR VICE MAYOR GILBERT: AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF NEPTUNE BEACH, FLORIDA, BY REPEALING ARTICLE II. BUILDING CODE, ARTICLE III. ELECTRICAL CODE, ARTICLE IV. PLUMBING CODE, ARTICLE V. MECHANICAL CODE, ARTICLE VI. GAS CODE AND ARTICLE VII. COASTAL CONSTRUCTION CODE EXCEPT FOR DIVISION 3, AND MOVING OF STRUCTURES OF CHAPTER 8. BUILDINGS AND BUILDING REGULATION IN THEIR ENTIRETY AND SUBSTITUTING THEREFORE A NEW ARTICLE II ADOPTING THE FLORIDA BUILDING CODE BY REFERENCE, INCLUDING AN AMENDED CHAPTER 1. ADMINISTRATION; AND BY REPEALING ARTICLE VII SUBSTANDARD HOUSING AND SUBSTITUTING THEREFORE A NEW ARTICLE III. PROPERTY MAINTENANCE CODE ADOPTING THE INTERNATIONAL PROPERTY MAINTENANCE CODE, AS AMENDED, BY REFERENCE, TO REPEAL ORDINANCES IN CONFLICT HERewith, TO PROVIDE AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

Councilor Gilbert stated the ordinance changed from the Southern Building Code to the Unified Building Code adopted by the State.

Building Official Tony Perez Guerra explained the City automatically was required to abide by the state code. However by going through this adoption process the city would be allowed to alter the administrative chapter.

Moved by Pruette, seconded by Gilbert.

Motion: **TO PASS ORDINANCE NO. 2003-12 ON FIRST READ.**

Roll Call Vote:

Ayes: 5 – Gilbert, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

OLD BUSINESS

Variance V03-21

MOTION TO RECONSIDER CITY COUNCIL DECISION TO AFFIRM THE DENIAL OF VARIANCE REQUEST NO. V03-21 – VICE MAYOR GILBERT: Vice Mayor Gilbert asked for advice regarding the legality of reconsidering the council decision to deny the variance. He did not want to place the City in jeopardy and asked City Attorney White for his opinion. City Attorney White stated in the introductory provisions of the Code Section 2-35 a motion to reconsider says "after the decision of any question it shall be

in order if somebody from the prevailing side wants to reconsider". If the motion for reconsideration passes it was back in debate.

Discussion ensued regarding the legality of the reconsideration.

Councilor Weldon stated in other cities appeals for variance requests had to go through the court system.

Vice Mayor Gilbert stated the owner had made the following changes to his request: 1) to rescind the duplex status to single family and, 2) use a pervious type of material for parking. He stated if he could not get a definite answer on the legality he would remove it from the agenda.

MOTION TO RECONSIDER WITHDRAWN

Vice Mayor Gilbert requested the issue of variance appeals to be placed on the workshop agenda for discussion of possible changes.

Councilor Pruette suggested the applicant return to the Board of Appeals with the changes without the required fee.

Consensus: **TO ALLOW THE APPLICANT TO RETURN TO THE BOARD OF APPEALS WITH THE CHANGES TO HIS REQUEST AND WAIVE THE REQUIRED FEE.**

City Manager
Contract

CITY MANAGER'S EMPLOYMENT CONTRACT: City Attorney Chris White read the following letter from City Manager Linn's attorney Jeff Sneed for the record:

For the Record

Dear Chris,

As you know over the last week we have had several conversations regarding the legal issues arising out of my clients Richard Linn contract with the City of Neptune Beach. In order to amicably resolve these issues Mr. Linn would like to make the following proposal for early retirement from his employment with the City.

- 1) Richard's last working day would be September 12, 2003.
- 2) Effective his last day of work Richard would be placed on paid administrative leave through January 7, 2004.
- 3) During the period of administrative leave Mr. Linn would receive all benefits including insurance and the value of his vehicle.
- 4) Mr. Linn would receive the value of his vested personal leave time in January 2004.
- 5) The city would pay the amount necessary to vest Mr. Linn's pension in January 2004.

City Attorney White asked City Manager Linn if that was in fact his proposal. City Manager Linn responded "yes".

Moved by Weldon, seconded by Gilbert.

Motion: **TO ACCEPT THE PROPOSAL MADE BY MR. LINN THROUGH HIS ATTORNEY.**

Councilor Shealy questioned the monthly value of the vehicle. Director of Finance Steve Ramsey stated the value amounted to \$341.66 per month.

City Attorney White stated Mr. Linn was surely entitled to his accrued leave time in item number four. The retirement benefit proposed in item number five amounted to \$4,451.00 as of last Friday but could fluctuate by January 2004.

Councilor Shealy voiced concern regarding what would happen between now and September 12, 2003. He hoped that Mr. Linn would continue doing a professional job.

For the Record Mayor Brown stated on the record that he felt all along, that several months of work with the City Manager doing the job of the City Manager while in transition would have been better for the city.

Mayor Brown stated each department was capable of performing their duties.

Vice Mayor Gilbert called the question to move forward with the request.

Roll Call Vote:

Ayes: 5 - Gilbert, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

Mayor Brown called on City Manager Linn to comment.

City Manager Linn made the following comments:

He requested Mayor Brown to allow him the opportunity to make comments. He was concluding his career of 37 years in public service at the state and local level. It had taken him from snow making on the top of the mountains in Pennsylvania to palm trees in sunny Neptune Beach and had been quite a ride. He recognized first and foremost his wife Patricia in the audience, adding the Saturday they would celebrate their 24th wedding anniversary and she had been by his side through the laughs and the tears and was his strongest supporter. He recognized his three children Jim, Cassie and Alan who being a child of a City Manager dealt with him being in the newspapers. He assured the Council that the management team was very capable. He recognized Director of Public Safety Bill Brandt for leading the finest Police Department he had ever seen and for being an asset to the community. He recognized Director of Public Services Leon Smith Public who came up through the ranks from a blue-collar worker to leading a department and thanked him for all his support. He recognized Director of Finance Steve Ramsey as a people person and finding ways to get things done. He recognized his assistant Terry Klein and his former assistant Lisa Volpe who broke him in. He thanked them for their support. He added that Neptune Beach was in very able hands with the management team and he was assured that the future of Neptune Beach would be well served. He recognized Mayor Brown as a friend and supporter. He recognized Vice Mayor Jimmy Gilbert for his support. He recognized all the employees of the city for being the ones that keep the city running. He stated there were three adjectives that defined a City Manager, first there was the new city manager, the next stage was the embattled city manager, and the last adjective was the former city manager. He thanked the Council and the community for their support and added that he would continue to do his professional job until September 12, 2004.

Recess/Reconvene Mayor Brown called a recess at 8:10 p.m. and reconvened the meeting at 8:27 p.m.

NEW BUSINESS

Traffic Signal
Florida Blvd. &
Windward Ln.

A RESOLUTION IN SUPPORT OF THE INSTALLATION OF A TRAFFIC SIGNAL AT FLORIDA BOULEVARD AND WINDWARD LANE: City Manager Linn stated the city had requested the installation of a traffic light at the intersection and now needed support from the Council.

Councilor Shealy recommended having the yellow light flashing during the non-heavy traffic hours put it in the application.

Moved by Pruette, seconded by Shealy.

Motion: **TO APPROVE RESOLUTION IN SUPPORT OF A TRAFFIC SIGNAL AT FLORIDA BOULEVARD AND WINDWARD LANE.**

Roll Call Vote:

Ayes: 5 – Gilbert, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

Surplus Equip.

A MOTION TO DECLARE CERTAIN EQUIPMENT AS CITY SURPLUS AND AUTHORIZATION TO SELL: City Manager Linn stated the police department upgraded their guns and the old ones were now obsolete. They would get quotes from the gun dealers and offer them to the officers who carried them at that price.

Moved by Gilbert, seconded by Weldon.

Motion: **TO DECLARE CERTAIN EQUIPMENT AS SURPLUS AND AUTHORIZE THE SELL.**

Ayes: 5 – Gilbert, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

Minor Replat
Bay St.

CITY COUNCIL ACTION TO WITHDRAW AND DISAPPROVE A MINOR REPLAT ON BAY STREET:

Moved by Weldon, seconded by Pruette.

Motion: **TO WITHDRAW AND DISAPPROVE THE MINOR REPLAT FROM BAY STREET.**

City Attorney White suggested the Council come to a consensus that the City Manager issue a letter to the developer stating approval of the minor replat had been withdrawn and rescinded.

MOTION WITHDRAWN

City Manager Linn questioned why a formal motion was not necessary. City Attorney White suggested the Council by consensus authorize the City Attorney to convey his opinion letter to the developers' attorney.

Consensus: **TO AUTHORIZE THE CITY ATTORNEY TO CONVEY HIS OPINION LETTER TO THE DEVELOPERS ATTORNEY.**

Street Resurfacing

CITY COUNCIL CONSENT TO AWARD STREET RESURFACING CONTRACT TO ATLANTIC COAST ASPHALT COMPANY IN THE AMOUNT OF \$448,372.32 PLUS \$30.00 PER LINEAR FOOT FOR SPEED HUMPS: City Manager Linn recommended the acceptance of the contract piggybacking off of the City of Jacksonville in lieu of requesting bids.

Councilor Weldon stated at the Florida League of Cities Conference Exhibition there was a company called Volkert & Associates who specialized in reviewing engineering for repaving and confirming speed humps met national standard. He recommended postponing awarding of the contract for 30 days until proposals could be received from

Volkert & Associates.

Director of Leon Smith stated the contract was based on the City of Jacksonville pricing. He did some comparisons and this was the better price. He added the speed humps could be installed at a later date.

City Manager Linn stated the cost of asphalt would increase with the price of oil.

Councilor Pruette suggested inviting the representative from Volkert & Associates to the workshop meeting.

Consensus: **TO POSTPONE THE AWARD OF THE CONTRACT FOR 30 DAYS AND LOOK AT OTHER FIGURES.**

Interim City Manager **INTERIM CITY MANAGER APPOINTMENT:** City Attorney White advised Council to call a special meeting next week to appoint an interim city manager.

Consensus: **TO HOLD A SPECIAL MEETING TO APPOINT AN INTERIM CITY MANAGER MONDAY, SEPTEMBER 8, 2003 AFTER THE 6:00 P.M. BUDGET MEETING.**

Adjournment There being no further business, the meeting adjourned at 8:56 p.m.

Richard A. Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
SPECIAL CITY COUNCIL MEETING
SEPTEMBER 2, 2003, AT 6:00 P.M.
CITY HALL, 116 FIRST STREET
NEPTUNE BEACH, FLORIDA

Pursuant to proper notice a Special Workshop Meeting of the City Council of the City of Neptune Beach was held September 2, 2003, at 6:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

The following Council members and staff were in attendance:

Mayor Richard Brown	Master Sergeant Anthony Carrillo
Vice Mayor James Gilbert	Comm. Development Director Jason Cleghorn
Councilor Harriet Pruette	Assistant to the City Manager Terry Klein
Councilor Larry Shealy	Building Official Tony Perez Guerra
Councilor John Weldon	Director of Finance Steve Ramsey
City Attorney Christopher White	Director of Public Services Leon Smith
City Manager Richard A. Linn	Deputy City Clerk Karla Strait, CMC
City Clerk Lisa Volpe, CMC	Assistant to the Building Official Piper Turner

Order call

Mayor Brown called the special workshop meeting to order at 6:00 p.m. and announced the purpose of the meeting was to adopt Ordinance 2003-06, Water and Sewer Rates.

Ord. No. 2003-06

ORDINANCE NO. 2003-06, WATER & SEWER RATES – SECOND READ AND PUBLIC HEARING: AN ORDINANCE OF AMENDING THE CODE OF ORDINANCES OF THE CITY OF NEPTUNE BEACH, FLORIDA AT SECTION 23-84(B)(C) AND (D) TO INCREASE WATER RATES AND AMENDING AT SECTION 23-85(A)(B) AND (C) TO INCREASE SEWER RATES; AND ESTABLISHING AN EFFECTIVE DATE.

Finance Director Steve Ramsey explained the rate study performed by Burton & Associates determined the need for the rate increases in order to meet the rate covenant test required by our bond ordinances.

Mayor Brown read Ordinance No. 2003-06 be title only and opened the public hearing.

Sandy Leidy, 1810 Strand Street, stated the water did not taste good.

There being no further comments from the public the public hearing was closed.

Councilor Pruette questioned how the increase would be used. Steve Ramsey replied the study was based on expenses and bonds and there was no specific area.

City Clerk Lisa Volpe asked for a sponsor for the ordinance. Mayor Brown agreed to sponsor the ordinance.

Moved by Weldon, seconded by Gilbert.

Motion: **TO ADOPT ORDINANCE NO. 2003-06, WATER AND SEWER RATES
ON SECOND READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 5 – Gilbert, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

Adjournment

There being no further business, the meeting adjourned at 6:07 p.m.

Richard Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
WORKSHOP CITY COUNCIL MEETING
AUGUST 18, 2003, AT 7:00 P.M.
CITY HALL, 116 FIRST STREET
NEPTUNE BEACH, FLORIDA

Pursuant to proper notice a Workshop Meeting of the City Council of the City of Neptune Beach was held August 18, 2003 at 7:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

Mayor Richard A. Brown
Vice Mayor James Gilbert
Councilor Harriet Pruette
Councilor Larry Shealy
Councilor John Weldon
City Manager Richard A. Linn

City Clerk Lisa Volpe, CMC
Public Safety Director William Brandt
Director of Public Works Leon Smith
Director of Finance Steve Ramsey
Assistant to the City Manager Terry Klein
Deputy City Clerk Karla Strait, CMC

Call to Order/Roll Call Mayor Brown called the meeting to order at 7:00 p.m. and welcomed Boy Scout Troop # 623 Committee Member Ron Stafford and his scouts. The scouts present were working on earning their communication merit badge.

COMMITTEE REPORTS

IBBC ISH BRANT BEAUTIFICATION COMMITTEE: The Ish Brant Beautification Committee was in recess for the summer.

CITY MANAGERS PUNCH LIST

Water Impr. UTILITY IMPROVEMENT PROGRAM – WATER PROJECT: The water utility improvement program was 100% complete. The punch list would be completed by the end of the week. Liquidated damages and penalties totaling \$123,000 would be subtracted from the contract amount in the final payment.

Sewer Impr. UTILITY IMPROVEMENT PROGRAM – SEWER PROJECT: The contractor received the permit from the Florida Department of Transportation and was ready to begin work on Third Street.

Councilor Pruette stated muck and dirt was blocking the stormwater drainage on the east side corner of Cherry Street and First Street. She asked City Manager Linn to have the area cleaned up. Mr. Linn responded he would advise the field inspector of the matter.

City Clerk Lisa Volpe informed the Council the September Regular Meeting would be held on Tuesday, September 2, 2003. City Hall would be closed that Monday in honor of Labor Day.

City Manager Linn stated the City received a check from Jacksonville Transportation Authority in the amount of \$22,000 for reimbursement of cost and expenses incurred from the Mayport Flyover condemnation proceedings.

Minor Replat
Bay St.

Mayor Brown stated the public had comments regarding the Bay Street Minor Replat. He City Attorney White to share some additional information with the public regarding said replat.

For the Record

City Attorney White read for the record the following letter he addressed to the City Manager early today:

I participated this morning in a telephone conference with Robert Persons, Russell Stuart's attorney; (Mr. Persons and Mr. Stuart are in the audience tonight). In that conference we discussed the provisions of Section 27-474 and I informed Mr. Persons that if roadway improvements were to be required by the city on an unopened right-of-way the developer would be responsible for all necessary roadway improvements.

In reviewing the supplemental information we have received on what would be required by and, therefore, would be the responsibility of the developer on the subject right of way, the proposed development would fall outside the parameters of a minor replat and would instead require development plan review.

I have informed Mr. Persons of this fact and have told Mr. Persons that, as the minor replat has not been recorded, the subject minor replat will be withdrawn and disapproved with instructions to the developer that, if he so chooses, he may proceed through the applicable development review procedures in the Code.

PUBLIC COMMENTS

Ellis Johnson, 1106 Hagler Drive West, stated the tenants occupying 1121 Florida Boulevard, directly behind his house, continued to have disturbing parties after the police had been called. The tenants also had dogs that barked during the night.

Anne Olsen, 1101 Hagler Drive West, stated she was also disturbed by the late night parties and barking dogs at 1121 Florida Boulevard.

Bee Jay Lester, 907 Second Street, favored the Council placing a moratorium on the development of beach accesses.

John Henry David, 2035 Cherokee Drive, was concerned about preserving the beach accesses and felt more beach parking should be provided for the public.

Sandy Leidy, 1810 Strand Street, felt the minor replat on Bay Street should not have been granted because in 1997 the citizens voted to save and protect the beach accesses.

Robert Persons, 2215 South Third Street, Attorney for Russell Stuart who requested and was granted the minor replat on Bay Street, stated Mr. Stuart felt there was a misconception concerning what he wanted to do with the property. He had no intent or desire to ask the city to close, vacate, abandon or restrict the beach access right-of-way. He was only requesting ingress and egress from a

dedicated public roadway to the property he was purchasing.

Mary Ann Padrta, 1030 Second Street, favored the noise ordinance but felt the fine for the third offense should be increased to \$500.00.

Darcia Davidson, 106 Bay Street, felt the City Manager was bullied into granting the minor replat on Bay Street. She also felt because the minor replat involved a beach access council and the public should have been included in the decision.

Christine Chin, 227-A Margaret Street, asked the council to keep the beach accesses green. She read a letter from her husband, Kerry Chin, regarding "conservation" and "legacy" of the city.

Kathy Durkin, 809 Camellia Terrace Drive North, was concerned that the minor replat was granted by the City Manager after being denied by the Planning & Development Review Board. She favored preserving the beach accesses.

PROPOSED ORDINANCES

Minor Replat

ORDINANCE NO. 2003-XX, MINOR REPLAT – COUNCILOR PRUETTE: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 27, DIVISION 4, MINOR REPLAT REQUIREMENTS, AMENDING SECTION 27-108(b) REVIEW PROCEDURES; AND PROVIDING AN EFFECTIVE DATE.

Mayor Brown informed the concerned citizens that the Council was not given the privilege of ignoring the Code of Ordinances and the minor replat was acted upon in accordance with the current Code. He added that Council had the power to take action to legally correct any flaws in the code and they were considering an amendment to the minor replat ordinance.

Councilor Pruette stated the issue was brought to the Council because of the price of property and the density east of Third Street. She felt the Council should have been involved in the minor replat decision because the road would need to be extended in order to access the property.

Mayor Brown stated the beach access was not in any way threatened by the extension of Bay Street and public use of the access was very well protected by the referendum.

Councilor Weldon believed the 1997 referendum may have been technically flawed by not specifying electors did not want ocean accesses developed at all. He felt the City Manager should have the authority to make minor replat decisions and changing the ordinance to have Council approve all minor replats was not necessary. He asked to include the following ordinance establishing a moratorium on development of ocean accesses in the discussion.

Beach Access Moratorium

ORDINANCE NO. 2003-XX, ESTABLISHING A MORATORIUM ON DEVELOPMENT OF OCEAN ACCESSES – COUNCILOR WELDON AND COUNCILOR PRUETTE: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, AMENDING THE EXISTING CHAPTER 18, STREETS, SIDEWALKS AND OTHER PUBLIC PLACES, ADDING SECTION 18-2, MORATORIUM ON DEVELOPMENT OF OCEAN ACCESSES, AND PROVIDING AN EFFECTIVE DATE:

Councilor Shealy stated the Council needed to study the issue carefully.

Councilor Weldon agreed the issue needed to be studied carefully and a moratorium on beach access development should be imposed until a conclusion was arrived.

Mayor Brown was concerned if the Council passed an ordinance for minor replats to be approved by the Council the city may face dealing with laws of private property.

Councilor Pruette supported the moratorium on the development of beach accesses until the Council gathered enough information to make a good decision. She suggested conducting a study of the number of lots abutting beach accesses, the size of those lots and whether or not they could be subdivided.

City Attorney White stated a study would need to begin with the original dedication of the street ends and would require a title search because it would be difficult to find the old records. It would be necessary to first review the language in the dedications and second to review all related ordinances since the dedications.

City Manager Linn stated whether the minor replat had to be approved by the Council or the City Manager the decision could not have been different. In the past 6-½ years he had only received two requests for minor replats.

Mayor Brown asked if the Council was in favor of approving all minor replats, only those east of Third Street, or only the oceanfront lots.

City Attorney White stated issues relating to minor replats on beach accesses would be resolved if Council imposed the moratorium. A moratorium was temporary in nature and implemented to address a larger issued. A cut off date for existing conditions and a time period for the moratorium would need to be set. The moratorium could possibly be challenged by injunctive relief.

Councilor Weldon suggested a cut off date of August 15th.

Councilor Shealy agreed to move the ordinance on minor replats aside and move forward with the moratorium to stop development on beach accesses.

Vice Mayor Gilbert agreed with placing a moratorium on beach accesses and asked to keep in mind the accesses to the intracoastal as well. He added for absolute protection of the beach accesses they could be dedicated as parkland.

Mayor Brown asked the Council what would be good time period for the moratorium.

Vice Mayor Gilbert suggested 12 months. He questioned if the time period could be repealed.

City Attorney White advised the language in the ordinance stated that the moratorium should remain in place for a period of blank months from the date of it's enactment unless earlier repealed.

Consensus: **TO MOVE FORWARD WITH THE MORATORIUM – FILLING IN THE DATE AS OF AUGUST 18TH.**

Consensus: **NOT TO PURSUE THE CHANGE IN THE MINOR REPLAT.**

Councilor Weldon stated he felt the minor replat on Bay Street was improperly handled by the staff.

Mayor Brown stated the first legal opinion from the City Attorney stated the City Manager shall approve the minor replat and the second and revised legal opinion stated the staff handled it improperly.

Councilor Pruette stated Mr. Gregory Scott had requested access to his property off of Cedar Street. In a letter dated April 11, 2002, the City Attorney stated the lot did not fall within the definition of a corner lot and Mr. Scott was denied the use of the right-of-way.

Mayor Brown felt Councilor Pruette's comment was not relevant because Mr. Scott had an alternate access available.

Councilor Weldon stated Mr. Stuart could have access through Azalea Street if he could acquire the property. He stated functional abandonment had occurred on Bay Street access and he was also concerned about the remaining accesses.

Recess/Reconvene

Mayor Brown called a recess at 8:10 p.m. and reconvened the meeting at 8:25 p.m.

Noise Ord.

ORDINANCE NO. 2003-XX, NOISE PROHIBITED – COUNCILOR PRUETTE AND COUNCILOR SHEALY: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, AMENDING SECTION 13-5, CODE OF ORDINANCES OF THE CITY OF NEPTUNE BEACH AND PROVIDING AN EFFECTIVE DATE.

Councilor Shealy stated the ordinance would give police the tools needed for enforcement and hold people responsible for their actions. He suggested a fine of \$100 for the first offense, \$250 for the second and \$500 thereafter.

City Attorney White stated paragraph c of the ordinance included that on top of the fines the violator would also have to pay administrative fees imposed by the Clerk of Court.

City Manager Linn stated the \$200 filing fee could be avoided if the fine was paid to the Public Safety Department within 10 days.

Discussion ensued regarding the amount of the fines.

Councilor Weldon voiced concern regarding barking dogs. City Manager Linn stated the Animal Control Ordinance Chapter 6.64, Habitual Nuisance, addressed barking dogs.

Chief Brant added the ordinance was very similar to surrounding cities and could be enforced with using the officer's discretion.

Mayor Brown suggested allowing fair warning to the residents by placing information regarding the ordinance and fines in the monthly city newsletter.

Consensus: **MOVE THE NOISE ORDINANCE FORWARD WITH FINES OF \$50 FOR FIRST OFFENSE, \$150 FOR SECOND OFFENSE AND \$250 FOR THE THIRD ADDING THAT THE VIOLATOR WAS RESPONSIBLE FOR THE CLERK OF COURT FILING FEES.**

Abandon Vehicles

ORDINANCE NO. 2003-XX, ABANDONED VEHICLES – VICE MAYOR GILBERT: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, AMENDING CHAPTER 22, SECTION 22-35(a)(b) ADDING SECTION 22-35(c)(d)(e) ABANDONED VEHICLES.

Vice Mayor Gilbert stated under the current Code an abandoned vehicle could be removed temporarily to be in compliance with the Code. The proposed ordinance would allow abandoned vehicles to be towed after a 10-day notice and give closure to repetitive violations.

Consensus: **MOVE THE ABANDON VEHICLES ORDINANCE FORWARD.**

Building Code

ORDINANCE NO. 2003-XX, AMENDING CHAPTER 8, BUILDING AND BUILDING REQUIREMENTS – VICE MAYOR GILBERT: AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF NEPTUNE BEACH, FLORIDA, BY REPEALING ARTICLE II. BUILDING CODE, ARTICLE III. ELECTRICAL CODE, ARTICLE IV. PLUMBING CODE, ARTICLE V. MECHANICAL CODE, ARTICLE VI. GAS CODE AND ARTICLE VII. COASTAL CONSTRUCTION CODE. EXCEPT FOR DIVISION 3, AND MOVING OF STRUCTURES OF ENTIRETY AND SUBSTITUTING THEREFORE A NEW ARTICLE II ADOPTING THE FLORIDA BUILDING CODE BY REFERENCE, REPEALING ARTICLE VII SUBSTANDARD HOUSING AND SUBSTITUTING THEREFORE A NEW ARTICLE III. PROPERTY MAINTENANCE CODE ADOPTING THE INTERNATIONAL PROPERTY MAINTENANCE CODE, AS AMENDED, BY REFERENCE, TO REPEAL ORDINANCES IN CONFLICT HEREWITH, TO PROVIDE AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

Vice Mayor Gilbert stated the Unified Building Code was adopted March of 2002 by the State of Florida to replace the Southern Building Code. Therefore cities were now required to adopt the Unified Building Code.

City Manager Linn stated the new Unified Building Code was developed over a 5-year period and only recently made available to the city.

Councilor Weldon asked for an assessment and opinion of the changes from the building official.

Consensus: **MOVE THE BUILDING REQUIREMENT ORDINANCE FORWARD.**

CONTRACTS / AGREEMENTS

Kings Rd. Bridge

DESIGN PROPOSAL – KINGS ROAD BRIDGE REPLACEMENT, PITMAN – HARTENSTEIN: City Manager Linn stated the Council agreed to move forward with the planning of the Kings Road Bridge Replacement. The existing contract with Pitman-Hartenstein was updated to \$171,580.06. The decision of the council was to accept the updated amount or to solicit bids for the design.

Councilor Weldon questioned the amount Pitman-Hartenstein had already been paid. City Manager Linn replied the original contract was for \$63,466 and Pitman-Hartenstein had been paid all but \$8,885.24.

Councilor Weldon felt \$171,580.06 was too much money to design a small one-lane bridge. He felt the city should solicit competitive bids.

Consensus: **TO ADVERTISE REQUEST FOR PROPOSALS AND INCLUDE A NOT TO EXCEED AMOUNT.**

City Manager
Employment Contract

CITY MANAGER'S EMPLOYMENT CONTRACT: City Manager Linn informed the Council he planned to retire March 15, 2004 and would like to continue his contract through to that date. He wanted to be an instrument in the hiring of a new City Manager and at the same time protect his financial interest.

City Attorney White stated the proposal from the City Manager was to have his contract effective through March 15, 2004.

Mayor Brown supported the proposal adding that it allowed the Council ample time to find a replacement for Mr. Linn. It would eliminate the urgency and proceed in an orderly

manner.

Vice Mayor Gilbert also found the proposal acceptable that it gave time to search for a replacement. He felt it would be in the best interest of the city to accept the proposal.

Councilor Weldon questioned Mr. Linn's significance of the March 14, 2004 date. City Manager Linn responded he would be fully vested in his retirement plan as of March 7, 2004. He added he would lose \$3,800 of retirement benefits if he left prior to that date.

Councilor Weldon stated if Mr. Linn left at the present time the city would be obligated to pay him through to the second 90 day cycle in January which would amount to 2 months of salary and \$3,800 in vested retirement. Councilor Weldon was prepared to go along with the proposal with the option of moving forward with the replacement once one was found.

Mayor Brown stated not every city had the opportunity to look for a new City Manager while having one employed. He felt it would be an advantage to the city to accept Mr. Linn's proposal.

Councilor Pruette was dissatisfied with the proposal. She stated Mr. Linn had asked to renew his contract under various time limits. She felt the Council should be informed of issues in writing prior to meetings and wanted to see the city manager's proposal in writing.

City Manager Linn stood and passed out an envelope to each council member.

Councilor Pruette called for a point of privilege to review whatever was in the envelope.

Recess/Reconvene

Mayor Brown called a recess at 9:15 p.m. The meeting reconvened at 9:25 p.m.

Discussion ensued regarding the City Manager's performance and his proposal.

Councilor Shealy felt after tonight it would be difficult for Mr. Linn to work with the Council. He recommended accepting the resignation effective October 7, 2003 which would carry through to January 7, 2004.

City Attorney White – not talking about resignation – would be terminating the contract. The termination notice would have to be in writing before October 7, 2003.

Weldon asked for a consensus to give Mr. Linn termination notice effective October 7, 2003. He was prepared to negotiate the \$3,800 in question regarding the retirement and pay through the obligated period.

Consensus: **TO GIVE MR. LINN TERMINATION NOTICE EFFECTIVE OCTOBER 7, 2003 AND NEGOTIATE THE \$3,800 REGARDING HIS RETIREMENT.**

City Manager Linn stated his existing contract was in force through January 7, 2004 and he would abide by all terms of the contract and expected the Council to do the same. He did not wish for any concession for his retirement. He reminded the Council that he had over 3 months of personal leave.

City Attorney White reminded the Council that no action was being taken tonight. Any action would be addressed at the September meeting.

Consensus: **TO CONSIDER A TERMINATION ON THE CITY MANAGER'S CONTRACT AT THE SEPTEMBER REGULAR COUNCIL MEETING.**

PQH Arch.

CONSTRUCTION ADMINISTRATION SERVICES CONTRACT, PQH ARCHITECTS:
PQH Architects submitted a proposal to handle the construction administrative services for the construction of the new public services facility. City Manager Linn recommended moving the proposal to the September regular meeting consent agenda.

Councilor Pruette questioned the cost of construction. City Manager Linn replied a change order was signed for a total contract price of \$2,184.00.00 for the construction.

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

ISSUE DEVELOPMENT

Mayor Brown met with the secretary of the Department of Transportation regarding the Hopkins Creek Project. The amount offered to the city to take ownership of the creek was based on the 1,000 feet project. He committed that the FDOT would increase the landscaping to help satisfy the community. He asked to place the Hopkins Creek Project on the agenda for the September regular meeting.

Adjournment

There being no further business, the meeting adjourned at 9:46 p.m.

Richard A. Brown, Mayor

Attest:

Lisa Volpe, CMC, City Clerk

Approved: _____



**BUDGET WORKSHOP MEETING
AUGUST 11, 2003, AT 6:00 P.M.
CITY HALL, 116 FIRST STREET,
NEPTUNE BEACH, FLORIDA**

Pursuant to proper notice a Preliminary Budget Workshop Meeting of the City Council of the City of Neptune Beach was held August 11, 2003 at 6:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

Mayor Richard A. Brown
Councilor Harriet M. Pruette
Councilor Larry Shealy
Councilor John Weldon
City Manager Richard A. Linn
City Clerk Lisa Volpe, CMC
Director of Finance Steve Ramsey

Director of Public Safety William Brandt
Director of Public Services Leon Smith

Absent:
Vice Mayor James Gilbert
City Attorney Christopher White

Call to Order/Roll Call

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

City Manager Linn informed the council that the finance director had updated the figures based on 2.9 milage rate which is the current rate with a transfer from the sanitation fund of \$316,700.

Finance Director Steve Ramsey introduced Dave Polovina who is the city's insurance advocate and helps the city take proposals from insurance companies. Mr. Ramsey stated the current carrier requested a 61.34% raise from this year.

Dave Polovina, stated it was the second renewal he worked with for the city. Last year the request for proposals did not solicit any proposals due to some health concerns under the bid. Aetna, the carrier at the time, was not aware of that and came with a 22.2% increase and with some minor benefit changes the percentage of increase dropped to 8%.

The market place has changed this year. The insurance industry is under pressure to make a profit and there is few competitors along with malpractice issues. Aetna was paid by the city in premiums \$319,00 and the pay on gross claims was \$537,000. This is the reason for the large increases this year. HIPPA legislation has limited disclosure of medical information, therefore, the companies are not privy to as much information in order to give the city a bid and the city was given good rates. Mr. Polovina was not sure how this would affect next year's rates.

Mr. Polovina's recommendation was for the city to speak with Humana first who had the lowest rate. They also have insured Jacksonville Beach for the last year, therefore, have a comprehensive provider list for the beaches' area. There is a meeting set for Tuesday to

Speak with Humana about the bid and next year's renewal.

Councilor Pruette asked how many employees are insured. Mr. Polovina stated 64 with about 100 including dependents. Councilor Shealy asked if Humana would make any guarantees about next year. Mr. Polovina stated no.

Discussion ensued about the overall health care system and providing insurance benefits to employees. The entire beaches insurance issues were discussed.

Councilor Shealy asked if council members were covered in the beaches' cities. Mr. Polovina stated they had the right to participate. Councilor Weldon asked whom the city paid for. Mr. Ramsey answered that the city pays full coverage for the employee and the union contract went up to 50% for dependant/family coverage.

Councilor Weldon stated all options needed to be looked into for the future in order for the city to be able to continue paying for this benefit. Different plan options were discussed.

Mr. Ramsey stated with the Humana plan the rate for city would only increase 5% for the dependant coverage as stated in the union contract.

He stated the budget is based on 2.9% milage, transfer from sanitation fund, 100,000 contingency fund as required by prior councils. Councilor Weldon questioned the contingency fund. Mr. Linn stated there used to be a separate contingency in each department but three years ago council made it one fund with their approval to spend.

Mr. Ramsey continued that the budget included a \$19,000 increase in capital spending from last year. Excluding debt service the total increase in the budget was 7.8% based largely on the added position of Community Development Director along with union raise of 5% and capital expenditures.

Mr. Ramsey stated the percent increase in the budget for the past few years: 2002 9.02%; 2003 -4.99%; 2004-7.8%. He also commented that the new property accrued a \$9,255 increase in tax revenue. Tax revenue for the city was discussed along with anticipated increases.

The 7.8% increase was discussed among the council. Mr. Ramsey clarified for Councilor Weldon that any increase in cost to the water and sewer enterprise fund were financed by an increase in water rates as dictated by our bond company.

The council discussed setting the milage rate at the current rate of 2.9 or raising it. They also considered the already set water rate hikes.

Council Weldon asked about the statistics for reserves. Mr. Ramsey answered that there is no set level and each city does it differently so a clear answer is not given. Discussion ensued over reserves and at what level they should be at.

Councilor Pruette questioned security levels and their cost. Mr. Linn stated it was just a matter of how much you want to spend. Councilor asked Public Works Director Leon Smith if the tractor could be bought used. Mr. Smith stated they would be shopping for used equipment. Mr. Ramsey explained the debt serve transfer to Councilor Shealy. Capital items were discussed.

Councilor Shealy stated that if the departments needed computers they should work them in the budget instead of having to ask council to by something so small out of contingency.

Councilor Pruette asked about buying furniture for the new City Yard. Mr. Ramsey said there was nothing budgeted and would have to be purchased a little at a time.

Councilor Weldon stated he did not want any major contingencies coming up in the year. He wanted to know while working on the budget what was needed. Mr. Smith stated the only concern was there might be additional cost for a Vulnerability Study. Councilor Weldon commented that staff and council needed to work together in order to run an efficient city and be able to afford to run all services into the future.

Councilor Pruette asked where the money was placed when surplus items were sold. Mr. Ramsey stated it was put back into the fund the item was originally purchased from.

Future budget meetings were discussed. Council debated the milage rate and the use of the sanitation fund reserves. Councilor Shealy suggested raising the milage rate to 3.0. Mr. Ramsey stated to raise it .1 the city would gain an additional \$46,750 in revenue. The amount of necessary reserves was discussed. Mr. Linn stated that contingency reserves have only been used for approximately \$200 and departments are good with holding to their budgets.

Consensus: **TO LEAVE THE BUDGET AS IS AND HAVE THE NEXT MEETING AT THE FIRST READ ON SEPTEMBER 8TH.**

Adjournment

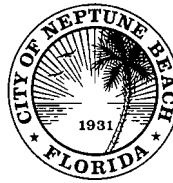
There being no further business, the meeting adjourned at 7:40 p.m.

Richard A. Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
REGULAR CITY COUNCIL MEETING
AUGUST 4, 2003, 7:00 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 August 4, 2003, at 7:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

Mayor Richard A. Brown	City Clerk Lisa Volpe, CMC
Vice Mayor Jimmy Gilbert	Director of Public Safety William Brandt
Councilor Harriet Pruette	Director of Public Services Leon Smith
Councilor Larry Shealy	Director of Finance Steve Ramsey
Councilor John Weldon	Assistant to the City Manager Terry Klein
City Attorney Christopher A. White	Assistant to the Building Official Piper Turner
City Manager Richard A. Linn	Deputy City Clerk Karla Strait, CMC

Order Call/Pledge

Mayor Brown called the meeting to order at 7:00 p.m. and Councilor Shealy led the pledge of allegiance.

AWARDS / PRESENTATIONS / RECOGNITION OF GUESTS

Donald White

Mayor Brown presented a plaque to Donald White in appreciation for his service on the Board of Appeals.

Relay for Life

Denise Brown and Robin Allen-Paris, American Cancer Society's Relay of Life, thanked the city for all the support in using Jarboe Park and City employees participated. It was the most successful event the beach ever had. They hoped the event could continue next year on April 17 and 18. They brought t-shirts for the council.

APPROVAL OF MINUTES

Motion:

TO APPROVE THE FOLLOWING MINUTES:
JULY 7, 2003, REGULAR CITY COUNCIL MEETING
JULY 14, 2003, BUDGET WORKSHOP MEETING
JULY 21, 2003, WORKSHOP CITY COUNCIL MEETING

Moved by Gilbert, seconded by Weldon.

Roll Call Vote:

Ayes: 5 – Gilbert, Pruette, Shealy, Weldon, Brown
Noes: 0

MOTION CARRIED**COMMUNICATIONS AND CORRESPONDENCE**

Councilor Pruette questioned City Manager Linn if FDOT responded to his letter asking them to clean up the ditch on 5th Street. City Manager Linn stated the area was already cleaned up.

Councilor Pruette asked if "Beach Accesses" could be discussed at the end of the meeting.

Vice Mayor Gilbert asked if the Bike Path could be extended all the way to Penman Road. City Manager Linn replied he would like to see the Bike Path extended down Penman Road to Seagate Avenue. He added that he would inquire about available funds through the MPO.

CITY MANAGER REPORTS

Water Project WATER IMPROVEMENT PROJECT: The water project was found substantially completed and all the connections were made. The contractor was working on repaving the streets, driveways, and sidewalks, and installing sod they had removed. The sidewalk on Florida Blvd would be replaced within 30 days.

Sewer Project SEWER IMPROVEMENT PROJECT: The sewer project was moving along. The contractor was waiting for the permit from FDOT for Third Street. A temporary lift station was being installed.

Town Center
Drainage TOWN CENTER DRAINAGE PROJECT: The groundbreaking for the project took place a week ago. The City of Jacksonville Public Works Department was to begin the project to solve the Town Center drainage problem at the end of Atlantic Boulevard within 30 days. There would be palm trees available to be placed on city right-of ways.

Councilor Pruette asked why there had been a water break earlier in the day. City Manager Linn stated it was not a break but a scheduled maintenance to dead end the old line.

City Clerk Volpe asked council to please speak into the microphone since the air conditioning could be loud at times. City Manager Linn stated the a/c manufacturer was looking into dampening the noise.

Mayor Brown recognized Scott Shine in the audience from the Surf Riders Association. He commented that the ordinances would have separate public hearings later in the meeting. City Attorney Chris White stated that the variance appeal should be based on the Board of Appeals minutes and no further testimony should be given by the public.

PUBLIC COMMENTS

Public Comments Craig Lighty, 1810 Strand Street, wanted the beach accesses to be preserved as green space and not to be developed on at all.

Mary Ann Padrta, 1030 Second Street, questioned the council for giving the city manager the right to contract for the Public Services Operations Center for 2.2 million.

Todd Brown, 1512 Strand Street, questioned the appeal process and why an incomplete appeal application would be allowed on the agenda. He also

questioned why his appeal for an administrative decision was not granted.

Councilor Pruette asked why Mr. Brown was not allowed to appeal. City Attorney White explained it was mandated in the code that an appeal went straight to council and therefore was not an administrative decision and could not be appealed.

CONSENT AGENDA

Public Services
Facility

Award contract to Bob Mathews Inc. in the amount of \$2,210,000 for construction of the Public Services Operation and Maintenance Facility with the authorization for the City Manager to sign change orders to provide for value engineering not to exceed total project cost of \$2,200,000.

Motion: **TO APPROVE THE CONSENT AGENDA.**

Moved by Gilbert, seconded by Shealy.

Roll Call Vote:

Ayes: 5 – Gilbert, Pruette, Shealy, Weldon, Brown
Noes: 0

MOTION CARRIED

Kings Road Bridge

To approve the replacement of Kings Road Bridge as summarized in the letter from Pitman-Hartenstein dated April 12, 2003.

Motion: **TO APPROVE ITEM B KINGS ROAD BRIDGE.**

Moved by Gilbert, seconded by Shealy.

Roll Call Vote:

Ayes: 5 – Gilbert, Pruette, Shealy, Weldon, Brown
Noes: 0

MOTION CARRIED

Councilor Weldon asked if it meant that the bridge engineering would not be bid again. City Manager Linn stated it only confirmed that the bridge would be replaced and a proposal for engineering would come back before the council.

VARIANCES

V03-21 Kawasaki
104 Davis St.

VARIANCE #VO3-21 APPEAL – KAWASAKI RESIDENCE – 104 DAVIS STREET:
Michael Dunlap, architect, spoke as to what the variance was asking for and felt the board did not have competent substantial evidence to deny the variance based on only what the neighbors felt. Carl Sanders, attorney for Mr. Kawasaki, spoke as to the definition of competent substantial evidence and that the board did not have such evidence based on the minutes of the board's finding of facts in order to deny the variance.

Councilor Weldon asked the City Attorney what the council was there to do. City Attorney White stated the council was there to review if an error in procedure was made or in this case if there was competent substantial evidence to deny this variance. He discussed how competent substantial evidence was defined. Councilor Weldon asked Mr. Sanders which specific finding of fact did he find was not substantial competent evidence. Mr. Sanders stated the one that stood out is number 3. "The

proposed variance would not adversely affect adjacent and nearby properties or the public in general. No there were objections for the neighbors." Mr. Sanders felt there were no facts to deny the variance. Discussion ensued over the finding of facts.

Mayor Brown asked if the actual addition was within the setbacks. Mr. Sanders stated it was.

Councilor Weldon asked the City Attorney what the Council's role was. City Attorney stated this was not a retry of the variance. The council is limited to deciding if an error in procedure was made or, in this case, if there was competent substantial evidence to deny this variance.

Vice Mayor Gilbert asked for clarification as to which variances existed. Mr. Dunlap explained that since it was a non conforming lot most of that list was existing. The new variance was to build an entry deck on the south side and a second floor deck on the north side. Also reducing the current three living units to one, but maintaining the duplex status.

Acting Chairman of the Board of Appeals, Jim Miller spoke on behalf of the board. He stated they listened to Mr. Dunlap and comments of the public. He had reminded the board that they could only take into account the seven finding of facts and not ocean views or other comments made by neighbors. Off street parking was considered as well as the over building of the lot. It was a unanimous decision by the board based on the finding of fact. Discussion ensued over the guidelines for the Board of Appeals.

Council discussed the improvement of the neighborhood and the parameter of the appeal process. Also the council discussed whether the board's findings of facts were antiquated. The nature of increasing density whether it should be the number of dwelling units or the amount of square footage was discussed.

Motion: **TO AFFIRM THE BOARD OF APPEALS DECISION FOR THE APPEAL.**

Moved by Shealy, seconded by Pruette.

Roll Call Vote:

Ayes: 3 – Gilbert, Pruette, Shealy,
Noes: 2 - Weldon, Brown

MOTION CARRIED

Recess/Reconvene Mayor Brown called a recess at 8:25 p.m. and reconvened the meeting at 8:40 p.m.

Mayor Brown announced there would be a budget meeting at 6 pm on Monday August 11, 2003. He introduced Art Graham, Jacksonville City Councilman. Councilman Graham stated there would a town meeting on August 7, 2003 from 6:30 p.m.- 8:30 p.m. at the San Pablo Baptist Church. The meeting would be to discuss the rezoning of the corner of Beach Blvd and Hodges Blvd. There is scheduled to have a Super Wal-Mart and ten out parcels and a Super Target with seven out parcels along with 900 apartments to be built on this corner. He added that with six laning Beach Blvd and four laning Hodges Blvd the traffic condition would only upgrade to a D level with development as is.

ORDINANCES

Ord. No. 2003-07

ORDINANCE NO. 2003-07 – THREE STRIKES – FINAL READ AND PUBLIC HEARING– SPONSOR VICE MAYOR GILBERT: AN ORDINANCE OF THE CITY OF

NEPTUNE BEACH, FLORIDA AMENDING SECTION 13-5(c); ADDING A NEW SECTION 13-5(d) – PROPERTY OWNER RESPONSIBILITY FOR SWORN COMPLAINTS; ADDING A NEW SECTION 13-5(e) – NUISANCE; DECLARING VIOLATIONS; PROVIDING AN EFFECTIVE DATE.

Mayor Brown explained the ordinance and stated he had some amendments to suggest. 1. To change the effective date to 90 days after the ordinance passes. 2. To have a 12 month sunset after the effective date. At that time the results will be studied and the ordinance reinstated, amended or repealed. 3. Which may not be needed, would be the property owner being called before the Code Enforcement Board, a first appearance will be fact finding only and will not result in a fine.

Councilor Pruette asked if the noise ordinance changes were being worked on. City Manager Linn stated it was being worked on and would be forwarded to her in the next day or so.

Mayor Brown opened the public hearing:

Marsha Coker, 206 Margaret Street, supported the ordinance to curtail the late night disruptions.

Lynda Padrta, 1113 First Street, felt rental properties are a business and should be held responsible for uncontrolled tenants. She stated all parking violations should be ticketed by the police.

Robert Newbern, 205 Pine Street, opposed the ordinance for going after the landlord instead of the tenant and suggested the city evict the tenants.

Mary Sorrell, 1415 Indian Woods Drive, considered the proposed ordinance unconstitutional in her legal opinion.

Christine Chin, 227A Margaret Street, supported the proposed ordinance and disagreed with the Realtors' Association's objections.

Dee Wagner, 1201 Kinds Road, supported giving residents relief from noisy neighbors and helping with parking concerns.

Joanne Waddill, 115 Oleander Street, supported the ordinance and thanked Vice Mayor Gilbert for the ordinance.

Mary Ann Padrta, 1030 Second Street, objected to the letter by the Northeast Realtors' Association.

Rae Brady, 1536 Sea Oats Drive, Jacksonville Beach, asked for cooperation between neighbors, landlords and the city to find a solution without penalizing landlords for what tenants are doing.

Fred Catter, 110 Walnut Street, a landlord and a member of the Northeast Realtor's Association was opposed to the ordinance and felt the tenants should be responsible. He felt the city should help with evicting tenants and enforce laws already enforce.

Jeanell Wilson, 3090 S. 3rd Street, thanked the council for addressing concerns and for looking at the noise ordinance to deal with tenants. She was opposed to ordinance 2003-07.

James Sorrell, 464 Seagate Avenue, spoke against ordinance 2003-07. He felt it was redundant with the noise and nuisance ordinances already in place.

Teresa Thomas, 224 Margaret Street, supported the ordinance and thanked the police department for all of their hard work.

Mayor Brown closed the public hearing.

Vice Mayor Gilbert stated this ordinance will help with loud neighbors and it will also help the landlords to be informed. He agreed with the amendments brought by Mayor Brown.

Councilor Shealy felt the individuals needed to be held accountable and the current laws should be enforced before another one is made. Councilor Pruette supported the ordinance and the amendments. Mayor Brown stated it had come to his attention that the third amendment may not be needed.

Councilor Weldon was opposed to the word sunset but would agree to an automatic review in twelve months. City Attorney White stated it would be difficult to write an automatic review into the ordinance. He also commented that the Code Enforcement Board has its own set of rules of what they could do therefore the third amendment is not necessary.

Mayor Brown stated he could understand the second and third amendment not being necessary but still felt the first amendment was a good idea.

Friendly Amendment: **TO INSERT THE FLOOR AMENDMENT OF CHANGING THE EFFECTIVE DATE TO 90 DAYS AFTER THE PASSAGE.**

Moved by Gilbert, seconded by Weldon.

Motion: **TO APPROVE ORDINANCE 2003-07 WITH THE FRIENDLY AMENDMENT.**

Roll Call Vote:

Ayes: 4 – Gilbert, Pruette, Weldon, Brown

Noes: 1 – Shealy

MOTION CARRIED

Councilor Pruette asked the nuisance ordinance be placed on the next workshop.

Ord. No. 2003-08

ORDINANCE NO. 2003-08 – PROHIBITED USES – FIRST READ AND PUBLIC HEARING – SPONSORS MAYOR BROWN, VICE MAYOR GILBERT, AND COUNCILOR PRUETTE: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING SECTION 27-225(2) AND ADDING SECTION 27-223(4) USES EXPRESSLY PROHIBITED WITHIN ZONING DISTRICTS AND PROVIDING AN EFFECTIVE DATE.

City Clerk Volpe stated the updated ordinance included the changes made in Ordinance 2002-12. Mayor Brown stated this was to help make the commercial districts more vibrant and help bring in desirable uses.

Mayor Brown opened the public hearing:

Jeanne Miner, 409 Penman Road, stated she was the property manager of Penman Plaza and felt this was an excellent ordinance. A drive-in would not cause problems since security and clean up measures were already in place.

Mayor Brown closed the public hearing.

Councilor Weldon opposed the ordinance and felt it called into question to allowing gas stations and mini warehouses. He felt it added suburban sprawl and blight. Councilor Pruette felt the area already had blight and a drive-in restaurant is family oriented and would help the area.

Motion: **TO APPROVE ORDINANCE 2003-08.**

Moved by Gilbert, seconded by Pruette.

Roll Call Vote:

Ayes: 4 - Gilbert, Pruette, Shealy, Brown

Noes: 1 – Weldon

MOTION CARRIED

OLD BUSINESS / NONE

NEW BUSINESS

Beaches' Historical
Society

APPROVE CONTRIBUTING \$5,000 PER YEAR TO THE BEACHES' HISTORICAL SOCIETY FOR THE DEVELOPMENT OF A MUSEUM IN JACKSONVILLE BEACH:
The council clarified it was a per year amount and it was based on if they could raise the full amount.

Motion: **TO APPROVE \$5000 PER YEAR FOR FIVE YEAR PROVIDED EVERYTHING IS AGREED TO PER THIS AGREEMENT.**

Moved by Gilbert, seconded by Weldon.

Roll Call Vote:

Ayes: 5 – Gilbert, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

Beach accesses and
replats.

Councilor Pruette asked to discuss the beach accesses and the replat at Bay Street and Oceanfront. She asked to find a way to stop paving over the beach accesses.

Councilor Weldon agreed that something needed to be done. He questioned if a referendum could be written to protect the accesses and if a moratorium could be drawn up to help until a solution could be made.

Vice Mayor Gilbert recommended a change to waterfront instead of just oceanfront.

City Attorney Chris White wanted to clarify what he was being asked to do. He stated that you cannot deny people access to their property. He also asked how many other properties could possibly be affected and need access through beachfront accesses. He would look into if the council could impose a moratorium on any development on the beach access. The Charter that was put in place with the last referendum allowed people to use the right of way it just did not allow the council to vacate or abandon.

Mayor Brown asked Assistant to the Building Official Piper Turner if any other property could be replatted. Ms. Turner stated she could not think of any. Councilor Pruette stated that did not take into consideration redevelopment.

Councilor Pruette made a motion to rescind the replat given by the City Manager. City Attorney White stated the council did not have the authority to do that under the code. The code clearly stated the city manager granted replats. Also the replat was not even originally on the agenda. Councilor Pruette reminded the council she had asked the city manager to bring it before the council but the manager made the decision without doing as she asked.

City Manager Linn explained that the code did not give him the ability to ask the council for their decision. He welcomed the council changing the code to have the council grant minor replats. He did not have a choice in granting the replat due to the city attorney's opinion.

Councilor Weldon stated a solution needed to be found with the help of moratorium and/or a referendum.

Dr. Haycock, 912 Oceanfront, had a question as to who is allowed to request a replat since he is owner of record and had not asked for it. City Attorney White stated the code stated the developer could request for it. He stated Mr. Haycock and Mr. Russell were both present at the Planning and Development Review Board meeting. Mr. Haycock had no further knowledge after the board meeting and did not realize the replat had been granted.

Consensus: **FOR THE CITY ATTORNEY TO LOOK INTO A MORATORIUM AND A REFERENDUM. FOR PIPER TURNER TO SEE IF ANY OTHER PROPERTIES WOULD BE AFFECTED.**

City Attorney White stated you could not stop access to property. A moratorium until this was discussed was considered unless the issue was forced.

Adjournment

There being no further business, the meeting adjourned at 10:30 p.m.

Richard A. Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
WORKSHOP CITY COUNCIL MEETING
JULY 21, 2003, AT 7:00 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 July 21, 2003 at 7:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

Vice Mayor James Gilbert
Councilor Harriet Pruette
Councilor Larry Shealy
Councilor John Weldon
City Manager Richard A. Linn
City Clerk Lisa Volpe, CMC

Public Safety Director William Brandt
Director of Public Works Leon Smith
Director of Finance Steve Ramsey
Building Official Anton Perez-Guerra
Assistant to the City Manager Terry Klein
Deputy City Clerk Karla Strait, CMC

ABSENT:

Mayor Richard A. Brown

Call to Order/Roll Call Vice Mayor Gilbert called the meeting to order at 7:00 p.m.

COMMITTEE REPORTS

Building Official BUILDING OFFICIAL POSITION: City Manager Linn introduced new Building Official Anton Perez-Guerra to the Council.

IBBC ISH BRANT BEAUTIFICATION COMMITTEE: City Manager Linn reported the Ish Brant Beautification Committee had taken a summer recess. He added that one of the members had put a lot of effort in improvements to the Butterfly Garden in Jarboe Park.

CITY MANAGERS PUNCH LIST

Water Impr. UTILITY IMPROVEMENT PROGRAM – WATER PROJECT: The contractor would make the final connection at Penman Road tomorrow night. Once the connection was complete the liquidated damages clock would stop and the contractor would begin work on the punch list items.

Sewer Impr. UTILITY IMPROVEMENT PROGRAM – SEWER PROJECT: The sewer project was moving ahead of schedule. The contractor still had not received the permit from the Florida Department of Transportation to make the connections on Third Street.

Kings Rd. Bridge KINGS ROAD BRIDGE: The Kings Road Bridge was an item further ahead on the agenda under Issue Development for discussion of options and the City Managers recommendation to replace the bridge.

Public Services Facility	<u>NEW PUBLIC SERVICES OPERATION AND MAINTENANCE FACILITY:</u> The Public Services Facility was placed on the agenda under Contracts/Agreements with a recommendation to award the contract to the low bidder.
Hopkins Creek	<u>HOPKINS CREEK OUTFALL PROJECT – DRAINAGE IMPROVEMENT:</u> Hopkins Creek was also on the agenda under Issue Development. Jim Miller, PBS&J would give a report on the feasibility study.
Planning Director	<u>NEW POSITION OF PLANNING DIRECTOR:</u> The position of Planning Director was advertised and many resumes were received. Mr. Linn would review the resumes this week and ask the applicants to fill out an application.

PUBLIC COMMENTS

Lynda Padrta, 1113 First Street, supported the Three Strike Ordinance. She favored the forming of an Economic Development Committee. She also felt there was no justification for the City Manager to receive salary increase because he was on a 90-day contract.

Mary Ann Padrta, 1030 Second Street, supported the Three Strike Ordinance. She was concerned about rental properties not having enough parking for their tenants.

James Sorrell, 464 Seagate Avenue, opposed the Three Strike Ordinance. He felt tenants should be held responsible for their actions. He felt the best way to control noise was to fine the violators.

PROPOSED ORDINANCES

Ord. No. 2003-07	<u>ORDINANCE NO. 2003-07, THREE STRIKES – VICE MAYOR GILBERT:</u> AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING SECTION 13-5(c); ADDING A NEW SECTION 13-5(d) – PROPERTY OWNER RESPONSIBILITY FOR SWORN COMPLAINTS; ADDING A NEW SECTION 13-5(e) – NUISANCE; DECLARING VIOLATIONS; PROVIDING ENFORCEMENT AND PROVIDING AN EFFECTIVE DATE.
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Vice Mayor Gilbert stated as a condition of passing the Ordinance on first read it had been brought back to a workshop for discussion before the second reading.

Vice Mayor Gilbert stated Florida Statutes already required tenants and other persons on the premises to conduct themselves in a manner that did not unreasonably disturb the tenant's neighbors or constitute a breach of peace. He felt property owners who continued to rent property to unruly tenants and chose not to evict them after complaints should be held responsible.

Councilor Pruette stated the city could not force a landlord to evict tenant. She suggested imposing a progressive fine on the tenants and notifying the landlord that their tenants have received a citation and after the third notice bringing the landlord and the tenant before the Code Enforcement Board.

City Manager Linn stated the effort of the ordinance was to place the responsibility on the property owners to control unsavory noise by their tenants. The current noise ordinance was very technical and was drawn up for commercial areas. He wanted the ordinance to be an aid that would allow police officers to cite persons in residential districts.

Councilor Weldon asked Chief Brandt if a citation could be given under the current noise

ordinance. Chief Brandt responded a \$25.00 citation is issued on the second violation and if there are minors drinking on the premises an arrest is made.

City Attorney White stated if the charge was under a municipal ordinance violation the judge was obligated to look at the local ordinance and the penalties. He advised against the ordinance having a prerequisite for a warning on the first violation. He added the purpose of the Three Strike Ordinance was to hold the landlords responsible. Dealing with the tenants was a separate issue. He suggested that he draft another ordinance dealing with the separate issue of the tenants.

Councilor Weldon wanted to make sure the language "Notice to Appear" and "Documented Police Report" was consistent in the ordinance. Chief Brandt stated a "Notice to Appear" was considered a documented police report.

Councilor Pruette asked to leave in the language that landlords be sent a copy of the documentation. She disagreed with having three separate complaints by three separate persons.

Vice Mayor Gilbert stated the three separate complaints by three separate neighbors was fair.

Councilor Weldon suggested adding the language and/or between three sworn complaints and three documented police reports.

Consensus: **ADD AND/OR BETWEEN THREE SWORN COMPLAINTS AND THREE DOCUMENTED POLICE REPORTS.**

City Attorney White asked if it was a consensus to have both the revised version of the Three Strike Ordinance and the proposed ordinance dealing with the tenant for the August Regular Council meeting. Vice Mayor Gilbert and Councilor Weldon stated the two issues should be handled separately and the Council should deal with the Three Strike Ordinance first.

Councilor Pruette suggested adding the description of "within a reasonable amount of time". Councilor Weldon suggested the "reasonable amount of time" be 30 days.

Consensus: **DESCRIBE REASONABLE AMOUNT OF TIME AS 30 DAYS.**

City Attorney White read the following language in paragraph (d) for confirmation: In the event that there are three or more sworn complaints by three different persons for three separate incidents within six months or three documented police reports of disturbances all pursuant to paragraph (c) above or any combination of the above on the same residential property.

Chief Brandt stated any time the police showed up it was documented. He suggested changing "Documented Police Report" to "Citation". City Attorney White stated he would come back with that language.

Consensus: **FORWARD TO AUGUST REGULAR COUNCIL MEETING.**

Ord. No. 2003-XX

ORDINANCE NO. 2003-XX, PROHIBITED USES, SPONSORS – MAYOR BROWN, VICE MAYOR GILBERT, COUNCILOR PRUETTE: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING SECTION 27-225(2) AND ADDING SECTION 27-223(3) USES EXPRESSLY PROHIBITED WITHIN ZONING DISTRICTS AND PROVIDING AN EFFECTIVE DATE.

Councilor Pruette stated several months ago the request to allow a Sonic Drive-In Restaurant was turned down by the Council. Since that time citizens had commented that they would like to have a Sonic Drive-in. She supported changing the permitted uses to allow drive-in restaurants in the C-3 district.

Councilor Weldon stated the Planning & Development Review Board and the Council previously denied the request to allow the Sonic-Drive-In the C-3 district because it was prohibited by the Code. He felt it did not benefit the city to change the Code for the benefit of one applicant. He added drive-in restaurants were specifically exempted to protect the residential quality of life in Neptune Beach.

Councilor Shealy stated he was on the Planning & Development Review Board when the Sonic Drive-In was originally presented and the Board denied the request. The applicant appealed to the Council and was denied again.

Councilor Pruette felt the Council should be open-minded and look at possible changes to the Code to help the property owners fill the vacancies in the strip malls.

Councilor Gilbert stated the outparcel was pre-existing and the drive-in restaurant would not be in a residential district. He did not think the impact of the drive-in restaurant would be more of a problem than a Tire Kingdom.

Consensus: **FORWARD TO THE AUGUST REGULAR MEETING FOR FIRST READ.**

CONTRACTS / AGREEMENTS

Public Services Facility

PUBLIC SERVICES OPERATION & MAINTENANCE FACILITY – RECOMMENDATION TO AWARD: City Manager Linn stated six bids were received for the construction of the new Public Services Facility and were opened June 26th. One of the contractors was disqualified because they did not pre-qualify. Bob Matthews submitted the low bid of \$2,210,000. The bond resolution was for 2,200,000. He recommended awarding the contract to Bob Matthews for 2,210,000 with the provision that the City Manager and architect work with Value Engineering to get the cost down to 2,200,000.

Councilor Pruette suggested eliminating the second gate that was discussed during the meetings with public works, council and the citizens.

Consensus: **FORWARD TO THE AUGUST REGULAR MEETING CONSENT AGENDA.**

Wireless Siting

WIRELESS SITING – CONSULTANT SERVICES – REPORT CITY MANAGER: City Manager Linn stated he received five proposals for the wireless siting consulting services but he was not prepared to give a recommendation. He asked the Council to table the issue.

Consensus: **TABLE THE WIRELESS SITING CONSULTING SERVICES TO THE AUGUST WORKSHOP.**

Recess/Reconvene

Vice Mayor Gilbert called a recess at 8:00 p.m. and reconvened the meeting at 8:15 p.m.

ISSUE DEVELOPMENT

Kings Rd. Bridge

KINGS ROAD BRIDGE – RECOMMENDATION TO REPLACE:

Laurel Jeter, 1715 Indian Woods Drive, suggested the new bridge be raised high enough to allow small boats access to the intracoastal or close the bridge and open and

access through Seagate or open up the cul-de-sac in Jacksonville Beach.

Rudolf Lowey-Ball, 1834 Nightfall Drive, did not agree with raising the bridge to allow boat traffic or opening another access.

City Manager Linn was concerned that replacing the Kings Road bridge would not be a priority for state funding. He recommended moving ahead with the replacement of the bridge using funds from the Better Jacksonville Plan. He added that he would check on the addition cost to raise the bridge.

Councilor Weldon stated the area was a preserve and he was not in favor of raising the bridge to encourage motorized watercraft.

Consensus: **TO MOVE TO THE CONSENT AGENDA FOR REPLACEMENT OF THE KINGS ROAD BRIDGE AND ASK JACKSONVILLE BEACH TO CONTRIBUTE.**

Hopkins Creek

FDOT HOPKINS CREEK PROJECT – REPORT AND DECISION OF PROPOSAL: Jim Miller, PBS&J, stated the FDOT selected the aluminum arch culvert option because it was the least expensive. The study conducted by PBS&J looked at open ditch alternatives of gabion retaining walls or geoweb retaining walls. The disadvantages of retaining walls were the greater cost, liability, engineering cost, operating & maintenance cost, and acquiring an easement for a roadway for maintenance access. Mr. Miller added no matter what the remedy trees would still need to be removed. It was his company's opinion from an engineering standpoint it was not a good deal to accept the proposal.

Councilor Weldon stated he would have to say no to the proposal from FDOT because there was not enough money to protect future liability or maintenance. He suggested the City Manager write a letter to FDOT asking for a more generous proposal. He also asked the City Manager to write a letter asking FDOT to clean up the ditch.

Consensus: **FOR THE CITY MANAGER TO WRITE A LETTER TO FDOT ASKING FOR A MORE GENEROUS PROPOSAL AND ASKING THEM TO CLEAN UP THE DITCH.**

Economic Dev. Committee

ECONOMIC DEVELOPMENT COMMITTEE COMPOSITION AND MISSION: Councilor Gilbert stated he agreed with Mayor Brown's suggestion of city officials and staff meeting with property owners for an update on the vacant commercial properties before forming an Economic Development Committee. City Manager Linn stated city officials and staff could meet with the owners of the establishment to see how the city could aid them in filling the vacant properties.

Councilor Pruette asked the City Manager to write a letter to the property owners asking them to meet with city officials and staff.

Consensus: **FOR THE CITY MANAGER TO WRITE A LETTER TO THE PROPERTY OWNERS AND REPORT BACK ON THEIR RESPONSE AT THE NEXT WORKSHOP MEETING.**

BAHS

REQUEST OF FINANCIAL SUPPORT FROM BEACHES AREA HISTORICAL SOCIETY – MAYOR BROWN: City Manager Linn stated the Beaches Area Historical Society made a presentation to the Council requesting a contribution of \$15,000 per year for five years to build a museum in Jacksonville Beach. The City of Jacksonville Beach made a commitment to contribute \$50,000 a year for five years with the condition that no city money be used before all the money for the project was collected and banked. Atlantic Beach was still considering the request for a contribution of \$25,000 per year for five

years.

Councilor Weldon felt the city was not in a position to commit to \$15,000 per year for five years. He recommended a contribution of \$5,000 per year for five years with the same condition that the money not be used until all the money to complete the project was collected and banked.

Councilor Shealy asked where the \$5,000 per year would come from. City Manager Linn stated the funds could come out of the Better Jacksonville Plan.

Consensus: **TO CONTRIBUTE \$5,000 PER YEAR FOR FIVE WITH THE SAME CONDITIONS AS JACKSONVILLE BEACH.**

Workshop Agenda

WORKSHOP AGENDA – COUNCILOR SHEALY: Councilor Shealy stated in order to be more efficient in the workshop meetings the council needed to determine what issues should go before Council for approval and what issues the City Manager should handle. He suggested having one spokesperson for issues that filled the Council Chambers or lowering speakers time limit to three minutes instead of five. He felt the Council should stay focused on agenda items only and not engage in conversation with the public speakers.

Councilor Pruette stated another way to shorten the meetings was to end the discussion of an issue after fifteen minutes if it was on a regular meeting to be voted on. She disagreed with limited the public speakers to less than five minutes.

Councilor Gilbert stated he liked listening to the public. He suggested each Council Member gather as much information as possible before each meeting.

City Manager Salary

SALARY REVIEW OF CITY MANAGER: City Manager Linn stated one of his contract provisions was an annual salary review. He did not believe it was in the best interest of the city for him to continue on a 90-day contract. He asked Council to consider a longer-term contract along with the salary review. His desire was for a two-year contract but he would consider a one-year contract with an automatic one-year renewal.

Councilor Pruette stated she did not have any information. City Manager Linn stated Director of Finance Steve Ramsey was prepared to give the Council the information. Vice Mayor Gilbert and Councilor Pruette wanted to see the information in writing.

Councilor Weldon stated the Council needed to address the contract issue before reviewing the salary. He asked to place the issue of the contract on the next agenda.

Discussion ensued regarding terms of the City Manager's contract.

Councilor Weldon asked for a copy of the proposed new contract and all previous data related to the City Manager's salary and historical raises. He would like to see a comparison of the City Manager's salary for neighboring cities.

Consensus: **MOVE TO THE NEXT WORKSHOP AGENDA.**

City Hall Security

Councilor Weldon stated he did not have a problem closing and locking the interior doors and the rear entry doors. He was concerned that bulletproof glass at the front counters would create a wall between the city and the public. He asked that the bulletproof glass be considered at Council level prior to being installed. City Manager Linn stated the cost of the bullet proof glass would be over \$10,000 and would need the Council's approval.

Councilor Pruette suggested placing camera's in the lobby of City Hall. She also

questioned the security of the City Yard.

Solantic Sign

Councilor Weldon stated the Solantic sign was approved by Jacksonville Beach inspection code and would remain without any discussion of the intensity or the fact that it should never have been approved. He was unhappy that the sign was now permanent.

Adjournment

There being no further business, the meeting adjourned at 9:28 p.m.

Attest:

Richard A. Brown, Mayor

Lisa Volpe, CMC, City Clerk

Approved: _____



BUDGET WORKSHOP MEETING
JULY 14, 2003, AT 6:00 P.M.
CITY HALL, 116 FIRST STREET,
NEPTUNE BEACH, FLORIDA

Pursuant to proper notice a Preliminary Budget Workshop Meeting of the City Council of the City of Neptune Beach was held July 14, 2003 at 6:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

Mayor Richard A. Brown
Vice Mayor James Gilbert
Councilor Harriet M. Pruette
Councilor Larry Shealy
Councilor John Weldon
City Manager Richard A. Linn

City Clerk Lisa Volpe, CMC
Director of Finance Steve Ramsey
Director of Public Safety William Brandt
Director of Public Services Leon Smith

Absent:
City Attorney Christopher White

Call to Order/Roll Call

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

City Manager Linn stated as required by the Code a balanced budget for FY 2004 was being presented to the City Council.

Director of Finance Steve Ramsey explained the presentation would focus on the General Fund and Special Revenue Fund.

Capital Requests

Proposed Capital Requests:

City Managers Office	Computer & Printer	\$2,750
Community Development	Computer & Printer	3,000
City Clerks Office	Miscellaneous	500
Non-Departmental	Building Improvements	3,500
Police Department	Building Improvements	5,000
	Vehicles	83,000
	Radar Units	10,000
	In-Car Videos	13,000
	Total	111,000
Street Department	Computer & Software	4,300
	WHT DF2000 Antifreeze Recycler	2,000

	10 Ton Oil Filter Crusher	1,400
	Total	7,700
Parks Department	Exmark 72" Cut Mower, 27HP Diesel Engine	13,000
	TOTAL GENERAL FUND CAPITAL	\$138,700

Mr. Ramsey stated the Police Department would need an additional Capital Request of \$25,000 for the purchase of a Smart Trailer.

Chief Brandt explained a smart trailer was a device that could be placed on different streets throughout the city to record the speed of vehicles. This would make drivers aware of the speed limit and the speed they were traveling. The smart trailer would be used to help slow down the traffic in areas where there were speeding complaints.

General Fund

City Manager Linn stated the major portion of the budget was for personnel. He added there was a reduction of a \$50,000, high level position when Leon Smith took over the position of Public Works Director his old position was eliminated.

Councilor Weldon questioned how the 2003 deficit of \$250,000 would be funded. Mr. Ramsey responded the funding would come from reserves. The projected final deficit would be \$250,000 or less, which was less than the original budgeted amount.

Councilor Weldon questioned how reserve funds accumulated in the General Fund. Mr. Ramsey replied over the past ten years the roll back provided little income in reserves. City Manager Linn stated the reserves hit a peak in 1998 and 1999. Reserves were used to balance the budget for fiscal year 2000 and 2001 but were not spent because revenues were either higher or expenses lower than anticipated. Reserves were not used until 2002. Currently there were 1.7 million in reserves. Mr. Ramsey explained reserves were in place to provide city operation for three to six months in the event of a natural disaster.

Councilor Weldon asked if the 1.7 million in reserves would be adequate for a six-month emergency period. Mr. Ramsey replied "yes" it would.

Mr. Ramsey stated the practice of rolling back the milage rate did not affect the city until two years ago because revenues were higher. He added since 9/11 state tourism had dropped decreasing sales tax revenue. He predicted a 9% increase in sales tax this year, which was less than prior years. Last year the city received \$640,000 in state sales tax. This year he projected \$680,000.

Councilor Weldon asked if all the improvements in the city were being paid from the Water & Sewer Fund. Mr. Ramsey replied "yes".

Mayor Brown asked what the increase in revenue from the tax base would be this year. Mr. Ramsey stated he had not calculated the difference between last year's taxes and this year. He added the budget was figured on last year's not exceed milage rate of 3.5.

Councilor Weldon asked Mr. Ramsey to compare the General Fund Reserves to those of Jacksonville Beach and Atlantic Beach. Mr. Ramsey stated he would do a comparison and see if the Florida League of Cities could provide information on the amount of reserves in similar cities.

City Manager Linn stated Mr. Ramsey compared the total milage rate between Duval County, Jacksonville Beach, Atlantic Beach, and Neptune Beach. The comparison showed the combined milage rate for Atlantic Beach was 19.48, Jacksonville Beach 21.0, Duval County was 19.60, and Neptune Beach had the lowest milage rate of 19.21.

Councilor Weldon asked Mr. Ramsey to describe the sources of revenues in the General Fund.

Mr. Ramsey highlighted the following major revenues in the General Fund:

Property Taxes	\$1,587,120
Jacksonville Beach Electric Franchise	276,000
Telecommunications Tax	284,000
Occupational License	52,000
Cigarette Tax	99,000
Half Cent Sales Tax	670,000
911 User Fees	81,000
Florida Boulevard Maintenance	24,000
Lifeguard / Beach Clean Up	155,000
Court Fines	80,000
Cell Tower Rent	28,000
Transfer from Sanitation Reserves	120,000

Councilor Weldon stated there was \$400,000 in Sanitation Reserves. He questioned what the other \$280,000 would be used for. Mr. Ramsey replied the \$280,000 would be used on an as needed basis with Council approval.

City Manager Linn explained the Sanitation Reserves was originated to replace garbage trucks and equipment needed by the Sanitation Department. The reserves were no longer needed because trash services were contracted with BFI. Councilor Weldon suggested placing the entire \$400,000 from Sanitation Reserves in the General Fund and use it to defray tax increases. Mr. Ramsey replied it was up to the Council to make the transfer. Councilor Shealy asked if there were any other similar reserve funds.

Councilor Pruette suggested raising the fines on parking tickets and animal control citations to increase revenue. Mr. Ramsey stated parking tickets and animal control citations were already significantly higher than other cities.

Special Revenue Fund Mr. Ramsey explained Special Revenue Funds were special funds from the state allocated for specific purposes.

Proposed Capital Requests from the Special Revenue Fund:

Better Jax ½ Cent Tax	Improvements	\$428,838
Street Improvement Fund	2004 Ford 250SD Truck	23,000
	All Terrain Forklift	25,000
	Total	\$48,000

Councilor Weldon stated he was still trying to get a sense of how much money the city had in reserves.

Mr. Ramsey responded there was also \$596,350 in reserves in the Street Improvement Fund that was restricted for street improvements. Discussion ensued over the use of this money to repave streets after the water and sewer project were complete. Public Services Director Smith stated he would give a list to council as to which streets were set for repaving.

Councilor Weldon asked Mr. Ramsey to describe the sources of Special Revenue Funds:

Special Revenue Funds:

Police Education Fund	\$11,411
Jarboe Park Grant	No Activity
Community Development Block Grant	102,503
Conventional Development Tax Fund	50,856
Fines & Forfeitures	20,200
Local Option Gas Tax Fund	625,006
Radio Communications Trust Fund	37,000
Better Jax ½ Cent Tax	678,838
Christmas Decorations	10,136
Revenue Bond Sinking Fund	111,669
Street Improvement Fund	574,051
King Neptune Trust Fund	12,725
Cable TV Trust Fund	7,050

Mr. Ramsey explained the following Special Revenue Funds:

The Local Option Gas Tax Fund was restricted for street maintenance.

The Radio Communications Trust Fund was a percentage of the traffic citations and was restricted for police radio equipment.

The Better Jax ½ Cent Tax would be used to replace the Kings Road Bridge and for the construction of the new public works facility.

The Christmas Decoration Fund was a new fund. After discussion, this fund was to be renamed Holiday Decoration.

The Revenue Bond Sinking Fund was transferred from the General Fund to make principal and interest payments.

The Street Improvement Fund was restricted for street improvements and maintenance.

The King Neptune Fund was used for the annual festival. Councilor Weldon asked if this fund was still needed. Mr. Ramsey replied the fund was also used for contributions to the community.

The Cable TV Trust Fund was also used for contributions. Vice Mayor Gilbert asked if the King Neptune Fund and the Cable TV Trust Fund could be combined. Mr. Ramsey stated they would have to wait until the next budget year to combine the funds.

General Fund

Mr. Ramsey asked if there were any questions regarding the General Fund or Capital requests.

Mayor Brown asked if there were any major expenditures.

Mr. Ramsey responded the largest increase in expenditures was the salary of \$50,000 for the added position of Community Development Director in the Building Department.

Councilor Shealy stated there was a large increase in salaries in the Police Department. Mr. Ramsey explained police officers salaries were difficult to estimate due to the Career Track. The Career Track allowed officers to be promoted once they achieved a certain education level. It was difficult to determine what levels would be achieved.

Councilor Weldon questioned the \$205,000 increase in police officers retirement contributions. Mr. Ramsey explained the city was required by state law to make up the deficit in the retirement fund when market goes down.

Councilor Gilbert suggested it would be simpler for employees to use comp time in lieu of being paid overtime.

Councilor Shealy asked if every police officer had a police car. Chief Brandt stated each police officer was assigned their own vehicle and they were personally responsible for the care and maintenance. It was in the best interest of the city for the vehicles to be properly maintained.

Mr. Ramsey pointed out the 494% increase in Rentals & Leases under Non-Departmental and explained it was for leasing a new copy machine.

Councilor Pruette questioned the 270% increase in Repair & Maintenance under Animal Control. Mr. Ramsey stated that might be a typographical error. Chief Brandt asked Mr. Ramsey to reduce the line item to \$500.

Councilor Weldon stated that most departments' budgets increased 10% and asked if that was consistent with previous years. Mr. Ramsey stated the largest increase involving all departments was 25% for health insurance. Three companies were providing estimates and he would have the exact figures in August.

Mr. Ramsey added the budget for the City Clerk's Office included an update to the code book. City Clerk Volpe explained the supplement to update the code would cost \$5,900 or the entire code including the Land Development Regulations could be republished for a cost of \$7,500.

In summary there was a 9.1% increase in the overall city budget.

Vice Mayor Gilbert asked what milage rate would balance the proposed budget. Mr. Ramsey replied a milage rate of 3.5 would balance the budget without the use of reserves. Using last years rate of 2.9 and transferring \$386,000 out of the sanitation fund would also balance the proposed budget.

Adjournment

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

Richard A. Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
REGULAR CITY COUNCIL MEETING
JULY 7, 2003, 7:00 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 July 7, 2003, at 7:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

Mayor Richard A. Brown	Director of Public Services Leon Smith
Vice Mayor Jimmy Gilbert	Master Sergeant Anthony Carrillo
Councilor Harriet Pruette	Director of Finance Steve Ramsey
Councilor Larry Shealy	Assistant to the City Manager Terry Klein
City Attorney Christopher A. White	Assistant to the Building Official Piper Turner
City Manager Richard A. Linn	Deputy City Clerk Karla Strait, CMC
City Clerk Lisa Volpe, CMC	

ABSENT: Councilor John Weldon

Order Call/Pledge

Mayor Brown called the meeting to order at 7:00 p.m. and led the pledge of allegiance.

AWARDS / PRESENTATIONS / RECOGNITION OF GUESTS / NONE

APPROVAL OF MINUTES

Motion:

TO APPROVE THE FOLLOWING MINUTES:
JUNE 2, 2003, SPECIAL WORKSHOP COUNCIL MEETING
JUNE 2, 2003, REGULAR COUNCIL MEETING
JUNE 9, 2003, SPECIAL COUNCIL MEETING
JUNE 9, 2003, LAND DEVELOPMENT COUNCIL MEETING
JUNE 16, SPECIAL COUNCIL MEETING
JUNE 16, 2003, WORKSHOP COUNCIL MEETING
JUNE 23, 2003, BUDGET WORKSHOP MEETING
JUNE 23, 2003, LAND DEVELOPMENT COUNCIL MEETING
JUNE 23, 2003, SPECIAL WORKSHOP MEETING

Moved by Shealy, seconded by Gilbert.

Roll Call Vote:

Ayes:	4 – Gilbert, Pruette, Shealy, Brown
Noes:	0
Absent:	1 – Weldon

MOTION CARRIED

COMMUNICATIONS AND CORRESPONDENCE

Councilor Pruette stated she received an anonymous letter from a citizen. She asked that citizen, if they were in the audience, to see the City Manager after the meeting for assistance.

Councilor Pruette asked City Manager Linn to write a letter to the Florida Department of Transportation requesting that they clean up the area of the Hopkins Creek Ditch which is surrounded by a fence by the high school.

Councilor Shealy stated he received the same anonymous letter from a citizen. He added he could not respond to a letter that was not signed.

CITY MANAGER REPORTS

Building Official /
Community Dev. Dir.

STATUS REPORT – POSITIONS OF BUILDING OFFICIAL AND COMMUNITY DEVELOPMENT DIRECTOR: City Manager Linn stated he had developed job descriptions for both a Building Official and a Community Development Director. Several applications were received for the position of Building Official and he would be making a selection this week. The position of Community Development Director was posted on the internet and applications for that position would soon be received.

Councilor Pruette questioned why the salary range of \$45,000 to \$55,000 for a Building Official required only a high school diploma while the lower salary range of \$35,000 to \$45,000 for a Development Director required a bachelor's degree. City Manager Linn replied the salary ranges were average for the area. The building official position also required state certification and training.

Councilor Pruette stated it was the City Manager's job to fill the positions. She did not want any building department services subcontracted. She felt like the salaries for those positions could be made up as other positions became vacant.

Utility Impr. Projects

UTILITY IMPROVEMENT PROJECT – SEWER: The sewer project was ahead of schedule with 225 days until expected completion. The contractor still had not received the permit from the Florida Department of Transportation to make the connections on Third Street. The new lift station at the corner of Orange Street and First Street would be installed sometime this week.

UTILITY IMPROVEMENT PROJECT – WATER: The bonding company was put on notice that the contractor was now 83 days into liquidated damages at \$1,000 per day including a penalties of \$500 if a utility was hit plus the cost of repairs. The contractor would be making connections Monday and Tuesday of next week. Public Works would be installing relief valves on the system to keep it in operation while connections were being made. The tie ends on Florida Boulevard were complete, they were finishing the surface restorations east of Third Street, and punch list items would follow.

Kings Rd. Bridge

KINGS ROAD BRIDGE: The Florida Department of Transportation was pleased with the results of the recent repairs of the Kings Road bridge and placed it on a six-month inspection schedule. The FDOT also placed the bridge on a five-year capital project replacement schedule that would use federal funds to replace the bridge. The Council now had the option of waiting five years to replace the bridge or to continue with the replacements plan currently in progress.

Consensus: **FORWARD REPLACEMENT OF THE KINGS ROAD BRIDGE TO THE JULY WORKSHOP MEETING.**

Economic Dev.
Committee

COMMUNITY ECONOMIC DEVELOPMENT COMMITTEE: City Manager Linn stated he received several memos from council members recommending persons to serve on the committee. The Council would need to decide if the committee would be a stand-alone committee making recommendations to Council or if Council would be directly involved with the committee.

Mayor Brown stated his idea was for the committee to meet and brainstorm and Council to then join the committee for round table discussions.

Councilor Pruette suggested placing the issue on the July workshop agenda for further discussion.

Consensus: **FORWARD ECONOMIC DEVELOPMENT COMMITTEE TO THE JULY WORKSHOP MEETING.**

Hopkins Creek

HOPKINS CREEK FDOT PROJECT: City Manager Linn stated he signed an agreement with PBS&J for the amount of \$3,500 for a study that included a review of the Florida Department of Transportation's plans for the Hopkins Creek ditch along with the cost of alternatives for repairs. Jim Miller, PBS&J stated he would have the study completed before the July workshop meeting.

City Manager Linn added he received a telephone call from FDOT's District Secretary encouraging the Council to speed up the process of the decision whether or not to accept the offer of transferring ownership of the ditch to the city along with the \$3,500,000 allocation for the project. The District Secretary also informed Mr. Linn that FDOT was not willing to transfer the 1,000 feet portion of the ditch.

PUBLIC COMMENTS

Public Comments

Jill Bonner, 203 Hopkins Street, stated she would prefer permanent speed bumps on Hopkins Street in lieu of the temporary speed bumps that she stated had been in place for ten years. She also voiced concern regarding handicap parking space at the beach access on Hopkins Street with no handicap access onto the beach.

James Sorrell, 464 Seagate Avenue, opposed the Three Strike Ordinance and encouraged enforcement of the current noise ordinances.

Hank Baltar, 2029 Sandpiper Point, opposed the Three Strike Ordinance. He felt tenants should be responsible for their own actions. He suggested rewriting the noise ordinance to empower the police department to cite violators. He added it was very expensive for a landlord to evict a tenant.

Lynda Padrta, 1113 First Street, supported the Three Strike Ordinance. She added she would like to know who was being appointed to the serve on the Boards. She did not understand why the salary review for the City Manager was on the agenda when his contract was on 90-day extensions.

Jan Murdza, 601 Valley Forge Road North, stated he leased his house to five students and did not understand how he could be held responsible for their actions. The lease was signed six months ago and he did not know how he could evict them. He felt people should be held responsible for their own actions.

Beth Schultz, 608 Valley Forge Road North, felt tenants should be responsible for their own actions.

Rhonda Farris, 1100 Seagate Avenue, favored the Three Strike Ordinance. She stated

she had complained multiple times to the apartment property manager about disturbances and they did not respond. She relied on the police response.

CONSENT AGENDA / NONE

VARIANCES / NONE

ORDINANCES

Ord. No. 2003-07

ORDINANCE NO. 2003-07 – THREE STRIKES – FIRST READ – SPONSOR VICE MAYOR GILBERT: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING SECTION 13-5(c); ADDING A NEW SECTION 13-5(d) – PROPERTY OWNER RESPONSIBILITY FOR SWORN COMPLAINTS; ADDING A NEW SECTION 13-5(e) – NUISANCE; DECLARING VIOLATIONS; PROVIDING AN EFFECTIVE DATE.

Vice Mayor Gilbert explained the ordinance originated due to the many complaints from residents regarding tenants having all night parties creating noise and parking problems. The ordinance would hold tenants responsible for their actions by being issued a citation or getting arrested. The purpose of the ordinance was to create an environment where someone would be held responsible. The landlord would be notified after each violation and be brought before the Code Enforcement Board after the third offense allowing ample time to warn the tenants of eviction. The landlord could add this provision in the lease making it legal to evict tenants under those circumstances.

Mayor Brown stated the ordinance would not impact many property owners. Currently only two or three residents would be impacted. The owner would be notified of each violation and could take action by warning tenants and making it part of the lease agreement.

Councilor Pruette felt the three complaints should not have to be by three different persons. She stated she would support the ordinance on first reading with the understanding that it would be forwarded to the July workshop agenda for further discussion before second read.

Councilor Shealy felt tenants should be held responsible for their behavior. He also favored forwarding the ordinance to the July workshop meeting.

Moved by Gilbert, seconded by Pruette.

Motion: **TO PASS ORDINANCE NO. 2003-07 ON FIRST READ WITH THE UNDERSTANDING THAT IT WOULD BE FORWARDED FOR DISCUSSION AT THE JULY WORKSHOP MEETING.**

Roll Call Vote:

Ayes: 4 – Gilbert, Shealy, Pruette, Brown
Noes: 0
Absent: 1 – Weldon

MOTION CARRIED

OLD BUSINESS / NONE

NEW BUSINESS

Voting Delegate
FLC

DESIGNATION OF VOTING DELEGATE TO THE FLORIDA LEAGUE OF CITIES:
Councilor Gilbert nominated Mayor Brown to serve as the voting delegate at the Florida League of Cities Conference. Councilor Pruette seconded the nomination.

Consensus: **TO HAVE MAYOR BROWN SERVE AS VOTING DELEGATE AT THE FLORIDA LEAGUE OF CITIES CONFERENCE.**

Resolution No.
2003-08

RESOLUTION NO. 2003-08, APPOINTING BOARD MEMBERS: RESOLUTION APPOINTING BOARD MEMBERS TO THE PLANNING AND DEVELOPMENT REVIEW BOARD AND THE BOARD OF APPEALS.

Councilor Shealy questioned why the Council was not introduced to board applicants before they were appointed. City Clerk Volpe stated the applications were sent out to Council Members prior to being placed on the agenda. The applicant's qualifications and telephone numbers were on the application and council was welcome to phone them at anytime.

Mayor Brown stated meeting the applicants could be discussed at a future workshop meeting to be made part of the appointing process.

Moved by Gilbert, seconded by Pruette.

Motion: **TO APPROVE RESOLUTION NO. 2003-08, APPOINTING BOARD MEMBERS.**

Roll Call Vote:

Ayes: 4 – Gilbert, Pruette, Shealy, Brown

Noes: 0

Absent: 1 – Weldon

MOTION CARRIED

Contingency Fund

AUTHORIZE USE OF CONTINGENCY LINE ITEM TO REPLACE COMPUTER: City Manager Linn asked for approval of the Council to use \$937.73 from the Non-Departmental Contingency Fund to replace a computer in the Finance Department.

Moved by Shealy, seconded by Pruette.

Motion: **TO APPROVE THE USE OF \$937.73 FROM THE NON-DEPARTMENTAL CONTINGENCY FUND TO REPLACE A COMPUTER IN THE FINANCE DEPARTMENT.**

Roll Call Vote:

Ayes: 4 – Gilbert, Pruette, Shealy, Brown

Noes: 0

MOTION CARRIED

Resolution No.
2003-09

RESOLUTION NO. 2003-09 – BOND RESOLUTION – PUBLIC WORKS FACILITY (CITY YARD): A RESOLUTION OF THE CITY OF NEPTUNE BEACH, FLORIDA; PROVIDING FOR THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF AN OPERATIONS AND MAINTENANCE FACILITY; AUTHORIZING THE ISSUANCE OF \$2,200,000 CAPITAL IMPROVEMENT REVENUE BONDS, SERIES 2003 TO PROVIDE FUNDS FOR SUCH PROJECT; AUTHORIZING AWARD OF THE BONDS TO THE SUCCESSFUL BIDDER FOLLOWING SOLICITATION OF COMPETITIVE PROPOSALS; AUTHORIZING PAYMENT OF THE BONDS FROM THE CITY'S NON-AD VALOREM REVENUES; PROVIDING FOR THE RIGHTS OF THE HOLDERS OF THE BONDS; PROVIDING AN EFFECTIVE DATE.

City Manager Linn stated bids for construction of the new Public Services Facility were

opened on June 28, 2003. The architect estimated the cost of construction would be \$2,200,000. The lowest bid was for \$2,210,000. The second lowest bid was \$2,218,000. The architect was asked to meet with the low bidder to determine ways to lower the bid to meet the estimated \$2,200,000 figure.

Director of Finance Steve Ramsey explained the bonds had to be in place before the bid could be awarded. He added once the resolution was approved requests for proposals on rates would be sent to a number of banking facilities.

Moved by Gilbert, seconded by Shealy.

Motion: **TO APPROVE RESOLUTION 2003-09 – BOND RESOLUTION.**

Roll Call Vote:

Ayes: 4 – Gilbert, Pruette, Shealy, Brown

Noes: 0

Absent: 1 – Weldon

MOTION CARRIED

Resolution No.
2003-10

RESOLUTION NO. 2003-10 – APPROVAL OF MAINTENANCE AGREEMENT WITH FDOT: A RESOLUTION ALLOWING THE CITY MANAGER TO EXECUTE AND DELIVER THE STATE HIGHWAY SYSTEM LIGHTING, MAINTENANCE AND COMPENSATION AGREEMENT TO THE FDOT.

City Manager Linn explained in the past the state had funded part of the lighting and maintenance for Third Street and Atlantic Boulevard. This year the state would fully fund the cost. The resolution would allow the City Manager to sign the agreement accepting those funds.

Moved by Pruette, seconded by Gilbert.

Motion: **TO APPROVE RESOLUTION NO. 2003-10 – APPROVAL OF MAINTENANCE AGREEMENT WITH FDOT.**

Roll Call Vote:

Ayes: 4 – Gilbert, Pruette, Shealy, Brown

Noes: 0

Absent: 1 – Weldon

MOTION CARRIED

City Manager's
Salary Review

ANNUAL SALARY REVIEW – CITY MANAGER: Councilor Shealy suggested forwarding the Annual Salary Review of the City Manager to the July workshop meeting for discussion.

Consensus: **TO FORWARD CITY MANAGER SALARY REVIEW TO THE JULY WORKSHOP MEETING.**

Mayor Brown recognized Jacksonville City Councilman Art Graham as being part of the audience.

Adjournment

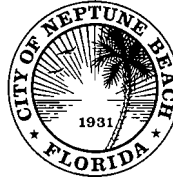
There being no further business, the meeting adjourned at 8:15 p.m.

Richard A. Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



**MINUTES
REGULAR CITY COUNCIL MEETING
JUNE 2, 2003, 7:30 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 June 2, 2003, at 7:30 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

Mayor Richard A. Brown	City Clerk Lisa Volpe, CMC
Vice Mayor Jimmy Gilbert	Director of Public Services Leon Smith
Councilor Harriet Pruette	Deputy Finance Director Manuel Rolland
Councilor Larry Shealy	Assistant to the City Manager Terry Klein
Councilor John Weldon	Assistant to the Building Official Piper Turner
City Attorney Christopher A. White	Deputy City Clerk Karla Strait, CMC
City Manager Richard A. Linn	

Order Call/Pledge

Mayor Brown called the meeting to order at 7:30 p.m. and led the pledge of allegiance.

AWARDS / PRESENTATIONS / RECOGNITION OF GUESTS / NONE

APPROVAL OF MINUTES

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

MAY 5, 2003, REGULAR COUNCIL MEETING
MAY 19, 2003, WORKSHOP COUNCIL MEETING

Moved by Pruette, seconded by Gilbert.

Roll Call Vote:

Ayes: 5 – Gilbert, Pruette, Shealy, Weldon, Brown
Noes: 0

MOTION CARRIED

COMMUNICATIONS AND CORRESPONDENCE

Mayor Brown stated the City of Jacksonville approved \$250,000 for each beach city to be used for beautification of the Third Street/A1A medians. The Jacksonville City Council amended the approval to have the landscaping plans for each project submitted to them for approval. It was also suggested that the money be distributed

according to the miles of A1A within each city.

Councilor Pruette asked if the \$250,000 included correcting the drainage problem at the end of Atlantic Boulevard. City Manager Linn responded the City of Jacksonville's Public Works Department was taking the drainage problem on as a separate project.

Councilor Pruette stated residents wanted additional palm trees placed on First Street along with the replacement of the palm trees that were removed by the sewer contractor.

Councilor Shealy was concerned about a possible reduction in the lifeguard budget. City Manager Linn replied lifeguards were paid time and a half for overtime in the past. Deputy Finance Director Manny Rolland advised that according to the Fair Standard Labor Act temporary recreational employees were not entitled to overtime pay and would no longer receive overtime pay. This reduced the city's portion of the cost over and above the City of Jacksonville's contribution through the interlocal agreement. The lifeguard duty hours on the beach would not be decreased.

Councilor Gilbert asked to place the possibility of forming an Economic Development Committee on the June workshop agenda.

City Clerk Volpe reminded Council there was a meeting on Land Development scheduled for Monday, June 9, 2003.

Councilor Gilbert felt it would be beneficial for the Chairman of each Board to attend the upcoming Florida League of Cities Annual Conference. City Manager Linn replied he would investigate the cost to the city for them to attend.

CITY MANAGER REPORTS

Water Project

WATER UTILITY PROJECT: The lines were in the process of being tested and disinfected. The final connection would be made when the bacteriological clearances were received. Following the final connections the paving and finishing would be completed. The 12" main on Florida Boulevard was complete and the liquidated damages on the main contract had ceased.

Councilor Pruette asked if she could see the punch list for paving and replacing sod before the contractor was finished. City Manager Linn stated he was keeping a log of complaints and each one would be inspected. Jim Miller, PBS&J, stated some of the complaints were with the sewer contractor and those complaints would not be fixed until the sewer project was completed.

Sewer Project

SEWER UTILITY PROJECT: The project was ahead of schedule and the contractor projected an August 1, 2003 completion date. The replacement of the lift station would begin the week of June 1, 2003.

PUBLIC COMMENTS

Public Comments

Lynda Padrta, 1113 First Street, stated she was glad the City of Jacksonville would be correcting the drainage problem at the end of Atlantic Boulevard. She was concerned about the stormwater system being cleaned out. She added parking laws on First Street were not being enforced.

CONSENT AGENDA / NONE

VARIANCES / NONE

ORDINANCES

Ord. No. 2003-06

ORDINANCE NO. 2003-06, INCREASING WATER & SEWER RATES – FIRST READ: SET RATE FOR SECOND READ & PUBLIC HEARING FOR JULY 7, 2003: AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF NEPTUNE BEACH, FLORIDA AT SECTION 23-84(B), (C) AND (D) TO INCREASE WATER RATES AND AMENDING SECTION 23-85(A) (B) AND (C) TO INCREASE SEWER RATES; AND ESTABLISHING AN EFFECTIVE DATE.

Moved by Weldon, seconded by Shealy.

Motion: **TO APPROVE ORDINANCE 2003-06 TO INCREASE WATER AND SEWER RATES UTILIZING SCENARIO NUMBER ONE THAT WAS PRESENTED WITH THE CAVEAT THAT WE WILL ALSO DO A RATE DESIGN STUDY TO TRY TO ACHIEVE ADDITIONAL SAVINGS.**

Friendly Amendment **TO PLACE ORDINANCE 2003-06 ON THE JUNE WORKSHOP MEETING FOR PUBLIC COMMENTS AND SCHEDULE THE SECOND READING AND PUBLIC HEARING FOR AUGUST IN LIEU OF JULY.**

Roll Call Vote:

Ayes: 5 – Gilbert, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

OLD BUSINESS

Hopkins Creek

HOPKINS CREEK OUTFALL PROJECT: City Manager Linn stated a letter was received from Aage Schroeder, District Secretary for the Florida Department of Transportation. The letter stated FDOT would like to proceed with the culvert project. FDOT offered to transfer ownership of the ditch and the 3.5 million allocation for the project to Neptune Beach. Mr. Linn recommended drafting a letter to the FDOT requesting 90 days in order to consider the option, maintenance and costs.

City Attorney White stated the FDOT was asked at the previous meeting if they had a set date to begin the project and they answered “no”. The reason the issue was on the agenda was not the letter from FDOT but to ask Council to decide if they wanted to file an injunctive relief action. He informed, municipalities were exempt from posting bond but advised posting a reasonable bond would limit extensive damages in the event the injunction was not successful. He further advised not to file the injunction if the court set the bond too high.

Councilor Weldon proposed writing a letter to FDOT requesting the 90-day consideration period and authorize the City Attorney to file injunctive relief action at the first sign of hesitancy to provide those 90 days.

Mayor Brown stated FDOT informed him they would be able to work on the project without disrupting Penman Road. There was longer the urgency to start now that school was out of session.

Councilor Pruette stated she had heard that the FDOT was paying the City of Atlantic Beach to maintain their ditches. She asked City Manager Linn to check into it.

Councilor Gilbert suggested waiting for FDOT to respond to the 90-day period before filing legal action.

Consensus: **HAVE THE CITY MANAGER WRITE A LETTER TO FDOT REQUESTING A 90-DAY INVESTIGATION PERIOD.**

NEW BUSINESS

Surplus Vehicles

SURPLUS CITY OWNED VEHICLES: City Manager Linn stated 7 vehicles used by the Public Services Department had been replaced. He asked the Council to declare them surplus and authorize the sale of the vehicles over the internet to the highest bidder.

Moved by Gilbert, seconded by Pruette.

Motion: **TO DECLARE THE VEHICLES SURPLUS AND AUTHORIZE THE CITY MANAGER TO SELL TO THE HIGHEST BIDDER.**

Roll Call Vote:

Ayes: 5 – Gilbert, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

Resolution 2003-05

RESOLUTION 2003-05 SET DATE FOR PUBLIC HEARING AND ADOPTION OF INTERLOCAL AGREEMENT BETWEEN DUVAL COUNTY SCHOOL BOARD, CITY OF JACKSONVILLE, BEACHES CITIES, AND THE TOWN OF BALDWIN. RECOMMEND A SPECIAL MEETING AT 6:30 P.M. A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF JACKSONVILLE BEACH, THE CITY OF ATLANTIC BEACH, THE TOWN OF BALDWIN, THE CONSOLIDATED CITY OF JACKSONVILLE, THE CITY NEPTUNE BEACH (THE "CITIES") AND THE DUVAL COUNTY SCHOOL BOARD (THE "SCHOOL BOARD") TO COORDINATE THE LOCATION AND DEVELOPMENT OF PUBLIC SCHOOL FACILITIES THROUGHOUT DUVAL COUNTY; PROVIDING AN EFFECTIVE DATE.

City Manager Linn explained the state passed a law to allow school boards to be represented on the local planning commissions. To be in compliance with the state the resolution would need to be enacted by July 1, 2003. Mr. Linn recommended a Special Meeting on June 16, 2003 at 6:30 p.m. to vote on the resolution and hold a public hearing.

Consensus: **TO SCHEDULE A SPECIAL MEETING ON JUNE 16, 2003, AT 6:30 P.M. BEFORE THE WORKSHOP MEETING.**

Resolution 2003-06

RESOLUTION 2003-06. BOARD APPOINTMENTS: RESOLUTION APPOINTING BOARD MEMBERS TO THE CODE ENFORCEMENT BOARD, THE PLANNING AND DEVELOPMENT REVIEW BOARD AND THE BOARD OF APPEALS.

Moved by Gilbert, seconded by Weldon.

Motion: **TO APPROVE RESOLUTION 2003-06.**

Roll Call Vote:

Ayes: 5 – Gilbert, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

Mayor Brown stated on the record the volunteer services were much appreciated by the Council.

Resolution 2003-07

Councilor Weldon asked the Council to support a resolution in opposition of the land use change on Mayport Road for the use of a Wal-Mart Superstore. He felt it would reverse the long range planning, negatively impact the traffic and depress property values in the area. It would also cause commercial damage to the existing shopping centers on Atlantic Boulevard.

Moved by Gilbert, seconded by Shealy.

Motion: **TO APPROVE RESOLUTION 2003-07.**

Roll Call Vote:

Ayes: 5 – Gilbert, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

City Attorney White stated he would be out of town the week of the workshop meeting and if anyone had any questions regarding the "Three Strike" Ordinance to call him before the meeting.

Adjournment

There being no further business, the meeting adjourned at 8:25 p.m.

Richard A. Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
SPECIAL WORKSHOP CITY COUNCIL MEETING
JUNE 2, 2003, AT 6:00 P.M.
CITY HALL, 116 FIRST STREET
NEPTUNE BEACH, FLORIDA

Pursuant to proper notice a Special Workshop Meeting of the City Council of the City of Neptune Beach was held June 2, 2003, at 6:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

The following Council members and staff were in attendance:

Mayor Richard Brown
Vice Mayor James Gilbert
Councilor Harriet Pruette
Councilor Larry Shealy
Councilor John Weldon
City Manager Richard A. Linn

City Clerk Lisa Volpe, CMC
Director of Public Services Leon Smith
Deputy Director of Finance Manuel Roland
Assistant to the City Manager Terry Klein
Deputy City Clerk Karla Strait, CMC

Order call

Mayor Brown called the special workshop meeting to order at 6:00 p.m. and announced the purpose of the meeting was the presentation of the Water & Sewer Revenue Update.

City Manager Linn explained the original Water & Sewer Rate Study was completed by Burton & Associates in 1998 when the capital project was started. The Water & Sewer Rate Study Update was required to insure funds would be available in the future to cover the State Revolving Fund Loan debt.

Mike Burton, Burton & Associates, presented the updated Water & Sewer Rate Study to the Council. He explained three scenarios were developed for consideration to meet the minimum financial requirements for the State Revolving Fund Loan for the three-year projection period.

Scenario # 1 would increase the rates 4.66% in 2004, 3.04% in 2005, and 3.88% in 2006.

Scenario # 2 would increase the rates 5.00% in 2004, 4.00% in 2005, and 4.00% in 2006.

Scenario # 3 would increase the rates 5.00% in 2004, 5.00% in 2005, and 5.00% in 2006.

City Manager Linn stated a 30-day notice, on the bill itself, was required to all customers prior to consideration of the rate increase. He asked Council to choose a scenario and move the Ordinance to the following Regular Meeting Agenda for first reading.

Councilor Weldon proposed moving forward with Scenario # 1 having Burton & Associates conduct a separate study based on water conservation.

Consensus: **TO MOVE FORWARD WITH SCENARIO # 1 – HAVING BURTON & ASSOCIATES CONDUCT A STUDY ON WATER CONSERVATION WITH AN INCLINING BLOCK RATE.**

Mike Burton stated he would conduct the water conservation study and what the consequences would be based on the option of including the commercial class or excluding the commercial class

Adjournment

There being no further business, the meeting adjourned at 7:20 p.m.

Richard Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
SPECIAL CITY COUNCIL MEETING
JUNE 9, 2003, AT 7:00 P.M.
CITY HALL, 116 FIRST STREET
NEPTUNE BEACH, FLORIDA

Pursuant to proper notice a Special Workshop Meeting of the City Council of the City of Neptune Beach was held June 9, 2003, at 7:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

The following Council members and staff were in attendance:

Mayor Richard Brown
Vice Mayor James Gilbert
Councilor Harriet Pruette
Councilor Larry Shealy
Councilor John Weldon

City Manager Richard A. Linn
City Clerk Lisa Volpe, CMC
Assistant to the Building Official Piper Turner

Order call

Mayor Brown called the special workshop meeting to order at 7:00 p.m. and announced the purpose of the meeting was to adopt Ordinance 2003-05.

Ord. No. 2003-05

ORDINANCE NO. 2003-05, PROPERTY INSURANCE TAX SECOND READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING ARTICLE III PROPERTY INSURANCE TAX SECTION 21-71, AND DELETING SECTION 21-73, ESTABLISHING PERCENTAGE BY STATE STATUTES AND PROVIDING AN EFFECTIVE DATE.

Moved by Shealy, seconded by Pruette.

Motion: **TO ADOPT ORDINANCE NO. 2003-05, PROPERTY INSURANCE TAX ON SECOND READ AND PUBLIC HEARING.**

Mayor Brown opened the public hearing.

There being no comments from the public the public hearing was closed.

Roll Call Vote:

Ayes: 5 – Gilbert, Pruette, Shealy, Weldon, Brown
Noes: 0

MOTION CARRIED

Adjournment

There being no further business, the meeting adjourned at 7:05 p.m.

Richard Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
WORKSHOP CITY COUNCIL MEETING
LAND DEVELOPMENT REGULATIONS
JUNE 9, 2003 AT 7:00 P.M.
CITY HALL, 116 FIRST STREET
NEPTUNE BEACH, FLORIDA

Pursuant to proper notice a Special Workshop Meeting of the City Council of the City of Neptune Beach was held June 9, 2003, at 7:05 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

Mayor Richard A. Brown
Vice Mayor James Gilbert
Councilor Harriet Pruette
Councilor Larry Shealy
Councilor John Weldon

City Manager Richard A. Linn
City Clerk Lisa Volpe, CMC
Assistant to the Building Official Piper Turner

Call to Order/Roll Call

The Mayor called the meeting to order at 7:05 p.m.

City Manager Linn asked the council if there was any objection to having the budget meetings on June 23rd and July 14th at 6 p.m. He reminded the council that the following Monday's meeting started at 6:30 p.m. to have time for a public hearing for the school board regulations interlocal agreement.

**Land Development
Group I
Articles I, II, & III**

LAND DEVELOPMENT REGULATIONS REVIEW – GROUP 1, ARTICLES I, II, & III:
City Manager Linn stated Gary Dickens of Ivy, Harris & Walls, was present to begin the review. Mayor Brown asked if there were any points to clear up on Group I before beginning Group II.

Councilor Weldon stated at the last LDR meeting, he had submitted a list of goals and objectives for Groups I section and wanted to know if they were going to be placed in Group I even though they were already in the Comprehensive Plan. He suggested that the boards did not look at the Comp plan therefore putting them in the LDR would serve as a reminder to the boards.

Gary Dickens stated he had read the Comprehensive Plan and tried to condense it in the LDR but could not condense it into two or three points. He did not know if the council wanted to repeat the purpose in different sections of the LDR. He wanted to avoid potential internal inconsistencies.

Councilor Weldon stated he did not want to be repetitive but wanted a clear specific statement of the city's goals. Mr. Dickens asked if he wished to place it by the Planning and Development Review Board section or in the land use section.

There was a lengthy discussion as to what and where the goals should be placed. It was discussed that goals would be thought about as the LDR was discussed and would be brought back up later.

Gary Dickens stated he needed to work on the conflict between the Board of Appeals and the Planning and Development Review Board.

Councilor Pruette mentioned that at the May 28, 2002 meeting density was discussed and the consensus was to leave density the same.

Councilor Weldon pointed out the following mistakes in the group I update:

SECTION 27-82 PROCEDURE FOR APPLYING FOR AND ISSUING DEVELOPMENT ORDERS.

(h): review of final development plans and issuance of a final development order. The Planning and Development Review Board shall conduct a public hearing on the final development plan to determine whether the plan satisfies the requirements of this code. based on the determination from evaluating the above factors, The Planning and Development Review Board shall either: (1) issue a final development order complying with section 27-87 of this code with or without conditions; or (2) refuse to issue a final development order if it is not possible for the proposed development, even with reasonable modifications, to meet the requirements of this code.

The paragraph should state Council not Planning and Development Review Board.

SECTION 27-84 PRELIMINARY PLAN REQUIREMENTS.

- (a) the Concept preliminary plan shall show the following existing conditions, in the form of a current (dated within 30 days of plan submittal) certified, signed and sealed survey:
- (b) the concept preliminary plan shall show the following development and design element:

Consensus: **TO ADD IN SECTION 27-84 (a) AND (b) DEVELOPMENT AFTER PRELIMINARY.**

SECTION 27-84 (b) has a numbering miscount.

Councilor Pruette stated that on SECTION 27-78 there was a consensus on October 8, 2001 meeting to add the ability to get an extension for six months.

Gary Dickens began discussing Group II. Article IV.

Article IV, Land Use

SECTION 27-215. PURPOSE AND INTENT: The section was discussed earlier.

SECTION 27-216. DEFINITIONS: All definitions had been moved and would be discussed at a later meeting.

SECTION 27-218 AMENDMENTS TO ZONING MAP:

- (c) the city manager or designee shall update the zoning map as soon as possible after the amendments to district boundaries or rezonings are adopted by the city council and shall indicate on the map the date of revision.

Councilor Pruette asked to put a definite time for this section.

Consensus: **TO LEAVE SECTION 27-218 AS STATED WITH NO CHANGES.**

SECTION 27-222. PUPOSE AND INTENT ZONING DISTRICTS:.

The City of Neptune Beach has developed over the years as a city with unique character and environment. Since a primary goal of the city is to retain this environment as much as possible, this zoning ordinance article must impose certain extraordinary restrictions on the use of land within the corporate limits of Neptune Beach to ensure that future development is in keeping with the existing development.

Consensus: **TO STRIKE THE WORD EXTRAORDINARY FROM THIS SECTION.**

City Manager Linn questioned whether the area east of Third Street, which is considered R-4 zoning, should be given an overlay district due to its unique characteristics with non conforming lots.

Gary Dickens stated this had been discussed at the last LDR review. It was suggested that since east of Third Street was the largest section of R4, it would be more practical to rezone the other sections of town zoned R4 such as Summer Sands and leave East of Third Street as R4. Mr. Dickens stated that if there were too many variances being applied for then the code should be changed to better fit the community.

Council discussed the small lots in this area and how to allow people their right to build a duplex. Mr. Dickens suggesting waiting to see if the problems would clear up with the rewrite before setting up an overlay district. Discussion ensued over making an overlay district.

Consensus: **TO LEAVE EAST OF THIRD STREET AS R4 AND TO MOVE TO REZONE SUMMER SANDS AS R5 AND TO REZONE THE OTHER PIECE OF R4 ON FLORIDA BLVD.**

Councilor Weldon recognized former Building Official Dan Arlington. Mayor Brown recognized developer Steve Jarrett. Both were in the audience.

Mr. Dickens stated that Section 27-222 was another area that stated goals of the city.

Consensus: **TO ADD "RESIDENTIAL" CHARACTER TO SECTION 27-222.1.a.**

Mr. Dickens brought attention to Section 27-222.4, which discussed the density of each zoning district. Councilor Pruette stated that at the May 28, 2002 meeting the council had consensus to leave density as it was.

The Council had a lengthy discussion over what the density should be. Whether it should be consistent with what is now east of Third Street. City Manager Linn pointed out there is a problem with how many square feet is needed to build a duplex.

Consensus: **TO LEAVE THE DENSITY AT 5, 10 AND 17.**

Assistant Building Official Piper Turner stated that if density is left at the stated amounts then it would not be possible to have a duplex on a 6000 square foot lot. Discussion ensued over what size lot a duplex could be built on. Dan Arlington stated 6000 square foot should work since there is a mixture of single family homes. Vice Mayor Gilbert questioned whether a person with a 48 by 100 foot lot would be able to build a duplex.

Mayor Brown welcomed Jacksonville Councilman-elect Art Graham.

Recess/Reconvene

The meeting recessed at 8:35 p.m. and reconvened at 8:45 p.m.

Gary Dickens moved on to Section 27-226. The Council discussed Table 226-1. Councilor Pruette stated that a constituent asked to include café bar in the chart. It was decided that this issue could be discussed with the definitions. Dan Arlington pointed out that Outdoor Dining had already been added but was not reflected in this edition.

Vice Mayor Gilbert asked for an explanation of Section 27-226.e of PUD's (Planned Unit Development). Gary Dickens stated it was an attempt to do appropriate planning on a macro scale. The philosophy is to let the PUD go as it was and then it will have to go through its own degree of scrutiny because of its nature of being a PUD. There is not a large chance that Neptune Beach will have a PUD since you need three acres of land. After a lengthy discussion as to whether or not to make it more difficult to have a PUD, no changes were made.

Assistant to the Building Official Piper Turner stated the 30 person minimum of persons served at one time in Section 27-227.b.4.b. was not equal to the 150 limit in the Alcoholic Beverages Section 4-4.d of the Code.

Consensus: **TO HAVE SECTION 27-227 b.4.b PARALLEL STATE REQUIREMENTS.**

There was some discussion over whether you could build a church within 1000 feet of adult entertainment. Gary Dickens explained that you can build a church but you cannot build an adult entertainment within 1000 feet of a church.

Section 27-228 USES PERMITTED BY SPECIAL EXCEPTION

Consensus: **TO CHANGE PLANNING AND DEVELOPMENT REVIEW BOARD TO CITY COUNCIL.**

Gary Dickens moved on to Table 27-229-1 Lot Requirements. Vice Mayor Gilbert stated his concern was that if a person had a 50 lot in a zone that allowed duplex would he be able to build a duplex. Discussion ensued over whether a duplex could be built on a 6000 square foot lot or if 8712 was needed or if a 50 foot wide lot was needed. The council discussed property rights for homeowners and lot owners.

Consensus: **TO ALLOW DUPLEXES IN THE R4 DISTRICT WITH A MINIMUM LOT SIZE OF 8712 SQUARE FEET.**

Consensus: **TO END THE REVIEW AND RETURN ON JUNE 23, 2003 AT 7:00 P.M.**

Adjournment

There being no further business, the meeting adjourned at 9:50 p.m.

Richard A. Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
WORKSHOP CITY COUNCIL MEETING
JUNE 16, 2003, AT 6:35 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 16, 2003 at 6:35 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

Mayor Richard A. Brown
Vice Mayor James Gilbert
Councilor Harriet Pruette
Councilor Larry Shealy
Councilor John Weldon

Public Safety Director William Brandt
Supervisor of Waste Water Mark Greenwood
Director of Finance Steve Ramsey
Assistant to the City Manager Terry Klein

City Manager Richard A. Linn
Deputy City Clerk Karla Strait, CMC

ABSENT:
City Clerk Lisa Volpe, CMC

Call to Order/Roll Call

Mayor Brown called the meeting to order at 6:35 p.m.

PRESENTATIONS

Cell Towers

PRESENTATION BY GANNETT FLEMING CONCERNING SITING OF CELL TOWERS AND ANTENNAS – FREDRIC L. PERKLE: Fredric Perkle of Gannett Fleming, Inc. Engineers and Planners, gave a presentation in reference to providing the city with consulting services for the negotiation, installation, & leasing of cell towers and antennas at no charge to the city. He asked Council to have the City Attorney review the agreement and ordinance for their services.

Councilor Weldon stated he would like to interview other consulting companies before making a decision. City Manager Linn felt the service would be beneficial to the city. He stated he would contact the Florida League of Cities for their expertise and guidance.

Consensus: **FORWARD TO A FUTURE WORKSHOP MEETING.**

Agenda Amendment

City Manager Linn asked Mayor Brown to amend the agenda to add the issue of street/block parties under issue development.

Consensus: **AMEND THE AGENDA TO ADD STREET/BLOCK PARTIES UNDER ISSUE DEVELOPMENT.**

COMMITTEE REPORTS

IBBC

ISH BRANT BEAUTIFICATION COMMITTEE: The committee was active and had a wedding planned for the butterfly garden. The funding for the Florida Boulevard culvert

was not available from the state and the committee was seeking other sources.

CITY MANAGERS PUNCH LIST

Utility Impr.

UTILITY IMPROVEMENT PROGRAM – WATER PROJECT: The water line from the crossing at Penman Road to the water tank failed the pressure test. It was retested and passed. The contractor was waiting for clearance from the Department of Transportation before the connections could be made. The contractor was well over the completion date and liquidated damages would be negotiated.

UTILITY IMPROVEMENT PROGRAM – SEWER PROJECT: The sewer project was ahead of schedule. The contractor was waiting on the permit from the Department of Transportation to begin the work on the Third Street sewer line.

Councilor Pruette asked how the two contractors would determine which one was responsible for what damages. City Manager Linn responded each contractor videotaped the work locations prior to starting. The water contractor would be responsible for cleaning up the streets.

Underground Containers

UNDERGROUND CONTAINERS: City Manager Linn invited the Council to look at the two underground trash containers that were installed in Jarboe Park. The remaining containers would be placed at the beach accesses.

Councilor Pruette recommended removing the underground containers from the City Managers Punch List.

Consensus: **TO REMOVE THE UNDERGROUND CONTAINERS FROM THE CITY MANAGERS PUNCH LIST.**

Public Services Facility

PUBLIC SERVICES FACILITY: Several contractors attended a pre-bid Conference at City Hall on June 11, 2003. The bids would be received and opened on June 26, 2003 at 2:00 p.m. The Finance Director was preparing the Bond Resolution.

Hopkins Creek

DRAINAGE IMPROVEMENT HOPKINS CREEK: City Manager Linn sent the letter to the Florida Department of Transportation requesting 90 days to consider the offer transferring ownership of the ditch and the 3.5 million dollar allocation for the culvert project. He had not received a response to the letter. He walked the area with an engineer from PBS&J. The engineer would provide a report with a recommendation. He would be walking the area with a representative of the City of Jacksonville on Friday at 9:00 a.m. He invited anyone interested to join him.

Mayor Brown stated he attended the Metropolitan Planning Organization meeting last week and Florida Department of Transportation District Secretary informed him they received the letter requesting the extension. He stated the 90-day extension could cause FDOT to have some liquidated damages and asked if a decision could be reached sooner. Mayor Brown informed him we were working with consultants to determine the options and would try to reach a decision as soon as possible.

Councilor Weldon did not feel a recommendation from PBS&J would provide enough information to make a decision of that magnitude. He felt a consultant was needed to project a real cost for the repairs and maintenance throughout its life cycle.

Councilor Pruette asked City Manager Linn if he had spoken with the City Manager of Atlantic Beach, Jim Hanson, regarding property FDOT turned over to Atlantic Beach. City Manager Linn replied he was not aware of any FDOT drainage ditches in Atlantic Beach but he would speak with Mr. Hanson.

City Manager Linn stated more facts were needed before an agreement with FDOT was entered. However it would take well over 90-days to solicit firms for proposals to conduct the study and the actual study could take six to nine months.

Councilor Gilbert suggested waiting on the engineers recommendation. He added there was still the option of filing an injunction. He asked to place the issue on next Monday's agenda for further discussion.

Consensus: **TO HOLD A SPECIAL WORKSHOP MEETING ON JUNE 23, 2003 FOR FUTHER DISCUSSION.**

PUBLIC COMMENTS

Jim Schultz, 608 Valley Forge Road North, opposed the requirement of sworn complaints on the proposed three strikes ordinance.

Marsha Coker, 206 Walnut Street, favored the three strikes ordinance without the sworn complaints requirements.

Lynda Padrta, 1113 First Street, favored the three strikes ordinance. She felt rental property was a business and should require a license.

Teresa Thomas, 224 Margaret Street, favored the three strikes ordinance but opposed the sworn complaints requirement.

B. J. Costner, 224 Margaret Street, favored the three strikes ordinance but felt sworn complaints should not be required.

Gynell Mohr, 225 Margaret Street, was concerned about parked cars blocking the street.

Chris Chin, 227 Margaret Street, favored the three strikes ordinance but opposed the sworn complaints requirement.

Marci Weinberg, 221 Margaret Street, supported the three strikes ordinance.

Cannon Rasmusun, 221 Margaret Street, enjoyed living in the neighborhood with the exception of some unruly neighbors.

Recess/Reconvene Mayor Brown called a recess at 8:00 p.m. and reconvened the meeting at 8:10 p.m.

PROPOSED ORDINANCES

Ord. No. 2003-XX **ORDINANCE NO. 2003-XX, THREE STRIKES – COUNCILOR GILBERT: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING SECTION 13-5(c); ADDING A NEW SECTION 13-5(d) – PROPERTY OWNER RESPONSIBILITY FOR SWORN COMPLAINTS; ADDING A NEW SECTION 13-5(e) – NUISANCE; DECLARING VIOLATIONS; PROVIDING ENFORCEMENT AND PROVIDING AN EFFECTIVE DATE.**

City Manager Linn explained Section 13-5 (c) of the Code was originally adopted to control noise from commercial properties. The section requires that in order to be considered a noise violation a sworn complaint was necessary if a noise-measuring device was not used.

Chief Brandt suggested inserting "police witnessing the behavior on three separate occasions"

Mayor Brown asked Chief Brandt if the ordinance limiting the number of unrelated people living together in a single-family unit was helping. Chief Brandt replied that sometimes it was difficult to determine who lived in the house.

Discussion ensued regarding requiring sworn complaints.

Chief Brandt stated he had a group of five people set up to work on resolving the problem and the ordinance would be helpful to them.

Discussion ensued regarding parking.

Chief Brandt stated the cars were legally parked if a "No Parking" sign was not posted. He added if "No Parking" signs were installed it would also limit parking for the residents.

Councilor Pruette suggested adding "allowing 24 hours to file a sworn complaint" and the Chief's suggestion of "Police witnessing the behavior on three separate occasions" to the ordinance.

Councilor Weldon proposed requiring two types of strikes: 1) a documented police report of a disturbance, or 2) a sworn citizen complaint. If a property received more than three strikes within a six-month period the property owner should be cited and brought before the Code Enforcement Board.

Councilor Weldon suggested striking the following in Section 13-5 paragraph (c):

(c) Any person making a complaint under this Section shall be required to sign a sworn complaint ~~prior to an arrest being made; otherwise, no such complaint will be honored.~~ Notice of any such complaint shall be provided to the owner of the property on which the sworn complaint is made, his agent or property manager.

Section 13-5 paragraph (c) would then read as follows:

Any person making a complaint under this Section shall be required to sign a sworn complaint. Notice of any such complaint shall be provided to the owner of the property on which the sworn complaint is made, his agent or property manager.

Councilor Weldon also suggested Section (d) read as follows:

(d) Responsibility of Owner of Property. The owner of the residence or property from which the offending noise is emitted, shall be responsible for compliance with this Chapter, and may be punished for violations of this Chapter. In the event that there are three (3) or more sworn complaints or documented police reports of disturbance made pursuant to paragraph (c) above, by three (3) different persons for three (3) separate incidents within six (6) months on the same residence or property, the owner of that property on which the sworn complaints are made shall be guilty of a violation of this Section and subject to Code Enforcement Board proceedings pursuant to Section 2-440 of this Code.

Chief Brandt suggested that a documented police report be defined as: 1) someone at the house receives a Notice to Appear or, 2) a disturbance resulting in an arrest.

Consensus: **HAVE THE CITY ATTORNEY MAKE SUGGESTED CHANGES AND**

FORWARD TO THE JULY REGULAR MEETING FOR FIRST READ.**CONTRACTS / AGREEMENTS**

Water Rate Study

PROPOSAL FROM BURTON & ASSOCIATES – WATER RATE STUDY: During the discussion of water rate increases at the June 2, 2003 special meeting, Burton & Associates were asked to conduct an inclining block water rate study. The proposal from Burton & Associates to conduct the study was for \$8,915.00. City Manager Linn did not feel the proposal was needed. He felt city staff was capable of conducting the review and making a recommendation to the Council. Mr. Linn added that currently there was no charge for sewer after 15,000 gallons of water was consumed.

Councilor Weldon asked the staff to prepare the study within a reasonable amount of time. He added he would like to view the study before voting on the rate increases.

Consensus: **HAVE THE STAFF PREPARE THE RATE STUDY BEFORE THE VOTE ON THE WATER RATE INCREASE.**

ISSUE DEVELOPMENTEconomic
Development

ECONOMIC DEVELOPMENT COMMITTEE: Councilor Pruette felt an Economic Development Committee would be helpful in moving businesses into the vacant strip malls.

Mayor Brown stated he contacted the Beaches Chamber of Commerce. The Chamber agreed to arrange for some of their economic development specialists to meet with the committee.

Vice Mayor Gilbert questioned who would recommend the committee members and suggested Council make recommendations by memo to City Manager Linn.

Consensus: **TO FORM AN ECONOMIC DEVELOPMENT COMMITTEE RECOMMENDING MEMBERS BY MEMO TO THE CITY MANAGER.**

Street/Block
Parties

STREET/BLOCK PARTIES: Councilor Pruette stated she received calls over the weekend regarding a block party on Strand Street. She felt in fairness the city should have guidelines regarding block parties. She recommended residents apply for a permit showing the date, time, hours, and how many people would be present.

City Manager Linn stated he had received four requests for block parties in the past three years. He and the Chief considered each request on a case-by-case basis. He suggested a policy that would prohibit all block parties with the exception of an appeal to the City Council.

Consensus: **CITY MANAGER TO HANDLE REQUESTS FOR BLOCK PARTIES WITH DISCRETION.**

Building Dept.

BUILDING DEPARTMENT: Councilor Weldon stated the city was not providing adequate building service since the termination of Dan Arlington, former Building Official. He asked Council to give direction to the City Manager on how to provide building services. He suggested separating building & planning and hiring both a Community Development Director and a Building Inspector/Official. He asked the Council to make a decision before the City Manager hired a Building Inspector.

Vice Mayor Gilbert agreed that one person should not have that much control over the city and planning was just as important as inspections.

City Manager Linn advised he had signed an extension with Jacksonville Beach to continue the building inspections for 30 days until July 14, 2003 adding the Northeast Florida Regional Planning Council could provide the planning services. The Building Department budget would fall short \$20,000 to \$30,000 if both a Building Official and a Planning Director were hired. He stated he could hire a building inspector/plan reviewer and have Northeast Florida Regional Planning Council provide planning services for the remainder of the current fiscal year.

Councilor Weldon asked for a consensus of the Council to hire a Building Inspector and a Planning Director. He felt if only one person could be hired a Planning Director should be hired and the building inspections subcontracted.

Consensus: **GIVE THE CITY MANAGER AUTHORIZATION TO HIRE A COMMUNITY DEVELOPMENT DIRECTOR AND A BUILDING INSPECTOR/OFFICIAL.**

City Manager Linn stated he would work up a job description for a city planner and bring the proposal to the Council requesting a budget amendment for the current fiscal year.

July 4th

JULY FORTH POLICE PATROL: Councilor Pruette asked about the parking restrictions on First Street for July 4th. Officer Dean responded extra officers would be on duty on bicycles and motorcycles. The chief and the city manager would determine the parking restrictions. In years past parking was allowed on the west side of First Street until 11:00 p.m.

Councilor Weldon advised he would be on vacation and would not be present at the July 7, 2003 meeting.

Adjournment

There being no further business, the meeting adjourned at 9:40 p.m.

Richard A. Brown, Mayor

Attest:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
SPECIAL CITY COUNCIL MEETING
JUNE 16, 2003, AT 6:30 P.M.
CITY HALL, 116 FIRST STREET
NEPTUNE BEACH, FLORIDA

Pursuant to proper notice a Special Workshop Meeting of the City Council of the City of Neptune Beach was held June 16, 2003, at 6:30 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

The following Council members and staff were in attendance:

Mayor Richard Brown	Director of Finance Steve Ramsey
Vice Mayor James Gilbert	Director of Public Safety William Brandt
Councilor Harriet Pruette	Supervisor of Waste Water Mark Greenwood
Councilor Larry Shealy	Assistant to the City Manager Terry Klien
Councilor John Weldon	
City Manager Richard A. Linn	ABSENT:
Deputy City Clerk Karla Strait, CMC	City Clerk Lisa Volpe, CMC

Order call

Mayor Brown called the special workshop meeting to order at 6:30 p.m. and announced the purpose of the meeting was to adopt Resolution 2003-05 and hold the required public hearing.

Res. No. 2003-05

RESOLUTION NO. 2003-05: A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF JACKSONVILLE BEACH, THE CITY OF ATLANTIC BEACH, THE TOWN OF BALDWIN, THE CONSOLIDATED CITY OF JACKSONVILLE, THE CITY OF NEPTUNE BEACH (THE "CITIES") AND THE DUVAL COUNTY SCHOOL BOARD (THE "SCHOOL BOARD") TO COORDINATE THE LOCATION AND DEVELOPMENT OF PUBLIC SCHOOL FACILITIES THROUGHOUT DUVAL COUNTY; PROVIDING AN EFFECTIVE DATE.

Moved by Gilbert, seconded by Pruette.

Motion: **TO ADOPT RESOLUTION NO. 2003-05.**

Mayor Brown opened the public hearing.

There being no comments from the public the public hearing was closed.

Roll Call Vote:

Ayes: 5 – Gilbert, Pruette, Shealy, Weldon, Brown
Noes: 0

MOTION CARRIED

Adjournment

There being no further business, the meeting adjourned at 6:34 p.m.

Richard Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



BUDGET WORKSHOP MEETING

JUNE 23, 2003, AT 6:00 P.M.

**CITY HALL, 116 FIRST STREET,
NEPTUNE BEACH, FLORIDA**

Pursuant to proper notice a Preliminary Budget Workshop Meeting of the City Council of the City of Neptune Beach was held June 23, 2003 at 6:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

Mayor Richard A. Brown
Vice Mayor James Gilbert
Councilor Harriet M. Pruette
Councilor Larry Shealy
Councilor John Weldon
City Manager Richard A. Linn

City Clerk Lisa Volpe, CMC
Director of Finance Steve Ramsey
Director of Public Services Leon Smith

Absent:
City Attorney Christopher White

Call to Order/Roll Call

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

**Water and Sewer
Funds**

City Manager Linn turned the meeting over to Finance Director Steve Ramsey. Mr. Ramsey stated the budget was for the Enterprise Funds. There were a couple of errors, which he needed to let the council know about. On the Professional Services line item 441-1441541.30-31, it should only be \$5,000 instead of \$40,000 and on Other Contractual Services it should be \$80,000, which reduces the transfer amount. The revenue for water and sewer was calculated with the rate increase of \$4.66, which was discussed at an earlier City Council Meeting. Special pay for employees was under budgeted last year that is why it went up this year.

Councilor Weldon asked for an explanation of salaries. Mr. Ramsey stated that certain personnel salaries were given percentages in different funds since their work were distributed in different departments. This saved having to transfer money to the General Fund for the Enterprise Funds. All salaries were given 5% increase as per union contract. Discussion of salaries ensued.

Mr. Ramsey stated in the Water and Sewer fund, Professional Services should be lowered from \$10,000 to \$7,000. The line item paid for consumptive use permits. Other Current Charges would also be lowered by \$700, which paid for chlorine gas fees to the Florida Department of Community Affairs. The Revenue transfer went up by 115% because of debt service payments.

Councilor Pruette inquired if overtime would go down due to less breaks in the water and sewer lines. Mr. Ramsey said he hoped that would be true. She also asked if former Public Services Director John Galen would be continuing to be on the payroll. City Manager Linn stated Public Service Director Leon Smith would speak with him to see if it were still necessary.

Councilor Shealy asked if health insurance was going up 25%. Mr. Ramsey stated final numbers had not been received yet. Councilor Weldon questioned the accounting costs. Mr. Ramsey stated the new required GASBY format would add additional costs. Mr. Linn stated audit services would be bid out next year.

Councilor Weldon questioned the budget overrun. Mr. Ramsey stated he conservatively projected it would be a \$100,000 overrun. Weldon questioned Other Contractual Service in the sewer fund. Mr. Ramsey stated it was due to a copper problem. Mr. Smith stated the Department of Environmental Protection mandated a certain level in copper in the outfall line which empties into the Intracoastal Waterway. The three beach cities were working together to fix this problem.

Finance Director Steve Ramsey stated there is an increase in property insurance because of the new yard facility.

Councilor Pruette asked what the Other Contractual Service was for. Mr. Ramsey stated it was the Consumer Confidence Report and all lab fees, which were all state required.

Councilor Weldon questioned why there was an increase in utility services. Mr. Ramsey stated it was for electrical payment to Jacksonville Beach. Discussion ensued over electric cost and conservation.

Councilor Weldon asked how the budget is determined and if it was all financial or if department heads were asked how to cut cost. Mr. Ramsey stated it was based on what was spent in the preceding year. Mr. Linn stated department heads did look at their budget, fixed costs of union contracts were added in but most numbers were based on the last few years worth of expenditures. Mr. Linn stated discretionary spending was very little. Discussion ensued over conservation policies.

Councilor Weldon asked for the over all increase in the Enterprise Fund expenditures. Mr. Ramsey calculated it was about a 14% or 15% increase. Discussion ensued over what caused the increase percentage.

Capital Expenditures

Vice Mayor Gilbert asked about Hypochlorite System. City Manager Linn stated it would change the gas chlorine method to liquid chlorine.

Finance Director Ramsey explained debt service payments at Councilor Weldon's request. Banking services were discussed.

Discussion of Capital Items began. Vice Mayor Gilbert stated the fork lift was necessary for safety but he did not feel a chipper was necessary. He also questioned the security system. Leon Smith stated it was necessary due to 9/11 security issues. Discussion ensued about security and buying a chipper.

Consensus: **TO DELETE THE CHIPPER FROM THE LIST OF CAPITAL ITEMS.**

Council Pruette questioned touch read meters. Mr. Linn stated it was a five year project to change all the meters in the city to touch read, which were easier to read and more accurate. Councilor Weldon questioned if the forklift could be bought used. Mr. Linn stated they were already looking at surplus equipment. Discussion ensued over vehicle buying and selling.

Director of Public Services Leon Smith explained the VFD's for Effluent Pumps w/ Bypass were for the copper problem. Tank Cleaning for Package Plan cleans the sand out of the tanks at the sewer plant.

Stormwater Funds Vice Mayor Gilbert had a problem with \$1,000 worth of uniforms for two people. Mr. Ramsey said it was a brand new fund with the new Stormwater fee, so it was difficult to budget for this year. Discussion ensued over ditch cleaning and street sweeping. Mr. Ramsey stated there were a few corrections: Other Contractual Services needed to be raised to \$80,000 and Professional Services needed to be reduced to \$5,000.

Sanitation Fund Finance Director Ramsey explained what was paid out of this fund. Councilor Weldon wondered why expenses were going up and revenues down. Mr. Ramsey stated that BFI was increasing rates according to the CPI each year while the city did not pass this along to the customers.

Mayor Brown stated if anyone had more questions they could bring them back up at the next budget meeting. Finance Director Ramsey stated the next budget meeting would be for the General Fund on July 14, 2003 at 6:00 pm. There would be more meetings for the budget after that. Vice Mayor Gilbert asked if last year the council had agreed to allow the city manager set the Not to Exceed Milage Rate. City Manager Linn stated that was true.

Adjournment There being no further business, the meeting adjourned at 7:30 p.m.

Richard A. Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
SPECIAL WORKSHOP CITY COUNCIL MEETING
HOPKINS CREEK OUTFALL PROJECT
JUNE 23, 2003, AT 10:30 P.M.
CITY HALL, 116 FIRST STREET
NEPTUNE BEACH, FLORIDA

Pursuant to proper notice a Special Workshop Meeting of the City Council of the City of Neptune Beach was held June 23, 2003, at 10:30 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

The following Council members and staff were in attendance:

Mayor Richard Brown
Vice Mayor James Gilbert
Councilor Harriet Pruette
Councilor Larry Shealy
Councilor John Weldon
City Manager Richard A. Linn

City Clerk Lisa Volpe, CMC
Director of Public Services Leon Smith

Absent:
City Attorney Christopher White

Order & Roll Call

Mayor Brown called the special workshop meeting to order at 10:30 p.m. and announced the purpose of the meeting was to discuss the offer from the Florida Department of Transportation to transfer ownership of a portion of Hopkins Creek to Neptune Beach along with the 3.5 million dollar allocation for the planned culvert project.

Mayor Brown asked City Manager Linn to report on the opinion of PBS&J and the City of Jacksonville Public Works Department.

City Manager Linn reported he walked the portion of Hopkins Creek with Jim Miller and Bruce Myhre, engineers from PBS&J, Chief Engineer John Pathus and other employees of the Jacksonville Public Works Department. The overall opinion was the Florida Department of Transportation plans for the culvert would be the best solution.

Councilor Weldon had asked at the last meeting to have a consultant provide a real cost estimate for the repairs and future maintenance. City Manager Linn stated PBS&J proposed conducting a feasibility study. The study would take 30 days and would cost \$9,200. Mr. Linn felt the study was necessary to determine if it would be in the best interest of the city to take on the obligation.

Jim Miller, PBS&J, stated during his walk, he observed a considerable amount of areas that needed substantial repair. His concern was there was not adequate right-of-way for access to make the repairs or provide future maintenance. The city would need to create an easement for access and also purchase equipment. Mr. Miller was also concerned about future liability. The study would provide information and cost for repairing the ditch without eliminating the trees and buffer zone and would also consider liabilities.

Councilor Weldon asked if gabion baskets or sandbag reinforcement could be performed from the base. Mr. Miller replied his biggest concern was the maintenance. He suggested acquiring a right-of-way from the apartments and school.

Councilor Pruette asked if a bulkhead would work. Mr. Miller responded there was not room for a bulkhead because houses and swimming pools backed right up to the fence.

Councilor Weldon asked Mr. Miller if the study would be worth it. Mr. Miller stated whatever repairs the city did they would have to provide the maintenance and there was no access. He added the city would still be liable for erosion. PBS&J would be happy to conduct the study.

Councilor Weldon suggested taking liability for only 1,000 feet of the ditch.

Mayor Brown felt it would be nice to obtain the property, spend a half million of the 3.5 million dollars for repairs and use the remainder for future maintenance. Mr. Miller stated there was still the liability issue.

Vice Mayor Gilbert felt sandbagging starting from the bottom and using retaining walls in certain areas could make the repairs. He suggested if the city assumed responsibility for 1,000 feet the property owners of the apartments and owners of properties that backed up to the ditch could be asked to sign a waiver giving the city relief from future liabilities.

Mr. Miller questioned if FDOT would be willing to transfer ownership of only 1,000 feet along with the 3.5 million.

Councilor Weldon questioned if the study should be done. Mr. Miller replied the study could provide options for repairs and cost of maintenance. Mr. Miller added it would be good sense to have a regular maintenance schedule for every six months to a year.

Councilor Shealy stated it was his opinion that the state was trying to unload a burden. He was concerned about the cost of maintenance and liability.

Councilor Weldon felt the city owed it to the residents to determine if there were any alternatives. He would be willing to vote for the study based on the experiences and expertise of the manufacturers of gabion baskets and companies that had experience building sandbag bulkheads from the creek level up.

Mr. Miller stated the intent of the study was to look at alternatives for repairs and maintenance and estimate the costs.

City Manager Linn stated the responsibility and maintenance would be forever and recommended PBS&J conduct the study.

Public Services Director Leon Smith stated with only two people in the stormwater department it would be difficult to maintain. He also felt the liability was great.

Councilor Weldon suggested bargaining with the state for ownership of 1,000 feet of the ditch for the 3.5 million dollar allotment plus guaranteed revenues for maintenance before paying for the study.

Councilor Pruette questioned where the \$9,200 to pay for the study would come from. City Manager Linn stated the money would have to come out of the contingency fund.

Councilor Weldon asked Jim Miller, PBS&J to conduct the study based on traditional sheet piling or sandbags talk to the manufacturers and report on the findings. Mr. Miller responded he would provide the information at the July 7, 2003, Regular Council Meeting.

Councilor Pruette felt unless the Florida Department of Transportation was willing to give ownership of just the 1,000 feet there was no need for the study.

Councilor Weldon stated the area on east side and behind Fletcher High School was an eyesore and needed to be cleaned up regardless.

City Manager Linn added the city used to clean that area until FDOT erected a fence for liability purposes and we no longer had access.

Adjournment

There being no further business, the meeting adjourned at 11:30 p.m.

Richard Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
WORKSHOP CITY COUNCIL MEETING
LAND DEVELOPMENT REGULATIONS
JUNE 23, 2003 AT 7:50 P.M.
CITY HALL, 116 FIRST STREET
NEPTUNE BEACH, FLORIDA

Pursuant to proper notice a Special Workshop Meeting of the City Council of the City of Neptune Beach was held June 23, 2003, at 7:50 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

Mayor Richard A. Brown
Vice Mayor James Gilbert
Councilor Harriet Pruette
Councilor Larry Shealy
Councilor John Weldon

City Manager Richard A. Linn
City Clerk Lisa Volpe, CMC
Assistant to the Building Official Piper Turner

Call to Order/Roll Call

The Mayor called the meeting to order at 7:50 p.m.

Land Development
Group II
Article IV, V, XIII, XVIII

LAND DEVELOPMENT REGULATIONS REVIEW – GROUP II, ARTICLES IV, V, XIII, & XVIII: City Manager Linn stated Gary Dickens of Ivy, Harris & Walls, was present to begin the review.

The discussion began on the size of a lot needed for a single family and duplex home in the R4 district.

Consensus:

THE MINIMUM LOT SIZE FOR A SINGLE FAMILY HOME IN THE R4 DISTRICT SHALL BE 4356 SQUARE FEET AND A DUPLEX SHALL BE 8712 SQUARE FEET.

Councilor Weldon asked why the maximum lot coverage was not listed on residential districts in Table 27-229-1. Mr. Dickens stated it was because residential properties had Floor Area Ratios, which is in section 27-237. Commercial property does not have Floor Area Ratio so maximum lot coverage was necessary. Mr. Dickens also informed the council that the Maximum Impervious Surface column had not yet been updated to fit the ordinance the council had recently passed.

Councilor Pruette questioned how high a lot can be filled before a house could be built on top of it. Discussion ensued referencing section 27-240 which gives a minimum of 12 inches and the definition of height. Mr. Dickens stated he would research if there were any more references to this in the code.

SECTION 27-231 FRONT YARD SETBACK REQUIREMENTS. Discussion ensued over the changes in the front yard set backs. 15 feet was allowed in the R4 district if cars were able to be parked on the side or rear yard. After much discussion it was decided to come back to this section after looking at parking in the code.

SECTION 27-234 MEASUREMENT OF MINIMUM REQUIRED YARD SETBACK. The council discussed whether rear yard decks with the deck floor less than 30 inches above grade should be allowed within the setbacks.

Consensus: **TO START AT SECTION 27-234 AT THE NEXT LDR MEETING.**

Adjournment

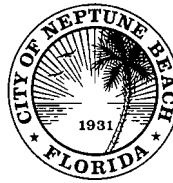
There being no further business, the meeting adjourned at 10:30 p.m.

ATTEST:

Richard A. Brown, Mayor

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
REGULAR CITY COUNCIL MEETING
MAY 5, 2003, 7:00 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 May 5, 2003, at 7:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

Mayor Richard A. Brown	City Clerk Lisa Volpe, CMC
Vice Mayor Jimmy Gilbert	Director of Public Services Leon Smith
Councilor Harriet Pruette	Deputy Finance Director Manuel Roland
Councilor Larry Shealy	Assistant to the City Manager Terry Klein
Councilor John Weldon	Assistant to the Building Official Piper Turner
City Attorney Christopher A. White	Deputy City Clerk Karla Strait, CMC
City Manager Richard A. Linn	

Order Call/Pledge

Mayor Brown called the meeting to order at 7:00 p.m. He invited everyone to join him in a moment of silence in remembrance of Lieutenant James Peter "JP" Kelly, who passed away on May 3, 2003. The moment of silence was followed by the pledge of allegiance.

AWARDS / PRESENTATIONS / RECOGNITION OF GUESTS / NONE

APPROVAL OF MINUTES

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

APRIL 7, 2003, REGULAR CITY COUNCIL MEETING
APRIL 21, 2003, WORKSHIP CITY COUNCIL MEETING
APRIL 21, 2003, SPECIAL CITY COUNCIL MEETING

Moved by Gilbert, seconded by Shealy.

Roll Call Vote:

Ayes: 5 – Gilbert, Pruette, Shealy, Weldon, Brown
Noes: 0

MOTION CARRIED

COMMUNICATIONS AND CORRESPONDENCE

Councilor Pruette asked the City Manager to consider replacing the street name signs after receiving correspondence from a resident regarding their condition.

Councilor Pruette asked the City Manager to find out if a portion of the bike path would be designated for walking.

Councilor Pruette questioned a private dune walkover to the beach near Cherry Street and asked the City Manager to report on it at the May workshop. City Manager Linn responded the crossover was on private property and is controlled by the Department of Environmental Protection. The crossover was not prohibited as long as the owner had a permit.

Councilor Shealy stated he had spoken with Chief Brandt since the last council meeting regarding the police department and they had a good discussion.

CITY MANAGER REPORTS

Water Project	<p><u>WATER UTILITY PROJECT:</u> Water was shut off east of Third Street last Thursday night in order to disconnect the old system from the main water line. The task was not accomplished due to hidden connections. The Public Services Department was working with the contractor to locate those connections. The engineer felt the project would be complete in 3 to 4 weeks.</p> <p>Councilor Pruette stated the contractor should be penalized for the delay of the project. City Manager Linn replied the city would receive all entitled liquidated damages.</p> <p>Councilor Weldon questioned what the delay would cost the city and if there was enough withholding. City Manager Linn replied the withholding was 10% equal to \$107,000 and the engineer estimated there to be \$48,000 to \$50,000 in penalties.</p>
Sewer Project	<p><u>SEWER UTILITY PROJECT:</u> City Manager Linn reported he was pleased with the progress of the sewer project. Although, due to the many palm trees, the contractor might not be able to pipe burst Bay Street. In which case the cost of an additional line in the street was an estimated \$20,000.</p>
Kings Road Bridge	<p><u>KINGS ROAD BRIDGE REPAIRS:</u> The Kings Road bridge would be closed Thursday and Friday for the emergency stringer repair work. In case of an emergency equipment would be in place to open the rear access in Jacksonville Beach. The options for the permanent repair of the bridge would be considered at the May workshop meeting.</p>
Sunday in the Park	<p><u>SUNDAY IN THE PARK:</u> City Manager Linn reported "Sunday in the Park" was a success and thanked Elaine Kenny for organizing the event. He also thanked the council members for their participation. He added the event resulted in a net revenue of \$253.17 for the city.</p>
Easter Egg Hunt	<p><u>EASTER EGG HUNT:</u> City Manager Linn reported the annual "Easter Egg Hunt" had an excellent turnout. He thanked the Police Department for organizing the event.</p>
Solantic Sign	<p><u>SOLANTIC SIGN:</u> The Code Enforcement Officer sent a letter of violation to Solantic and the property owner citing two code violations: 1) putting up a sign without a permit, and 2) putting up a prohibited sign. The letter gave them 10 days to remove the sign. Solantic planned to request the sign be allowed to remain with only the time and temperature displayed.</p>

Town Center
Invitational

TOWN CENTER INVITATIONAL – VOLLEYBALL TOURNAMENT: Jay Young of IBS, Event Director for the Town Center Invitational thanked the Council for granting approval of the event. He felt the event was well received by the community and everyone enjoyed the tournament. According to the Public Safety Department there were no complaints, incidents or accidents. He stated the Public Safety Department and Public Services Department were very helpful.

PUBLIC COMMENTS

Public Comments

Bob Shimp, 1109 First Street, was concerned about residents using the proposed "Three Strikes" ordinance to harass their neighbors. He stated parking east of Third Street was difficult for police to enforce because property lines could not be determined. He preferred speed ramps to speed bumps.

Lynda Padrta, 1113 First Street, asked for better enforcement of the parking ordinance. She questioned when the repairs would be made to streets and landscaping from the water & sewer project.

Mary Ann Padrta, 1030 Second Street, favored the proposed "Three Strike" ordinance.

CONSENT AGENDA

Interlocal Agreement
Fire

APPROVAL OF INTERLOCAL AGREEMENT – CITY OF JACKSONVILLE – FIRE FIGHTER PENSION FUND:

Moved by Pruette, seconded by Weldon.

Motion: **TO APPROVE THE CONSENT AGENDA.**

Roll Call Vote:

Ayes: 5 – Gilbert, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

VARIANCES / NONE

ORDINANCES

Ord. No. 2003-02

ORDINANCE NO. 2003-02, SECOND READ AND PUBLIC HEARING – SPONSOR COUNCILOR PRUETTE: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA RELATING TO DEFINING FAMILIES; PROHIBITING OCCUPANCY OF FAMILY DWELLING UNITS BY UNRELATED PERSONS ABOVE A SPECIFIED NUMBER; PROVIDING PENALTIES AND VIOLATIONS; AMENDING SECTION 27-15 TO INCLUDE A DEFINITION OF A FAMILY; ADDING SECTION 27-333 RELATING TO PROHIBITED ACTIVITIES AND PROVIDING AN EFFECTIVE DATE.

Mayor Brown opened the public hearing.

B. J. Lester, 907 Second Street, favored the ordinance. She suggested landlords establish rental guidelines for their tenants.

Patrick Cline, 1210 Oceanfront, was concerned about a small house that had 5 dwelling units within it and only 3 parking spaces. The ordinance would increase the amount of unrelated persons in that dwelling to 20. He proposed an ordinance that would limit the number of persons under one roof to the

number of parking spaces provided.

Chris Chin, 227-A Margaret Street, stated the parking and density east of Third Street was a problem that needed to be addressed.

Teresa Thomas, 224 Margaret Street, favored the ordinance. She felt illegal subdividing of property created a great deal of the problem.

David Baker, 1102 First Street, suggested the City Attorney create a guideline lease agreement that would make landlords responsible.

Lynda Padrta, 1113 First Street, supported the ordinance. She asked the council to consider incentives to reduce the number of units on a property.

There being no further comments from the public the public hearing was closed.

Moved by Pruette, seconded by Gilbert.

Motion: **TO ADOPT ORDINANCE NO. 2003-02 ON SECOND READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 5 – Gilbert, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

Ord. No. 2003-05

ORDINANCE NO. 2003-05, FIRST READ – SPONSOR COUNCLOR SHEALY: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING ARTICLE III PROPERTY INSURANCE TAX SECTION 21-71, AND DELETING SECTION 21-73, ESTABLISHING PERCENTAGE BY STATE STATUTES AND PROVIDING AN EFFECTIVE DATE.

The ordinance changes the amount of property insurance tax collected by the state from 2% to 1.92% and allowed the tax to be deposited in the City of Jacksonville's Firefighter Pension Fund.

Moved by Pruette, seconded by Weldon.

Motion: **TO PASS ORDINANCE NO. 2003-05 ON FIRST READ.**

Roll Call Vote:

Ayes: 5 – Gilbert, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

Recess/Reconvene

Mayor Brown called a recess at 7:57 p.m. and reconvened at 8:10 p.m.

OLD BUSINESS / NONE

NEW BUSINESS

401 Margaret St.

DECLARING A 25' X 52.90' PARCEL ADJACENT TO 401 MARGARET STREET CITY SURPLUS AND ACCEPTANCE OF A PURCHASE OFFER OF \$5,290.00 BY DONALD A. PADGETT, P.A.: City Manager Linn stated said property was once used by the city for a well that had since been abandoned. The parcel was too small to build

on and the city had no future use for the property. There being no requirement to bid the property the City Manager recommended the surplus of the property and acceptance of the purchase offer. He also recommended that any environmental concerns be the responsibility of the purchaser.

Moved by Weldon, seconded by Gilbert.

Motion: **TO SURPLUS THE 25' X 52.90 PARCEL ADJACENT TO 401 MARGARET STREET AND ACCEPT THE PURCHASE OFFER OF \$5,290.**

Roll Call Vote:

Ayes: 5 – Gilbert, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

City Manager
Contract

EMPLOYMENT CONTRACT OF CITY MANAGER – CITY ATTORNEY WHITE: City Manager Linn asked to be excused from the meeting during discussion of his employment contract and exited the Council Chambers.

City Attorney White explained as reflected in Mr. Linn's memo he would be willing to accept a one-year contract conditioned on; 1) an automatic one-year renewal clause with ninety-day prior notice of renewal by either party, 2) the severance clause be increased to six months, and 3) the base salary be reviewed. He was also willing to continue employment within the terms of the current contract calling for 90-day extensions, annual salary reviews, and a three-month severance package.

Councilor Shealy proposed continuing under the current contract with 90-day period extensions, a six-month severance, and a salary review.

Councilor Weldon stated he was satisfied with the current contract and 90 day extensions.

City Attorney White explained the severance pay would only be effective if the contract was terminated before the end of the 90-day extension period. He stated if the contract were terminated on the 90th day there would be no three-month severance pay. He stated the memo was unclear on the severance pay and stated the City Manager needed to confirm what was acceptable.

Discussion ensued regarding under what conditions the severance pay would come into effect and if Mr. Linn understood those conditions.

City Manager Linn was asked to return to the Council Chambers to clarify his memo. Mr. Linn confirmed a one-year renewal contract with 90-day notice and six-months severance would be satisfactory or he would be willing to continue within the terms of the current contract offering 90-day extensions with 90-days notice prior to termination, and three months severance pay. His current contract was now in effect until October 7, 2003.

Mr. Linn explained the purpose of the contract was due to the nature of the position of having to do the job free of political influence.

Mayor Brown stated he was not comfortable with the current contract offering 90-day extensions. He did not want to encourage a change in City Managers while the city was undergoing major projects.

City Attorney White stated a salary review needed to be done on or before July 7, 2003.

He explained if no action was taken by the Council the contract would continue under the current conditions with 90-day extension periods and 3-months severance.

The Council took no action.

Development Order
220 First St. & 214
Orange St.

DEVELOPMENT ORDER – 220 FIRST STREET & 214 ORANGE STREET: Mr. Tom Goetz owner of the property stated he had previously asked the council to consider a development order however he reconsidered due to parking requirements. The plans for remodeling included the second floor of the old bike shop to be used for commercial offices and the first floor to be a market-grocery. The plan also called for an addition in the rear of the old cabinet shop to be used as a studio for classes. Parking would be created by removing a portion of the existing building on the east side of the old cabinet shop creating 4 new parking spaces.

A discussion ensued regarding parking requirements.

Moved by Shealy, seconded by Gilbert.

Motion: **TO APPROVE THE DEVELOPMENT ORDER FOR 220 FIRST STREET AND 214 ORANGE STREET AS RECOMMENDED BY THE PLANNING & DEVELOPMENT REVIEW BOARD.**

Councilor Pruette felt the parking situation was inadequate for the Central Business District.

Roll Call Vote:

Ayes: 4 – Gilbert, Shealy, Weldon, Brown

Noes: 1 – Pruette

MOTION CARRIED

Development Order
115 Penman Rd.

DEVELOPMENT ORDER – 115 PENMAN ROAD: Kim Larson, Kurstar Construction, stated the request was to demolish the existing Flower Market and construct a new 3300 square foot office building for the use of Watson Property Management. The building would face Penman Road with access to the parking area via Lemon Street. The Planning & Development Review Board recommended approval with the following conditions: 1) The sign to be a ground mounted monument type, and 2) no illumination of the building sign on the south side.

Moved by Gilbert, seconded by Shealy.

Motion: **TO APPROVE THE DEVELOPMENT ORDER FOR 115 PENMAN ROAD AS RECOMMENDED BY THE PLANNING & DEVELOPMENT REVIEW BOARD.**

Roll Call Vote:

Ayes: 5 – Gilbert, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

DISCUSSION

Councilor Pruette informed the Council she had placed the nuisance, pet and parking ordinances on the May workshop agenda.

Councilor Gilbert was concerned about the timing of the red light at Penman Road & Florida Boulevard. City Manager Linn stated the loops in the pavement were cut due to

the construction and that deactivated the on demand cycling, the light was now on a timer. When the construction was completed the City of Jacksonville would replace the loops.

Drainage
Improvement

DRAINAGE IMPROVEMENT – OCEAN OAKS & NEPTUNE LANE: Councilor Weldon was concerned about the drainage project that Florida Department of Transportation was to begin in three weeks. He stated it would be a massive impact on the city. The project involved the removal of mammoth live oak trees leaving an empty field between Fletcher High School and the residential area.

City Manager Linn stated the drainage project was a \$13 million plus job that the State started work on six years ago and was scheduled to begin the work in three weeks. He added it would be difficult to stop or delay the project at the point.

Discussion ensued regarding what the city could do to stop or delay the project.

Consensus: **TO HAVE THE MAYOR DRAFT A RESOLUTION OF OPPOSITION TO THE STATE.**

City Manager Linn stated letters of objections could be sent to the Department of Transportation but the project was planned to begin in 3 weeks. He asked the City Attorney if injunctive relief was available.

City Attorney White advised by law a municipal body was not required to post a bond for injunctive relief. It would be very expensive and could bankrupt the city. He could start the process and then bail out if necessary.

For the Record Mayor Brown wanted to go the record officially that the Council would take action at a regular meeting to look for ways to delay and oppose the project until there was more public input and other alternatives.

Moved by Weldon, seconded by Gilbert.

Motion: **TO TAKE ACTION TO LOOK FOR WAYS TO DELAY AND OPPOSED THE PROJECT UNTIL THERE WAS MORE PUBLIC INPUT AND OTHER ALTERNATIVES.**

Roll Call Vote:

Ayes: 5 – Gilbert, Pruette, Shealy, Weldon, Brown

Noes: 0

Adjournment

There being no further business, the meeting adjourned at 9:32 p.m.

Richard A. Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
WORKSHOP CITY COUNCIL MEETING
MAY 19, 2003, AT 7:00 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 May 19, 2003 at 7:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

Mayor Richard A. Brown
Vice Mayor James Gilbert
Councilor Harriet Pruette
Councilor Larry Shealy
Councilor John Weldon
City Attorney Christopher White
City Manager Richard A. Linn

City Clerk Lisa Volpe, CMC
Director of Public Services Leon Smith
Director of Finance Steve Ramsey
Assistant to the City Manager Terry Klein
Assistant to the Building Official Piper Turner
Deputy City Clerk Karla Strait, CMC

Call to Order/Roll Call Mayor Brown called the meeting to order at 7:00 p.m.

PRESENTATIONS

**Beaches Historical
Museum**

PRESENTATION OF BEACHES HISTORICAL SOCIETY MUSEUM PROJECT: Beaches Historical Society President Sam Vanlear and Past President Bill Hilleglass gave a presentation on the proposed new Beaches Historical Museum. The Historical Society had plans to construct a new museum on Fourth Street between Beach Boulevard and Pablo Road in Jacksonville Beach. The plans were for a 10,000 square foot two story building. The total cost of the project would be 3 million. The funding goal was to collect money through private and public donations and grants. The City of Jacksonville Beach verbally approved a donation of \$250,000, \$50,000 for 5 years. The City of Atlantic Beach verbally approved a donation of \$125,000, 25,000 for 5 years. They were requesting a donation of \$75,000, \$15,000 per year for the next 5 years from Neptune Beach.

Mayor Brown asked the City Manager to meet with the Finance Director to see if the money was available and make a recommendation to Council.

**Hopkins Creek
Outfall**

PRESENTATION OF HOPKINS CREEK OUTFALL PROJECT – FDOT – PUBLIC COMMENTS: Mayor Brown stated the Florida Department of Transportation Project involved removing large oak trees and destroying the buffer between Fletcher High School and residential homes. He asked the FDOT if they could take care of the maintenance without destroying the oak trees.

City Manager Linn introduced Mike Goldman, FDOT Public Information Officer; Gene Howerton, BH&R Engineers; Larry Parks, FDOT Design & Planning; Jim Knight, FDOT Design & Planning; Nick Tsengas, FDOT, Jacksonville Construction; & Rob Hansgen, FDOT, Jacksonville Construction.

Gene Howerton, BH&R Engineers, explained the ditch was originally constructed in the 1940's to drain the water from Beach Boulevard down to the Intra Coastal Waterway. The 50 foot right of way in Neptune Beach was owned by the FDOT. The limits of the project were from Penman Road to Ocean Oaks Apartments property line and Fletcher High School. The project was placed in the FDOT work program in 1997 due to the erosion problems associated with the ditch. A study was performed and it was determined that a closed conveyance system would eliminate the erosion problems and provide better flow. The culvert solution would also provide safety, erosion, property and liability protection. After the public meeting in 1999 the owners of the apartment complex filed suit against the FDOT to prevent damages from erosion to their property. Because the project was to begin in June 2003, the lawsuit was withdrawn.

Councilor Weldon asked the FDOT to explore the alternative of reinforcing the walls instead of culvert. It would have a less evasive impact on the buffer between the residential and commercial. He added the problem was due to the lack of maintenance not the design of the drainage channel.

Gene Howerton replied installing retaining walls would not stabilize the bank and solve the erosion problem. The culvert was the best solution for long-term stability and maintenance. The area would be landscaped and trees would be planted over the culvert.

A lengthy discussion ensued regarding the negative impact on the community and any possible alternatives.

FDOT responded they looked at other solutions and chose the best solution for solving the erosion problem. They would take the concerns of the Council and the residents back to the department for consideration. However, a design build consultant was selected and a contract was prepared to be executed for the project to begin the first two weeks of June.

City Attorney White questioned when the funding for the project was approved, why it took so long to implement, when the design build contract was awarded and if other public hearings were held in between.

FDOT responded funding for the project was approved in 1997. The project was to begin around the end of 2002 but was postponed until the end of the school year. The design build contract was awarded April 2003. The last public hearing was held on March 2, 1999 at Fletcher High School.

City Attorney White asked if the water came from rainfall or a northeastern. FDOT replied the water occurred due to runoff from rainfall not storm surge.

City Attorney White asked if a six-month moratorium could be placed on the project. FDOT replied they wanted to get started the first of June to prevent Penman Road from being closed while school was in session.

City Attorney White asked if it could be extended for a year. FDOT responded they were concerned about safety and liability and ready to begin the project.

Councilor Gilbert asked to see how much money FDOT spent on the maintenance of the ditch over the past five years and how much 3.5 million in proper maintenance would go into the future.

Councilor Gilbert questioned if Penman Road needed to be widened in the future would the culvert have an impact. FDOT responded the existing culvert could be extended.

Discussion continued regarding other alternatives.

City Manager Linn stated it was his suggestion to FDOT in the beginning to wait until the end of the school to begin the project so Penman Road would not closed while school was in session. He added that FDOT picked the most expensive solution from the options given by the engineering firm. The FDOT asked him if the city wanted to take over the maintenance after the project was complete and he told them the city was not interested in maintaining the ditch.

Mayor Brown in conclusion asked the FDOT to consider the comments from the new Council and public and explore other options.

FDOT concluded they would listen to the public comments and take them back to the department to discuss alternatives. They concluded that at this point they were still looking at moving forward the project.

PUBLIC COMMENTS ON THE HOPKINS CREEK PROJECT

Scott Gay, 1100 Seagate Avenue, Comptroller for the KAE Apartments / Ocean Oaks, stated back in 1998 or 1999 a resident was concerned about the ditch encroaching on the her rear stairwell. At that same time a lender visited the site and was concerned about erosion and the liability issue. They asked the State at that time to bulk head part of the ditch. Sometime in 2000 or 2001 they received a condemnation notice on an area of land to be used as a temporary construction easement. The land ran from Penman Road east to the property line behind the school and along the property line on Penman Road. They did not initiate a 3.5 million dollar lawsuit against the state over the ditch. They did not want all the vegetation to be destroyed. The construction, noise and foot traffic would also disturb their residents.

Dorothy Anderson, 1100 Seagate Avenue #287, felt the area was a wildlife sanctuary and should not be destroyed. She had a list of 100 residents that opposed the destruction.

Raymond Shaw, 1100 Seagate Avenue #283, opposed the project.

Steven Fleming, 1100 Seagate Avenue, opposed the project. He stated the culvert would not be pretty and would be a big maintenance problem. He felt there were other alternatives that would protect the wildlife.

Scott Mullaney, 8221 Forest Circle, opposed the project and asked to extend it for a year. He felt once the project was complete it would lower property values.

Thomas DiVita, 612 Oleander Street, opposed the project.

Denis Corriveau, 815 Forest Circle, stated if FDOT had maintained the ditch there would not be an erosion problem.

Eddie Rynell, 1100 Seagate, stated FDOT had not maintained the ditch. He did not think it was a safety problem. He wanted FDOT to find a solution that would preserve the wildlife.

Merrill Palmer, 911 Neptune Circle, stated there was not an erosion problem behind his property. On one occasion he saw correctional inmates doing maintenance on the ditch. He asked the State many times to come and clean the ditch.

Recess/Reconvene The meeting recessed at 8:15 p.m. and reconvened at 8:30 p.m.

COMMITTEE REPORTS

IBBC ISH BRANT BEAUTIFICATION COMMITTEE: City Manager Linn reported the Ish Brant Beautification Committee pending approval of the Jacksonville City Council would receive funding for the Third Street medians. They planned to use any remaining funds for the culvert on Florida Boulevard. They continued to work on the Butterfly Garden in Jarboe Park and selecting a "Yard of the Month."

CITY MANAGERS PUNCH LIST

Kings Rd. Bridge KINGS ROAD BRIDGE REPAIR: The emergency repair of the stringers on Kings Road bridge was completed last week. Council would consider the options for the repair or replacement of the bridge later in the agenda.

Underground Containers UNDERGROUND TRASH CONTAINERS: City Manager Linn stated he was still awaiting the delivery of the smaller containers. Upon their arrival they would be placed at the beach accesses.

Public Services Facility PUBLIC SERVICES FACILITY: Several contractors submitted pre-qualifications for the construction of the new public services facility. A pre-bid conference was scheduled for June 10, 2003, at 2:00 p.m. and a bid opening was scheduled for June 26, 2003.

Manholes Jarboe Park MANHOLES AT JARBOE PARK: Public Services employees removed the manholes in Jarboe Park as requested.

Utility Rate Study UTILITY RATE STUDY: City Manager Linn stated the consultant completed the Utility Rate Study and was ready for a workshop meeting to discuss options on utility rates. He suggested scheduling a workshop meeting before the regular meeting on June 2nd to discuss the options.

Consensus: **TO SCHEDULE A WORKSHOP MEETING AT 6:00 P.M. ON JUNE 2ND TO DISCUSS OPTIONS ON THE UTILITY RATES.**

Land Development Regulations REVIEW OF THE LAND DEVELOPMENT REGULATIONS: Councilor Weldon questioned what happened to the Land Development Regulations Review. City Clerk Volpe stated she would be receiving the revised copies of Group I and II from Ivy, Harris, and Walls and a meeting could be scheduled was June 9, 2003.

Consensus: **TO SCHEDULE A LAND DEVELOPMENT REGULATIONS REVIEW WORKSHOP MEETING ON JUNE 9, 2003.**

Wild Bear Councilor Pruette asked the City Manager to report on the wild bear that was spotted in Jarboe Park on Saturday. City Manager Linn replied the bear was caught in Mayport tranquilized, and transported to a national forest.

For the Record Mayor Brown stated for the record Florida Wildlife Commission was not available to provide assistance until Sunday afternoon.

Evacuation Return Passes Councilor Pruette was concerned the evacuation passes that were mailed to residents were dated 2002. City Manager Linn replied the passes were supplied by the City of Jacksonville. They were printed in 2002 and were still valid.

PUBLIC COMMENTS

Jacklyn Payne, 2125 & 2127 Florida Boulevard, asked Council to consider an ordinance that would decrease the rate of interest on the sewer connection.

Ray Corbin, 209 Bay Street, was concerned about evacuation passes being returned to the city when residents moved from the beach. He felt the "Three Strike" ordinance should include all resident not just tenants.

B. J. Costner, 224 Margaret Street, favored the "Three Strikes" ordinance. She agreed the ordinance should effect all residents not only tenants.

Geynell Mohr, 225 Margaret Street, supported the "Three Strikes" ordinance.

Lynda Padrta, 1113 First Street, stated the speed bumps on Florida Boulevard and stop signs on First Street had worked to decrease the volume of traffic. She favored the "Three Strikes" ordinance. She wanted the parking ordinance to be enforced on First Street.

Mike Disch, 118 Magnolia Street, stated unruly tenants were an issue east of Third Street and he supported the "Three Strikes" ordinance.

Gerard Petroni, 1879 Beach Avenue, was concerned about lifeguards sitting together listening to music and not paying attention while on duty.

Teresa Thomas, 224 Margaret Street, favored the "Three Strikes" ordinance.

Patrick Clyne, 1210 Oceanfront, opposed speed bumps on Lora Street.

Rae Brady, 1636 Sea Oaks Drive, opposed speed bumps on Lora Street. She felt landlords needed to be informed of the first violation of undesirable tenants.

Wayne Laberge, 1703 Lora Street, favored speed bumps on Lora Street. He was concerned about parked vehicles on the street obstructing emergency vehicles.

Rosalind Starling, 229 Lora Street, supported the speed bumps on Lora Street and the "Three Strikes" Ordinance.

Verna Griffin, 229 Lora Street, supported speed bumps on Lora Street but would prefer speed humps.

Lora Watts, 254 Lora Street, favored speed bumps on Lora Street.

Michael Dunlap, 212 Lora Street, favored the "Three Strikes" ordinance. He opposed any speed bumps.

Cody Nix, 220 Lora Street, supported speed bumps on Lora Street.

Chris Chin, 227 Margaret Street, supported speed bumps on Lora Street and the "Three Strikes" Ordinance.

George Felts, 100 Rose Place, opposed speed bumps on Lora Street.

PROPOSED ORDINANCES

Ord. No. 2003-XX

ORDINANCE NO. 2003-XX, THREE STRIKES YOU'RE OUT – COUNCILOR GILBERT: Councilor Gilbert proposed a "Three Strikes You're Out" Ordinance to help control unruly tenants. The proposed ordinance was to work within 365-day periods. If police were called to a house the first violation would result in citing the tenant, the second call would result in a citation and arrest of the tenant, and the third call would result in a citation and arrest of the tenant and taking code enforcement action against the landlord.

After hearing the public comments Councilor Gilbert agreed the Ordinance should affect all residents not only tenants and owners should be notified from the first violation.

Mayor Brown questioned the magnitude of the problem. City Manager Linn responded Chief Brandt was working on a written report of all noise violation calls since the beginning of the year. Council would be made aware of the calls once the written report was received.

City Attorney White advised Council they needed to decide what kind of strikes they wanted; 3 citations, 3 convictions on the premises, or 3 sworn complaints under the noise ordinance.

Discussion ensued regarding how the ordinance would be enforced.

City Attorney White informed Council could not mandate when or how people were arrested. Arrests were in the power of the police.

Councilor Weldon suggested eliminating having the violator arrested because the issue was with the landlord not the tenant. He also suggested decreasing the 365-day period. He would support the ordinance with a number of complaints in violation of the noise ordinance on the same premise during a specific time period resulting in a Code Enforcement action against the owner of the property.

City Attorney White stated the owner would need to be notified each time a sworn complaint was filed against their property. The Code Enforcement Board would allow the property owner to correct the problem within a period of time or face a \$250.00 a day fine for the first offense and a \$500.00 a day fine for the second offense.

City Attorney White asked if Council wanted to make it a criminal offense or a Code Enforcement issue against the property owner.

Council discussed the options and the time it takes to legally evict a tenant.

Mayor Brown felt the ordinance would be effective if the property owner was notified of each offense. City Attorney White added the notice would inform the property owner of the first offense and the future consequences.

Questions arose about who would be responsible of keeping track of the complaints and notices. City Manager Linn stated it would be a large burden on the police department to keep track and notify owners of each call. It would be a lesser burden if the owner was only notified when a citation was issued on the property.

Mayor Brown asked what would happen if the property was managed by a property management company. Mr. White responded the ordinance would put pressure on the property management company employed by the owner. The focus would still be on the property owner.

Mayor Brown suggested the landlord could make the ordinance a condition on the lease agreement. Mr. White stated the landlord could put anything in the lease if it was not in contravention of the Florida Landlord Residential Tenant Act.

Attorney White requested a consensus of the Council for him to draft an ordinance.

Consensus: **TO MOVE FORWARD AND HAVE THE CITY ATTORNEY DRAFT THE ORDINANCE.**

Attorney White stated he would draft the ordinance based on three sworn complaints on three separate incidents and leave the time period blank subject to discussion. The draft would include landlord notification provisions starting with the first violation.

CONTRACTS / AGREEMENTS

Kings Rd. Bridge

KINGS ROAD BRIDGE REPAIR – SELECTION OF ALTERNATIVES: The three options for the Kings Road bridge were 1) to repair the abutments to existing bridge, 2) repair the bridge for future widening, or 3) permanently replace the bridge adding an additional lane. City Manager Linn stated the continuing maintenance and repairs to the bridge indicated the need for a more substantial bridge. The maximum weight limit of the current bridge was less than the weight of loaded garbage trucks, fire trucks, and many construction trucks. He recommended Council authorize him to negotiate a contract with Pitman-Hartenstein to design the permanent bridge replacement or advertise for request for qualifications. He also recommended pursuing sharing the cost with Jacksonville Beach.

The total cost estimate for the proposed repair of the abutments was \$163,246.37. The cost estimate to repair the bridge for future widening was \$204,301.47. The cost estimate for replacement of the bridge with an additional lane was \$438,805.77. City Manager Linn stated funds could be paid from either the Better Jacksonville Fund, Local Option Gas Tax Fund or General Fund Reserves.

Council discussed the various options and expenses.

Consensus: **TO ADVERTISE FOR REQUEST OF QUALIFICATIONS FOR DESIGN BUILD AND MOVE FORWARD WITH TOTAL REPLACEMENT OF THE BRIDGE.**

ISSUE DEVELOPMENT

Economic
Development

ECONOMIC DEVELOPMENT – COUNCILOR PRUETTE: Councilor Pruette was concerned about vacant commercial properties. She suggested forming a committee of business people to explore ways to bring businesses to the empty shopping centers and discuss problems associated with vacant stores.

Councilor Weldon suggested adding a staff position of Community Development Director whose position would be responsible for development issues and focus on economic development. City Manager Linn stated request for proposals were out for a City Planner Consultant Firm and he would compare those costs to the cost of a full time position.

Lora St. Speed Bumps

REQUEST FOR SPEED BUMPS ON LORA STREET – PUBLIC HEARING: A resident of

Lora Street requested speed bumps. In compliance with the Speed Bump Policy a survey was mailed to all residents. Out of 27 surveys returned 17 favored the installation of speed bumps and 10 opposed them. Signs were posted on Lora Street advising residents of possible placement of speed bumps and notification of the public hearing. The public spoke out earlier during the first public comment session.

Discussion ensued regarding the difference between the cost and installation of speed bumps verses speed humps.

Consensus: **TO INSTALL SPEED HUMPS ON LORA STREET.**

Adjournment

There being no further business, the meeting adjourned at 11:10 p.m.

Attest:

Richard A. Brown, Mayor

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
REGULAR CITY COUNCIL MEETING
APRIL 7, 2003, 7:00 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 April 7, 2003, at 7:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

Mayor Richard A. Brown
Vice Mayor Jimmy Gilbert
Councilor Harriet Pruette
Councilor Larry Shealy
Councilor John Weldon
City Attorney Christopher A. White
City Manager Richard A. Linn

City Clerk Lisa Volpe, CMC
Director of Public Services Leon Smith
Assistant to the City Manager Terry Klein
Assistant to the Building Official Piper Turner
Deputy City Clerk Karla Strait, CMC

Order Call/Pledge

Mayor Brown called the meeting to order at 7:00 p.m. and asked City Manager Linn to lead the pledge of allegiance.

AWARDS / PRESENTATIONS / RECOGNITION OF GUESTS / NONE

APPROVAL OF MINUTES

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

FEBRUARY 24, 2003, WORKSHOP COUNCIL MEETING
MARCH 3, 2003, REGULAR COUNCIL MEETING
MARCH 17, 2003, WORKSHOP COUNCIL MEETING
MARCH 24, 2003, SPECIAL WORKSHOP, KINGS ROAD BRIDGE
MARCH 24, 2003, SPECIAL WORKSHOP, LAND DEVELOPMENT

Moved by Gilbert, seconded by Pruette.

Roll Call Vote:

Ayes: 5 – Gilbert, Pruette, Shealy, Weldon, Brown
Noes: 0

MOTION CARRIED

COMMUNICATIONS AND CORRESPONDENCE / NONE

CITY MANAGER REPORTS

Water Project	<p><u>WATER UTILITY PROJECT:</u> The contractor was given an additional 33 days from March 13th to complete the water project and should be completed by April 20th. There was an issue at the Penman Road crossing of not being able to locate the underground utilities. That issue had been resolved without the requirement of an easement. The contractor was to start on the project this evening working throughout the night with a traffic lane closed.</p>
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Sewer Project	<u>SEWER UTILITY PROJECT:</u> The sewer project was on schedule. City Manager Linn was pleased with the progress.
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Kings Road Bridge	<u>KINGS ROAD BRIDGE REPAIRS:</u> Council authorized the emergency repairs on the Kings Road Bridge. The cost was less than \$10,000 and did not require approval from the Council. The bridge would be closed for 1 day to a 1½ days and the residents would be notified of the closure.
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PUBLIC COMMENTS

Public Comments	<p>Tim Kazmerczak, 2102 Acacia Road, was opposed to the city placing speed bumps on Kings Road between Florida Boulevard and Forest Avenue. He was concerned that soon there would be speed bumps on every street in the city. He was also concerned about the 25-ton weight limit on the Kings Road bridge. He asked the city to put a sidewalk on the portion of Kings Road that did not have one.</p>
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Dan Arlington, 636 Camellia Terrace Court North, felt the city would not be well served without a strong building & zoning person employed by the city. He felt a contracted planner would not look after the best interest of the city.

CONSENT AGENDA

Police Uniform Jackets	<u>POLICE UNIFORM JACKETS:</u> Approval of expenditure of \$6,000 from the Fine and Forfeiture Fund to purchase replacement uniform jackets for the Public Safety Department.
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Moved by Pruetto, seconded by Gilbert.

Motion: **TO APPROVE THE CONSENT AGENDA.**

Roll Call Vote:

Ayes: 5 – Gilbert, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

VARIANCES / NONE

ORDINANCES

Ord. No. 2003-02	<p>ORDINANCE NO. 2003-02 – SECOND READ AND PUBLIC HEARING – SPONSOR</p> <p><u>COUNCILOR PRUETTE</u>: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA RELATING TO DEFINING FAMILIES; PROHIBITING OCCUPANCY OF FAMILY DWELLING UNITS BY UNRELATED PERSONS ABOVE A SPECIFIED NUMBER; PROVIDING PENALTIES AND VIOLATIONS; AMENDING SECTION 27-15 TO INCLUDE A DEFINITION OF “FAMILY”; ADDING SECTION 27-333 RELATING TO PROHIBITED ACTIVITIES; AND PROVIDING AN EFFECTIVE DATE.</p>
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Mayor Brown opened the public hearing.

Shirley Myers, 1001 Florida Boulevard, opposed Ordinance 2003-02. In her opinion the ordinance: 1) infringed on property rights, 2) was the first step to allow inspections 3) put an undue burden on owners and not realtors, 4) held residents responsible for turning in their neighbors and 5) it failed to take into consideration the Florida Landlord Tenant Act.

Marsha Coker, 206 Margaret Street, favored Ordinance 2003-02. She added the speed bumps that were recently installed on Margaret Street helped to reduce the speeding.

Beth Schultz, 608 Valley Forge Road North, favored Ordinance 2003-02.

Christine Chin, favored Ordinance 2003-02. She felt it would aid in dealing with certain situations.

There being no further comments from the public the public hearing was closed.

Councilor Weldon ask the Council to consider raising the number of unrelated persons from 3 to 4 and adding "landlord, rental agent or other persons" to Section 27-333 (c).

Moved by Pruette, seconded by Weldon.

Motion: **TO ADOPT ORDINANCE NO. 2003-02 ON SECOND READ AND PUBLIC HEARING.**

Moved by Weldon, seconded by Pruette.

Amendment: **TO INCREASE THE NUMBER OF UNRELATED PERSONS TO 4.**

Roll Call Vote:

Ayes: 4 – Gilbert, Pruette, Weldon, Brown

Noes: 1 – Shealy

Moved by Pruette, seconded by Weldon.

Amendment: **ADD "LANDLORDS, RENTAL AGENTS, OR OTHER PERSONS" IN SECTION 27-333 (C).**

City Attorney White stated the purpose of the ordinance was to hold the property owners responsible.

Councilor Shealy asked to return the Ordinance to a workshop for further discussion.

Councilor Pruette withdrew the motion. Councilor Weldon withdrew the second.

MOTION WITHDRAWN AS AMENDED.

Consensus: **SEND ORDINANCE TO APRIL WORKSHOP.**

Ord. No. 2003-03

ORDINANCE NO. 2003-03 – SECOND READ AND PULBIC HEARING – SPONSOR – VICE MAYOR GILBERT: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING SECTION 15 PEDDLERS AND SOLICITORS AMENDING SECTION 15-1 AND ADDING SECTIONS 15-5, 15-6, AND 15-7 AND PROVIDING AN EFFECTIVE DATE.

Mayor Brown opened the public hearing.

There being no comments from the public the public hearing was closed.

Moved by Gilbert, seconded by Pruette.

Motion: **TO ADOPT ORDINANCE NO. 2003-03 ON SECOND READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 5 – Gilbert, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

Ord. No. 2003-04

ORDINANCE NO. 2003-04 - FIRST READ AND PULBIC HEARING – SPONSOR COUNCILOR WELDON: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA RELATING TO LANDLORD REGISTRATION; PROHIBITING OCCUPANCY OF FAMILY DWELLING UNITS BY UNRELATED PERSONS ABOVE A SPECIFIED NUMBER; PROVIDING PENALTIES AND VIOLATIONS; ADDING SECTION 27-334 RELATING TO PROHIBITED ACTIVITIES AND PROVIDING AN EFFECTIVE DATE.

Moved by Gilbert, seconded by Pruette.

Consensus: **TO DEFER ORDINANCE 2003-04 TO WORKSHOP.**

Mayor Brown opened the public hearing.

Leslie Karlin, 1506 Spindrift Circle West, stated the Summer Sands Homeowners Association held the landlords responsible. She felt the landlords should be responsible for the tenants.

Michael Adams, 320 First Street, felt Ordinance 2003-04 was an invasion of privacy and there were other ways the city could deal with the noise and parking problems.

Jeanell Wilson, 3090 South Third Street, representing the area realtors, stated the Ordinance was another layer of bureaucracy, was discriminatory and created extra work. She added property owner's names and addresses could be accessed through the tax rolls.

Fred Cattar, 110 Walnut Street, opposed Ordinance 2003-04. He added there were other laws in place to evict bad tenants.

Jim Myers, 1001 Florida Boulevard, opposed the ordinance stating it would take money to enforce and keep records.

Shirley Myers, 1001 Florida Boulevard, opposed the ordinance.

OLD BUSINESS / NONE

NEW BUSINESS

Development Order
900 Third Street

DEVELOPMENT ORDER, 900 THIRD STREET, CORAL PLAZA, ADDITION OF A SECOND FLOOR, AND PERMISSION TO PAVE A PORTION OF PINE STREET RIGHT OF WAY – DARRYL GRUBBS: Darryl Grubbs, owner of 900 Third Street, stated he was proposing to rebuild the burnt building as a two story. In order to do so he would need to use part of the right-of-way on Pine Street for a driveway. There

would only be two parking spaces on the right-of-way. The city could still come in and pave Pine Street without any effect except losing the two parking spaces. He would place a 48" pipe in the existing ditch and fill over it creating a small swell as well as adding landscaping.

Scott Johnson, S. Johnson Consultants, the engineer for the project, stated they had studied the drainage area and the proposed plan would not adversely affect anything upstream. The current ditch was in very bad shape and to cover it and put a 48" culvert in place of the existing 30" culvert would benefit the city.

Discussion ensued regarding landscaping. Mr. Grubbs committed to having his landscaper maintain the right-of-way.

Moved by Gilbert, seconded by Shealy.

Motion: **TO APPROVE THE DEVELOPMENT ORDER FOR 900 THIRD STREET AND GRANT PERMISSION TO PAVE A PORTION OF PINE STREET RIGHT OF WAY.**

Roll Call Vote:

Ayes: 5 – Gilbert, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

Development Order
200 First Street

DEVELOPMENT ORDER, 200 FIRST STREET, ADDITION OF A SHADE TRETTLE COURTYARD PATIO – EDWARD JONES: Mr. Ed Jones stated his request was to add a shade trestle with a fountain and bench seating in his courtyard.

Councilor Weldon asked Mr. Jones if he would be using the space for outdoor retail sales, which the code did not allow.

Mr. Jones replied if the code was rewritten to allow retail sales he would but as the code stood today he would not.

Councilor Weldon asked the Council to defer the development order to a workshop.

Moved by Pruette, seconded by Shealy.

Motion: **TO APPROVE THE DEVELOPMENT ORDER BASED ON THE RECOMMENDATION OF THE PLANNING & DEVELOPMENT REVIEW BOARD.**

The Planning & Development Review Board approved the Preliminary Development Order for a shade trestle with the following conditions: 1) no amplified music, 2) no after hour events shall be held and, 3) it was to be used for retail events.

Discussion ensued regarding the use of the space for outdoor retail sales.

Roll Call Vote:

Ayes: 4 – Gilbert, Pruette, Shealy, Brown

Noes: 1 – Weldon

MOTION CARRIED

Seagate Ave.
Subdivision

SEAGATE AVENUE SUBDIVISION DEVELOPMENT PLAN APPROVAL – STEVE JARRETT: Steve Jarrett stated the new plan for the Seagate subdivision was to extend the cul-de-sac in a teardrop shape with a teardrop shaped island in the center. The lot

sizes remained the same and would accommodate homes from to 4,000 to 7,000 square feet.

Councilor Gilbert questioned Mr. Jarrett about parking at the end of the cul-de-sac to allow citizens access to the intracoastal view of the sunset.

Mr. Jarrett replied there was no intention by the development or association to restrict public parking at the end of the cul-de-sac. He added he planned to landscape the area nicely.

City Manager Linn stated his only concern was that the sewage for the five lots located in Neptune Beach was to be provided by Jacksonville Beach and the utility code required connection to Neptune Beach if the sewer system was available in the future. He was also concerned because it would be impossible to limit that cul-de-sac to the 600 feet required by the code.

Mr. Jarrett replied he would be willing to disclose that information to the buyer upon the sale of the lots.

Councilor Weldon asked Mr. Jarrett what the size of the buffer zone would be.

Mr. Jarrett responded the buffer zone would be a minimum of 15 feet.

Moved by Shealy, seconded by Gilbert.

Motion: **TO APPROVE THE DEVELOPMENT ORDER FOR SEAGATE AVENUE.**

Roll Call Vote:

Ayes: 5 – Gilbert, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

“Dancin in the Streets”

TOWN CENTER REQUEST TO HOLD “DANCIN IN THE STREETS” 1) FIRST STREET CLOSURE, 2) WAVING ENFORCEMENT OF OPEN CONTAINER ORDINANCE: City Manager Linn explained “Dancin in the Streets”, the annual fund raiser for the Town Center merchants would be held May 17th. He recommended waving the open container ordinance and closing Atlantic Boulevard from Third Street to the ocean and First Street from Orange Street to Atlantic Boulevard.

Moved by Pruette, seconded by Gilbert.

Motion: **TO APPROVE THE FIRST STREET CLOSURE AND WAVE ENFORCEMENT OF THE OPEN CONTAINER ORDINANCE FOR DANCIN IN THE STREETS 5 a.m. to 11**

Roll Call Vote:

Ayes: 5 – Gilbert, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

Resolution

RESOLUTION IN OPPOSITION TO THE ENACTMENT OF SENATE BILL 1164 AND HOUSE BILL 113, AMENDING THE HARRIS ACT: City Attorney White recommended adopting the Resolution opposing amending Bert Harris Act.

Moved by Weldon, seconded by Gilbert.

Motion: **TO ADOPT A RESOLUTION OPPOSING SENATE BILL 1164 AND HOUSE BILL 113, AMENDING THE HARRIS ACT.**

Roll Call Vote:

Ayes: 5 – Gilbert, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

City Hall A/C
Replacement

AWARD CONTRACT FOR CITY HALL AIR CONDITIONING REPLACEMENT TO COASTAL HEATING AND COOLING FOR \$21,722: City Manager Linn stated the low bid for replacing the air conditioning in the City Hall building was from Coastal Heating & Air for the amount of \$21,722. He recommended awarding them the contract.

Councilor Gilbert abstained from the discussion and vote due to a conflict of interest.

Moved by Pruette, seconded by Shealy.

Motion: **TO AWARD THE CONTRACT FOR REPLACEING THE AIR CONDITIONING IN THE CITY HALL BUILDING TO COASTAL HEATING & AIR IN THE AMOUNT OF \$21,722.**

Roll Call Vote:

Ayes: 4 – Pruette, Shealy, Weldon, Brown

Noes: 0

Abstain: 1 – Gilbert

MOTION CARRIED

Jax Bch. Building
Dept. Letter of
understanding

LETTER OF UNDERSTANDING BETWEEN THE CITY OF JACKSONVILLE BEACH AND THE CITY OF NEPTUNE BEACH: A Letter of Understanding from the City of Jacksonville Beach for providing plan reviews, building permitting, and inspection services on a temporary basis due to the termination of Building Official Dan Arlington.

Councilor Weldon voiced concern regarding other services provided by the Neptune Beach Building Department.

Moved by Pruette, seconded by Weldon.

Motion: **TO APPROVE THE LETTER OF UNDERSTANDING FROM THE CITY OF JACKSONVILLE BEACH.**

Roll Call Vote:

Ayes: 5 – Gilbert, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

“Sunday in the Park”

Councilor Pruette reminded everyone “Sunday in the Park” was the following Sunday.

Councilor Gilbert thanked Dan Arlington publicly for his dedicated service with the city.

Adjournment

There being no further business, the meeting adjourned at 9:07 p.m.

Richard A. Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
SPECIAL CITY COUNCIL MEETING
APRIL 21, 2003, AT 7:00 P.M.
CITY HALL, 116 FIRST STREET
NEPTUNE BEACH, FLORIDA

Pursuant to proper notice a Special Meeting of the City Council of the City of Neptune Beach was held April 21, 2003, at 7:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

The following Council members and staff were in attendance:

Mayor Richard Brown
Vice Mayor James Gilbert
Councilor Harriet Pruette
Councilor Larry Shealy
Councilor John Weldon
City Manager Richard A. Linn

City Clerk Lisa Volpe, CMC
Director of Public Services Leon Smith
Director of Finance Steve Ramsey
Assistant to the City Manager Terry Klein
Deputy City Clerk Karla Strait, CMC

Order call

Mayor Brown called the special meeting to order at 7:00 p.m. and announced the purpose of the meeting was to approve the State Highway System Lighting, Maintenance Agreement.

City Manager Linn stated the Florida Department of Transportation determined Neptune Beach was eligible to receive \$9,568.00, under the State Highway System Lighting, Maintenance and Compensation program, for fiscal year 2002/2003.

Councilor Weldon questioned why the FDOT agreement was for the amount of \$9,883.00 as opposed to the \$24,298.56 total cost of the maintenance. He asked Finance Director Steve Ramsey to call the FDOT and request an increase in the amount.

Moved by Pruette, seconded by Shealy.

Motion: **TO APPROVE AND HAVE THE CITY MANAGER SIGN THE STATE HIGHWAY SYSTEM LIGHTING, MAINTENANCE, AND COMPENSATION AGREEMENT.**

Roll Call Vote:

Ayes: 5 – Gilbert, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

Adjournment

There being no further business, the meeting adjourned at 7:05 p.m.

Richard Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
WORKSHOP CITY COUNCIL MEETING
APRIL 21, 2003, AT 7:05 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 21, 2003 at 7:05 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

Mayor Richard A. Brown
Vice Mayor James Gilbert
Councilor Harriet Pruette
Councilor Larry Shealy
Councilor John Weldon
City Attorney Christopher White

City Manager Richard A. Linn
City Clerk Lisa Volpe, CMC
Director of Public Services Leon Smith
Director of Finance Steve Ramsey
Assistant to the City Manager Terry Klein
Deputy City Clerk Karla Strait, CMC

Call to Order/Roll Call Mayor Brown called the meeting to order at 7:05 p.m.

COMMITTEE REPORTS

IBBC

ISH BRANT BEAUTIFICATION COMMITTEE: The Ish Brant Beautification Committee was back on their semi-monthly meeting schedule. The committee was currently working on an application for a grant from the Jacksonville's Mayor Office Neighborhood Program, \$5,000 for improvements at Stevens Park. Also following up on a request from the state representative's office for a project to complete the culvert along Florida Boulevard. The Seagate Avenue and First Street beautification project was completed. The committee also continued the Yard of the Month program.

Councilor Pruette stated she would like to see some beautification and clean up around the water plant in Jarboe Park. She added she would like to place the disposal of the manholes in Jarboe Park on the punch list. City Manager Linn replied he was working with Director of Public Services Leon Smith to hire a crane to have them removed and find a way to dispose of them. He added at one time landscaping was planned for the fence around the water plant but after September 11th decided against it for security reasons.

Councilor Gilbert asked City Manager Linn to make sure that the west side of Florida Boulevard was still on the committee's agenda. City Manager Linn responded that was part of the project for the culverts on Florida Boulevard.

CITY MANAGERS PUNCH LIST

Bike Path

FLORIDA BOULEVARD BIKE PATH IMPROVEMENT: The Bike Path was complete and would be removed from the punch list. The city lowered the fence that was constructed by

the Florida Department of Transportation after receiving criticism from citizens.

Kings Rd. Bridge	<u>KINGS ROAD BRIDGE</u> : The purchase authorization was issued for the stringer repair. Director of Public Works Leon Smith stated it would take 6 weeks to receive the material. City Manager Linn received the estimates from Pittman & Hartenstien for the various options of repairs on the Kings Road bridge.
Underground Containers	<u>UNDERGROUND CONTAINERS</u> : Mr. Linn stated the underground containers had been shipped to Toronto, Canada and he was awaiting the arrival of the smaller containers for the beach accesses.
Utility Improvement Water	<u>WATER IMPROVEMENT PROJECT</u> : Councilor Weldon stated the project was behind schedule. City Manager Linn replied the contractor would soon be into the liquidated damage clause. Councilor Weldon voiced concern about oceanfront homes not being connected to the new water system. City Manager Linn stated the project never included replacing the main lines on Strand and Oceanfront. Due to the risk of structural damage to homes they were being connected on a case-by-case basis.
Utility Improvement Sewer	<u>SEWER IMPROVEMENT PROJECT</u> : The sewer project was moving along on schedule. Some palm trees on First Street had slowed down the work a little. Their roots had grown around the 6" pipe. The contractor has had to jet spray the roots loose from the old pipe. Some palm trees may be lost.
Public Services Facility	<u>PUBLIC WORKS FACILITY</u> : City Manager Linn stated the pre-qualifying proposal was advertised and a short list of qualified contractors would be selected to bid the project. Jose Perez, PQH Architects, stated he had met with the surrounding neighbors of the facility on the initial design. He went back to the drawing board and accommodated their wishes and desires. He presented and explained the new design to the Council. The request for qualifications was due on May 8 th and a short list would be selected. The general contractor would be selected on May 26 th . City Council would then review and approve the agreement. Construction was planned to start August 11 th and the project would be completed no later than July 2004. The budget for the project was 2.1 million. The contractors would be invited to suggest options and ways to lower the cost.
City Manager Contract	<u>CITY MANAGER EMPLOYMENT CONTRACT</u> : Councilor Shealy questioned why the approval of the City Manager's employment contract was not on the April regular meeting agenda. City Manager Linn replied the City Attorney was preparing the agreement and it would be placed on the May regular meeting agenda.

PUBLIC COMMENTS

Mike Disch, 118 Magnolia Street, stated the problem was unruly behavior not people living together.

R. V. Kovacs, 912 First Street, had problems with unruly neighbors and a difficult time getting police to respond. He added without police patrol on a regular basis people living on First Street would never be able to sleep.

Mary Ann Padrta, 1030 Second Street, stated she had problems with the neighbors living in the 900 block of First Street, hanging out on the balcony, playing football in the street, and using First Street as their private playground.

Rae Brady, 1636 Sea Oats Drive, questioned how it would be determined if people were living together or visiting. She also questioned the definition of "occupying" and how often landlords would have to register.

Fred Cattar, 100 Walnut Street, felt the city regulating property would not solve the problem of noisy and unruly neighbors. As an area realtor and member of the Northeast Florida Association of Realtors, he stated the association was strongly against the ordinance.

Kelley Strong, 2031 Marye Brant Loop South, felt rental properties were a form of business and landlords should register their business.

Beth Schultz, 608 Valley Forge Road North, questioned when the landlord registration would go into effect if adopted.

Lynda Padrta, 1113 First Street, favored limiting the number of unrelated persons living together to four. She added that occupational licenses were necessary for the operation of businesses in the city and landlords should be required to register.

Geynell Mohr, 225 Margaret Street, favored the ordinances limiting the number of unrelated persons living together and landlord registration.

Shirley Myers, 1001 Florida Boulevard, opposed landlord registration and felt the number of unrelated persons living together should be based on the size of property and number of legal parking spaces.

Chris Chin, 227-A Margaret Street, stated other cities had ordinances defining "family" and cited a few. She also felt rental properties should be considered a business.

Bonita Costner, 224 Margaret Street, felt there should be some kind of limitation and monitoring on rental properties.

Teresa Thomas, 224 Margaret Street, stated she no longer felt safe living in Neptune Beach and others were moving out. She favored passing the ordinance.

PROPOSED ORDINANCES

Ord. No. 2003-XX

ORDINANCE NO. 2003-XX, PROPERTY INSURANCE TAX: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING ARTICLE III PROPERTY INSURANCE TAX SECTION 21-71, AND DELETING SECTION 21-73, ESTABLISHING PERCENTAGE BY STATE STATUTES AND PROVIDING AN EFFECTIVE DATE.

City Manager Linn explained this ordinance resulted from the City of Jacksonville providing fire service to the City of Neptune Beach. The ordinance allowed the 2% of the property insurance tax collected by the state to be deposited in the City of Jacksonville's Fireman Pension Fund. The ordinance also changed the amount from 2% to the state mandated 1.92%.

Councilor Shealy agreed to sponsor the ordinance.

Consensus: **TO MOVE APPROVAL OF THE INTERLOCAL AGREEMENT TO THE MAY CONSENT AGENDA AND FORWARD THE ORDINANCE TO THE MAY REGULAR MEETING FOR FIRST READ.**

Recess/Reconvene

The meeting recessed at 8:40 p.m. and reconvened at 8:50 p.m.

Kings Road
Speed Bumps

KINGS ROAD SPEED BUMPS – PUBLIC HEARING: Mayor Brown opened the public hearing for the proposed speed bumps on Kings Road between Florida Boulevard and Forest Avenue.

Jamie Holway, 1129 Kings Road, stated Kings Road between Florida Boulevard and Forest Avenue did not have any stop signs. He added the cars speeded up to 45 mph. He was concerned about safety of children waiting on the school buses.

Robert Wood, 2000 Sandpiper Point, opposed speed bumps on Kings Road. He did not feel that speed bumps controlled speeding. He suggested stop signs, and more police patrol would reduce speeding.

Michelle McCullogh, 1601 Forest Avenue, opposed speed bumps on Kings Road and suggested more police patrol. She added that speed bumps penalized law-abiding citizens.

Brad Duttera, 2026 Cherokee Drive, opposed speed bumps on Kings Road. He suggested adding police presence to solve the problem.

Bill Fogg, 1207 Big Tree Road, opposed speed bumps on Kings Road. He suggested stop signs and police enforcement to help the problem.

Tim Kazmierczak, 2102 Acacia Road, opposed speed bumps on Kings Road. He added speed bumps would wear on cars and delay emergency services.

Kenneth Shubow, 1908 Strickland Road, opposed speed bumps on Kings Road. He felt the bumps would be hard to see and create more problems.

Lester Sanders, 2025 Marye Brant Loop North, opposed speed bumps on Kings Road. He felt other alternative should be explored. He added that Atlantic Beach was eliminating all the speed bumps in the city.

Patricia Sena, 1113 Hamlet Lane East, opposed speed bumps on Kings Road adding that more speed limit signs, watch for children signs, crosswalks, and stop signs were other alternatives.

Ron Powell, 1830 Nightfall Drive, opposed speed bumps on any section of Kings Road because it was a thoroughfare not a dead end street.

Michael Little, 1107 Kings Road, opposed speed bumps on Kings Road. He felt stop signs would be a better solution.

Terri Hunnewell, 1219 Trailwood Drive, opposed speed bumps on Kings Road. She added that crosswalks, caution children signs, and more police presence would be good solutions.

Jim O'steen, 1135 Kings Road, opposed speed bumps on Kings Road. He suggested more police presence to help identify the daily speeders.

Pete Kalleres, 1707 Forest Avenue, opposed speed bumps on Kings Road.

Ord. No. 2003-02

ORDINANCE NO. 2003-02, DEFINING FAMILIES: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA RELATING TO DEFINING FAMILIES; PROHIBITING OCCUPANCY OF FAMILY DWELLING UNITS BY UNRELATED PERSONS ABOVE A SPECIFIED NUMBER; PROVIDING PENALTIES AND VIOLATIONS; AMENDING SECTION 27-15 TO INCLUDE A DEFINITION OF A FAMILY; ADDING SECTION 27-333 RELATING TO PROHIBITED ACTIVITIES AND PROVIDING AN EFFECTIVE DATE.

Mayor Brown voiced concern about the effective date of the ordinance if it was passed and how to notify the public. He added the ordinance was amended at the last council meeting to limit the number of unrelated persons to 4 in lieu of 3.

Councilor Shealy was concerned about enforcement of the ordinance. He felt there was a problem with enforcement. He questioned the two million dollar budget for the police department and wanted to see where the dollars were going. He felt the noise, parking, and speeding problems should be enforced.

Councilor Gilbert agreed with Councilor Shealy adding there should be laws that can be enforced. He felt the tools to enforce the laws should be there. He asked to see just how many complaints there would be if all the laws about speeding, riding bikes, partying at night were enforced with zero tolerance for 30 days.

Councilor Weldon was satisfied with the ordinance the way it was written.

Councilor Pruette stated the citizens were basically complaining about the lack of enforcement. She added it was the City Manager's responsibility to enforce the Code and the enforcement should be stepped up.

Consensus: **FORWARD TO THE MAY REGULAR MEETING FOR SECOND READ AND PUBLIC HEARING.**

Councilor Pruette asked City Manager Linn to go through the codes and inform the council of the parts that needed to be enforced.

City Manager Linn stated the Police Chief supported the ordinance as a tool to enforce rowdy behavior in some locations. He encouraged the council to pass the ordinance as it was written. The Code Enforcement Board would enforce the ordinance with evidence of a violation. He added other communities had similar ordinances.

Councilor Shealy asked why the Chief was not present at the council meetings. City Manager Linn replied he did not require a department head presence at the council meetings unless there was a matter pending within that particular department. Councilor Weldon stated all department heads or a representative for them should be present at all council meetings.

Ord. No. 2003-04

ORDINANCE NO. 2003-04, LANDLORD REGISTRATION: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA RELATING TO LANDLORD REGISTRATION; PROHIBITING OCCUPANCY OF FAMILY DWELLING UNITS BY UNRELATED PERSONS ABOVE A SPECIFIED NUMBER; PROVIDING PENALTIES AND VIOLATIONS; ADDING SECTION 27-334 RELATING TO PROHIBITED ACTIVITIES AND PROVIDING AN EFFECTIVE DATE.

Mayor Brown stated rental properties could be identified through the property appraisers office.

Councilor Gilbert stated he would not be opposed to the ordinance if it was a one-time registration for landlords with no fees and no permits required.

Councilor Pruette stated she was satisfied with defining "family" and limiting the number of unrelated persons living together to four. She felt that was all that was needed at this point and registering landlords would not work.

Councilor Gilbert stated the ordinance was not perfect but it was a good starting point.

Councilor Weldon felt registering landlords should be an annual event and permitting should be required.

Discussion followed regarding how to enforce to the ordinance.

Following the discussion Councilor Weldon withdrew the Ordinance.

ORDINANCE WITHDRAWN

CONTRACTS / AGREEMENTS

City Yard Project UPDATE OF CITY YARD PROJECT – JOSE PEREZ, PQH: Mr. Perez gave his presentation earlier in the meeting. There was no consensus.

ISSUE DEVELOPMENT

Public School Facility Planning INTERLOCAL AGREEMENT – PUBLIC SCHOOL FACILITY PLANNING: City Manager Linn explained last year the legislature past a statute whereby school boards were to be represented by local municipal planning agencies. Mr. Linn suggested tabling the agreement until the School Board and the City of Jacksonville acted on the agreement.

Consensus: TO TABLE APPROVAL OF THE AGREEMENT.

Kings Rd. Speed Bumps KINGS ROAD SPEED BUMPS: Mayor Brown felt the speed bump policy needed to be reviewed. After listening to the request of the public the council decided not to install speed bumps on Kings Road.

Consensus: TO NOT INSTALL SPEED BUMPS ON KINGS ROAD AND ADD MORE POLICE PATROL, AND CITY MANAGER TO INVESTIGATE CROSSWALKS.

Welcome Sign WELCOME SIGN – CITY MANAGER RICHARD LINN: The City of Atlantic Beach and the City of Neptune Beach jointly funded an effort for the design of a welcome sign to be placed at the entrance of the city by the Mayport flyover. The design was presented to the council. If approved the cost of the sign would be shared equally between the City of Atlantic Beach and the City of Neptune Beach and built into the budget next year. The sign would have to be approved by the Florida Department of Transportation.

Discussion ensued relating to the cost of landscaping and maintenance and which city would provide it.

Councilor Weldon made a request to look into other designs.

Consensus: TO REPORT BACK THAT THE ISSUE WAS NOT DEAD BUT THEY DID NOT LIKE THE CONCEPT AND WOULD LIKE FOR THEM TO EXPLORE A LITTLE MORE.

Financial Update FINANCIAL UPDATE FY 2003 – DIRECTOR OF FINANCE STEVE RAMSEY: Director of Finance Steve Ramsey updated the council on the current status of the budget for the 2003 fiscal year. Revenues and expenditures were right at the 50% mark and overall right on budget.

OPEN DISCUSSION

Councilor Weldon questioned the status of the Land Development Regulations Review. City Clerk Volpe replied she would contact Gary Dickens this week.

Councilor Shealy questioned the legality of the flashing sign at Solantic. City Manager Linn replied the issue would be going before the Code Enforcement Board for action.

Councilor Gilbert suggested a review of the sign ordinance and perhaps moving toward more monumental type signs.

Adjournment

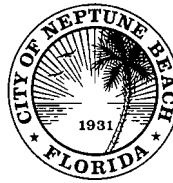
There being no further business, the meeting adjourned at 10:40 p.m.

Richard A. Brown, Mayor

Attest:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
REGULAR CITY COUNCIL MEETING
MARCH 3, 2003, 7:00 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 March 3, 2003, at 7:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

Mayor Richard A. Brown
Vice Mayor Jimmy Gilbert
Councilor Harriet Pruette
Councilor Larry Shealy
Councilor John Weldon
City Attorney Christopher A. White
City Manager Richard A. Linn

City Clerk Lisa Volpe, CMC
Director of Public Services Leon Smith
Building Official Dan Arlington
Assistant to the City Manager Terry Klein
Deputy City Clerk Karla Strait, CMC

Order Call/Pledge

Mayor Brown called the meeting to order at 7:00 p.m. and asked Councilor Shealy to lead the pledge of allegiance.

AWARDS / PRESENTATIONS / RECOGNITION OF GUESTS / NONE

APPROVAL OF MINUTES

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

Amendment: **AMEND PAGE 1 OF THE FEBRUARY 10, 2003, MINUTES TO READ "PROTECT THE COMMUNITY" IN LIEU OF "PROTECT AND ENCOURAGE DEVELOPMENT":**

JANUARY 27, 2003, WORKSHOP CITY COUNCIL MEETING
FEBRUARY 3, 2003, REGULAR CITY COUNCIL MEETING
FEBRUARY 10, 2003, LAND DEVELOPMENT REGULATIONS

Moved by Pruette, seconded by Weldon.

Roll Call Vote:

Ayes: 5 – Gilbert, Pruette, Shealy, Weldon, Brown
Noes: 0

MOTION CARRIED

COMMUNICATIONS AND CORRESPONDENCE

Mayor Brown spoke with Mayor Marsden of Jacksonville Beach and suggested their city officials and staff meet with our city officials at the Kings Road Bridge to look at the benefits of expanding the sheet piling to accommodate a wider bridge in the future.

Councilor Weldon questioned the number of homes on the south side of the Kings Road bridge. City Manager Linn replied 29 of the 71 homes were in Jacksonville Beach.

Mayor Brown stated the St. Johns River Water Management District would be holding a meeting on Seawater Demineralization on March 18, 2003 in Deland, Florida. He questioned if Neptune Beach would like to be represented at the meeting.

Councilor Pruette heard complaints of permits taking a long time to process. She questioned how permits were issued when the building official was absent. City Manager Linn responded the statutory requirement for a permit was 30 days. The building official usually had the permits up to date before leaving town. If it was urgent it could be contracted out to Atlantic Beach.

Councilor Shealy stated the residents of Florida Boulevard heard about the speed bumps recently installed on Margaret Street. The residents of Florida Boulevard residents filed the proper paperwork with the city managers office and were still awaiting the installation of speed bumps. He asked the city manager to place the issue on the March workshop meeting.

CITY MANAGER REPORTS

Water Project	<p><u>WATER UTILITY PROJECT:</u> The original completion date for the water project was March 13, 2003. There would be days added to that date for the rain days that were missed. There was also a change order granted by the city to the contractor for additional money and 24 days on the Penman Road crossing. There was another change order for the stub out granting 2 additional days to the project.</p> <p>Councilor Pruette asked City Manager Linn to look into the standing puddles in streets where paving was completed.</p>
Sewer Project	<p><u>SEWER UTILITY PROJECT:</u> The contractor started the pipe bursting on portions of First Street and east west streets. The sewer line connections would be made the same day as the pipe bursting. When the patching was done they would be completely finished with that block.</p>
Public Works Facility	<p><u>PUBLIC WORKS FACILITY:</u> The drawings for the new public works facility were received and ready for review. The architect would be invited to the March workshop meeting to review the plans with the Council.</p>
Kings Road Bridge	<p><u>KINGS ROAD BRIDGE REPAIRS:</u> The 90% drawings for the Kings Road bridge repair were ready for review. City Manager Linn would set a meeting date for the engineer to brief council on the plans. He left a message for Vice President Scott Jones asking him if the price of the change order to expand the work could be reduced.</p>

PUBLIC COMMENTS

Virginia Cauthon, 617 Valley Forge Road North, favored Ordinance No. 2003-02. She lived next door to a house that was leased by five unrelated people.

Jim Schultz, 608 Valley Forge Road North, favored Ordinance No. 2003-02. He lived

across the street from a house that was leased by five unrelated people.

Judy Bost, 115 Walnut Street, favored Ordinance No. 2003-02; she also supported annual city inspections if it would benefit the landlords. She added the ordinance for "no short term rentals" needed to be addressed and enforced.

Lynda Padrta, 1113 First Street, asked about a sewer project schedule. She favored Ordinance No. 2003-02 and would also support permits. She questioned the weight limit of the Kings Road bridge.

Ronda McDonald, 515 Third Street, stated current ordinances should be enforced without having to limit the number of unrelated people living in a single unit.

CONSENT AGENDA

Ivy, Harris, & Walls

APPROVAL OF IVY, HARRIS & WALLS CONTRACT FOR \$9,400: The contract was to complete the Land Development Regulation Review and included five council meetings and the legal review.

Moved by Shealy, seconded by Weldon.

Motion: **TO APPROVE THE CONSENT AGENDA.**

Roll Call Vote:

Ayes: 5 – Gilbert, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

VARIANCES / NONE

ORDINANCES

Ord. No. 2003-02

ORDINANCE NO. 2003-02 – FIRST READ – SPONSOR COUNCILOR PRUETTE: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA RELATING TO DEFINING FAMILIES; PROHIBITING OCCUPANCY OF FAMILY DWELLING UNITS BY UNRELATED PERSONS ABOVE A SPECIFIED NUMBER; PROVIDING PENALTIES AND VIOLATIONS; AMENDING SECTION 27-15 TO INCLUDE A DEFINITION OF "FAMILY"; ADDING SECTION 27-333 RELATING TO PROHIBITED ACTIVITIES; AND PROVIDING AN EFFECTIVE DATE.

Councilor Weldon stated without permitting rental properties it would be difficult to enforce the ordinance because there would be no means of tracking violations. He added he would not support annual inspections.

Councilor Pruette asked City Attorney White if the ordinance would be a problem to enforce. Mr. White replied if there were any problems it would be enforcement.

Vice Mayor Gilbert stated he would support a landlord registration.

Councilor Shealy suggested placing the issue of landlord registration on the March workshop meeting for discussion.

Council asked City Attorney White to draft an ordinance requiring landlord registration for the March workshop meeting.

Moved by Gilbert, seconded by Pruette.

Motion: **TO PASS ORDINANCE NO. 2003-02 ON FIRST READ.**

Roll Call Vote:

Ayes: 5 – Gilbert, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

Ord. No. 2003-03

ORDINANCE NO. 2003-03 – FIRST READ; SPONSOR – VICE MAYOR GILBERT: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING SECTION 15 PEDDLERS AND SOLICITORS AMENDING SECTION 15-1 AND ADDING SECTIONS 15-5, 15-6, AND 15-7 AND PROVIDING AN EFFECTIVE DATE.

City Attorney White stated the underlined portions in Section 15.1 were new definitions that were inserted after the workshop meeting.

Councilor Weldon stated Section 15.7 (b) of the ordinance read: “No person shall stand or be upon or go upon any roadway for the purpose of soliciting a ride.” He questioned if hitchhiking was currently illegal.

City Manager Linn responded he was not aware of a local law that prohibited hitchhiking.

City Attorney White stated the language of the ordinance would make hitchhiking an infraction.

Councilor Weldon suggested striking the language “the purpose of soliciting a ride”.

Moved by Gilbert, seconded by Shealy.

Motion: **TO PASS ORDINANCE NO. 2003-03 ON FIRST READ AND FORWARD TO THE MARCH WORKSHOP MEETING FOR FURTHER DISCUSSION REGARDING SOLICITING OF RIDES.**

Roll Call Vote:

Ayes: 5 – Gilbert, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

OLD BUSINESS / NONE

NEW BUSINESS / NONE

Adjournment

There being no further business, the meeting adjourned at 7:51 p.m.

Richard A. Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
WORKSHOP CITY COUNCIL MEETING
MARCH 17, 2003 AT 7:00 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 March 17, 2003 at 7:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance: IN ATTENDANCE:

Mayor Richard A. Brown	City Clerk Lisa Volpe, CMC
Vice Mayor James Gilbert	Director of Public Safety William Brandt
Councilor Harriet Pruette	Director of Public Services Leon Smith
Councilor Larry Shealy	Assistant to the City Manager Terry Klein
Councilor John Weldon	Assistant to the Building Official Piper Turner
City Attorney Christopher White	Deputy City Clerk Karla Strait, CMC
City Manager Richard A. Linn	

Call to Order/Roll Call Mayor Brown called the meeting to order at 7:00 p.m.

COMMITTEE REPORTS

IBBC ISH BRANT BEAUTIFICATION COMMITTEE: The Ish Brant Beautification Committee was seeking a proposal from a landscape architect to design planting along the ditch that is being covered with the bike path. The funding would come from the Duval County Tree Mitigation.

CITY MANAGERS PUNCH LIST

Bike Path FLORIDA BOULEVARD BIKE PATH: The bike path was progressing. The Florida Department of Transportation was working on some problems with the construction.

Utility Improvement
Water WATER IMPROVEMENT PROJECT: The water improvement project was winding down. The original completion date was March 13, 2003. The contractor had 33 additional calendar days to complete the work east of Third Street, Phase B & C. There was also an additional 29 days for the Penman Road Crossing and 2 days for the stub out. The system had been pressure tested. He was awaiting a report from the engineer regarding the bacteriological testing. The connections were being made. Some homes were having problems with weak pipes due to the increased water pressure.

Council Weldon stated he wanted to revisit the issue of potential damage to residential plumbing. He added, as a courtesy, citizens might need to be noticed that there could be damage to pipes.

Utility Improvement SEWER IMPROVEMENT PROJECT: The sewer improvement was going well. The

- Sewer contractor was proceeding on schedule, paving and replacing the sod as they go.
- Councilor Pruette stated puddles were standing in areas where the contractor has repaved.
- Kings Rd. Bridge KINGS ROAD BRIDGE: The 90% drawings had been received and were available. However, since the drawings arrived a letter, from the Department of Transportation was received indicating the inspection completed on March 26, 2003, did not pass. The stringers were cracking and splitting. Public Works Director Leon Smith was working on a cost estimate for the repairs of the stringers. This brings to question whether to proceed with the plans to repair the bridge or to consider replacement of the bridge. Mr. Linn suggested setting a date to meet on location with the engineers to determine which direction to proceed.
- Discussion ensued regarding heavy vehicle traffic on the bridge.
- Consensus: **COUNCIL TO MEET AT THE KINGS ROAD BRIDGE MONDAY, MARCH 24, 2003 AT 6:00 P.M.**
- Drainage Impr. DRAINAGE IMPROVEMENT: Councilor Pruette was concerned about a drainage project that was approved many years ago that involved covering up ditches. Citizens were concerned about cutting down trees, higher water in the Hopkins Creek, flooding, and through traffic on streets. Mr. Linn stated it was a Florida Department of Transportation project that would improve the drainage between Ocean Oaks and Neptune Lane. The drainage starts in Jacksonville Beach, flows north up Fifth Street, goes under Fifth Street to Penman Road and out into the marsh. The DOT designed the project and a public hearing was held. Councilor Weldon asked City Manager Linn to add this project to his punch list.
- Underground Containers UNDERGROUND CONTAINER: City Manager Linn signed a proposal with Alpha Manufacturing to purchase 15 sandstone colored containers to be placed on the beach.
- Public Services Facility PUBLIC WORKS FACILITY: The 60% drawings were complete and available for review. City Manager Linn would schedule a meeting with the architect if necessary.
- Councilor Weldon stated he would like the architect PQH, to make a presentation to the Council on the project.

PUBLIC COMMENTS

- Samuel Lloyd, 223 Florida Boulevard, requested the city install speed control devices on Florida Boulevard to slow traffic that accelerates to catch the green light at Florida Boulevard and Third Street.
- Dan Disch, 224 Florida Boulevard, requested the city install speed bumps on Florida Boulevard east of Third Street due to the high volume of traffic and safety of the children.
- Lynda Padrta, 1113 First Street, supported placing speed bumps on Florida Boulevard. She stated she had noticed a change in her water pressure since the new water lines were installed and connected. She asked Council to consider the details of the cable franchise agreement and try to model the City of Jacksonville's franchise agreement. She added she had a wonderful boss.
- Ron Powell, 1830 Nightfall Drive, was concerned about the safety of the Kings Road Bridge. He favored a complete new bridge.

Beth Schultz, 608 Valley Forge Road North, was concerned how the ordinance requiring landlord registration would be enforced.

Tim Kazmierzak, 2102 Acacia Road, was concerned about the weight limit on the Kings Road bridge. He suggested opening an alternate route for heavy vehicles. He stated there was a one-block section of Kings Road that did not have a sidewalk and asked for the sidewalk to be installed. He added Acacia Road was not a heavy-duty road and the garbage trucks were shifting the pavement.

Judy Bost, 115 Walnut Street, stated she did not object to landlord registration. She did question how it would benefit the city.

LuJuan Kazmierczak, 2102 Acacia Road, asked the city to install a sidewalk on the one block portion of Kings Road that was without one.

Donald White, 1414 First Street, opposed an ordinance that would require landlords to register with the city. He felt enforcement of the current parking ordinance would curb the partygoers. He thanked the council for having stop signs installed on First Street adding that they helped to slow traffic. He suggested adding angled parking on Florida Boulevard with sidewalks on each side.

PROPOSED ORDINANCES

Ordinance
No. 2003-03

ORDINANCE NO. 2003-03, PEDDLERS AND SOLICITORS: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING SECTION 15, PEDDLERS AND SOLICITORS, AMENDING SECTION 15.1, AND ADDING SECTIONS 15.5, 15.6, AND 15.7 AND PROVIDING AN EFFECTIVE DATE.

City Attorney White suggested inserting language in Section 15.5 at the end of subparagraph a: "including ATM's and immediate surrounding area."

Consensus: **TO ADD THE LANGUAGE SUGGESTED BY THE CITY ATTORNEY AND LEAVE THE LANGUAGE "SOLICITING A RIDE" IN TACK AND FORWARD TO THE APRIL REGULAR MEETING FOR SECOND READ AND PUBLIC HEARING.**

Ordinance
No. 2003-XX

ORDINANCE NO. 2003-XX, LANDLORD REGISTRATION: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA RELATING TO LANDLORD REGISTRATION; AND PROVIDING AN EFFECTIVE DATE.

City Attorney White stated an editorial correction was made on page 2 the word permit was taken out and replaced with the word registration. City Manager Linn stated in Section C insert the word "be" before "unlawful."

Mayor Brown opposed the ordinance. He was concerned about the cost and workload this would put on staff and also felt it was a step toward inspections. City Manager Linn stated the initial year would create a workload of creating the register. After the first year it would only need to be updated and should not be that great a task.

Councilor Pruette questioned when the ordinance would be put into effect. City Attorney White stated the ordinance would not be implemented on an immediate basis. The Council would have to define an effective date.

Councilor Shealy questioned what the benefit to the city would be. City Manager Linn stated the greatest benefit would be for the city to be aware of how many rental units

there were in the city and whom they belonged to. The information could be used in controlling density.

Councilor Weldon stated the registration would help control density and illegal apartments. It would also make landlords more responsible.

Councilor Shealy felt it would be a privacy issue and he was not comfortable with the ordinances.

City Attorney White stated the ordinance would provide a tool to enforce the ordinance limiting the number of unrelated persons living in a single residence. Councilor Pruette agreed.

Councilor Gilbert stated most of the citizens he spoke with did not have a problem with registration. They did have a tremendous problem with permits and annual inspections. He added it would help identify the owner of the property. He agreed it was only a tool.

City Attorney White asked the Council when they would like the ordinance to take effect. Councilor Weldon suggested 90 days after passing. Mayor Brown suggested January 1, 2004.

Councilor Weldon agreed to sponsor the ordinance.

Consensus: **FORWARD TO THE APRIL REGULAR COUNCIL MEETING FOR FIRST READ.**

Recess/Reconvene Mayor Brown called a recess at 8:15 p.m. the reconvened at 8:20 p.m.

CONTRACTS / AGREEMENTS

CATV Franchise **PROPOSED ATTORNEY-CLIENT AGREEMENT WITH LEIBOWITZ & ASSOCIATES TO SERVE AS ADVISORS TO THE CITY MANAGER IN THE FRANCHISE RENEWAL NEGOTIATIONS WITH COMCAST:** City Manager Linn asked to table the renewal of the cable franchise agreement. It did not expire until September 8, 2005. City Attorney White stated it was not in the time window to renew.

ISSUE DEVELOPMENT

Police Jackets **REQUEST FOR PUBLIC SAFETY TO EXPEND \$6,000 FOR UNIFORM JACKETS FROM THE FINE AND FORFEITURE FUND:** City Manager Linn requested the Council approve an expenditure from the Fines and Forfeiture Fund in the amount of \$6,000 for new police jackets. The Florida Statutes required approval from the Council to use the Fine and Forfeiture Fund. Chief Brandt stated the jackets were around \$250.00 each and they could be worn during all seasons.

Consensus: **FORWARD TO THE APRIL REGULAR COUNCIL MEETING CONSENT AGENDA.**

Nature Preserve **ESTABLISHMENT OF A NATURE PRESERVE:** Councilor Pruette wanted to establish a nature preserve at the foot of Seagate Avenue and protect the area to allow residents to visit and watch sunsets and boats.

City Attorney White advised leaving the area alone as a city right-of-way. The original deed specified the right of way could be used only and exclusively for streets and utilities. The Council would run the risk of losing the right-of-way by allowing the property to be used for any other purpose.

Councilor Gilbert suggested allowing citizens to use the end of Forest Boulevard for observing sunsets and boats traveling on the intracoastal. City Manager Linn responded the property was going to be used as part of the new public works facility.

Councilor Pruette asked if two parking spaces and signs could be placed at the end of Seagate Avenue and Forest Boulevard to make citizens aware they could access the area for their enjoyment.

Councilor Shealy stated placing parking spaces at the end of the street would invite unwanted strangers onto others property. He added sunsets over the intracoastal could be viewed in other areas.

Councilor Gilbert agreed adding he would not want strangers parking at the end of his street. He stated there was a big difference between the street ends on the ocean and the intracoastal street ends.

City Manager Linn added parking was allowed anywhere in the city as long as a "no parking sign" was not posted.

Steve Jarrett stated from the audience that his new development plans included paving Seagate Avenue all the way down to the intracoastal allowing for a 180° full view of the intracoastal right on the proposed paved road. He added there was not a lot of traffic on the west end of Seagate Drive except for the people that lived there. He did not see what else could possibly be done to make the property available to the public.

Traffic Safety

TRAFFIC SAFETY EAST OF THIRD STREET: Councilor Shealy was concerned about the traffic safety east of Third Street. He stated Florida Boulevard, Bowles Street, Davis Street, and Lara Street, south of Florida Boulevard were the only streets left east of Third Street that did not have speed bumps. He suggested using the money saved from the traffic calming islands on First Street be used to for a circular plant island at Florida Boulevard and First Street and to install stop signs and speed bumps on those streets that did not have them.

City Manager Linn stated it would best to install the traffic calming devises after the Utility Improvement Project was complete and the major resurfacing was done. He suggested speed humps in lieu of speed bumps.

Consensus: **TO INSTALL SPEED BUMPS ON FLORIDA BOULEVARD.**

City Manager Contract

EXTENSION OF EMPLOYMENT CONTRACT FOR THE CITY MANAGER: City Manager Linn requested Council consider extending his employment agreement for a two-year term past the July 7, 2003 expiration date.

Councilor Gilbert stated the City Manager dealt with a lot of problems. He felt the City Manager was doing a good job in each city department with the exception of complaints about the building department. He favored a two-year extension.

Councilor Shealy felt the Council should conduct a performance evaluation in fairness to the City Manager. He added he had not been on the council long enough to have the information required to extend the contract another two years. He suggested extending the contract one year with an option after that. He added the contract asked the City Manager to prepare in writing his annual goals and objectives.

Mayor Brown stated the City Manager position was challenging and he supported the request for a two-year contract extension.

Councilor Pruette stated there were many projects in process that were initiated by City Manager Linn and it would be unfair not to extend his contract. She also felt the Building Department was the weakest link. She suggested the Council and City Manager define the City Managers goals together. She favored a two-year extension.

Councilor Weldon stated he had not been on the council long enough to extend the contract another two years. He would be satisfied with a one-year extension. He stated the building department had a tough job resisting the pressure of the citizens as well as acting in the best interest of the community.

Discussion ensued regarding the terms and conditions of the contract.

City Manager Linn asked the council to consider altering the contract for a separation pay of six months in lieu of three months, changing the base salary in Section 7 to reflect his current salary, strike the annual 5% salary increase to have the salary increase set by the council at budget review, and to have his performance review in writing one council member at a time in lieu of at a public meeting.

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

Adjournment

There being no further business, the meeting adjourned at 9:53 p.m.

Attest:

Richard A. Brown, Mayor

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
WORKSHOP CITY COUNCIL MEETING
KINGS ROAD BRIDGE
MARCH 24, 2003 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 March 24, 2003 at 6:00 p.m., at the Kings Road Bridge and in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

Mayor Richard A. Brown
Vice Mayor James Gilbert
Councilor Harriet Pruette
Councilor Larry Shealy
Councilor John Weldon
City Manager Richard A. Linn

City Clerk Lisa Volpe, CMC
Director of Public Services Leon Smith
Supervisor of Streets Paul Williams

Call to Order/Roll Call

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

Kings Road Bridge

KINGS ROAD BRIDGE: City Council and members of staff met with the design engineers, Scot Jones and Lev Zilberman from Pitman Hartenstein & Assoc. for the repair of the Kings Road Bridge at the bridge.

City Manager Linn stated the engineers had provided a design and cost estimate to repair the abutment of the bridge. After the estimate was received the Department of Transportation did an inspection of the bridge. The inspection concluded that the stringers were cracking and splitting and two of them needed to be replaced. Street Supervisor Paul Williams stated his department did routine maintenance on the bridge by adding rock under the plates of the abutment.

The design engineers stated the cost to completely replace the bridge would be roughly \$400,000 and the cost to replace the stringers only would be around \$20,000. The gave two sketches of either a two lane bridge or a one lane with a sidewalk.

Council discussed a two part option of first to repair the abutments then to completely replace the bridge.

The meeting moved to City Hall and reconvened at 6:50 p.m.

Councilor Weldon stated he saw two problems: 1) to conform with the State compliance and 2) look at the long term solution.

City Manager Linn stated he could get an estimate for a one lane concrete span bridge

with a sidewalk and a separate estimate to bring the bridge in compliance.

The engineer suggested proceeding with the stringer repairs and deciding what type of bridge the city would like in the future. He added a timber bridge would be less expensive but it would require more maintenance.

Council agreed to a one lane concrete bridge with a sidewalk.

City Manager Linn stated he would need to have the engineers give some information so that the replacement of two stringers could be send out for bid or request for proposal.

Consensus: **TO MOVE FORWARD WITH REPAIRS OF THE STRINGERS AND ABUTMENTS.**

The engineer suggested the city write a letter to the Department of Transportation informing them the bridge was under repair.

City Manager Linn stated it would take 5 to 6 weeks to prepare a contract. He would have to shop prices get various quotes and then call a special meeting for approval of emergency repairs.

Easement on Florida
Blvd.

City Manager Linn stated a special meeting would need to be called to approve the necessary easement on Florida Boulevard in order for the contractor to complete the water project. The easement was necessary because the contractor could not locate the underground utilities with the information given to them by the utility companies.

Councilor Weldon stated he would like to revisit the city's relationship with the engineer.

City Manager Linn stated the City Attorney was working on the paperwork for the easement and the contractor would be held up until the easement was granted. He added the State would approve the funds for change order in the loan for the project.

Council agree to hold a special meeting when the easement was ready so that work would not be unnecessarily delayed any further.

There being no further business the meeting adjourned at 7:21 p.m.

Richard A. Brown, Mayor

Attest:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
WORKSHOP CITY COUNCIL MEETING
LAND DEVELOPMENT REGULATIONS
MARCH 24, 2003 AT 7:00 P.M.
CITY HALL, 116 FIRST STREET
NEPTUNE BEACH, FLORIDA

Pursuant to proper notice a Special Meeting of the City Council of the City of Neptune Beach was held March 24, 2003, at 7:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

Mayor Richard A. Brown
Vice Mayor James Gilbert
Councilor Harriet Pruette
Councilor Larry Shealy
Councilor John Weldon
City Manager Richard A. Linn

City Clerk Lisa Volpe, CMC
Deputy City Clerk Karla Strait, CMC
Assistant to the Building Official Piper Turner

Call to Order/Roll Call

The Mayor called the meeting to order at 7:26 p.m.

**Land Development
Group I
Articles I, II, & III**

LAND DEVELOPMENT REGULATIONS REVIEW – GROUP 1, ARTICLES I, II, & III:
City Manager Linn stated Ivy, Harris & Walls, agreed to continue working with the city in the effort to revise Chapter 27, Land Development Regulations for the cost of \$9,400, which included the legal review.

Gary Dickens, Ivy, Harris & Walls, stated his firm was originally hired in 1999 to review the Land Development Regulations. He explained the intent was to review and improve the regulations, not to completely rewrite them. He added the latest version of the land development regulation changes dated March 24, 2003, included all the ordinances he was given.

Councilor Weldon stated he expected all changes after each meeting to be included in the revised edition for the next meeting. City Manager Linn replied the City Clerk would be the direct line of communication with the consultant to get everything updated.

Mayor Brown asked Mr. Dickens what would be the best way to move through the changes. Mr. Dickens replied it would be best to look at each page collectively and he would point out the changes made by the previous councils. He would ask this council if they agreed or disagreed with those changes that were underlined or struck through.

Article I, In General

SECTION 27-15. DEFINITIONS: Councilor Weldon suggested postponing Section 27-15. Definitions because definitions would be added throughout the review.

SECTION 27-24. ENCROACHMENT AND REDUCTION OF LOT AREA: Councilor Pruette questioned if the footprint bill should be included in this section.

Article II, Administrative
and Enforcement
Bodies

Consensus: **TO NOTE IN SECTION 27-24 TO REFER TO SECTION 27-706.**

DIVISION 1. GENERALLY: NO CHANGES

DIVISION 2. PLANNING & DEVELOPMENT REVIEW BOARD.

SECTION 27-36. ESTABLISHMENT: Councilor Weldon suggested this section clarify the PDRB handled commercial review development plans.

Consensus: **TO ADD: AS SUCH, THE PDRB HEARS COMMERCIAL VARIANCES REQUESTS. STRIKE: "AND APPROVE OR DENY".**

SECTION 27-37. PURPOSE: Councilor Weldon requested the "Goals and Objectives of the Board" be added at the end of the paragraph. Mr. Dickens suggested making sure it was consistent with the Comprehensive Plan. Councilor Weldon responded the Board referred to Chapter 27 not the Comprehensive Plan.

Consensus: **TO HAVE THE CONSULTANT REVIEW THE "GOALS AND OBJECTIVES" SUBMITTED BY COUNCILOR WELDON AND COMPARE THEM WITH THE COMPREHENSIVE PLAN.**

SECTION 27-38. MEMBERSHIP AND OFFICERS.

Consensus: **STRIKE "THE ARCHITECTURAL REVIEW AND/OR" IN (h)**

Consensus: **STRIKE ALL REFERENCES TO ARCHITECTURAL REVIEW IN (h) & (i).**

Consensus: **STRIKE "SUBJECT TO CONFIRMATION BY THE CITY COUNCIL" IN (i).**

SECTION 27-39. GENERAL FUNCTIONS, POWERS AND DUTIES.

Consensus: **LEAVE "ADVISORY" IN (a) 4).**

Consensus: **LEAVE "HISTORIC PRESERVATION" AND STRIKE OUT "OR ARCHITECTURE" IN (b) (2) & (b) (3)**

Consensus: **ADD "PRELIMINARY DEVELOPMENT ORDER" STRIKING "DEVELOPMENT REVIEW" IN (c).**

DIVISION 3. BOARD OF APPEALS

SECTION 27-46. ESTABLISHMENT.

Consensus: **ADD "ADMINISTRATIVE" BEFORE "APPEALS" AND INSERT "RESIDENTIAL" BEFORE "VARIANCES" IN 27-46.**

SECTION 27-47. MEMBERSHIP AND OFFICERS.

Consensus: **STRIKE OUT "AND SECRETARY" IN (f).**

SECTION 27-48. GENERAL FUNCTIONS, POWERS AND DUTIES.

Consensus: **ADD "RESIDENTIAL" BEFORE "VARIANCES" IN (2)**

DIVISION 4. CODE ENFORCEMENT BOARD: NO CHANGES

DIVISION 5. CITY STAFF: NO CHANGES

DIVISION 6. CITY COUNCIL: NO CHANGES

Recess/Reconvene

The meeting recessed at 9:05 p.m. and reconvened at 9:20 p.m.

Article III. Administrative
& Enforcement
Procedures

DIVISION 1. GENERALLY: NO CHANGES

DIVISION 2. DEVELOPMENT REVIEW

SECTION 27-76. GENERALLY.

Consensus: **STRIKE ALL REFERENCE TO FINAL DEVELOPMENT PLANS.**

SECTION 27-78. DEVELOPMENT PERMIT REQUIRED.

Consensus: **DO NOT CHANGE.**

SECTION 27-82 PROCEDURE FOR APPLYING FOR AND ISSUING DEVELOPMENT ORDERS.

Consensus: **CHANGE 6 MONTHS TO 3 MONTHS; STRIKE "PRELIMINARY PLAN SUBMITTAL AND" AND CHANGE FINAL TO PRELIMINARY IN (b)**

Consensus: **ADD THE WORD "PUBLIC" BEFORE "HEARING" IN (e)**

Consensus: **ADD "WITH OR WITHOUT CONDITIONS" IN (f)(1).**

Consensus: **STRIKE "PLANNING AND DEVELOPMENT REVIEW BOARD" AND ADD "COUNCIL" AND ADD THE FOLLOWING SENTENCE AT THE END OF THE PARAGRAPH: "THE FINAL DEVELOPMENT PLAN SHALL BE CONSISTENT WITH THE PRELIMINARY DEVELOPMENT ORDER AND MAY CONTAIN NO LAND USE PROPOSALS DIFFERENT THAN THOSE APPROVED IN THE PRELIMINARY DEVELOPMENT ORDER" TO (g)**

Consensus: **CHANGE (h) TO (i) ADDING THE FOLLOWING NEW LANGUAGE TO (h): REVIEW OF FINAL DEVELOPMENT PLANS AND ISSUANCE OF A FINAL DEVELOPMENT ORDER. THE PLANNING AND DEVELOPMENT REVIEW BOARD SHALL CONDUCT A PUBLIC HEARING ON THE FINAL DEVELOPMENT PLAN TO DETERMINE WHETHER THE PLAN SATISFIES THE REQUIREMENTS OF THIS CODE. BASED ON THE DETERMINATION FROM EVALUATING THE ABOVE FACTORS, THE PLANNING AND DEVELOPMENT REVIEW BOARD SHALL EITHER: (1) ISSUE A FINAL DEVELOPMENT ORDER COMPLYING WITH SECTION 27-87 OF THIS CODE WITH OR WITHOUT CONDITIONS; OR (2) REFUSE TO ISSUE A FINAL DEVELOPMENT ORDER IF IT IS NOT POSSIBLE FOR THE PROPOSED DEVELOPMENT, EVEN WITH REASONABLE MODIFICATIONS, TO MEET THE REQUIREMENTS OF THIS CODE.**

SECTION 27-88. REQUIRED AND OPTIONAL CONTENTS OF FINAL DEVELOPMENT ORDERS.

Consensus: **STRIKE "PLANNING AND DEVELOPMENT REVIEW BOARD" AND ADD "CITY STAFF".**

DIVISION 3. PLATTING REQUIREMENTS

SECTION 27-101.1 (b) (5)

Consensus: **TO LEAVE (b) (5) AS IS.**

SECTION 27-102. PROCEDURES FOR PLATTING

Consensus: **STRIKE "IN DUPLICATE" AND ADD "TEN COPIES" AND STRIKE "HOWEVER, NO FINAL DEVELOPMENT PLAN APPROVALS OR ORDERS SHALL BE ISSUED UNTIL THE PLATTING PROCESS HAS BEEN COMPLETED, FIRST AND FOREMOST" TO (a).**

Consensus: **STRIKE "ONE" AND ADD "COPIES" TO (b).**

DIVISION 4. MINOR REPLAT REQUIREMENTS: NO CHANGES

DIVISION 5. GUARANTEES AND SURETIES.

SECTION 27-116. MAINTENANCE OF IMPROVEMENTS.

Consensus: **AND "FINAL" BETWEEN APPROVED AND DEVELOPMENT PLAN IN (b) (1).**

DIVISION 6. ENFORCEMENT OF DEVELOPMENT PERMITS AND ORDERS: NO CHANGES

DIVISION 7. REVIEW OF ADMINISTRATIVE AND LEGISLATIVE DECISIONS.

SECTION 27-133. REVIEW OF ADMINISTRATIVE DECISIONS.

Consensus: **ADD "COMMERCIAL" AS THE FIRST WORD IN THE LAST SENTENCE BEFORE "LAND USE" IN (a)**

DIVISION 8. VARIANCES

SECTION 27-144. NOTICE REQUIREMENTS.

Consensus: **FOR THE CONSULTANT TO REVIEW REMEDY NOTICES
REQUIREMENTS AND DISCUSS THIS SECTION BEFORE ANY
CHANGES WERE MADE.**

DIVISION 9. SPECIAL EXCEPTIONS: NO CHANGES

DIVISION 10. AMENDING THIS CODE: NO CHANGES

DIVISION 11. AMENDING THE COMPREHENSIVE PLAN: NO CHANGES

Adjournment

There being no further business, the meeting adjourned at 10:41 p.m.

ATTEST:

Richard A. Brown, Mayor

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
REGULAR CITY COUNCIL MEETING
FEBRUARY 3, 2003, 7:00 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 February 3, 2003, at 7:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

Mayor Richard A. Brown
Vice Mayor Jimmy Gilbert
Councilor Harriet Pruette
Councilor Larry Shealy
Councilor John Weldon
City Attorney Christopher A. White
City Manager Richard A. Linn

City Clerk Lisa Volpe, CMC
Director of Public Services Leon Smith
Building Official Dan Arlington
Assistant to the City Manager Terry Klein
Assistant to the Building Official Piper Turner
Deputy City Clerk Karla Strait, CMC

Order Call/Pledge

Mayor Brown called the meeting to order at 7:00 p.m. and asked Councilor Pruette to lead the pledge of allegiance. He asked everyone to observe a moment of silence in memory of the seven astronauts who lost their lives in the space shuttle Columbia tragedy on February 1, 2003.

AWARDS / PRESENTATIONS / RECOGNITION OF GUESTS / NONE

APPROVAL OF MINUTES

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

JANUARY 6, 2003, REGULAR CITY COUNCIL MEETING

Moved by Weldon, seconded by Gilbert.

Roll Call Vote:

Ayes: 5 – Gilbert, Pruette, Shealy, Weldon, Brown
Noes: 0

MOTION CARRIED

COMMUNICATIONS AND CORRESPONDENCE

Vice Mayor Gilbert thanked City Manager Linn for the prompt attention in which the speed bumps were installed on Margaret Street.

Councilor Pruette stated she had not received an annual report that she requested in a memo to the City Manager. City Manager Linn responded the report was sent out last week.

CITY MANAGER REPORTS

Water Project WATER UTILITY PROJECT: The water project was at the final stage of pressure testing. If tested okay the entire system would be disinfected and a sample given to the Department of Environmental Protection. If the sample was bacteria free the service connections would then be made. The patch paving was to begin this week. The City Attorney was preparing the documents for the required easement at the intersection of Florida Boulevard and Penman Road. The open cut trenching had been subcontracted out. The project should be completed in three to four weeks.

Sewer Project SEWER UTILITY PROJECT: The notice to proceed was given in January. The contractor had 90 days to start. The project would start at Seagate Avenue and move south to avoid interference with the water project.

PUBLIC COMMENTS

Teresa Thomas, 224 Margaret Street, thanked the Council and City Manager for installing speed bumps on Margaret Street.

Marsha Coker, 206 Margaret Street, thanked the Council and City Manager for the prompt attention installing speed bumps on Margaret Street.

Ellen Cordy, 1929 Seagate Avenue, opposed having a public facility in her backyard on Seagate Avenue, stating she would not want her children playing outside with strangers lurking in the park. She added that if the Council voted in favor of the park they would be voting in the best interest of the City of Jacksonville and not the City of Neptune Beach.

Geynell Mohr, 225 Margaret Street, thanked council for installing the speed bumps and extra police patrol on Margaret Street. She hoped that special attention would also be given to the residents on Seagate Avenue.

Dennis McClendon, 1914 Seagate Avenue, opposed a park at the end of Seagate he felt it would create a traffic problem. He also had safety concerns for children.

Bill Brogdon, 1930 Seagate Avenue, stated the Council listened to a select group of people when acting to install speed bumps on Margaret Street. He felt the residents of Seagate Avenue deserved the same consideration as those on Margaret Street and they all favored Jarrett's development and were opposed having a park.

Lynda Padrta, 1113 First Street, opposed approval of the height variance appeal at 115 North Street stating there was no hardship for an upper deck. She favored a preserve over a park for the end of Seagate Avenue.

Debbie Fields, 1901 Forest Avenue, stated the property at the west end of Seagate Avenue was the last undeveloped property on the marsh in Neptune Beach and should be respected and left in its natural state.

Craig Fields, 1901 Forest Avenue, he did not want to see the property at the end of Seagate Avenue developed. He asked the Council to vote "no".

Bill Cissel, 1924 Seagate Avenue, favored the Jarrett development at the end of

Seagate Avenue. He stated the development would increase property value and increase in the tax base. He added the development would have to meet state and federal permit requirements and those agencies would not allow any danger to the wetlands. He asked the Council to keep their personal opinions out of the vote and vote in favor of the development.

Joanne Waddill, 115 Oleander Street, member of the Ish Brant Beautification Committee, stated she had spoken with Mike Middlebrook and he assured her the property would be a preserve because it was not big enough to be a park. She asked Council to adhere to the Code on the development. She also asked that the Ish Brant Beautification Committee be allowed to adopt and maintain the entire area of Seagate Avenue.

Nelson Humphrey, 1908 Seagate Avenue, favored Jarrett's development stating the west end of Seagate Avenue could not handle a park.

Hank Baltar, 2029 Sandpiper Point, member of the Planning & Development Review Board, felt a preserve would serve all citizens of Neptune Beach. He also felt Jarrett's development should be rejected because it did not follow the correct procedure or comply with city codes.

Mark Dillon, 1550 Kings Road, was involved in trying to create the Hopkins Creek Preserve to no avail because it was currently under development. He felt the property at the west end of Seagate Avenue should be preserved.

Sybil Ansbacher, 2008 Strand Street, Chairperson of the Board of Appeals, explained the Boards decision to deny the variance appeal for 115 North Street was based on there being no hardship. She added the Council originally set the height limit at 28' and the Board upheld that decision.

Roger Bennett, 1871 Nightfall Drive, felt Council did not have enough facts to make a decision in favor of the development because the plans had been amended at each review and were not complete.

Ron Powell, 1830 Nightfall Drive, also felt the Council did not have enough information to make a decision in favor of the development and they could only vote on what they expected it to be. He added it was prime property and deserved a prime development plan.

John Dawson, 1910 Seagate Avenue, stated that Mr. Steve Jarrett had more at stake than just a development because he intended to own one of the seven lots. He quoted Mayor Delaney in a newspaper article that read: "the City of Jacksonville had more parkland than any other city in the United States." He added that Mr. Jarrett had complied with everything the Council requested and his plans should not be delayed. He also had spoken with Mr. Middlebrook and was shown plans for a park not a preserve. He was assured the area would be made into a park and not a preserve.

Jeannie Jones, 630 Cherry Street, favored Jarrett's development over a park. She added that Mr. Jarrett had met all the Council's requirements. She had concerns about the Kings Road Bridge if a park was created. She asked the Council to vote "yes" for the development.

Tom Brannon, 2020 Tara Court, favored the Jarrett development. He asked the Council to vote "yes" for the development. He felt there would be no benefits in the property being a preserve.

Kerry Chin, 227A Margaret Street, thanked Council for taking action on the speed

bump issue on Margaret Street. He felt the Jarrett development did not follow proper procedure and should go through state and federal agencies before getting approval from the city.

Christine Chin, 227A Margaret Street, thanked Council for installing the speed bumps on Margaret Street. She felt the development procedure was out of order and the plans should be completed before it was approved.

Julie Anderson, 1637 Arrowhead Trail, encouraged Council to vote "no" and support the Board of Appeals decision on the height variance appeal for 115 North Street. She supported Ordinance No. 2003-01 giving notice of Planning & Development Review Board meetings. She felt the development order should follow procedure.

Rudolf Lowery-Ball, 1834 Nightfall Drive, felt development plans should go through the review system and be done correctly.

Janet Boone, 1936 Seagate Avenue, agreed with Mr. Dawson (above) stating Jarrett had first position as a buyer for the property at the west end of Seagate Avenue. She added that Mr. Jarrett had complied with Council requests and the Council had a moral responsibility to move forward with the development and not continue to change procedure to accommodate more requirements.

Leslie Karlin, 1506 Spindrift Circle West, supported the 28' height limit. She stated her experience with the Jarrett development behind Summer Sands found Mr. Jarrett difficult to work with. She felt the development plan should follow procedure and Council did not have enough information to vote in favor of it.

Sue Conley, 1864 Nightfall Drive, stated the issue should not be a "park" verses a "development." It was an issue of the development order. She felt the developer should be clear on what the development would be and follow the code.

LaJuan Kazmierczak, 2102 Acacia Road, favored the development now that Mr. Jarrett had offered to provide access to the intracoastal. She added it would also be a substantial increase in the city's tax base.

Recess/Reconvene Mayor Brown called for a recess at 8:25 p.m., the meeting reconvened at 8:40 p.m.

Jim Miller, 1633 Hopkins Creek Lane, stated Mr. Jarrett had presented conceptual plans and felt the Council should proceed and vote on the development order. As the city engineer he suggested implementing the master plan and getting all the houses on the south side of the Kings Road Bridge off septic tanks and on a master sewer system.

Tim Kazmierczak, 2102 Acacia Road, stated that if the development fell within city guidelines Mr. Jarrett should have the option to develop it. He was concerned about the weight of emergency vehicles on the Kings Road Bridge.

Sandy Leidy, 1810 Strand Street, felt the reason for the objections to the park was that people were unsure of what it would be. He stated he had spoken with Mr. Middlebrook and was informed verbally (not in writing) that the property would be preserved.

CONSENT AGENDA / NONE

VARIANCES

115 North St.

APPEAL OF VARIANCE REQUEST ON HEIGHT LIMITATION – 115 NORTH STREET: City Manager Linn explained this was an appeal for a height variance at 115 North Street that was denied by the Board of Appeals.

Michael Dunlap, architect for the project, explained building a three level home at a 28' height limit would not be attractive. The existing duplex on the property would be completely demolished. The owners wanted to construct a single family home with a third level deck that would exceed the 28-foot height limit by 4 feet. The plans met all other required setbacks. The basis for his appeal was there was not substantial competent evidence for the Board to deny the request. There was one vote on the Board in favor of the variance request. He added there were other issues in maintaining a variance other than being required to have a hardship.

Moved by Weldon, seconded by Pruette.

Motion: **TO DENY THE APPEAL AND SUPPORT THE DECISION OF THE BOARD OF APPEALS.**

Councilor Pruette stated she supported the decision of the Board of Appeals and asked City Attorney White to explain to the new members of the Council what the Council considered when hearing an appeal. City Attorney White responded the Council could only decide whether or not procedural due process was afforded the applicant and whether or not there was competent substantial evidence to support the Board's decision.

Vice Mayor Gilbert felt the height limitation in Neptune Beach was sacred. The citizens of Neptune Beach asked for the 28' height limit and he would deny any requests to exceed that limit until it was changed.

Councilor Weldon stated everyone would like to have an ocean view and that was the purpose of the deck. He added granting height variances would create towers all over the R-4 district that would allow for ocean views.

Mayor Brown stated it was a nice design but the height was not allowed. He called for the vote.

City Attorney White stated the motion should be either to reject or affirm the decision of the Board. So in this case the motion should be to affirm the decision of the Board of Appeals.

Moved by Weldon, seconded by Pruette.

Motion: **TO AFFIRM THE DECISION OF THE BOARD OF APPEALS.**

Roll Call Vote:

Ayes: 5 – Gilbert, Pruette, Shealy, Weldon, Brown.

Noes: 0

MOTION CARRIED

ORDINANCES

Ord. No. 2003-01

ORDINANCE NO. 2003-01 – SECOND READ AND PUBLIC HEARING – SPONSOR COUNCILOR PRUETTE: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING SECTION 27-40(d), ADDING ADDITIONAL LANGUAGE RELATING TO NOTICE OF MEETINGS OF THE PLANNING AND DEVELOPMENT REVIEW BOARD AND PROVIDING AN EFFECTIVE DATE.

Mayor Brown opened the floor for public comments.

Lynda Padra, 1113 First Street, commented that she was in favor of any improvements that would notify citizens of changes in their neighborhood.

There being no further comments the public hearing was closed.

Moved by Gilbert, seconded by Weldon.

Motion: **TO ADOPT ORDINANCE NO. 2003-01 ON SECOND READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 5 – Gilbert, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

OLD BUSINESS

Seagate

FINAL DEVELOPMENT ORDER, SEAGATE SUBDIVISION – STEVE JARRETT: City Manager Linn explained the history of the development order dating back to June 2002. Mr. Jarrett was considering subdividing the parcel at the west end of Seagate currently owned by Roberts Interests in June 2002. The development order was withdrawn at the developers request. The Planning & Development Review Board made a recommendation to the City Council in July 2002. The Council delayed action pending the abandonment of the right-of-way on Seagate Avenue. The request laid dormant until January 2003 at which time the developer requested it to be placed back on the agenda.

Building Official Dan Arlington made the following comments:

- 1) The issue of the natural buffer zone still was not resolved.
- 2) The driveway on the end was not resolved unless Council considered it was city property. Mr. Arlington thought it still appeared to be private property.
- 3) There will be no on street parking.
- 4) The cul-de-sac was over 600 feet.
- 5) The cul-de-sac width, actual paved radius, had been corrected.
- 6) The city right-of-way would have 120 feet in diameter, but it was the same as the pavement.
- 7) If the road is widened then the existing road should also be widened.
- 8) He thought lot 3 and 5 would require variances.

City Manager Linn asked Mr. Arlington to elaborate on the natural buffer zone. He understood the developer had to acquire a permit from the St. Johns River Water Management District and he was not sure that would satisfy the city ordinance for wetland protection. Mr. Arlington responded the ordinance stated to protect and not allow development to occur on the wetlands.

Councilor Shealy asked Mr. Arlington if previous developments were held to the same standards or if precedence had been set. Mr. Arlington responded previous developments were not held to the same standards.

Moved by Gilbert, seconded by Shealy.

Motion: **TO ACCEPT THE DEVELOPMENT ORDER PROVIDED THAT ALL THE NECESSARY PERMITS ARE IN PLACE FROM THE VARIOUS AGENCIES THAT PERTAIN TO WETLANDS, DRAIN STORMWATERS, WHATEVER UTILITIES ARE DESIRED.**

Councilor Weldon read the following prepared statement:

Our Council will seldom have an opportunity like this one to positively influence the direction of land development at the beaches. I will vote to deny this development application for the following reason; first, it is not compliant with the Land Development Regulations of Neptune Beach. The proposed cul-de-sac far exceeds the 600-foot maximum length specified in our Code. Some may argue that we have waived this provision in the past. I assert that we are under no obligation to waive it tonight. Each of these applications are judged on their own merits. Precedent is not an issue. Second, this proposal does not offer adequate wetland buffer zones. The Hopkins Creek estuary has been designated a conversation area by Neptune Beach. It should be and must be protected from residential fertilizer and pesticide runoff. This application does not offer any guarantee of buffer zone width in fact it proposes to fill some adjacent wetlands. Third, the proposed platting of the site will encourage variance applications by eventual property owners. The applicant has essentially agreed on the record that this was the case. This runs counter to Council responsibility in approving final development orders. Why would we approve a proposal only to have it modified by the Board of Appeals. Finally and most importantly, the proposed design of this sight will actively discourage if not deny public access to the intra coastal waterway at the western end of the Seagate right-of-way. Once homes have been constructed and landscaping has grown in this will not look like a street end. Furthermore, there will be no place for the public to park. I will vote no on this proposal and I encourage my fellow council members to do likewise. We are well within our authority to do so.

Councilor Pruette had reservations. She did not believe the Code had been followed from the very beginning of the development. She felt more information was needed to make a decision.

Mayor Brown felt the Council needed to be in the position that the development met all the Codes and at that point there would be nothing else to debate.

Councilor Shealy stated the people that were most effected were in favor of the development. The motion was contingent upon approval from the state and federal agencies. He was concerned about the second position contract on the property. He supported the motion to move forward with the contingencies.

Vice Mayor Gilbert stated when the development order was first reviewed it was contingent upon abandonment of the city right-of-way. The Council deferred action at that time. Then a representative came forward to explain another use of the property should the current plans not be approved. That put Mr. Jarrett in a position to take immediate action at which time he proposed plans that did not require abandonment of the city right-of-way. Comments were then made regarding park benches and the road not stopping before the driveway at which point Mr. Jarrett complied and extended the road past the driveway. The reason the development order did not follow procedure was because the Council asked for changes. To gain approval of other agencies on development orders had not been protocol in Neptune Beach for the past three years. To set that protocol now was unfair and a burden on the contractor who had every right to develop the property without consideration of an alternate use of the property. The reason the plans were not complete was the City's responsibility. Vice Mayor Gilbert concluded the Environmental Protection Agency would not allow anyone to destroy the property and it was not right to delay the development in any manner.

Councilor Weldon asked the Chair to recognize Mr. Jarrett.

Steve Jarrett stated he submitted a fully engineered set of plans for the development. The Council requested him to make changes and he complied with those requests. The Council has acknowledge in the past the Code was out of sync with reality and the

procedure should be changed to grant final development orders contingent on all other permits being received. The Council at the workshop meeting waived having the plans reviewed again by the Planning & Development Review Board. The plans were in compliance and he was in the process of obtaining environmental permits. Mr. Jarrett was unsure what the delay was and asked the Council what they wanted him to do and why they felt the plans were not in compliance.

Mayor Brown stated if the plans were code complaint there was not an issue.

Vice Mayor Gilbert stated he asked Building Official Dan Arlington to ask Mr. Jarrett to answer any unresolved questions at the workshop meeting. Mr. Jarrett provided answers to his questions at that time. Councilor Gilbert called a point of order to take a vote.

City Attorney White brought to the Council's attention that the City's Planning & Development Code was not the best. The process under Section 27-76 stated "site plan approval of the final development shall be required in all instances in all districts except where requirements for submittal of development plans are waived by the City Council in acting upon written recommendations submitted by the Planning & Development Review Board." He advised that through its action Council sometimes waived certain procedural compliance under the Code by acting on written recommendations of the Planning & Development Review Board.

Motion: **TO APPROVE THE DEVELOPMENT ORDER CONTINGENT UPON THE FOLLOW UP PERMITS FROM THE VARIOUS AGENCIES, WHATEVER OTHER PERMITS ARE REQUIRED BY MR. JARRETT IN ORDER TO RECEIVE A PERMIT FROM THE CITY OF NEPTUNE BEACH.**

Roll Call Vote:

Ayes: 2 – Gilbert, Shealy

Noes: 3 – Pruette, Weldon, Brown

MOTION FAILED

NEW BUSINESS

Special Event

REQUEST FOR A SPECIAL EVENT – IDS – JAMES W. INGALLS: City Manager Linn stated he had met with Mr. Ingalls prior to the holidays and asked him to present the event to the Planning & Development Review Board for a recommendation. The PDRB recommended approval of the one time special event. The event would be held in the parking lot of the Sea Horse Motel on April 25th, 26th, and 27th.

Moved by Gilbert, seconded by Shealy.

Motion: **TO APPROVE.**

Councilor Weldon asked if alcoholic beverages would be served. City Manager Linn replied alcoholic beverages would be served under the Sea Horse Motel's license.

Councilor Weldon questioned who would be competing.

Mr. Ingalls, representative for IDS, stated the original format was to have high school students compete. However, upon investigation the Florida High School Athletic Association informed they did not allow teams to compete out of season. He then approached the U.S.A. Volleyball Florida Region office and they agreed to aide in identifying 8 teams of men and 8 teams of women to compete. There would be an entry fee for participants. Finals would be held on Sunday and cash prizes would be

awarded.

Councilor Pruette asked City Manager Linn to inform the Town Center Board of the event.

Councilor Weldon felt the city would be endorsing a commercial event to benefit the sponsors. He asked what the benefits would be for Neptune Beach. He also had concerns relating to parking, police protection, and crowd control.

Jim Ingalls responded the event would attract more visitors to Neptune Beach on the weekend of the "Opening of the Beaches". They had approached businesses in the area to participate and allow parking in their lots. He had included the cost of police protection using Neptune Beach police officers in the budget. He had obtained a permit from the Department of Environmental Protection and approached the Army Corp of Engineers relating to the sand for the volleyball court and its disposal. The Green Market agreed to relocate that Saturday. The bands would not play past 10:00 p.m. and the event would end at 11:00 p.m. on Friday and Saturday nights. The entire event would shut down Sunday at 6:00 p.m.

Councilor Weldon questioned insurance and liability. Mr. Ingalls replied IDS was required to carry a one million dollar policy and would provide insurance to the City and the Sea Horse Hotel.

Councilor Weldon suggested council consider approving the concept only and gather more details, including approval from the Town Center Agencies before approving the event.

Roll Call Vote:

Ayes: 4 – Gilbert, Pruette, Shealy, Brown

Noes: 1 – Weldon

MOTION CARRIED

Res. No. 2003-01

RESOLUTION NO. 2003-01 – SETTING THE ORDER OF BUSINESS FOR COUNCIL MEETINGS: RESOLUTION ESTABLISHING THE ORDER OF BUSINESS FOR THE CITY COUNCIL WORKSHOP MEETINGS.

Moved by Shealy, seconded by Weldon.

Motion: **TO APPROVE**

Roll Call Vote:

Ayes: 5 – Gilbert, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

Res. No. 2003-02

RESOLUTION NO. 2003-02 – APPOINTMENT OF BOARD MEMBERS: RESOLUTION APPOINTING BOARD MEMBERS TO THE CODE ENFORCEMENT BOARD AND THE PLANNING AND EDEVELOPMENT REVIEW BOARD.

Moved by Weldon, seconded by Shealy.

Motion: **TO APPROVE RESOLUTION NO. 2003-02**

Roll Call Vote:

Ayes: 5 – Gilbert, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

Tradewinds Plaza

REQUEST FOR FINAL DEVELOPMENT ORDER – TRADWINDS PLAZA – 1501 – 1589 ATLANTIC BOULEVARD FOR INSTALLATION OF AN AUTOMATED TELLER MACHINE: City Manager Linn stated the Planning & Development Review recommended approval of the development order. He requested landscaping around the ATM. Mr. Grubbs agreed to provide landscaping.

Moved by Gilbert, seconded by Weldon.

Motion: **TO APPROVE**

Roll Call Vote:

Ayes: 5 – Gilbert, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

Adjournment

There being no further business, the meeting adjourned at 9:45 p.m.

Richard A. Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
WORKSHOP CITY COUNCIL MEETING
LAND DEVELOPMENT REGULATIONS
FEBRUARY 10, 2003 AT 7:00 P.M.
CITY HALL, 116 FIRST STREET
NEPTUNE BEACH, FLORIDA

Pursuant to proper notice a Special Meeting of the City Council of the City of Neptune Beach was held February 10, 2003, at 7:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

Mayor Richard A. Brown
Vice Mayor James Gilbert
Councilor Harriet Pruette
Councilor Larry Shealy
Councilor John Weldon

City Manager Richard A. Linn
City Clerk Lisa Volpe, CMC
Building Official Dan Arlington

Absent:
City Attorney Christopher White

Call to Order/Roll Call

The Mayor called the meeting to order at 7:00 p.m.

OPENING COMMENTS

Mayor Brown stated the meeting was called to discuss how and when to continue the review of the Proposed Land Development Regulations. He added the review had been a lengthy process and council members have changed throughout that period. It was important to remember they could not start with a clean slate. He felt problems and inconsistencies in the code needed to be cleaned up in a manner that would be respectful of property rights and would not decrease property values.

Vice Mayor Gilbert stated he looked forward to continuing the review of land regulations.

Councilor Shealy stated the current Land Development Regulations had caused a lot of indecisiveness in the past. He was looking forward to cleaning up the code.

Councilor Pruette stated the original intent of the review was not to completely rewrite the code but to clean up the language and inconsistencies. She stated the citizens wanted to keep Neptune Beach the way it was. She wanted to know what the inconsistencies were in the code and what had been changed since beginning the review.

Councilor Weldon stated the intent was not to change Neptune Beach. He felt the way to preserve and maintain the ambiance was to structure the code to protect the community. His six years experience on the Planning & Development Review Board made him aware the code was severely flawed.

DISCUSSION

Councilor Weldon offered the following background information:

About five years ago a review committee was formed consisting of City Manager Linn, himself and three or four other people. The committee determined they needed a consulting firm specializing in land uses to guide them through the process. The first order of business of the committee was to send out a proposal for bids and review the applications for a consulting firm. For several months they interviewed eight different firms and narrowed it down to Ivey, Harris, & Walls. The consultant started addressing the Planning & Development Review Board, the city staff, and the City Council about how to approach the project. They sent out a survey to the citizens and categorized what they liked about Neptune Beach. The consultants then started reviewing the code piece by piece first with the Planning & Development Review Board and then with the Council. The review with the Council was never completed.

Councilor Weldon stated that without an effective organized code the city would be vulnerable to changes beyond its control. He asked for a commitment of the Council to complete the project.

Vice Mayor Gilbert felt the Council should commit to one night a month to complete the review.

Councilor Shealy asked should it start over at the Planning & Development Review Board level or be taken up where the Council left off. Councilor Weldon responded the Planning & Development Review Board had already reviewed it and suggested starting at the council level.

Council questioned if changes made by previous councils, and the ordinances passed since the last update, were incorporated into the draft document.

City Manager Linn informed the latest update from Ivey, Harris, & Walls was from the year 2001. The document did not include changes from the October 8, 2001 and the May 28, 2002, Council meetings or Ordinances passed after 2001.

City Manager Linn spoke with Gary Dickens, Ivey, Harris, & Walls, and the firm was interested in completing the process. Mr. Linn recommended sending the information from the two council meetings and the ordinances that were not included in the draft to the consultant to be incorporated into the document. The cost of completing the review would be between \$7,000 and \$10,000 total, including five meetings with the consultants and the final legal review with Rogers, Towers, Bailey and Gay. Mr. Linn stated the code should include redevelopment since the city was 96% built out.

Councilor Weldon stated a consultant was necessary. Ivey, Harris and Walls were already involved in the process and knew more about it than anyone new they could hire.

City Manager Linn suggested starting out by inviting the consultants to a meeting asking them to explain the changes that were recommended by previous councils.

Mayor Brown suggested council hear from the public and staff before bringing the consultants back in. He did not want the consultants telling them what to do with each meeting. He wanted to see exactly where the flaws were in the old code and where they had been corrected in the new code.

Councilor Shealy agreed with Councilor Weldon that \$40,000 has already been spent on the project and should move forward.

Councilor Gilbert stated the Council should receive the material two weeks before the meeting so they had plenty of time to review it.

City Clerk Volpe stated each Councilor should make sure they had the latest version for each meeting and discard any old versions. She suggested having the consultants update the document with all changes to date and start from that point.

Councilor Pruette stated she would like to see exactly where the flaws were in the old code and where it had been corrected in the new code.

John Webber, the fire marshal for the City, stated the Council should start with the definitions because they would be carried out through each section of the code. The Council should come to a consensus on every change they wanted to make in each section. He asked them to think about what they wanted Neptune Beach to be in the next ten years.

Councilor Weldon agreed that the definitions would carry through each section and could be modified at that point if necessary.

Councilor Gilbert stated the most important thing to him at this point was to get the correct material in advance.

Councilor Pruette stated the money was not in the budget and questioned where the funds to pay the consultants would come.

City Manager Linn replied the money would come out of the contingency fund which held \$100,000.

Councilor Weldon asked for a consensus to rehire Ivey, Harris, & Walls to complete the project.

City Manager Linn stated he would send Ivey, Harris, & Walls the documents to incorporate into the draft and ask them to prepare a proposal. He would present the proposal at the February workshop meeting.

Councilor Weldon proposed to go ahead and schedule the next meeting and if there was an objection to the proposal they could postpone it.

City Manager Linn recommended scheduling the meeting on Monday, March 10, 2003 to review group one.

Consensus: **TO HOLD A MEETING ON GROUP ONE OF THE LAND DEVELOPMENT REGULATIONS ON MONDAY, MARCH 10, 2003.**

PUBLIC COMMENTS

Judy Bost, 115 Walnut Street, approved of moving forward with the Land Development Regulations review. She was concerned about illegal parking.

Lynda Padrta, 1113 First Street, ask that the city require the consultants to provide an electronic copy of any documents for the staff and the public.

Ron Powell, 1830 Nightfall Drive, member of the Planning & Development Review Board, stated a lot of money and work went into the reviewing the Land Development Regulations and he would like to see the project completed.

For the Record Councilor Weldon asked City Manager Linn to brief the Council on the security precautions the city staff had undertaken in response to the federal government raising the security threat level to orange.

City Manager Linn stated because it was not on the agenda and was not advertised to the public the topic could not be discussed.

City Clerk Volpe stated a letter from Chief Brandt regarding the heightened threat level was placed in the council mailboxes earlier in the day.

Adjournment

There being no further business, the meeting adjourned at 8:25 p.m.

ATTEST:

Richard A. Brown, Mayor

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
WORKSHOP CITY COUNCIL MEETING
FEBRUARY 24, 2003 AT 7:00 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 27, 2003 at 7:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

Mayor Richard A. Brown
Vice Mayor James Gilbert
Councilor Harriet Pruette
Councilor Larry Shealy
Councilor John Weldon
City Attorney Christopher White
City Manager Richard A. Linn

City Clerk Lisa Volpe, CMC
Director of Public Safety William Brandt
Director of Public Services Leon Smith
Assistant to the City Manager Terry Klein
Assistant to the Building Official Piper Turner
Deputy City Clerk Karla Strait, CMC

Call to Order/Roll Call Mayor Brown called the meeting to order at 7:00 p.m.

COMMITTEE REPORTS / NONE

IBBC ISH BRANT BEAUTIFICATION COMMITTEE: The committee was awaiting a proposal from a landscape architect for landscaping the area of the Mayport flyover. City Manager Linn inquired about using the county's tree mitigation funds for the proposed landscaping.

CITY MANAGERS PUNCH LIST

Bike Path BIKE PATH IMPROVEMENT: City Manager Linn stated there were concerns that the bike path was close to an open ditch. He would address the issue with the Florida Department of Transportation. Representative Don Davis had been asked to request the culvert continue on to the Mayport flyover. Council Pruette suggested having a split rail fence installed.

Utility Improvement Water UTILITY IMPROVEMENT PROJECT WATER: The water project was in the final stage. The contractor had started the pressure testing and paving. Jim Miller, PBS&J, stated the project should be complete by the middle of March pending clearance from the state.

Utility Improvement Sewer UTILITY IMPROVEMENT PROJECT SEWER: Jim Miller, PBS&J, stated the projected completion date for the sewer project was February 17, 2004.

Kings Rd. Bridge KINGS ROAD BRIDGE: The Kings Road Bridge would be discussed further into the meeting.

Underground UNDERGROUND TRASH CONTAINERS: The manufacturer was awaiting a purchase

Containers	order for the purchase of our large units before shipping the smaller ones for trade. Once the smaller containers were received they would be installed.
Seawood Dr.	<u>CLEANING OF CITY RIGHT-OF WAY – SEAWOOD & LINCOLN:</u> With the cooperation of the neighbors on Seawood Drive and Lincoln Road Director of Public Services Leon Smith had the right-of-way cleaned.
City Hall A/C	<u>CITY HALL AIR CONDITIONING:</u> City Manager Linn stated the air conditioning units on City Hall had to be replaced. He asked the Council to allow him to send out a Proposal for Bids for replacing the units. The cost would be funded through the contingency non-departmental line item.

PUBLIC COMMENTS

Judy Bost, 115 Walnut Street, felt the current noise and parking ordinances should be enforced to control the problem of multiple unrelated persons living together in a single unit. She opposed permitting rental property.

Dr. Bob Grovenstein, 411 Snapping Turtle Court East, Atlantic Beach, owner of rental property in Neptune Beach, felt permitting landlords was another layer of bureaucracy that was not needed. He opposed installing traffic islands on First Street.

Wanda Sauls, 126 Cedar Street, was concerned large vehicles would not be able to get through First Street with the traffic islands. She felt stop signs would be sufficient for traffic calming on First Street and would be less expensive.

Laura Johnson, 1062 Kings Road, felt an ordinance regulating unrelated persons living in a single unit would be difficult to enforce and would place too much responsibility on the landlords.

Mike Disch, 118 Magnolia Street, favored traffic calming on First Street in any manner to discourage cruising.

Fred DeSapio, 234 Florida Boulevard, felt there would be a problem with enforcing an ordinance regulating the number of unrelated persons living in a single unit. He also opposed rehiring Ivy, Harris and Walls for the continuance of the land development regulations.

Marsha Coker, 206 Margaret Street, favored the ordinance limiting the number of unrelated persons living in a single unit. She stated the recently installed speed bumps on Margaret Street had slowed traffic.

Lynda Padrta, 1113 First Street, commented an annual inspection by the city in Virginia saved her mothers life. She opposed rehiring Ivy, Harris, & Walls. She stated the residents east of Third Street wanted something done about the traffic on First Street.

JoAnne Waddill, 115 Oleander Street, felt landlords caused the problem of too many unrelated people living together. She thought registering rentals was an excellent idea.

Chris Chin, 227 Margaret Street, stated there was a problem on Margaret Street with too many people living in a single apartment and she would like to see something done. She felt landlords should take more responsibility for their tenants. She also favored installing traffic islands on First Street.

Geynell Mohr, 225 Margaret Street, stated, as a landlord she would not mind having her rental property inspected. She felt enforcing the current ordinances would help control too many unrelated people living together. She felt the absentee landlords were a big problem. She suggested placing stop signs at every block on First Street to help control cruising on First Street.

David Baker, 1102 First Street, stated that the speeding and illegal parking ordinances were not being enforced. He suggested posting a 20-mile per hour speed limit east of Third Street.

Laura Parham, 214 Bowles Street, felt that defining families would be too personal. She suggested allowing an exception in the ordinance for landlords who lived on their property.

Ben Rodriguez, 1224 Forest Oaks Drive, opposed the ordinance defining families and inspecting rental property.

Ray Corbin, 209 Bay Street, suggested adding partial speed bumps in lieu of stop signs to calm traffic on First Street. He felt that annual inspections of rental property were an invasion of privacy. He added that privately owned single-family homes could also have unrelated people living together. He suggested annual voluntary inspections.

Beth Schultz, 608 Valley Forge Drive North, favored an ordinance defining families. The home across the street from her had five unrelated people living in it.

Bonita Costner, 224 Margaret Street, favored an ordinance defining families. She stated nine people currently rented one unit on Margaret Street.

Teresa Thomas, 224 Margaret Street, thanked the Council for having the speed bumps installed on Margaret Street. She favored an ordinance to define families.

Recess/Reconvene Mayor Brown called a recess at 8:35 p.m. the meeting reconvened at 8:45 p.m.

PROPOSED ORDINANCES

Ordinance
No. 2003-XX

ORDINANCE NO. 2003-XX, AMENDING SECTION 27-15 ADDING A DEFINITION OF "FAMILY" AND ADDING SECTION 27-333 RELATING TO LANDLORD PERMITS: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA RELATING TO DEFINING FAMILIES; REQUIRING RENTAL PERMITS; PROHIBITING OCCUPANCY OF FAMILY DWELLING UNITS BY UNRELATED PERSONS ABOVE A SPECIFIED NUMBER; PROVIDING PENALTIES AND VIOLATIONS; AMENDING SECTION 27-15 TO INCLUDE A DEFINITION OF "FAMILY"; ADDING SECTION 27-333 RELATING TO LANDLORD PERMITS AND PROVIDING AN EFFECTIVE DATE.

City Attorney Chris White stated there were two issues in the ordinance to consider. The first was to define "family"; the second issue was "landlord permits." He added the ordinance did not include or require annual inspections by the city.

Councilor Pruette stated the ordinance was not about city inspections and she opposed city inspections. The ordinance was to relieve residents from abuses caused by landlords who did not care.

The Council discussed how to define "family", what the maximum number of unrelated persons in one household should be, the cost of landlord permits, and how the ordinance

would be enforced.

Consensus: **ELIMINATE SECTION 1-12 A & B REGARDING PERMITTING REQUIREMENTS AND FORWARD TO THE MARCH REGULAR MEETING FOR FIRST READ.**

Councilor Weldon stated he wanted to bring back a separate ordinance on the landlord permitting issue.

Ordinance
No. 2003- XX

ORDINANCE NO. 2003-XX, AMENDING SECTION 15.5, 15.6, AND 15.7, REGULATING SOLICITING OR BEGGING ON PUBLIC PROPERTY: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING SECTION 15 ADDING SECTIONS 15.5, 15.6, AND 15.7 AND PROVIDING AN EFFECTIVE DATE.

Director of Public Safety William Brandt stated the purpose of the ordinance was to control aggressive panhandling and collectors for charities in medians.

Vice Mayor Gilbert agreed to sponsor the ordinance.

Consensus: **FORWARD TO THE MARCH REGULAR MEETING FOR FIRST READ.**

Ordinance
No. 2003- XX

ORDINANCE NO. 2003-XX, AMENDING SECTION 27-71 TO CHANGE THE AMOUNT OF THE CHAPTER F.S., CH. 175 TAX ON INSURANCE COMPANIES: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING ARTICLE III PROPERTY INSURANCE TAX SECTION 21-71, ESTABLISHING PERCENTAGE BY STATE STATUTES AND PROVIDING AN EFFECTIVE DATE.

City Manager Linn asked to table the ordinance because it was not ready.

Consensus: **TABLE THE ORDINANCE UNTIL READY.**

CONTRACTS / AGREEMENTS

Ivy, Harris, & Walls

CONTRACT WITH IVY, HARRIS, & WALLS – CONTINUE REVIEWING LAND DEVELOPMENT REGULATIONS: City Manager Linn stated Ivy, Harris & Walls agreed to complete the Land Development Regulations for \$9,400. The cost would include five meetings and the legal review. Mr. Linn added the \$9,400 was not budgeted and would come out of the contingency fund.

Councilor Pruette felt the completion of the Land Development Regulations should be put on hold until the money was budgeted. She asked to be shown where the code was broken and how it was being cleaned up.

Councilor Shealy stated \$40,000 had already been spent on the project. He supported moving forward with the contract. Councilor Weldon, Vice Mayor Gilbert, and Mayor Brown also supported moving forward.

City Manager Linn stated a meeting on Land Development Regulations was scheduled for March 10, 2003. Ivy, Harris, & Walls would need to provide the document for the meeting. He asked for a consensus to move the contract to the March regular meeting for a vote.

Consensus: **RESCHEDULE THE LAND DEVELOPMENT REVIEW MEETING FROM MARCH 10, TO MARCH 24, 2003.**

Consensus: **FORWARD TO THE MARCH REGULAR MEETING FOR A VOTE.**

Pitman & Hartenstein

CONTRACT WITH PITMAN & HARTENSTEIN – KINGS ROAD BRIDGE REPAIR DESIGN: City Manager Linn received two proposals from Pitman & Hartenstein to design the repairs of the Kings Road bridge, one for \$35,575 would allow for future expansion, and the second for \$150,585 to completely replace the bridge.

Councilor Weldon thought the proposals were extremely high. He suggested receiving competitive bids. He felt patching the problem was a lack of foresight and the work and money invested in the project now should be recovered when the time came to expand the bridge.

Councilor Shealy suggested asking the City of Jacksonville Beach for financial assistance because Jacksonville Beach residents had to access their property through the Kings Road bridge.

Councilor Gilbert agreed Jacksonville Beach received benefits from the bridge and Neptune Beach should not bear the full burden.

Councilor Pruette agreed it would benefit the citizens of Jacksonville Beach as well as Neptune Beach.

City Manager Linn stated Jacksonville Beach viewed the bridge as being located in Neptune Beach. It was the same as Neptune Beach residents driving over a bridge in Jacksonville Beach.

Councilor Weldon asked Mayor Brown to speak with Mayor Marsden regarding sharing some of the cost of the bridge repairs. He added access could also be opened though Jacksonville Beach.

City Manager Linn stated the city was at a disadvantage to renegotiate the contract because a contract was already in place. He recommended moving forward with the contract that was already in place. The Better Jacksonville funds would be used.

Consensus: **NOT TO MOVE FORWARD WITH THE ANY ADDITIONAL CHANGES TO THE CONTRACT AT THIS TIME. TO HAVE MAYOR BROWN TALK TO MAYOR MARSDEN AND CITY MANAGER LINN TALK TO PITMAN HARTENSTIEN.**

ISSUE DEVELOPMENT

First Street

TRAFFIC CALMING ISLANDS AND STOP SIGNS ON FIRST STREET: The traffic study, which was completed several years ago proposed traffic calming islands to be placed at selected intersections on First Street. There was now concern over large vehicles maneuvering around the islands.

Councilor Gilbert stated he preferred having stop signs installed at every intersection with the exception of one traffic-calming island at Florida Boulevard.

Councilor Pruette agreed with Councilor Gilbert. She asked if the city could get a change order for a refund of the cost of the islands.

Mr. Miller, PBS&J, responded the cost of \$20,000 for the traffic calming islands was a line item in the contract and a change order could be done for a refund.

City Manager Linn stated at the time of the traffic study the Council preferred the traffic calming islands to speed bumps on First Street. Mr. Linn recommended stop signs at

every intersection in lieu of traffic calming islands.

Discussion continued about traffic and parking on First Street.

Councilor Weldon stated if stop signs were installed at every intersection on First Street they would need to be installed at every intersection on Second Street to avoid diverting the traffic to Second.

Councilor Shealy stated experts recommended the traffic calming islands and he was not ready to abandon them.

City Manager Linn asked Council for a consensus to install the stop signs immediately.

Councilor Weldon suggested a 30-day waiting period to allow time for public input.

City Manager Linn stated he would have to order the stop signs and it would take a few weeks for delivery. He asked Council to make a decision on the traffic calming islands so he could initiate the change order as soon as possible. He added the islands could always be added at a later date.

Consensus: **TO PLACE STOP SIGNS AT ALL INTERSECTIONS ON FIRST STREET AND SECOND STREET AND TABLE THE TRAFFIC CALMING ISLANDS.**

Adjournment

There being no further business, the meeting adjourned at 10:55 p.m.

Richard A. Brown, Mayor

Attest:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
REGULAR CITY COUNCIL MEETING
JANUARY 6, 2003, 7:00 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 6, 2003, at 7:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

Mayor Richard A. Brown
Vice Mayor Jimmy Gilbert
Councilor Harriet Pruette
Councilor Larry Shealy
Councilor John Weldon
City Attorney Christopher A. White
City Manager Richard A. Linn

City Clerk Lisa Volpe, CMC
Director of Public Services Leon Smith
Director of Finance Steve Ramsey
Building Official Dan Arlington
Assistant to the City Manager Terry Klein
Deputy City Clerk Karla Strait, CMC

Order Call/Pledge

Mayor Brown called the meeting to order at 7:00 p.m. and asked everyone to observe a moment of silence in memory of former Mayor Ish Brant who passed away on January 2, 2003. Following the moment of silence Councilor Shealy led the Pledge of Allegiance.

AWARDS / PRESENTATIONS / RECOGNITION OF GUESTS

Beaches Voter
Challenge

In response to Mayor Brown's Beaches Voter Challenge Resolution 2002-06, following the results of the 2002 election, City of Jacksonville Beach Mayor Marsden, and City of Atlantic Beach Mayor Meserve awarded the City of Neptune Beach a plaque for achieving the highest percentage of registered voter turnout.

Councilor Pruette informed the audience that the Ordinance limiting the number of unrelated persons per household was not on the agenda. She added it would be placed on the January workshop agenda.

APPROVAL OF MINUTES

Motion:

TO APPROVE THE FOLLOWING MINUTES AS STATED:

DECEMBER 2, 2002, REGULAR COUNCIL MEETING
DECEMBER 3, 2002, SPECIAL COUNCIL MEETING
DECEMBER 9, 2002, WORKSHOP COUNCIL MEETING
DECEMBER 16, 2002, WORKSHOP COUNCIL MEETING
DECEMBER 17, 2002, SPECIAL COUNCIL MEETING

Moved by Gilbert, seconded by Pruette.

Roll Call Vote:

Ayes: 5 – Gilbert, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

COMMUNICATIONS AND CORRESPONDENCE

Councilor Pruette inquired about “road work” signs on Leeward Landing off Florida Boulevard. City Manager Linn responded the signs were in place to advise the beginning of construction of the Bike Path. The signs were required by the state to identify the work zone and limit the liability.

Councilor Shealy asked City Manager Linn to have the shrubbery that was obstructing the view of the stop sign south of Cedar Street on First Street trimmed.

City Clerk Volpe stated January's Council Workshop meeting would fall on Martin Luther King Jr., Day and City Hall would be closed. She suggested moving the Workshop Meeting to Monday, January 27, 2003.

Consensus: **TO MOVE THE JANUARY WORKSHOP MEETING FROM THE 20TH TO THE 27TH.**

Agenda Amend. Mayor Brown amended the agenda to hear the Seagate Avenue Development Order.

NEW BUSINESS

Seagate Ave. **DEVELOPMENT ORDER – ROBERTS LAND, SEAGATE AVENUE:** Steve Jarrett explained the revised plans for the development order no longer required the city to abandon the right-of-way at the end of Seagate Avenue. He asked to withdraw the recommendation of the abandonment from his application. The new proposal was to develop the seven lots that were in compliance. The developer would pave the road and install the water, sewer and stormwater management improvements.

Councilor Gilbert asked since the Development Order was code compliant was it no longer an issue.

Legal Advise City Attorney White advised if the order was code compliant the Council would have to pass it, if not it would create other issues. He added the Council could not postpone the decision for other reasons.

Mayor Brown suggested deferring the decision because most were hearing the details for the first time and there was another presentation for the property use.

Councilor Weldon was concerned paving the driveways on the right-of-way would imply functional abandonment. Mr. Jarrett replied he would pave the road 24 feet wide to the end of the marsh to allow public access to the intra coastal.

Councilor Shealy was concerned about the legalities.

Legal Advise Attorney White replied if a developer complied with the city requirements to develop a piece of property it would be first in line whatever the other options were. If the action was postponed or denied and the developer took the City to court the court would decide if the actions taken by the Council were in good faith for legitimate reasons or if it was a delay tactic to achieve another purpose.

Mayor Brown was concerned if allowing improvements on the right-of-way would imply abandonment.

Legal Advise Attorney White stated the right-of-ways would be established in the description of the property.

Discussion ensued regarding functional abandonment verses legal abandonment.

Councilor Weldon felt because the Development Order had been revised it should be returned to the Planning & Development Review Board for recommendation.

Councilor Pruette stated the Code required homes all the way around the cul-de-sac and the development order did not met those requirements. Steve Jarrett responded the Code stated each lot would have a minimum of 35 feet along the road right-of-way and the three lots abutting the right-of-way met the requirement. Councilor Pruette agreed with Council Weldon that the Development Order should be returned to the Planning & Development Review Board for a recommendation.

Legal Advise City Attorney White stated the Council had three options: 1) take action on the Development Order, 2) not take action, or 3) return it to the Planning & Development Review Board.

Councilor Gilbert was concerned the property would be turned over to the City of Jacksonville if they were to obtain a grant for a park preserve. He did not think it would be appropriate to hear a presentation from the park grant representatives.

Discussion ensued regarding if the Development Order should be returned to the Planning & Development Review Board for a recommendation.

Moved by Shealy, seconded by Pruette.

Motion: **SEND TO THE WORKSHOP MEETING AND WAIVE SENDING IT TO THE PLANNING & DEVELOPMENT REVIEW BOARD.**

For the Record City Attorney Chris White stated on the record there was no requirement to send it back to the Planning & Development Review Board. Building Official Dan Arlington stated Section 27-28 of the Code required Council to make a decision within 20 days to either approve or deny Development Orders in the same form approved and recommended by the Planning & Development Review Board. Attorney White stated that by deferring action the Council agreed not to send it back to the PDRB.

Roll Call Vote:

Ayes: 4 – Gilbert, Shealy, Weldon, Brown

Noes: 1 – Pruette

MOTION CARRIED

Preservation Mayor Brown stated the public would like to comment on the possibility of the property becoming a park preserve if the development did not occur. Mayor Brown asked if it was improper to call on the representatives of the preservation land to clear up some misinformation.

Legal Advise City Attorney White stated it would not be appropriate to hear from the public or from the representative of the park preserve because it was not an agenda item.

Councilor Gilbert stated that should be on a workshop meeting also.

Councilor Pruette stated the developer made the park preservation an issue not the Council.

PUBLIC COMMENTS

Phillip May, 921 Thirteenth Street, Jacksonville Beach, opposed a proposed park preserve at the end of Seagate Avenue while favoring Steve Jarrett's development order.

Jerry Cordy, 1929 Seagate Avenue, opposed a proposed park preserve at the end of Seagate and favored Steve Jarrett's development order.

LaJuan Kazmierczak, 2102 Acacia Road, was against the city abandoning the right-of-way at the end of Seagate Avenue for development.

Tim Kazmierczak, 2102 Acacia Road, stated if the development was approved he would like a public access provided to the intra coastal.

Julie Anderson, 1637 Arrowhead Trail, wanted a public access provided to the intra coastal at the end of Seagate Avenue and favored Ordinance 2002-14 that provided notice of the Planning & Development Review Board.

Paul Nicholson, 222 Oleander Street, felt the city should take more time making decisions pertaining to remaining city property. He opposed a proposed park at the end of Seagate Avenue.

Bill Cissel, 1924 Seagate Avenue, favored Steve Jarrett's development at the end of Seagate Avenue stating the development would increase property values and the city's tax base. He opposed a park preserve.

John Henry David, 2035 Cherokee Drive, opposed abandoning the city right-of-way at the end of Seagate Avenue. He felt if the city allowed private driveways on the right-of-way it would imply a functional abandonment.

Craig Leidy, 1810 Strand Street, was concerned about access on all waterways. He favored the proposed park preserve on the city right-of-way at the end of Seagate Avenue. He added in any case the access should be clearly marked.

Cindy Brannon, 2020 Tara Court, favored Steve Jarrett's development order at the end of Seagate Avenue. She was opposed to a proposed park preserve due to increased traffic and maintenance.

Ron Powell, 1830 Nightfall Drive, stated if the city abandoned the right-of-way at the end of Seagate Avenue it would eliminate access to the intra coastal forever. He opposed Steve Jarrett's development order and felt the area should remain in the current natural state.

Dennis McClendon, 1914 Seagate Avenue, opposed abandoning city property. He felt if the City of Jacksonville used the property for a park preserve Neptune Beach would no longer maintain control of the property.

John Dawson, 1910 Seagate Avenue, favored Jarrett's development and opposed the proposed park preserve.

George Brew, 641 Goldenrod Lane, was concerned about what the Council would do with the right-of-way.

Lynda Padrta, 1113 First Street, thought the public access to the intra coastal proposed

by Jarrett would look more like a private driveway to the public. She was concerned about the Council modifying board recommendations. She requested an update on the water project.

Roger Bennett, 1871 Nightfall Drive, felt the city should maintain the public access to the intra coastal.

Sharon Silver, 2010 Cherokee Drive, wanted clarification of the activities of the city government boards and council actions.

Hank Baltar, 2029 Sandpiper Point, Chairman of the Planning & Development Review Board, was concerned about the changes in Steve's Jarrett's development plan and felt it should have gone back to the Planning & Development Review Board for a recommendation prior to going before the Council. He did not approve of abandoning property whether functional or legal.

Craig Porter, 2748 Seagate Avenue, favored Jarrett's development.

Mark Middlebrook, Executive Director of the Preservation Project, City of Jacksonville, Office of the Mayor, stated he was not opposing one thing over the other. They had a backup contract on the property. The Florida Forever Project allowed state funds to be used to help purchase land along the intra coastal waterways. He explained the City of Jacksonville would not have any control over the land. The only restriction would be that it had to be preserved. The property would still belong to the City of Neptune Beach.

Recess/Reconvene Mayor Brown called for a recess at 9:30 p.m. and reconvened the meeting at 9:40 p.m.

CITY MANAGER REPORTS

Water Project WATER UTILITY PROJECT: The Contractor projected the project would be completed by the end of January. City Manager Linn stated it would more likely be completed by the end of February.

Sewer Project SEWER UTILITY PROJECT: A pre-construction meeting was scheduled for January 8, 2003. The Department of Environmental Protection had approved the plans.

City Yard Project CITY YARD PROJECT: As a result of the meeting with the surrounding neighbors of the city yard the plans for the new public services facility had been slightly altered and the architect was completing the 70% drawing.

Kings Rd. Bridge KINGS ROAD BRIDGE REPAIR: Plans for the Kings Road bridge repair were expected to be completed this week. Temporary access would be provided through Jacksonville Beach. Once commenced the repairs should be completed in 90 days.

CONSENT AGENDA / NONE

VARIANCES / NONE

ORDINANCES

Ord. No. 2002-14 ORDINANCE NO. 2002-14, AMENDING THE OPERATING BUDGET, SECOND READ AND PUBLIC HEARING – SPONSORED BY VICE MAYOR GILBERT, COUNCILORS PRUETTE AND SHEALY: AN ORDINANCE AMENDING THE OPERATING BUDGET FOR THE CITY OF NEPTUNE BEACH, FLORIDA FOR FISCAL YEAR 2003, BEGINNING OCTOBER 1, 2002, AND ENDING SEPTEMBER 30, 2003.

City Manager Linn explained the new radio system would allow communication between other local police agencies.

Mayor Brown opened the public hearing.

Leslie Karlin, 1506 Spindrift Circle West, questioned the need for the police radios.

There being no further comments from the public the public hearing was closed.

Moved by Pruette, seconded by Shealy.

Motion: **TO ADOPT ORDINANCE NO. 2002-14, ON SECOND READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 5 – Gilbert, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

Ord. No. 2003-01

ORDINANCE NO. 2003-01, ADDING SECTION 27-406(d) TO PROVIDE NOTICE OF MEETINGS OF THE PLANNING & DEVELOPMENT REVIEW BOARD, FIRST READ – SPONSORED BY COUNCILOR PRUETTE: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING SECTION 27-406(d), ADDING ADDITIONAL LANGUAGE RELATING TO NOTICE OF MEETINGS OF THE PLANNING & DEVELOPMENT REVIEW BOARD AND PROVIDING AN EFFECTIVE DATE.

Moved by Pruette, seconded by Gilbert.

Motion: **TO PASS ORDINANCE NO. 2003-01 ON FIRST READ WITH AN AMENDMENT TO CHANGE THE TIME OF NOTICE FROM 3 WEEKS TO 2 WEEKS.**

Roll Call Vote:

Ayes: 5 – Gilbert, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

OLD BUSINESS / NONE

Adjournment

There being no further business, the meeting adjourned at 10:00 p.m.

Richard A. Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
WORKSHOP CITY COUNCIL MEETING
JANUARY 27, 2003 AT 7:00 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 27, 2003 at 7:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

Vice Mayor James Gilbert
Councilor Harriet Pruette
Councilor Larry Shealy
Councilor John Weldon
City Attorney Christopher White
City Manager Richard A. Linn

City Clerk Lisa Volpe, CMC
Director of Public Safety William Brandt
Director of Public Services Leon Smith
Building Official Dan Arlington
Assistant to the City Manager Terry Klein
Assistant to the Building Official Piper Turner
Deputy City Clerk Karla Strait, CMC

ABSENT:

Mayor Richard A. Brown

Call to Order/Roll Call

Vice Mayor Gilbert called the meeting to order at 7:00 p.m. City Clerk Volpe stated Mayor Brown was out of town.

COMMITTEE REPORTS

IBBC

ISH BRANT BEAUTIFICATION COMMITTEE: City Manager Linn stated the Ish Brant Beautification Committee would be holding one meeting per month on the first Monday of the month in lieu of two.

CITY MANAGERS PUNCH LIST

Bike Path

BIKE PATH IMPROVEMENT: Neptune Beach Elementary School representatives were concerned about children walking to and from school because the sidewalk had been removed for the bike path installation. City Manager Linn referred the issue over to the Department of Transportation.

Utility Improvements

UTILITY IMPROVEMENT PROJECT: A construction meeting on the Utility Improvement Project was held on January 8, 2003. The minutes of that meeting had not been completed. He received an updated construction schedule today.

Kings Rd. Bridge

KINGS ROAD BRIDGE: The Kings Road bridge had to be temporarily closed last Thursday for a two-hour period for emergency repairs. Plans for the permanent repairs were under design. They should be received in the very near future and brought before the Council for approval. The construction period should be 90 days or less.

Councilor Weldon felt the bridge may need more extensive repairs and asked to place the issue on the February workshop agenda.

Councilor Pruette asked City Manager Linn to report at the February workshop meeting how many new homes were built in Jacksonville Beach in the past 5 years that are using the Kings Road bridge to access their property.

Underground
Containers

UNDERGROUND TRASH CONTAINERS: The manufacturer of the underground trash containers confirmed the negotiations to trade the 7 large containers for 15 smaller containers that would be placed at the beach street ends. The smaller containers were 8 feet deep and held large plastic bags that would be emptied on a monthly basis.

Fire Hydrants

FIRE HYDRANTS REPLACEMENT PROGRAM: Starting in fiscal year 2002 to date a total of 75 fire hydrants had been replaced this included 37 new hydrants in Phase 1 of the water project. Outside of the water project east of Third Street south of Florida Boulevard 5 new hydrants had been proposed and 3 were proposed West of Third Street. Once the water project was completed an audit firm would test the hydrants and present an efficiency report.

"Sunday in the Park"

"SUNDAY IN THE PARK": Elaine Kenny volunteered to organize the "Sunday in the Park" event. The event would be held on April 13, 2003.

PROPOSED ORDINANCES

Unrelated Persons
Occupying a Dwelling

ORDINANCE REGULATING UNRELATED PERSONS OCCUPYING DWELLING UNITS: Councilor Pruette proposed an ordinance that would limit the number of unrelated people living together in a single-family home with the definition of "family" clearly defined.

Vice Mayor Gilbert opened the floor to public comments.

Kelly Strong, 2031 Marye Brant Loop South, Member of the Homeowners Association for Secluded Woods stated owners were in favor of an ordinance to limit the number of unrelated people living together in a single-family home.

Dan Disch, 224 Florida Boulevard, was in favor of the ordinance.

Skip Small, 306 Bay Street, knew of at least one rental property that had eight people living together creating parking and noise problems. He favored anything that would limit the number of unrelated persons living together.

Marcia Coker, 206 Margaret Street, favored a limit on unrelated persons living together stating that high density rental property created inadequate parking, safety hazards, and noise in the early morning hours.

Lynda Padtra, 1113 First Street, favored an ordinance. She felt it would also aide the landlords in evictions. She questioned what the penalty would be and how it would be enforced.

Dr. Kyriakos Ioannides, 633 Valley Forge Road North, stated when he moved to Neptune Beach he expected to have neighbors. He did not expect to have a battalion of unrelated people living nearby in one household. He favored the ordinance.

Nicholas Cheremeta, 616 Oak Street, stated he had a problem with a number of unrelated people living together in the house behind his. He favored an ordinance.

Virginia Cauthon, 617 Valley Forge Road North, stated she had a problem with a number of unrelated people that lived together in the house next door to her. She favored an ordinance.

Beth Schultz, 608 Valley Forge Road North, favored an ordinance that would regulate the number of unrelated persons that shared a single-family dwelling.

There being no further comments from the public the public hearing was closed.

Consensus: **TO HAVE THE CITY ATTORNEY DRAFT AN ORDINANCE DESCRIBING FAMILY – WITH NO MORE THAN THREE UNRELATED PERSONS LIVING TOGETHER IN A SINGLE FAMILY DWELLING – EXPLORE A CAP ON THE MAXIMUM NUMBER OF UNRELATED PERSONS SHARING A SINGLE FAMILY HOME BASED ON THE NUMBER OF BEDROOMS – SOMETHING THAT COULD BE ENFORCED.**

City Manager Linn stated Chief Brandt assured him they could enforce such an ordinance depending on how it was written. The violation should be on the landlord not the tenants. The landlord would have to evict the tenants and would also be levied a monetary fine.

Legal Advise City Attorney White asked the Council to think about allowing a transition period before it would take effect. He cautioned that an ordinance could be passed but it may difficult to enforce. He stated the focus should be on the landlord and not the tenant because the tenant may not be aware of the code violation.

City Manager Linn stated another difficult subject was the enforcement of seasonal rentals. Seasonal rentals were not allowed in Neptune Beach. He felt there should also be an ordinance that specified term limits on leases.

Consensus: **FORWARD TO THE FEBRUARY WORKSHOP MEETING.**

CONTRACTS / AGREEMENTS / NONE

ISSUE DEVELOPMENT

Development Order
Seagate

CONSIDERATION OF FINAL DEVELOPMENT ORDER, SEAGATE AVENUE – STEVE JARRETT: Steve Jarrett explained he changed the plan from paving the street straight down to curving the street around the large oak trees. He felt 20' of pavement would be adequate for the atmosphere. He would also provide a park bench at the end of the cul-de-sac to encourage sightseers.

Councilor Pruette questioned how wide the buffer zone would be. Mr. Jarrett replied the buffer zone would be 15' all the way around. The 15' buffer zone met the criteria of the St. Johns Water Management District and the Army Corp of Engineers.

Councilor Pruette asked if it was possible for the road to reach further down toward the marsh. Mr. Jarrett answered he had an obligation to keep the traffic and sightseeing as much out of the backyard of Lot 5 as possible. He wanted to discourage the property owners from installing privacy fences to avoid obstructing views.

City Manager Linn stated Council should not be considering Lots 6 & 7 because they were in the jurisdiction of Jacksonville Beach and their Land Development Regulations were different. The height limit in Jacksonville Beach was 35' and Neptune Beach was 28'. He questioned how Mr. Jarrett would deal with that. Mr. Jarrett replied he would not

try to restrict Jacksonville Beach into complying with the Neptune Beach Code.

Councilor Pruette questioned the type of curbing. Mr. Jarrett answered the entire road would have a 16" wide ribbon curb. Around the cul-de-sac would be a "Miami Curb" which would contain and channel the water to drain into the retention.

Building Official Dan Arlington questioned the following:

- 1) Would the Water Management District determine the width of the buffer zone? Mr. Jarrett replied the development order was contingent on State and Federal permits.
- 2) The issue of private driveways on city right-of-ways had not been resolved.
- 3) The Comprehensive Plan directed the city to protect future existing waterways.
- 4) Would on street parking be provided? Mr. Jarrett replied no parking spaces would be provided on the road.
- 5) Two of the proposed lots were in Jacksonville Beach.
- 6) Who would supply the utilities? Public Works Director Leon Smith stated Neptune Beach would supply the water and Jacksonville Beach would provide the sewer.
- 7) The cul-de-sac would have to be longer than 600'. He recommended a 38' diameter cul-de-sac.

Consensus: **FORWARD TO THE FEBRUARY REGULAR MEETING FOR A VOTE.**

Recess/Reconvene

The meeting recessed at 8:30 p.m. and reconvened at 8:40 p.m.

Council Meeting
Protocol

CITY COUNCIL MEETING PROTOCOL – COUNCILOR SHEALY: City Manager Linn stated the Council set the order of business by Resolution.

Discussion ensued regarding the order of public comments on the agenda. Council felt citizens should be heard on subjects before they were voted on by the Council and should be able to comment on subjects other than those on the agenda.

Consensus: **TO DRAFT A RESOLUTION CHANGING THE ORDER OF BUSINESS ON THE WORKSHOP AGENDA TO HEAR PUBLIC COMMENTS FIRST AND REMOVE "ON AGENDA ITEMS ONLY".**

Land Development
Regulations

REVIEW OF LAND DEVELOPMENT REGULATIONS BY CITY COUNCIL – COUNCILOR WELDON: Councilor Weldon requested that the City Manager contact Ivey, Harris, and Walls, and negotiate a continuation of the original agreement to move forward with the Land Development Regulations Review. He felt the consultants that were originally selected should continue the process. City Manager Linn stated funds were not budgeted to renegotiate a contract with the consultants.

Consensus: **TO HOLD A WORKSHOP MEETING TO GET STARTED ON THE LAND DEVELOPMENT REGULATIONS ON FEBRUARY 10, 2003, AT 7:00 P.M. AND MOVE THE FEBRUARY WORKSHOP MEETING TO MONDAY, FEBRUARY 24, 2003.**

Traffic East
Third St.

TRAFFIC PROBLEMS EAST OF THIRD STREET: Councilor Shealy was concerned about the traffic east of Third Street. Some of the streets that ran east and west had speed bumps and others did not. The traffic was being channeled to streets that did not have speed bumps. He felt once the water and sewer project was complete the traffic calming islands should control the problem on First Street. City Manager Linn stated there was a policy that considered the desires of all the residents before installing speed bumps.

Vice Mayor Gilbert opened the floor to public comments.

Geynell Moore, 225 Margaret Street, stated there was a speeding problem and a safety hazard on Margaret Street. She requested the city install speed bumps and have additional patrol.

Teresa Thomas, 226 Margaret Street, was concerned about overcrowding on Margaret Street.

Lynda Padra, 1113 First Street, favored traffic calming for all areas east of Third Street.

Consensus: **INSTALL SPEED BUMPS ON MARGARET STREET ACCORDING TO THE CITY POLICY.**

Seawood
Fence

REMOVAL OF FENCE ALONG SEAWOOD – CITY MANAGER DICK LINN: City Manager Linn stated he was concerned about the safety of the deteriorating privacy fence on Seawood Drive that had been installed by the private developer. The City Attorney informed him it was not the city's responsibility to replace the fence. He recommended that Public Services determine if the fence was a safety hazard and remove it if it was. Councilor Pruette asked the City Manager's office to notify the neighbors abutting the fence before removing it.

Easement

CONSIDERATION OF PERPETUAL EASEMENT – DONALD PADGETT: Donald Padgett requested the city grant him access to his property through a 25' x 52.9' city easement located in the rear of his lot at 401 Margaret Street on the corner of Third Street and Margaret Street. This would allow access through the rear of the property via Margaret Street in lieu of Third Street.

Discussion ensued involving the city receiving due compensation for converting public property to private property and the possibility to surplus it.

Legal Advise

City Attorney White advised he would need an entire deed history of the parcel before the Council could make a decision. He would then review the deed history and prepare a list of options for the Council to consider.

Eminent domain

Councilor Pruette stated she had sent City Attorney White a memo on January 16, 2003, regarding questions from Roger Bennett. She asked the City Attorney to answer the following questions.

1. To whom and in what manner should an offer to purchase private lands for public uses or purposes described in the Florida Statutes Chapter 166.411? Mr. White's Answer: That is the eminent domain statute. It has to be pursued in the name of City and the City has to contact the property owner in private negotiations to see if anything can be done. It has to be initiated by the City with the approval of the Council to negotiate the purchase of property with the intention that if an agreement is not reached to purchase it then eminent domain proceedings would be initiated.
2. How should the Council proceed to acquire municipal ownership of private lands for public use and purposes in the event the private owner of those lands is unwilling to sell and convey title to such property? Answer: The same as question number one. If private negotiations do not work out your only alternative is to file the condemnation proceedings.
3. May the municipality exercise it's right of eminent domain to acquire private property described in Chapter 166.401 for the uses or purposes described in Chapter 166.411? Answer: Of course, those are certain enumerated uses. No

matter what the Statute says about what uses you can exercise eminent domain for, you still face the possible challenges of whether or not it is serving a public necessity regardless of what it is said it is being used for. It is not public demand or public desire that dictates what a piece of property can be used for. It is whether or not there is a reasonable public necessity for it.

4. Does the existence of an agreement to transfer ownership from a private landowner and another private owner preempt or prevent the municipality from proceeding to acquire ownership of such private lands for public uses or purposes described in Chapter 166.411. Answer: No, it does not prevent the City from doing anything. Does it raise the prospect of how much the City is going to have to pay? The only question is the determination of ownership on that property and how much the City is going to have to pay under eminent domain.
5. May a municipality seeking to acquire private lands for public uses or purposes make such offers to purchase contingent upon the availability of funding? Answer: No, legally it is haphazard at best. Budget wise it is a legal nightmare. Would the refusal of a private landowner to accept an offer containing funding contingencies from a municipality prevent the municipality from successfully proceeding with the exercise of eminent domain to acquire that property through civil suit? Answer: There is not going to be any type of contingent funding if a governmental entity is taking property without the consent of the property owner. By initiating those proceedings you are saying "you have the money" and you would have to deposit that money in court to get quick take and title to the property.
6. If an offer to purchase private lands for public uses or purposes is rejected, and pursuant to Florida Statute Chapter 73.021, and the municipality subsequently initiates petition to acquire such property through the exercise of eminent domain, may the municipality withdraw that petition and halt proceedings should their source of funds be found insufficient to compensate the private landowner? Answer: A municipality is never going to initiate eminent domain proceedings unless it has the funds to acquire the property. That is why you cannot have contingent funding for eminent domain. Would such a withdrawal of its petition due to a discovery of insufficient funding be considered defensible should an affected party subsequently file suit for monetary damages resulting from the mere initiation of condemnation proceedings? Answer: They can file suit for monetary damages and they would win and they would get attorneys' fees and cost.
7. May the municipality take possession and title to property it petitions to acquire through its right of eminent domain prior to the issuance or a final judgment by the court having jurisdiction in such proceedings? Answer: Absolutely, but it also requires the City to pay into the court registry its good faith appraised value of that property. Under no circumstances is eminent domain ever utilized based upon some potential source of funding or a contingent source of funding.
8. Do the legislative declarations found within Chapter 259.105 elaborate a legitimate public policy and rationale for the municipality to pursue public ownership of substantially undeveloped private lands when significant alteration and development of such lands is considered imminent? Answer: Chapter 259.105 is either the Florida Preservation or Florida Forever State Grant Program. First of all you have to get on a list. Then if the property is selected you have to figure whether or not you are going to get the money. You have to go through the appraisal process. It is all based upon the fact that the landowner is voluntarily agreeing to sell the property. The State programs are not used for condemnation proposes because they become expensive. It allows a municipality to go in a request public ownership of a property, but it presumes there is an agreement with the property owner to sell it.

PUBLIC COMMENTS ON AGENDA ITEMS ONLY

Public Comments

Teresa McMahon, 1032 Lincoln Road, asked the city to clear the potato vines in the greenspace on Seawood Drive behind her house. Her dog was getting sick from eating the potatoes that were falling from the vines into her back yard. She felt the city was not responsible to replace the deteriorating fence on Seawood Drive. City Manager Linn was asked to add this item to his punch list.

Roger Bennett, 1871 Nightfall Drive, asked council to consider the Code, in Chapter 22, Article 2 dealing with parking, stopping and standing in making a decision on Steve Jarrett's Seagate development.

John Henry David, 2035 Cherokee Drive, encouraged Council to allow Steve Jarrett to pave Seagate Avenue to the end and allow parking for a canoe and boat launch. He added that if speed bumps were placed on heavily traveled streets there would be major traffic accidents.

Bill Brockman, 1930 Seagate Avenue, felt the end of Seagate would not be a good place for a canoe launch because of the low tide. Wanted to keep the street end in its current quiet state.

Lajuan Kazmierczak, 2102 Acacia Road, felt public comments to stick to a particular subject. She favored speed bumps except for on main thoroughfares.

Julie Anderson, 1631 Arrowhead Trail, was concerned about the Seagate Subdivision and also felt public comments should be on each subject.

Janet Boone, 1936 Seagate Avenue, favored a natural well-balanced neighborhood at the end of Seagate Avenue.

Patricia Getz, 1359 Beach Avenue, Atlantic Beach, felt the property at the end of Seagate Avenue should be preserved for a canoe launch.

Adjournment

There being no further business, the meeting adjourned at 10:25 p.m.

Richard A. Brown, Mayor

Attest:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
REGULAR CITY COUNCIL MEETING
DECEMBER 2, 2002, 7:00 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 December 2, 2002, at 7:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

Mayor Richard A. Brown	City Clerk Lisa Volpe, CMC
Vice Mayor Robert D. Shimp	Director of Public Services Leon Smith
Councilor Jimmy Gilbert	Director of Finance Steve Ramsey
Councilor Ronald D. Patronik	Building Official Dan Arlington
Councilor Harriet Pruette	Assistant to the City Manager Terry Klein
City Attorney Christopher A. White	Deputy City Clerk Karla Strait, CMC
City Manager Richard A. Linn	

Order Call/Pledge

Mayor Brown called the meeting to order at 7:00 p.m. and asked Councilor Gilbert to lead the Pledge of Allegiance.

AWARDS / PRESENTATIONS / RECOGNITION OF GUESTS

Mayor Brown recognized Councilor Elect Larry Shealy and Councilor Elect John Weldon's presence in the audience.

Mayor Brown presented each council member a t-shirt that listed Paris, London, New York, and Neptune Beach as four of the world's greatest cities.

APPROVAL OF MINUTES

Motion:

TO APPROVE THE FOLLOWING MINUTES AS STATED:

NOVEMBER 4, 2002, REGULAR CITY COUNCIL MEETING
NOVEMBER 6, 2002, SPECIAL CITY COUNCIL MEETING
NOVEMBER 18, 2002, WORKSHOP CITY COUNCIL MEETING
NOVEMBER 18, 2002, PUBLIC HEARING MEETING

Moved by Shimp, seconded by Patronik.

Roll Call Vote:

Ayes: 5 – Gilbert, Patronik, Pruette, Shimp, Brown
Noes: 0

MOTION CARRIED**COMMUNICATIONS AND CORRESPONDENCE**

- Sidewalk Maintenance Mayor Brown was concerned about the maintenance of sidewalks on Florida Boulevard. Director of Public Services Leon Smith stated there was a problem west of Penman Road and he would be taking care of it.
- Unleashed Pets Mayor Brown stated he was concerned about an incident in Jarboe Park that involved an unleashed pit bull dog attacking another dog. City Manager Linn responded he was unaware of the incident but he would follow up on it.
- Right-of-ways Councilor Pruette questioned when Ms. McDonald would be removing her palm tree from the city right-of-way. City Manager Linn responded she would be moving the tree onto her property within a few days.

CITY MANAGER REPORTS

- Public Services Facility **SCHEDULED MEETING WITH THE NEIGHBORS OF THE PUBLIC SERVICES FACILITY:** A meeting was scheduled with the neighbors of the public services facility on Monday, December 9th at 6:45 p.m. to discuss changes in the conceptual plans that were suggested at the last meeting.

PUBLIC COMMENTS

- Leslie Karlin, 1506 Spindrift Circle West, felt there was a missing link between the council and the boards. She suggested each council member be assigned to a board. City Attorney White advised that would be a legal problem because the council was an appellant body for board decisions.
- Michael Aston, 1523 Summer Sands, asked the council to allow the residents of Summer Sands to adopt the barricaded right-of-way at the end of Oakhurst Drive.
- Lynda Padrta, 1113 First Street, questioned if First Street would be resurfaced after the water project. City Manager Linn replied the paving of First Street would begin this month.
- Laura Patronik, 1520 Leeward Lane, opposed opening Buddy Crout Lane from Leeward Landing into Summer Sands.

CONSENT AGENDA

- Utility Study **APPROVAL OF JOINT BEACHES UTILITY STUDY:** The study was to determine the pros and cons of wholesaling water from Jacksonville Beach and Atlantic Beach and consider a central billing system.

Moved by Pruette, seconded by Shimp.

Motion: **TO APPROVE THE CONSENT AGENDA.**

Roll Call Vote:

Ayes: 5 – Gilbert, Patronik, Pruette, Shimp, Brown

Noes: 0

MOTION CARRIED**VARIANCES/NONE**

ORDINANCES/NONE**OLD BUSINESS / NONE****NEW BUSINESS**

Sewer Project

AWARD CONTRACT FOR PHASE I SEWER PROJECT TO KINSEL INDUSTRIES OF HOUSTON, TEXAS IN THE AMOUNT OF \$3,260,204: City Manager Linn recommended awarding Phase I of the Sewer Project, Parts B&C, to Kinsel Industries.

Moved by Pruette, seconded by Shimp.

Motion: **TO AWARD PHASE I SEWER PROJECT, PARTS B&C TO KINSEL INDUSTRIES IN THE AMOUNT OF \$3,260,204 CONTINGENT OF DEP APPROVAL.**

Roll Call Vote:

Ayes: 5 – Gilbert, Patronik, Pruette, Shimp, Brown

Noes: 0

MOTION CARRIED

Sunny Caribbee

APPROVAL OF FINAL DEVELOPMENT ORDER FOR SUNNY CARIBBEE AT 100 FIRST STREET: The request was for John Brocato, Caribbee Associates D/B/A Sunny Caribbee for the property located at 100 First Street to be used as a restaurant and bar. The first floor would include seating, kitchen facilities, and retail space. The second floor would be open-air and have a lexan rail panel. There was also an agreement to provide only non-amplified music.

Michael Dunlap explained the restaurant would be family oriented with an open-air bar upstairs.

Moved by Shimp, seconded by Patronik.

Motion: **TO APPROVE THE DEVELOPMENT ORDER FOR SUNNY CARIBBEE WITH THE RESTRICTIONS RECOMMENDED BY THE PLANNING & DEVELOPMENT REVIEW BOARD.**

Roll Call Vote:

Ayes: 5 – Gilbert, Patronik, Pruette, Shimp, Brown.

Noes: 0

MOTION CARRIED

Oakhurst Drive

BEAUTIFICATION OF OAKHURST DRIVE: Councilor Patronik stated the residents of Summer Sands wanted to adopt the barricaded right-of-way at the end of Oakhurst Drive in order to beautify and maintain the area themselves.

Legal Advise City Attorney White cautioned Council against placing an existing right-of-way under private control.

Moved by Patronik, seconded by Shimp.

Motion: **COUNCIL AGREES IT WOULD BE A GOOD IDEA FOR SUMMER SANDS TO MEET WITH THE CITY MANAGER AND THE BEAUTIFICATION COMMITTEE TO PLANT AND BEAUTIFY A BARRICADE WITH THE APPROVAL OF THE CITY MANAGER AND THE RECOMMENDATION OF THE BEAUTIFICATION COMMITTEE**

**AND SUMMER SANDS UNDERSTANDS THAT THIS IS NOT A
PERMANENT CLOSING OF THE ROAD.**

Roll Call Vote:

Ayes: 5 – Gilbert, Patronik, Pruette, Shimp, Brown

Noes: 0

MOTION CARRIED

Leeward Landing

RESTRICTION OF LEEWARD LANDING / SUMMER SANDS OPENING: Councilor Patronik wanted to prevent the opening of Buddy Crout Lane from Leeward Landing into Summer Sands without approval of the council.

Moved by Patronik, seconded by Pruette.

Motion: **TO REQUIRE COUNCIL APPROVAL FOR ANY CHANGE OF ANY
OPENING OF SUMMER SANDS AND LEEWARD LANDING.**

Roll Call Vote:

Ayes: 5 – Gilbert, Patronik, Pruette, Shimp, Brown

Noes: 0

MOTION CARRIED

Res. No. 2002-15

**RESOLUTION NO. 2002-15, APPOINTING BOARD MEMBERS TO THE CODE
ENFORCEMENT BOARD AND THE PLANNING & DEVELOPMENT REVIEW
BOARD:** A Resolution appointing Eric Pardee, Paul Waters, and Lyndal Sweeney to the Code Enforcement Board and appointing James Stahlman, Fred Catter and Joanne Doherty to the Planning & Development Review Board.

Moved by Gilbert, seconded by Shimp.

Motion: **TO ADOPT RESOLUTION NO. 2002-15.**

Roll Call Vote:

Ayes: 5 – Gilbert, Patronik, Pruette, Shimp, Brown

Noes: 0

MOTION CARRIED

Res. No. 2002-16

**RESOLUTION 2002-16, A RESOLUTION TO INCREASE THE CITY CLERKS
COMPENSATION:** A Resolution increasing the City Clerk's salary by 5%.

Moved by Patronik, seconded by Shimp.

Motion: **TO ADOPT RESOLUTION 2002-16.**

Roll Call Vote:

Ayes: 5 – Gilbert, Patronik, Pruette, Shimp, Brown

Noes: 0

MOTION CARRIED

Adjournment

There being no further business, the meeting adjourned at 8:11 p.m.

Richard A. Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
SPECIAL CITY COUNCIL MEETING
INDUCTION CEREMONY
DECEMBER 3, 2002, AT 8:00 P.M.
CITY HALL, 116 FIRST STREET
NEPTUNE BEACH, FLORIDA

Pursuant to proper notice a Special Meeting of the City Council of the City of Neptune Beach was held December 3, 2002, at 8:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

The following Council members and staff were in attendance:

Mayor Dick Brown	City Clerk Lisa Volpe, CMC
Vice Mayor Robert D. Shimp	Deputy City Clerk Karla Strait, CMC
Councilor Ronald D. Patronik	Assistant to the City Manager Terry Klein
Councilor Harriet Pruette	Building Official Dan Arlington
Councilor James Gilbert	Director of Finance Steve Ramsey
City Attorney Christopher White	Director of Public Services Leon Smith
City Manager Richard A. Linn	Director of Public Safety William Brandt

Order call

Mayor Brown called the special meeting to order at 8:00 p.m. and announced that the purpose of the meeting was to administer the Oaths of Office, and elect a Vice-Mayor.

Invocation and Pledge

Mayor Brown asked Councilor Patronik to lead the Pledge of Alliance.

Plaques

PRESENTATION OF PLAQUES: Mayor Brown presented plaques to outgoing Vice Mayor Shimp and Councilor Patronik for their dedicated service to the city.

Oaths of Office

OATHS OF OFFICE: City Clerk Lisa Volpe administered the Oath of Office to Councilor Elect James Gilbert, Councilor Elect Larry Shealy, and Councilor Elect John Weldon, whereupon they each, respectively, assumed the duties of their elected office.

Certificate of Election

CERTIFICATE OF ELECTION: City Clerk Lisa Volpe presented a Certificate of Election to Councilor Gilbert, Councilor Shealy and Councilor Weldon. The new Council members addressed the citizens of Neptune Beach.

Mayor Brown congratulated the new council members and asked the other council members if they would like to comment.

Councilor Gilbert stated it was an honor to represent the city and he looked forward to working with the new council members.

Councilor Pruette stated she also looked forward to working with the new council and her goal was to accomplish the review of the proposed land development regulations.

Councilor Shealy stated his goal was to work together with the council and staff.

Councilor Weldon stated his goal was to protect and enhance the quality of life and special characteristics of the city.

City Manager Linn welcomed the new council members and stated he looked forward to working with them.

Election of Vice- Mayor ELECTION OF VICE-MAYOR: Pursuant to Section 2.04(b), City Charter, Mayor Brown opened the floor for nominations for Vice Mayor.

Councilor Pruette nominated Councilor Gilbert to serve as Vice Mayor and asked for support from the other Council members.

Moved by Pruette, seconded by Shealy.

Motion: **TO NOMINATE AND ELECT COUNCILOR JAMES GILBERT TO SERVE AS VICE-MAYOR.**

Roll Call Vote:

Ayes: 5 – Gilbert, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

Mayor Brown invited everyone to stay after the adjournment of the meeting for refreshments and fellowship.

Adjournment There being no further business, the meeting adjourned at 8:13 p.m.

Dick Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



**WORKSHOP CITY COUNCIL MEETING
DECEMBER 9, 2002, AT 6:45 P.M.
CITY HALL, 116 FIRST STREET,
NEPTUNE BEACH, FLORIDA**

Pursuant to proper notice a Workshop City Council Meeting of the City Council of the City of Neptune Beach was held December 9, 2002 at 6:45 p.m., at the Senior Activity Center at 2002 Forest Avenue, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

Councilor Harriet M. Pruette
Councilor Larry Shealy
City Manager Richard A. Linn
City Clerk Lisa Volpe, CMC
Director of Public Services Leon Smith

Absent:
Mayor Richard Brown
Vice Mayor James Gilbert
Councilor John Weldon

Jose Perez of PQH Architects outlined the schematic plan of the facility highlighting the changes from the last design. The vehicle maintenance and administration would be in one building in the middle of the area. The storage facilities would be along Strickland Road. A solid concrete 8 foot fence would be all along Forest Blvd on the property line and along Strickland Road. A second entrance would be on Strickland for emergency use only. The design would take 4 to 5 months and construction would be at least 14 months. Animal control would open out towards the inter coastal to lessen any noise problems.

City Manager Linn stated the pistol range would stay but 500 lbs of lead had been cleaned out. He also stated there maybe some minor changes to stay within budget.

Adjournment

There being no further business, the meeting adjourned at 7:20 p.m.

Richard A. Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
WORKSHOP CITY COUNCIL MEETING
DECEMBER 16, 2002 AT 7:00 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 December 16, 2002 at 7:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

Mayor Richard A. Brown
Vice Mayor James Gilbert
Councilor Harriet Pruette
Councilor Larry Shealy
City Attorney Christopher White
City Manager Richard A. Linn

City Clerk Lisa Volpe, CMC
Director of Public Services Leon Smith
Director of Public Safety William Brandt
Director of Finance Steve Ramsey
Building Official Dan Arlington
Assistant to the City Manager Terry Klein
Deputy City Clerk Karla Strait, CMC

ABSENT:

Councilor John Weldon

Call to Order/Roll Call The Mayor called the meeting to order at 7:00 p.m.

COMMITTEE REPORTS

IBBC ISH BRANT BEAUTIFICATION COMMITTEE: The Ish Brant Beautification Committee continued to meet and work on ongoing projects.

CITY MANAGERS PUNCH LIST

Bike Path BIKE PATH IMPROVEMENT: Construction of the Bike Path was scheduled to begin on January 2, 2003.

Utility Improvements UTILITY IMPROVEMENT PROJECT: Jim Miller, Engineering Consultant, PBS&J, gave a report and update on the Water Improvement Project at the November workshop meeting.

Kings Rd. Bridge KINGS ROAD BRIDGE: The contract for the Kings Road Bridge was signed and the architect was working on the design.

Underground Containers UNDERGROUND TRASH CONTAINERS: Negotiations were still underway with the manufacturer to trade in the jumbo underground trash containers for smaller ones.

Fire REPORT ON DECEMBER 11, 2002, FIRE AT 900 THIRD STREET: The City of Jacksonville Fire Department responded within 6 minutes of the call to a fire at 900 First Street on December 11th that started at approximately 4:30 a.m. Neptune Beach police

officers were on the scene prior to the firefighters arrival and reported the fire had already burned through the roof. The firefighters had a problem opening the fire hydrant closest to the scene and reported they had to use a fire hydrant 400 feet away. The fire hydrant in question was last opened and tested 6 weeks ago when the line was flushed because a new hydrant was installed for the new Secure One building.

Councilor Pruette felt the problem with the hydrants created a lack of confidence among citizens. She suggested the three beach cities combine resources and create a single fire department.

Public Services Director Leon Smith reported the fire hydrant was a little stiff and hard to open however his men were able to open the hydrant when they tested it around 8:30 a.m.

City Manager Linn reported 21 fire hydrants had been completely replaced and another 37 were due to be replaced. Currently there were 11 inoperable fire hydrants in the city that were clearly marked in black.

Mr. Linn had asked the City of Jacksonville Fire Chief Ray Alfred to have his men check all the fire hydrants in Neptune Beach and report back to him. Mr. Linn added the Building Official had recently required the owner of the building to install a firewall that saved the remainder of the building. The fire was currently under investigation as a possible arson.

Councilor Shealy questioned how council members were notified of important incidents. Mr. Linn responded upon request he could have the dispatcher notify each council member. Public Safety Director Chief Brandt stated he would inform the dispatcher to notify all council members of such incidents.

PROPOSED ORDINANCES

PDRB Notices
Ord.

NOTICE OF PLANNING & DEVELOPMENT REVIEW BOARD MEETINGS – COUNCILOR PRUETTE: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING SECTION 27-40(d), ADDING ADDITIONAL LANGUAGE RELATING TO NOTICE OF MEETINGS OF THE PLANNING & DEVELOPMENT REVIEW BOARD AND PROVIDING AN EFFECTIVE DATE.

Councilor Pruette felt abutting residential property owners in commercial districts should be notified of proposed changes regarding businesses and be advised of the Planning & Development Review Board meeting.

Building Official Dan Arlington suggested that an orange sign would be enough notification on its own.

Consensus: **MOVE FORWARD WITH THE ORDINANCE.**

Budget Amendment
Ord.

BUDGET AMENDMENT PROVIDING FUNDING FOR COUNTYWIDE POLICE RADIO SYSTEM – FINANCE DIRECTOR STEVE RAMSEY: AN ORDINANCE AMENDING THE OPERATING BUDGET FOR THE CITY OF NEPTUNE BEACH, FLORIDA FOR FISCAL YEAR 2003 BEGINNING OCTOBER 1, 2002 AND ENDING SEPTEMBER 30, 2003.

The Public Safety Department had been working with the county, J.E.A., and police agencies within the county and northeast Florida to develop a common radio system. The total cost of \$217,000 was not determined during the budget process. City Manager Linn recommended scheduling a special meeting on December 17, 2002, at 6:00 p.m. for the first read of the Ordinance.

Officer Larry Dean explained the need for the special meeting was to have the first read of the ordinance in December and the second reading in January because the cost was based on the City of Jacksonville's contract, which would expire in January.

City Attorney White advised an emergency would have to be declared in order to hold a special meeting for a reading of an ordinance.

Consensus: **DECLARE AN EMERGENCY MEETING FOR DECEMBER 17, 2002
BASED UPON THE TIME LINE FOR FIRST READ AND HAVE THE
SECOND READ IN JANUARY.**

CONTRACTS / AGREEMENTS

Water Impr. Project

**REQUEST FOR CHANGE ORDER FOR THE WATER IMPROVEMENT PROJECT –
CITY MANAGER LINN:** During the Water Improvement Project, Phase I B&C, three areas of concern arose that caused the need to issue change orders.

Jim Miller, PBS&J, Engineering Consultant, explained the need for the change orders.

City Manager Linn recommended approval of the change order for the Penman Road intersection crossing at \$103,014.00, and the 6" line on Strand at \$24,012.00.

Mr. Linn felt the city would be in a better position to evaluate the need for the 12" line from the water plant to Seawood Drive after the Joint Beach Utility Study was completed. He did not recommend approval of the 12" line at this time.

Consensus: **FORWARD TO SPECIAL MEETING DECEMBER 17, 2002 AT 5:30 P.M.**

ISSUE DEVELOPMENT

Building Dept.
Functions

BUILDING DEPARTMENT FUNCTIONS – COUNCILOR PRUETTE: Councilor Pruette requested looking into the functions of the Building Department in order to run it more efficiently and provide better services. She was concerned over the costs of contracting outside help for plan reviews and inspections. She also had received complaints about the time involved in issuing permits.

City Manager Linn stated during the budget process Council discussed hiring another person for the Building Department. At that time Council decided it was better to contract out the services. He added the costs of the contractor services were recovered from the permit and inspection fees. It was also determined during the budget process that the Building Official would not be involved in code enforcement and that task would be turned over to Officer Larry Dean.

Councilor Pruette stated the past Building Official informed her that he did all the plan reviews and inspections himself without the aide of an outside contractor.

Building Official Dan Arlington stated that building permits had increased 20% this year. He was also still involved in code enforcement because Officer Dean had been assigned to temporary patrol duty. He added that Florida Statutes allowed a 30-day time limit for residential permits and his office currently had a 2-week turnaround.

Councilor Gilbert asked City Manager Linn to report to Council on the Building Departments performance and the possibility of hiring an outside entity to act as the Building Department.

Special Mtg.

SET A SPECIAL MEETING FOR DECEMBER 17, 2002, AT 6:00 P.M. IF NECESSARY:

A special meeting needed to be scheduled for December 17, 2002, at 6:00 p.m. for a reading on the Budget Amendment Ordinance.

Consensus: **TO DECLARE AN EMERGENCY MEETING FOR DECEMBER 17, 2002, AT 5:30 FOR THE FIRST READ OF THE BUDGET ORDINANCE AND THE APPROVAL OF CHANGE ORDERS FOR THE WATER IMPROVEMENT PROJECT.**

PUBLIC COMMENTS ON AGENDA ITEMS ONLY

Public Comments Lynda Padtra, 1113 First Street, asked that the sale of the existing radios go back into the fund and if the Building Department performance was being measured.

Building Official Dan Arlington responded the Building Department performance was recently rated a 3 on a 10 to 1 scale by the D.C.A. and I.S.O. with 10 being the worst and 1 being the best.

Adjournment There being no further business, the meeting adjourned at 8:41 p.m.

Attest:

Richard A. Brown, Mayor

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
SPECIAL CITY COUNCIL MEETING
DECEMBER 17, 2002, AT 5:30 P.M.
CITY HALL, 116 FIRST STREET
NEPTUNE BEACH, FLORIDA

Pursuant to proper notice a Special Meeting of the City Council of the City of Neptune Beach was held December 17, 2002, at 5:30 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

The following Council members and staff were in attendance:

Mayor Dick Brown
Vice Mayor James Gilbert
Councilor Harriet Pruette
Councilor Larry Shealy
Councilor John Weldon

City Manager Richard A. Linn
City Clerk Lisa Volpe, CMC
Director of Finance Steve Ramsey
Director of Public Safety William Brandt

Order call

Mayor Brown called the special meeting to order at 5:30 p.m. and announced that the purpose of the meeting was for a first reading on Ordinance No. 2002-14 to amend the operating budget and to approve change orders for the Water Improvement Project.

Ord. No. 2002-14

ORDINANCE NO. 2002-14, AMENDING THE OPERATING BUDGET, FIRST READ: AN ORDINANCE AMENDING THE OPERATING BUDGET FOR THE CITY OF NEPTUNE BEACH, FLORIDA FOR FISCAL YEAR 2003 BEGINNING OCTOBER 1, 2002, AND ENDING SEPTEMBER 30, 2003.

The budget amendment was to provide funding for countywide police radio system. Vice Mayor Gilbert, Councilor Shealy and Councilor Pruette agreed to co sponsor the ordinance. A summary of the reasons for the ordinance was given for Councilor Weldon's benefit.

Moved by Gilbert, seconded by Pruette.

Motion: **TO PASS ORDINANCE 2002-14 ON FIRST READ.**

Roll Call Vote:

Ayes: 5 – Gilbert, Pruette, Shealy, Weldon, Brown
Noes: 0

MOTION CARRIED

Water Imp. Project

REQUEST FOR APPROVAL OF CHANGE ORDERS FOR THE WATER IMPROVEMENT PROJECT: City Manager Linn recommended approval of the change order for Penman Road intersection crossing for \$103,014, a stub out at Florida Blvd near Seawood at \$14,214 and the change order for the 6" line on Strand at \$24,012. Staff updated council on the reasons for the change order for the benefit of Councilor Weldon.

Moved by Gilbert, seconded by Pruette.

Motion: **TO APPROVE THE CHANGE ORDER DISCUSSED AT THE
DECEMBER WORKSHOP MEETING, LINE 1, 2 AND 3.**

Roll Call Vote:

Ayes: 5 – Gilbert, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

Adjournment

There being no further business, the meeting adjourned at 6:00 p.m.

Richard Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
REGULAR CITY COUNCIL MEETING
NOVEMBER 4, 2002, 7:00 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 November 4, 2002, at 7:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

Mayor Richard A. Brown	City Clerk Lisa Volpe, CMC
Vice Mayor Robert D. Shimp	Director of Public Services Leon Smith
Councilor Jimmy Gilbert	Director of Finance Steve Ramsey
Councilor Ronald D. Patronik	Building Official Dan Arlington
Councilor Harriet Pruette	Assistant to the City Manager Terry Klein
City Attorney Christopher A. White	Deputy City Clerk Karla Strait, CMC
City Manager Richard A. Linn	

Order Call/Pledge

Mayor Brown called the meeting to order at 7:00 p.m. and asked Vice Mayor Shimp to lead the Pledge of Allegiance.

AWARDS / PRESENTATIONS / RECOGNITION OF GUESTS

PRESENTATION OF ICMA AWARD TO CITY MANAGER RICHARD LINN: Mayor Brown presented a plaque to City Manager Linn for achieving 30 years of service with the International City & County Manager's Association.

APPROVAL OF MINUTES

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

OCTOBER 7, 2002, REGULAR CITY COUNCIL MEETING
OCTOBER 21, 2002, WORKSHOP CITY COUNCIL MEETING
OCTOBER 28, 2002, WORKSHOP CITY COUNCIL MEETING

Moved by Patronik, seconded by Shimp.

Roll Call Vote:

Ayes: 5 – Gilbert, Patronik, Pruette, Shimp, Brown
Noes: 0

MOTION CARRIED

Agenda
Amendment

AMENDMENT TO THE AGENDA: Mayor Brown recommended amending the agenda to move the approval of access to Steve Jarrett's property on Poinciana Road forward for consideration.

Moved by Pruette, seconded by Gilbert.

Motion: **TO AMEND THE AGENDA AND MOVE THE APPROVAL OF ACCESS TO THE POINCIANA DEVELOPMENT FORWARD FOR CONSIDERATION.**

Roll Call Vote:

Ayes: 5 – Gilbert, Patronik, Pruette, Shimp, Brown

Noes: 0

MOTION CARRIED

Poinciana Access

APPROVAL OF ACCESS TO POINCIANA DEVELOPMENT – COUNCILOR PRUETTE:

Moved by Pruette, seconded by Gilbert.

Motion: **TO REMOVE THE BARRICADE AT OAKHURST DRIVE AND FLORIDA BOULEVARD TO ALLOW ACCESS TO POINCIANA ROAD AND RETAIN THE BARRICADE AT OAKHURST DRIVE AND POINCIANA ROAD.**

Moved by Gilbert, seconded by Patronik.

Friendly Amendment: **GRANTING ACCESS OFF FLORIDA BOULEVARD TO OAKHURST DRIVE – NOT TO GO THROUGH SUMMER SANDS.**

Roll Call Vote on friendly amendment:

Ayes: 5 – Gilbert, Patronik, Pruette, Shimp, Brown

Noes: 0

Roll Call Vote on Motion:

Ayes: 5 – Gilbert, Patronik, Pruette, Shimp, Brown

Noes: 0

MOTION CARRIED

COMMUNICATIONS AND CORRESPONDENCE

Lemon St. Parking

PARKING ON LEMON STREET: Vice Mayor Shimp asked to place the issue of adding parking spaces along Lemon Street, in front of the sidewalk that was being installed next to the Amsouth Bank, on the November workshop agenda.

JTA Bus Route

JACKSONVILLE TRANSPORTATION AUTHORITY BEACHES BUS ROUTE BH2: Councilor Gilbert asked if there was a way the City could prevent J.T.A. from canceling Bus Route BH2.

City Manager Linn stated Council could pass a resolution in opposition of J.T.A. canceling the route. Residents could also write letters of objections to J.T.A. The Mayor asked staff to check the impact on Neptune Beach because of this cancellation.

Seawood Drive SEAWOOD DRIVE GREENSPACE – CLEAN UP: Councilor Pruette questioned the progress of the Seawood Drive greenspace cleanup.

City Manager Linn responded the City was instructed to remove the potato vines and the large piles of yard waste and nothing else unless directed otherwise by the Council.

Leeward Landing ROADWAY CONNECTING LEEWARD LANDING AND SUMMER SANDS: Councilor Patronik asked to place the issue of the platted roadway that would connect Leeward Landing to Summer Sands on the December regular meeting agenda.

Election ELECTION 2002: City Clerk Lisa Volpe reminded everyone there would be a special council meeting on Wednesday, November 6, 2002, to certify the results of the election. She urged everyone to vote on November 5th.

CITY MANAGER REPORTS

Public Services Facility REPORT ON MEETING WITH NEIGHBORS OF THE PUBLIC SERVICES FACILITY: City Manager Linn reported a meeting was held with the property owners that abutted the Public Services Facility to discuss concerns regarding the conceptual plans for the new facility. The meeting went very well and some major changes were made to the plans. There would be a follow up meeting with new drawings in approximately two weeks.

PUBLIC COMMENTS

Richard Fail, 510 Oak Street, was concerned about the city cleaning up areas in his neighborhood.

Michael Aston, 1523 Summer Sands, thanked the Council for making the decision not to allow Steve Jarrett access to Poinciana Road through Summer Sands.

Scott McClure, 310 Sunrise Circle, was concerned about a possible assessment on his property. He felt the developer should bear the cost of development.

Susan Daicoff, 1438 Spindrift Circle East, a single mother with two small children, thanked the Council for their decision not to open Oakhurst Drive through to Florida Boulevard allowing access to Poinciana Road through Summer Sands.

Lynda Padrta, 1113 First Street, voiced disappointment that the link for the Water & Sewer Project schedule had been removed from the city web page.

Hays Bishop, 1443 Spindrift Circle East, asked for clarification that Oakhurst Drive would not be opened to Florida Boulevard.

Scott Weikel, 228 Windswept Circle, was concerned the intended access to Poinciana Road for Steve Jarrett's development would raise the possibility of a large assessment on his property.

Jim Miller, 1633 Hopkins Creek Lane, Vice President, PBS&J and Engineer for the Water & Sewer Project explained the link for the project schedule had been removed from the website due to possible liabilities involving PBS&J.

Laura Patronik, 1520 Leeward Lane, opposed opening a throughway from the Leeward Landing subdivision into the Summer Sands subdivision.

Leslie Karlin, 1506 Spindrift Circle West, thanked the Council for their decision not to open Oakhurst Drive to Florida Boulevard. She felt the decision would also satisfy the developer.

CONSENT AGENDA/NONE

VARIANCES/NONE

ORDINANCES

Ord. No. 2002-11

ORDINANCE NO. 2002-11, AMENDMENT TO THE TEMPORARY SIGNS SECTION TO REMOVE THE TIME LIMITS FOR POLITICAL CAMPAIGN SIGNS, SECOND READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA DELETING SECTION 27-283(b) 6 c RENAMING SECTION 27-583 (b) 6 d SECTION 27-283(b) c AND PROVIDING AN EFFECTIVE DATE.

Mayor Brown opened the public hearing.

There being no comments from the public, the public hearing was closed.

Moved by Shimp, seconded by Pruette.

Motion: **TO ADOPT ORDINANCE NO. 2002-11, ON SECOND READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 5 – Gilbert, Patronik, Pruette, Shimp, Brown

Noes: 0

MOTION CARRIED

Ord. No. 2002-12

ORDINANCE NO. 2002-12, AMENDMENT TO EXPRESSLY PROHIBITED USE ORDINANCE TO ALLOW RESIDENTIAL DWELLINGS IN THE CBD ZONING DISTRICT, SECOND READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH FLORIDA, AMENDING SECTION 27-225 USES EXPRESSLY PROHIBITED WITHIN ZONING DISTRICTS AND PROVIDING AN EFFECTIVE DATE.

Mayor Brown opened the public hearing.

There being no comments from the public the public hearing was closed.

Moved by Gilbert, seconded by Shimp.

Motion: **TO ADOPT ORDINANCE NO. 2002-12 ON SECOND READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 5 – Gilbert, Patronik, Pruette, Shimp, Brown

Noes: 0

MOTION CARRIED

Ord. No. 2002-06

ORDINANCE NO. 2002-06, AMENDING TABLE 27-226-1, PERMISSIBLE USES, SECOND READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING TABLE 27-226-1, TABLE OF

PERMISSIBLE USES AND PROVIDE AN EFFECTIVE DATE.

Mayor Brown opened the public hearing.

There being no comments from the public the public hearing was closed.

Moved by Shimp, seconded by Patronik.

Motion: **TO ADOPT ORDINANCE NO. 2002-06 ON SECOND READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 5 – Gilbert, Patronik, Pruette, Shimp, Brown

Noes: 0

MOTION CARRIED

Ord. No. 2002-13

ORDINANCE NO. 2002-13, AMENDMENT TO THE FOOTPRINT BILL TO ALLOW RECONSTRUCTION OF A NON-CONFORMING STRUCTURE IN ALL ZONING DISTRICTS, SECOND READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, AMENDING SECTION 27-706, NON-CONFORMING DEVELOPMENT AND PROVIDING AN EFFECTIVE DATE.

Mayor Brown opened the public hearing.

Nancy Jensen, 546 South Street, supported the ordinance; she felt it helped all of the business owners.

There being no further comments from the public, the public hearing was closed.

Moved by Shimp, seconded by Patronik.

Motion: **TO ADOPT ORDINANCE NO. 2002-13, ON SECOND READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 5 – Gilbert, Patronik, Pruette, Shimp, Brown

Noes: 0

MOTION CARRIED

Recess/Reconvene

Mayor Brown called a recess at 8:10 p.m. the meeting reconvened at 8:20 p.m.

OLD BUSINESS / NONE

NEW BUSINESS

Special Events

APPROVAL OF THE LIST OF SPECIAL EVENTS FUNDED BY THE CABLE TV TRUST FUND: The list included Christmas in the Park, Santa Claus Parade, Town Center Christmas, Easter Egg Hunt, Sunday in the Park, Picnic in the Park, and the Farmers Market.

Moved by Shimp, seconded by Patronik.

Motion: **TO APPROVE THE LIST OF SPECIAL EVENTS FUNDED BY THE CABLE TV TRUST FUND.**

Roll Call Vote:

Ayes: 5 – Gilbert, Patronik, Pruette, Shimp, Brown

Noes: 0

MOTION CARRIED

Forfeiture Fund
Transfer

APPROVAL OF THE PURCHASE OF TASERS AND A DONATION TO “A CHILD IS MISSING” FUND: Public Safety Director William Brandt requested a transfer in the amount of \$5,909 from the Forfeiture Fund to purchase 7 tasers in the amount of \$5,759 for the Public Safety Department, and a \$150 donation to “A Child is Missing Program.”

City Manager Linn explained any use of the Fines & Forfeiture Fund had to be approved by the Council.

Moved by Shimp, seconded by Patronik.

Motion: **TO APPROVE THE TRANSFER OF \$5,909 FROM THE FINES & FORFEITURE FUND FOR THE PURCHASE OF SEVEN TASERS IN THE AMOUNT OF \$5,759 FOR THE PUBLIC SAFETY DEPARTMENT AND A \$150 DONATION FOR “A CHILD IS MISSING PROGRAM”.**

Roll Call Vote:

Ayes: 5 – Gilbert, Patronik, Pruette, Shimp, Brown.

Noes: 0

MOTION CARRIED

Res. No. 2002-14

RESOLUTION NO. 2002-14: A RESOLUTION APPOINTING BOARD MEMBERS TO THE CODE ENFORCEMENT BOARD: Reappointing Eric Pardee to serve an alternate 1-year term on the Code Enforcement Board to begin on November 5, 2002, and end on November 4, 2003.

Moved by Gilbert, seconded by Pruette.

Motion: **TO ADOPT RESOLUTION NO. 2002-14.**

Roll Call Vote:

Ayes: 5 – Gilbert, Patronik, Pruette, Shimp, Brown

Noes: 0

MOTION CARRIED

Communication
Trust Fund
Disbursement

APPROVAL OF DISBURSING COMMUNICATION TRUST FUND MONEY FOR A BASE STATION: City Manager Linn explained this was a countywide system. Officer Larry Dean added this would update the center to comply with a new 800 system.

Moved by Shimp, seconded by Patronik.

Roll Call Vote:

Ayes: 5 – Gilbert, Patronik, Pruette, Shimp, Brown

Noes: 0

MOTION CARRIED

Adjournment

There being no further business, the meeting adjourned at 8:32 p.m.

Richard A. Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
SPECIAL CITY COUNCIL MEETING
ELECTION RESULTS
NOVEMBER 6, 2002 AT 7:00 P.M.
CITY HALL, 116 FIRST STREET
NEPTUNE BEACH, FLORIDA

Pursuant to proper notice a Special Meeting of the City Council of the City of Neptune Beach was held November 6, 2002, at 7:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

The following Council members and staff were in attendance:

Mayor Richard A. Brown
Vice Mayor Robert D. Shimp
Councilor James Gilbert
Councilor Ronald D. Patronik
Councilor Harriet Pruette
City Manager Richard A. Linn

City Clerk Lisa Volpe, CMC
Deputy City Clerk Karla Strait, CMC

ABSENT:
City Attorney Christopher A. White

Call to Order/Roll Call

The Mayor called the meeting to order at 7:00 p.m. and announced the purpose of the meeting was for the City Council to act as the Canvassing Board to publicly canvass the returns and declare the results of the Municipal Election held on November 5, 2002.

City Clerk Lisa Volpe announced the results as follows:

**Election Results
Seat 2**

Councilor at Large Seat 2

James Gilbert	Unopposed
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**Election Results
Seat 4**

Councilor at Large Seat 4

Larry Shealy	2053
Scott DelPrete	767

**Election Results
Seat 5**

Councilor at Large Seat

John Weldon	Unopposed
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Winners Declared

Mayor Brown announced the winners:

James Gilbert, Councilor Seat 2
Larry Sealy, Councilor Seat 4
John Weldon, Councilor Seat 5

Moved by Gilbert, seconded by Shimp

Motion: **TO APPROVE THE ELECTION RETURNS.**

Roll Call Vote:

Ayes: 5 – Gilbert, Patronik, Pruette, Shimp, Brown

Noes: 0

MOTION CARRIED

Adjournment

There being no further business, the meeting adjourned at 7:15 p.m.

Richard Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



**MINUTES
PUBLIC HEARING
NOVEMBER 18, 2002 AT 7:15 P.M.
CITY HALL, 116 FIRST STREET,
NEPTUNE BEACH, FLORIDA**

Pursuant to proper notice a Public Hearing of the City Council of the City of Neptune Beach was held November 18, 2002, at 7:15 p.m. following the Workshop Meeting, in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

The following Council members and staff were in attendance:

Mayor Richard A. Brown	City Manager Richard A. Linn
Vice Mayor Robert D. Shimp	City Clerk Lisa Volpe, CMC
Councilor James Gilbert	Public Services Director Leon Smith
Councilor Ronald D. Patronik	Building Official Dan Arlington
Councilor Harriet Pruette	Assistant to the City Manager Terry Klein
City Attorney Christopher A. White	Deputy City Clerk Karla Strait, CMC

Call to Order

The Mayor called the meeting to order at 7:15 p.m. and announced the purpose of the Public Hearing was to consider proposed assessments for the Prado Ferrer area for the purpose of completing the platted right-of-ways.

Councilor Gilbert felt a single developer was not going to come in and buy all the property and develop it properly with water, sewers, and stormwater utility, that the City should take steps and develop the area and assess the property owners that it would benefit.

Legal Advise

City Attorney White advised the City would have to pass a Resolution based on the Improvement Project with a plan of assessment based on who would benefit and hold a public hearing with all affected property owners. He added the Council would have to determine who would benefit and who would be assessed on a uniform and consistent basis.

Public Comments

PUBLIC COMMENTS

Steve Jarrett, 210 South Street, stated the City of Jacksonville Beach had a similar problem with development back in the 80's. They used the "Community Redevelopment Act" of the Florida Statutes, which qualified them to take the county portion of the taxes collected in that particular area back to the local city government for a period of 20 years. That portion of taxes was dedicated to city sponsor improvements in that geographical district.

Edward Patterson, 670 Plaza Street, member of the Fargis Lodge property located at 2130

Florida Boulevard, questioned why the list of estimated cost were different based on footage. He opposed any assessment.

Fred Outlaw, 1967 Leon Road, member of the Fargis Lodge property located at 2130 Florida Boulevard, stated Mr. Davis would speak on his behalf because he had the same questions.

W. E. Davis, 1401-1407 First Street, opposed the assessment and felt the city should have had completed plans and cost before notifying property owners of assessments.

Michael Aston, 1523 Summer Sands Drive, stated in Ponte Gorda they had what was called an impact fee. He asked if a council member would be willing to sponsor the ability of Summer Sands Homeowners Association to clean up the area at the end of Oakhurst. They were hoping to turn the area into a greenspace. Vice Mayor Shimp stated he would be the sponsor and Councilor Patronik agreed to be the co-sponsor.

Linda Pershel, 2049 Florida Boulevard, owner of the Little Red Schoolhouse, opposed the assessment stating it would not benefit her at all. She added not one of the property owners that would be assessed had asked the city to develop the area. She felt the Council was creating a problem that did not exist.

Shelly Weikil, 2005 Windswept Circle and owner of property located at 2005 Florida Boulevard, stated she had wanted to sell the Florida Boulevard property and had been waiting since February for the Council to make a decision regarding the development. She also opposed the development and assessment. She was concerned because she was not notified.

Fred Outlaw, 1967 Leon Road, an officer of the Fargis Lodge on Florida Boulevard, questioned who was in the process of purchasing one of the back lots in the area and wanted it developed.

Cliff Squires, 2100 Florida Boulevard, opposed the assessment stating none of the property owners in the area wanted it developed.

Randy Osborne, 1932 Strickland Road, stated he was the one that was in the process of closing on the back lot of the property. He added he was not involved in the proposed assessments. He was concerned about the development being done correctly according to the city plans.

Steve Jarrett, 210 South Street, stated his plans to access his property through Summer Sands did not work and the whole area was examined. That was when the plans and permits for the utilities in the entire area were discovered. He hoped there was a way to develop the area that would be a good situation for everyone.

Tim Bressin, member of the Fargis Lodge, asked if it was a mistake that the assessment figures were mailed out with the notices because the cost per foot was not consistent.

Ron Powell, 1830 Nightfall Drive, stated he was assessed based on front footage. He liked the idea of a blighted area using county taxes to pay for it and asked if Nightfall Drive could be included in the blighted area.

Lana Huguenin, 1521 Summer Sands, informed Steve Jarrett estimated the first figures

and Building Official Dan Arlington estimated the second figures. She asked where Mr. Arlington got his figures.

Adjournment

There being no further business, the meeting adjourned at 8:26 p.m.

Richard A. Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
WORKSHOP CITY COUNCIL MEETING
NOVEMBER 18, 2002 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 November 18, 2002 at 6:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

Mayor Richard A. Brown
Vice Mayor Robert A. Shimp
Councilor James Gilbert
Councilor Ronald A. Patronik
Councilor Harriet Pruette
City Attorney Christopher White

City Manager Richard A. Linn
City Clerk Lisa Volpe, CMC
Director of Public Services Leon Smith
Building Official Dan Arlington
Assistant to the City Manager Terry Klein
Deputy City Clerk Karla Strait, CMC

Call to Order/Roll Call The Mayor called the meeting to order at 6:00 p.m.

COMMITTEE REPORTS

IBBC **ISH BRANT BEAUTIFICATION COMMITTEE:** City Manager Linn reported the Ish Brant Beautification Committee had completed the beautification of the barricade at Seagate Avenue and First Street.

CITY MANAGERS PUNCH LIST

Bike Path **BIKE PATH IMPROVEMENT:** There was a delay in beginning construction on the bike path, which should have been started on September 12, 2002. City Manager Linn stated his contact Sally Rosier was no longer with the Florida Department of Transportation, but he would look into the cause of the delay.

Utility Improvements **UTILITY IMPROVEMENT PROJECT:** Jim Miller with PBS&J was present and would give a presentation and update on the Utility Improvement Project later in the meeting.

Kings Rd. Bridge **KINGS ROAD BRIDGE:** The contract was signed and the architect was working on the repairs.

Summer Sands **SUMMER SANDS – STEVE JARRETT ACCESS:** Council approved access for Steve Jarrett's lots on Poinciana at the November 4, 2002, regular council meeting. Councilor Pruette suggested removing this item from the punch list since the access had been granted.

Underground Containers **UNDERGROUND TRASH CONTAINERS:** City Manager Linn was continuing working with the manufacturer of the underground trash containers to trade in the jumbo

containers for smaller ones.

Seagate Ave.

PROPERTY AT THE END OF SEAGATE AVENUE: City Manager Linn reported funding through the City of Jacksonville Preservation Fund and the Florida Community Trust Fund Preservation had been received for the purpose of turning the property located at the end of Seagate Avenue at the marsh into a preserve with a canoe launch and picnic shelter. The next step in the process was to obtain an appraisal of the property. Discussion ensued about what the entire process entailed.

PROPOSED ORDINANCES / NONE

CONTRACTS / AGREEMENTS

Utility Study

JOINT BEACHES UTILITY STUDY: The idea of the study was to interconnect the water systems of Jacksonville Beach, Neptune Beach, and Atlantic Beach on a permanent basis allowing water to flow freely between all cities. There were two phases involved in the utility study. Phase I would consider the pros and cons of wholesaling water from the City of Atlantic Beach and the City of Jacksonville Beach. Phase II of the study would consider a central billing system for all three beach cities. The cost of the study was \$109,000 and would be split equally between the three cities.

Vice Mayor Shimp suggested including the availability of the future water supply and the City of Jacksonville in the study.

Councilor Pruette asked Jim Miller, PBS&J engineering consultant, to comment on his opinion of the study.

Mr. Miller stated he felt it was a good idea to consider combining beaches utilities. His only concern was that the wells in Neptune Beach continue being used in order to maintain the consumption use permit.

Consensus: **FORWARD TO THE DECEMBER REGULAR MEETING CONSENT AGENDA FOR ACTION.**

ISSUE DEVELOPMENT

Water Imp. Project

UPDATE OF WATER IMPROVEMENT PROJECT – JIM MILLER, PBS&J: Jim Miller, PBS&J, gave a presentation regarding the current status of the Water Improvement Project.

CBD

NOTIFICATION OF PROPOSED CHANGES TO THE CENTRAL BUSINESS DISTRICT: Councilor Pruette was concerned that residents living in the Central Business District were not being notified of proposed changes in businesses.

City Attorney White drafted a proposed ordinance, at Councilor Pruette's request, that would require the city to notify abutting property owners within the Central Business District of any proposed changes regarding businesses.

Consensus: **FORWARD TO THE DECEMBER WORKSHOP MEETING FOR FURTHER DISCUSSION.**

BFI Complaints

STATUS OF BFI – TRASH & RECYCLING COLLECTION COMPLAINTS: Councilor Pruette was concerned about the increased number of trash and recycling pick up complaints.

Assistant to the City Manager Terry Klein had prepared a report of complaints for the

months of June, July, August, September, and October. The report showed a substantial increase of complaints during the month of October.

City Manager Linn explained the BFI contract enabled the city to collect liquidated damages from BFI per various incidents. The city had fined BFI a total of \$3,450.00 for the month of October. He felt the increased number of complaints might be due to BFI trucks having difficulty accessing streets that may have been blocked off by the utility company during the installation of new water lines. Councilor Pruette suggested refunding five dollars for legitimate complaints.

Parking/Lemon St.

PROPOSED PARKING ON LEMON STREET BY THE NEW AMSOUTH BANK: Vice Mayor Shimp suggested the area on Lemon Street next to the Amsouth Bank could be used to add 15 parking spacing. He felt it would help the businesses in Town Center and keep it from becoming a blighted area. City Manager Linn stated he would look into it.

Consensus: **FORWARD TO THE DECEMBER WORKSHOP MEETING FOR FURTHER DISCUSSION.**

Public Comments

PUBLIC COMMENTS ON AGENDA ITEMS ONLY

There were no comments from the public on the agenda items.

Adjournment

There being no further business, the meeting adjourned at 7:06 p.m.

Richard A. Brown, Mayor

Attest:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
REGULAR CITY COUNCIL MEETING
OCTOBER 7, 2002, 7:00 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 October 7, 2002, at 7:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

Mayor Richard A. Brown	City Manager Richard A. Linn
Vice Mayor Robert D. Shimp	City Clerk Lisa Volpe, CMC
Councilor Jimmy Gilbert	Director of Public Services Leon Smith
Councilor Ronald D. Patronik	Building Official Dan Arlington
Councilor Harriet Pruette	Assistant to the City Manager Terry Klein
City Attorney Christopher A. White	Deputy City Clerk Karla Strait, CMC

Order Call/Pledge

Mayor Brown called the meeting to order at 7:00 p.m. and asked Council Patronik to lead the Pledge of Allegiance.

AWARDS / PRESENTATIONS / RECOGNITION OF GUESTS/NONE

APPROVAL OF MINUTES

Motion:

TO APPROVE THE FOLLOWING MINUTES AS STATED:

SEPTEMBER 3, 2002, REGULAR COUNCIL MEETING
SEPTEMBER 5, 2002, SPECIAL COUNCIL MEETING
SEPTEMBER 16, 2002, WORKSHOP COUNCIL MEETING
SEPTEMBER 23, 2002, SPECIAL COUNCIL MEETING

Moved by Patronik, seconded by Shimp.

Roll Call Vote:

Ayes: 5 – Gilbert, Patronik, Pruette, Shimp, Brown
Noes: 0

MOTION CARRIED

COMMUNICATIONS AND CORRESPONDENCE

City Clerk Lisa Volpe announced the following people had qualified for elections:
Seat 2 : Jimmy Gilbert – unopposed
Seat 4: Larry Shealy and Dr. Scott DelPrete

Seat 5: John Weldon – unopposed

Ms. Volpe stated they would be sworn in on December 3, 2002 at 8 pm.

Councilor Pruette asked if the ditch at First Street and Florida Blvd would be cleaned soon. Public Works Director Leon Smith stated it would be cleaned in the very near future.

Vice Mayor Shimp stated he had become aware of a problem where the Board of Appeals allowed a resident on North Street to plant trees on the city right of way and asked for this item to be placed on the workshop. Councilor Pruette stated another resident at Davis and Strand had planted several palm trees on the city right of way and citizens were asking they be removed.

Mayor Brown introduced Anne Murphy of AT&T Broadband. She and Lynn Faulter, Vice President and General Manager presented the Mayor with their yearly check for public events.

CITY MANAGER REPORTS

40' Abandonment of First Street SET MEETING WITH AFFECTED PROPERTY OWNERS ABUTTING THE 40' ABANDONMENT OF FIRST STREET: City Manager Linn reported that a meeting would be set up for the third or fourth Wednesday in October to discuss the 40' and sidewalk.

Seawood Drive CITY COST ESTIMATE TO REMOVE VINES AND YARD WASTE FROM THE SEAWOOD DRIVE GREENSPACE: City Manager Linn reported it would take two men two full weeks to take out all the vines and compost in the area. Vice Mayor Shimp asked what the exact cost was. City Manager Linn and Public Service Director Leon Smith did not know the exact figure. Some discussion ensued. Work is to commence in the near future.

Kings Road Bridge REPORT OF ADDITIONAL COST TO DESIGN PEDESTRIAN WALKWAY ON THE KINGS ROAD BRIDGE: City Manager Linn stated he has submitted the cost of an extra sidewalk on the bridge as was requested by council. Pittman Hartenstein Engineers gave an amount of \$55,000 additional for design costs. This change would require more permits and much more construction. Construction costs would be raised by about 50%.

Unpaved streets/property owners LIST OF UNPAVED STREETS THROUGHOUT THE CITY/LIST OF PROPERTY OWNERS TO BE AFFECTED BY THE PROPOSED INFRASTRUCTURE IMPROVEMENTS IN THE PRADO-FERRER AREA: City Manager Linn stated the list of unpaved roads are listed in the agenda packet. He commented that some of the roads listed may be extremely difficult due to wetland issues such as Bartolome and Nightfall. The end of forest is being suggested to use as parking for the City yard.

Discussion ensued over cost estimates for paving roads near Summer Sands. City Manager Linn stated staff was interested in paving Pine Place behind Surface Technology. Councilor Pruette cautioned the city to proceed carefully in the area due to an already flooding problem in that area.

City Attorney Chris White felt a determination needs to be made as to if there is legal standing for an assessment which is based on two factors 1) benefit of the real property 2) and the manner the assessment is recorded.

City Manager Linn reminded everyone that any assessment needed to go through the ordinance process.

Consensus: **THAT STAFF PROVIDE LEGAL INFORMATION AND COST**

**ESTIMATES OF THE STREET PAVING, SEWER AND
STORMWATER ON POINSETTA, BAY ROAD AND KINGS CIRCLE.**

Surplus Vehicles

City Manager Linn asked council to amend the agenda to approve the surplus of old city vehicles.

Motion: **AMEND AGENDA TO DEAL WITH SURPLUS VEHICLES**

Moved by Shimp, seconded by Patronik

Roll Call Vote:

Ayes: 5 – Gilbert, Patronik, Pruette, Shimp, Brown

Noes: 0

MOTION CARRIED

Motion: **TO ALLOW THE CITY MANAGAER TO SURPLUS THE ITEMS AND
DISPOSE OF THEM.**

Council discussed putting the vehicles on the internet to be bid on. It was suggested that the backhoe be used as a test on the internet.

Moved by Shimp, seconded by Patronik

Roll Call Vote

Ayes: 5 – Gilbert, Patronik, Pruette, Shimp, Brown

Noes: 0

MOTION CARRIED

PUBLIC COMMENTS

Glenn Jefferys, 111 North Street, was concerned about the Board of Appeals overturning Building Official Arlington's rejection of planting a tree on city right of way and wanted to know why, he as a neighbor, was not contacted. Vice Mayor Shimp stated this would be on the workshop in October.

Michael Aston, 1523 Summer Sands Drive, felt it was not right for the city to assess the homeowner but rather the developer should pay for the infrastructure.

Thad Moseley, 3701 Duval Drive, Jacksonville Beach, felt the city should not allow development in the CBD without having the proper amount of parking places.

Scott Weikel, 228 Windswept Circle, stated there was an error in the Duval County Property Appraiser's database therefore he may be assessed wrong due to the error. There are four more properties that could have the same problem.

Theresa McMahan, 1032 Lincoln Road, stated the vine problem on Seawood Drive had been going on for six years and did not feel cleaning it up would cause taxes to go up.

Nancy Jenson, 546 South Street, was concerned about the footprint bill. She urged the council to allow commercial buildings in the CBD to be covered within this bill. She felt the downtown area worked well as it was.

Tom Wittingslow, 110 Lemon Street, was concerned that commercial buildings would not be allowed to be rebuilt and he had a problem with parking being so strict in the code.

John Weldon, 108 Oak Street, read from his letter stating that the Land Development Regulations are there so as new buildings are built, they conform to the code. If the council were to allow commercial buildings into the footprint bill this eventual conformity would never happen. He did agree with allowing the residential buildings in the CBD in the footprint bill.

Kirk Cobb, 112 Orange Street, was concerned that residential homes in the CBD would not be left and would not be included in the footprint bill.

Linda Perschel, 1865 Nightfall Drive, stated she owned Red School House and did not want to be assessed for a road in front of this property that would not be a benefit to her school.

Leslie Karlin, 1506 Spindrift Circle West, felt that people had a right to know if something that affected them was on the agenda. She felt the city council should make a decision about the road paving. She did not think Summer Sands should be assessed and felt developers should pay for any paving. She questioned what is under Oakhurst Drive.

Lynda Padrta, 1113 First Street, agreed that 220 First Street should be required parking. She was concerned that the water project schedule on the web was not correct. She thought it was sad that not many people are interested in running for office.

Mary Ann Padrta, 1032 Second Street, felt that people should take care of their own right of way and if the city was abandoning property she wanted some.

Judith Williams, 98 Orange Street, was glad the city was moving in the direction of allowing residential properties in the CBD to be considered in the footprint bill.

Recess/Reconvene

Mayor Brown called a recess at 8: 30 p.m. and reconvened the meeting at 8:45 p.m.

Scott McClure, Summer Sands, the Neptune Beach Code states that all road improvements should be at the expense of the developers.

CONSENT AGENDA/NONE

VARIANCES/NONE

ORDINANCES

Ord. No. 2002-07

ORDINANCE NO. 2002-07, POLICE OFFICERS' RETIRMENT FUND – FIRST READ:
AN ORDINANCE OF THE CITY OF NEPTUNE BEACH 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 2-345, DEFINITIONS, TO AMEND THE DEFINITION OF "ACCUMULATED CONTRIBUTIONS"; AMENDING SECTION 2-348, FINANCES AND FUND MANAGEMENT; AMENDING SECTION 2-349.3, DISABILITY; AMENDING SECTION 2-349.11, MAXIMUM PENSION; AMENDING SECTION 2-349.13, MISCELLANEOUS PROVISIONS; AMENDING SECTION 2-349.19, DIRECT TRANSFERS OF ELIGIBLE ROLLOVER DISTRIBUTIONS; AMENDING SECTION 2-349.22, MILITARY SERVICE PRIOR TO EMPLOYMENT; AMENDING SECTION 2-349.23, PRIOR POLICE SERVICE; AMENDING SECTION 2-349.24, DEFERRED RETIRMENT OPTION PLAN; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING AN EFFECTIVE DATE.

City Manager Linn explained the ordinance was amended to comply with the changes in the Florida Statutes.

Mayor Brown opened the public hearing.

There being no comments from the public, the public hearing was closed.

Moved by Shimp, seconded by Patronik.

Motion: **TO PASS ORDINANCE NO. 2002-07, POLICE OFFICERS RETIREMENT FUND ON SECOND AND FINAL READ.**

Roll Call Vote:

Ayes: 5 – Gilbert, Patronik, Pruette, Shimp, Brown

Noes: 0

MOTION CARRIED

Ord. 2002-11

ORDINANCE NO. 2002-11, AMENDMENT TO THE TEMPORARY SIGNS SECTION TO REMOVE THE TIME LIMITS FOR POLITICAL CAMPAIGNS SIGNS, FIRST READ: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA DELETING SECTION 27-283 (b) 6 c RENAMING SECTION 27-583 (b) 6 d TO SECTION 27-283 (b) 6 c AND PROVIDING AN EFFECTIVE DATE.

Moved by Shimp, seconded by Patronik

Motion: **TO PASS ORDINANCE NO. 2002-11 ON FIRST READ.**

Roll Call Vote:

Ayes: 5 – Gilbert, Patronik, Pruette, Shimp, Brown

Noes: 0

MOTION

Ord. 2002-12

ORDINANCE NO. 2002-12, AMENDMENT TO EXPRESSLY PROHIBITED USE ORDINANCE TO ALLOW RESIDENTIAL DWELLINGS IN THE CBD ZONING DISTRICT. FIRST READ AND PUBLIC HEARING – SPONSOR, COUNCILOR PRUETTE: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING SECTION 27-225, USES EXPRESSLY PROHIBITED WITHIN ZONING DISTRICTS AND PROVIDING AN EFFECTIVE DATE.

Mayor Brown opened the public hearing. He stated this allows residential units to be in the CBD.

Leslie Karlin, 1506 Spindrift Circle West, approved of this effort.

There being no more speakers the Mayor closed the public hearing.

Moved by Gilbert, seconded by Shimp.

Motion: **TO PASS ORDINANCE NO. 2002-12 ON FIRST READ.**

Roll Call Vote:

Ayes: 5 – Gilbert, Patronik, Pruette, Shimp, Brown

Noes: 0

MOTION CARRIED

Ord. 2002-13

ORDINANCE NO. 2002-13 AMENDMENT TO THE FOOT PRINT BILL TO ALLOW RECONSTRUCTION OF A NON-CONFORMING STRUCTURE IN ALL ZONING DISTRICTS, FIRST READ AND PUBLIC HEARING – SPONSOR, COUNCILOR PRUETTE: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING SECTION 27-706, NON-CONFORMING DEVELOPMENT AND PROVIDING AN EFFECTIVE DATE.

Mayor Brown opened the public hearing.

Lynda Padrta, 1113 First Street, felt the council should not allow commercial buildings in the footprint bill.

There being no more speakers the Mayor closed the public hearing.

Moved by Gilbert, seconded by Shimp.

Motion: **TO PASS ORDINANCE NO. 2002-13 ON FIRST READ.**

Roll Call Vote:

Ayes: 5 – Gilbert, Patronik, Pruette, Shimp, Brown

Noes: 0

MOTION CARRIED

OLD BUSINESS / NONE

NEW BUSINESS

220 First Street

DEVELOPMENT ORDER – 220 FIRST STREET – Building Official Dan Arlington introduced the applicants. Tom Geolz and Patricia Geolz stated they were going to convert the old bike shop into a small grocery store and convert the two apartments on the top floor into offices for Cobalt Moon. They explained that the project had less than the necessary amount of parking spaces but they were adding three spots by restriping on the city right of way down Orange Street. They are under contract to buy the cabinet shop and hope to be able to restrip the Sliders' lot when this is bought to add some spaces.

Councilor Pruette stated there might be a stipulation that if the hours run later than mentioned they have to go back to the Planning and Development Review Board because of parking. She also felt there was a parking problem in the CBD.

Vice Mayor Shimp questioned why the PDRB allowed the development without the required amount of parking when everyone is so concerned about lack of parking. He felt the council has helped most of the businesses out in the CBD regarding parking but felt at some point they had to decide to stick to the code and say no. Mr. Geolz stated he could leave the upstairs residential and that would take care of the parking situations. Vice Mayor Shimp stated the council just may need to discuss parking issue.

Mr. Geolz stated he was not trying to slip anything by anyone. He understood the parking problems in the CBD and would consider leaving the upstairs residential. He felt this was an attractive addition to the downtown area.

Councilor Patronik felt that parking was an issue that needed to be discussed.

Councilor Gilbert stated he liked the project a lot but agreed that the parking issue needed to be discussed.

Mayor Brown suggested to the applicants that they post pone the development so that the council could discuss parking at the next workshop. Mr. Geolz stated he had nothing to lose by doing so and would be glad to wait as long as it was a month and not a five month process.

After some discussion the applicant decided it may be better to leave the upstairs residential.

City Manager Linn stated that it would be good to discuss parking and felt some of the parking rules may be too strict.

Consensus: **TO DISCUSS PARKING REGULATIONS IN THE CBD AT THE OCTOBER WORKSHOP.**

Kings Road Bridge

DESIGN PROFESSIONAL SERVICES AGREEMENT – KINGS ROAD BRIDGE REPAIRS. City Manager Linn asked if Council would like to add the \$55,000 that Pitman Hartenstein suggested for the walkway on the bridge or to stay with the original \$63,466. Mr. Linn explained that a walkway would make it necessary to add more pilings and not just repair the embankments. After some discussion the council decided not to add the \$55,000 at this time.

Moved by Pruette, seconded by Patronik.

Motion: **TO APPROVE THE DESIGN AND PROFESSIONAL SERVICE AGREEMENT FOR THE KINGS ROAD BRIDGE.**

Roll Call Vote:

Ayes: 5 – Gilbert, Patronik, Pruette, Shimp, Brown

Noes: 0

MOTION CARRIED

Adjournment

There being no further business, the meeting adjourned at 9:30 p.m.

Richard A. Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
WORKSHOP CITY COUNCIL MEETING
OCTOBER 21, 2002 AT 7:00 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 October 21, 2002 at 7:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance: IN ATTENDANCE:

Mayor Richard A. Brown	City Manager Richard A. Linn
Vice Mayor Robert A. Shimp	City Clerk Lisa Volpe, CMC
Councilor James Gilbert	Building Official Dan Arlington
Councilor Ronald A. Patronik	Director of Public Services Leon Smith
Councilor Harriet Pruette	Deputy City Clerk Karla Strait, CMC
City Attorney Christopher White	

Call to Order/Roll Call The Mayor called the meeting to order at 7:00 p.m.

COMMITTEE REPORTS

IBBC ISH BRANT BEAUTIFICATION COMMITTEE: City Manager Linn reported the Ish Brant Beautification Committee continued to work on ongoing projects.

CITY MANAGERS PUNCH LIST

Jarboe Park Improvements JARBOE PARK IMPROVEMENTS: The Jarboe Park Improvement Project was complete and the final report had been submitted to the Department of Environmental Protection for reimbursement.

Bike Path BIKE PATH IMPROVEMENT: The Bike Path Improvement was a project of the Department of Transportation and it had not been started.

Utility Improvements UTILITY IMPROVEMENT PROJECT: City Manager Linn had been on vacation and missed the latest progress meeting. The engineer reported no major issues arose at the meeting.

Kings Rd. Bridge KINGS ROAD BRIDGE: Council had approved the contract for repairs and it had been sent to the engineering firm for approval.

Underground Containers UNDERGROUND TRASH CONTAINERS: City Manager Linn was continuing to work with the manufacturer of the underground containers on trading in the large ones for smaller ones.

PROPOSED ORDINANCES / NONE

CONTRACTS / AGREEMENTS NONE**ISSUE DEVELOPMENT**

Relay for Life

RELAY FOR LIFE PRESENTATION – AMERICAN CANCER SOCIETY: Harry Graham, President of the Beaches American Cancer Society & Austin Richmond, Special Events Manager for the American Cancer Society, explained the Relay for Life Fundraiser Event. The event was a celebration of survivorship. It helped to provide patient services and programs. Mr. Richmond asked Council for approval to hold the relay event in Jarboe Park on May 2 & 3, 2003.

Consensus: **TO APPROVE THE RELAY FOR LIFE FUNDRAISING EVENT TO BE HELD IN JARBOE PARK ON MAY 2 & 3, 2003.**

Maintenance Facility

OPERATIONS AND MAINTENANCE FACILITY REPORT – JOSE PEREZ, PQH ARCHITECTS: Jose Perez, PQH Architects, explained the diagram of the design for the new operations & maintenance facility. The design reflected the needs of the facility for the next 15 years. In summary the buildings totaled 23,995 square feet. The covered areas totaled 4,333 square feet and the open yard totaled 39,436 square feet. The estimated cost was 2.9 million dollars inclusive of his fees, construction & design.

Vice Mayor Shimp questioned if the area residents had been consulted regarding the plan. Mr. Perez replied no they had not.

City Manager Linn recommended holding an open house forum with refreshments at the Senior Activity Center to allow area residents input regarding the design. Mr. Linn added there was an area of the property that could not be used due to contamination by old diesel fuel tanks. The design was prepared to avoid that area.

Councilor Pruette voiced concerned about the cost of the project. Mr. Linn stated the source of funding for the project was from the Better Jacksonville Plan and would not impact the tax base.

Mr. Perez concluded final design would take about 4 or 5 months, the bidding and negotiation process would take approximately 2 months and estimated construction to begin in 6 to 8 months.

Consensus: **TO HOLD AN OPEN HOUSE WITH THE CITY COUNCIL AND THE AREA RESIDENTS AT THE SENIOR CENTER TO ALLOW THE RESIDENTS TO REVIEW THE PLANS.**

CBD Parking

CENTRAL BUSINESS DISTRICT PARKING ISSUES: Vice Mayor Shimp felt businesses could not function in the Town Center area due to the strict parking requirements. His purpose for placing this issue on the agenda was to allow input from the Town Center business owners.

Mayor Brown felt the parking restrictions in Town Center should be flexible in working with new businesses. It was difficult to apply the same parking ordinance in Town Center as in other business districts.

Councilor Gilbert stated the only parking problems he had seen in Town Center was on Friday and Saturday evenings after 9:00 p.m. when most of the shops were closed allowing the use of their parking for the restaurant and bar patrons. He felt the parking requirements should be flexible in order to allow the remodeling of older buildings for new businesses.

There was no consensus.

BOA Decision

REVERSAL OF BUILDING OFFICIALS DECISION BY THE BOARD OF APPEALS / PUBLIC ACCESS USAGE: Building Official Dan Arlington had denied a resident use of the city right-of-way to plant a palm tree and the decision was overturned by the Board of Appeals. Vice Mayor Shimp felt the Board of Appeals should not be allowed to give permission of use of city right-of-ways. He was also concerned because the surrounding property owners were not noticed before the palm tree was planted.

City Attorney White stated the Board of Appeals did not have jurisdiction over the determination of what happened on a city right-of-way. The city had the right at it's discretion to allow the palm tree to remain in the right-of-way.

Councilor Pruette was concerned that the palm tree was not mentioned in the public notice. She questioned what could now be done about the palm tree.

Councilor Gilbert stated the Board of Appeals was designed to deal with issues on private property only. Anything dealing with city property should be decided by the Building Official and appealed to the City Council.

Councilor Patronik felt the decision of the Board to allow the palm tree should be remanded.

City Attorney stated he could give an opinion to the City Manager as to what the options were and his opinion on the action of Board of Appeals.

Consensus: **AUTHORIZE THE CITY ATTORNEY TO GIVE A LEGAL OPINION TO THE CITY MANAGER.**

Strand & Davis Palm Trees

Councilor Pruette stated someone planted approximately 20 palm trees on the city easement at the corner of Strand and Davis Street. She added that residents had requested that the trees be removed. She questioned when the trees were going to be removed.

City Manager Linn stated there was an order to remove the trees. Building Official Arlington stated he signed a 30 day temporary Certificate of Occupancy and the power would be turned off and the C/O revoked if the trees were not removed within the 30 days.

Councilor Pruette asked to place the issue on the agenda for the November workshop meeting to come up with a clear cut policy for use of city property, right-of-ways, and easements.

Infrastructure Prado Ferrer

ESTIMATED COST OF PROPOSED INFRASTRUCTURE IMPROVEMENTS IN PRADO-FERRER: This issue is in regards to Steve Jarrett's development of 4 lots at the end of Oakhurst Drive through Summer Sands. The residents of Summer Sands and their Homeowners Association have been active in trying to prevent access for the development through the subdivision. Building Official Dan Arlington had prepared a break down on the direct benefit cost to each property owner regarding the city installing infrastructure to provide and alternative access through Bay Road.

Vice Mayor Shimp felt developers should develop properties and include the cost in the selling price. He was against the city-installing infrastructure in undeveloped areas.

Legal Advise City Attorney White read the following for the record:

"There was a right to be compensated through inverse condemnation when a governmental action causes a substantial loss of access to ones property even though there was no physical appropriation of the property itself. It is not necessary that there be a complete loss of access to the property."

Mr. White advised that denying access to the property could potentially result in litigation. He added you can not choose whom to assess. The assessment had to be executed on a benefit basis and could not show preference. It also had to be consistent in application.

A lengthy discussion ensued regarding who would benefit from the improvements and whether or not the city should be involved.

City Attorney White further advised "if there was a platted right-of-way on which property was purchased the purchaser was allowed to rely on that platted right-of-way to develop the property if the right-of-way is the access to the property."

Discussion continued and the issue of drainage was brought forth.

Consensus: **TO NOTIFY IN WRITING ALL RESIDENTS ON MR. ARLINGTON'S LIST "THAT THE CITY WAS CONSIDERING IMPOSING ASSESSMENTS FOR THE SAKE OF COMPLETING THE PLATTED RIGHT-OF-WAYS IN YOUR AREA – AN INFORMATIONAL MEETING WILL BE SCHEDULED" - AND HOLD A SPECIAL PUBLIC HEARING ON NOVEMBER 18, 2002, AT 7:00 P.M. OR IMMEDIATELY UPON CONCLUSION OF THE WORKSHOP MEETING STARTING AT 6:00 P.M.**

Public Notices

PUBLIC NOTICES TO ADJACENT PROPERTY OWNERS: Councilor Pruette asked the council to come to a consensus to have the city notify adjacent property owners in the central business district regarding issues being considered in their neighborhood.

City Manager Linn requested the issue be drafted in a form of an ordinance that would require when notices would be given, to whom and for what actions or events. Otherwise, he was concerned the staff would be placed in the position of always being wrong when someone was opposed to something.

Building Official Arlington stated the proposed new Land Development Regulations addressed the issue and had new guidelines for advertising.

There was no consensus.

Seawood Greenspace

SEAWOOD GREENSPACE – CLEARING OF POTATO VINES AND COMPOST: Mayor Brown voiced concern regarding the communication of the clearance of the potato vines and compost in the greenspace area. He had received pictures and complaints that the city had cleared out too much of the natural buffer.

Director of Public Services Leon Smith stated he had ceased the clearing of the greenspace temporarily. He added it was impossible to remove all of the potato vines and debris that had been dumped in the area without clearing some of the palmettos and underbrush.

Mayor Brown stated the intent was to clear the open visible stacks of debris and potato vines without clearing the palmettos or underbrush.

There was no consensus of the Council on the issue. Councilor Pruette asked to recess and Mayor Brown stated after the recess he would go directly to into public comments.

Recess/Reconvene Mayor Brown called a recess at 9:25 p.m. The meeting reconvened at 9:35 p.m.

Public Comments

PUBLIC COMMENTS ON AGENDA ITEMS ONLY

Michael Dunlap, 212 Lora Street, supported a new vision on parking restrictions in the Central Business District. He urged Council to resume the review of the Proposed Land Development Regulations.

Thad Mosley, 3701 Duval Drive, Jacksonville Beach, and owner of property on Orange Street, felt stricter codes were needed regarding control of variances and development orders in the Central Business District.

Michael Aston, 1523 Summer Sands Drive, President of the Summer Sands Homeowners Association, felt a lawsuit regarding access to Steve Jarrett's property through Summer Sands could be defended on the grounds of safety and infrastructure and traffic flow.

Lora Patronik, 1520 Leeward Lane, felt it was neither the city's problem nor the property owners of Leeward Landing or Summer Sands if a developer could not access his property. She did not think Buddy Crout Lane met the true legal definition of a cul-de-sac. She opposed opening the roadway through Summer Sands into Leeward Landing.

Bill Holden, 1114 Seawood Drive, urged the Council and staff to work with the residents of Lincoln Road and Seawood Drive to preserve the greenspace.

Gail Fuller, 1010 Seawood Drive, agreed with Mr. Holden.

Lynda Padrta, 1113 First Street, voiced concern about parking requirements in the Central Business District.

Ed Jones, 200 First Street, felt Town Center was considered more of a walking and bike riding area instead of a vehicle-oriented community. He felt there was a good balance in the parking.

Leslie Karlin, 1506 Spindrift Circle West, donated her 5 minutes to speak to Michael Aston. She was disappointed that Steve Jarrett did not speak.

Michael Aston, 1523 Summer Sands Drive, President of the Summer Sands Homeowners Association, stated neighborhoods should be designed to prevent through streets.

Adjournment There being no further business, the meeting adjourned at 10:08 p.m.

Richard A. Brown, Mayor

Attest:

Lisa Volpe, CMC, City Clerk

Approved: _____



**WORKSHOP CITY COUNCIL MEETING
OCTOBER 28, 2002, AT 6:00 P.M.
CITY HALL, 116 FIRST STREET,
NEPTUNE BEACH, FLORIDA**

Pursuant to proper notice a Workshop City Council Meeting of the City Council of the City of Neptune Beach was held October 28, 2002 at 6:00 p.m., at the Senior Activity Center at 2002 Forest Avenue, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

Mayor Richard A. Brown
Vice Mayor Robert D. Shimp
Councilor James Gilbert
Councilor Harriet M. Pruette
City Manager Richard A. Linn

City Clerk Lisa Volpe, CMC
Director of Public Services Leon Smith

Absent:
Councilor Ronald D. Patronik

The Mayor called the meeting to order at 6:00 p.m. stating it was an informal meeting to discuss the plans for building a new City Yard Facility. City Manager Linn stated that Better Jacksonville money would be used to fund the project and PQH were hired as the architects. Director of Public Services commented that this project was a necessary upgrade to the facility.

Jose Perez of PQH Architects outlined the concept plan of the facility highlighting the green buffers between residential areas.

During a question and answer period the following three items were discussed:

1. The emergency/second entrance on Strickland Road being eliminated.
2. Providing ample vegetation and fencing in the buffer zones on Strickland Road and Forest Avenue.
3. The placement of the automotive garage where the existing garage is instead of being closer to Strickland Road.

The city manager and the architect stated there would be another informational meeting when the schematic drawing had been completed.

Adjournment

There being no further business, the meeting adjourned at 7:20 p.m.

Richard A. Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
REGULAR CITY COUNCIL MEETING
SEPTEMBER 3, 2002, 7:00 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 September 3, 2002, at 7:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

Mayor Richard A. Brown
Vice Mayor Robert D. Shimp
Councilor Jimmy Gilbert
Councilor Ronald D. Patronik
Councilor Harriet Pruette
City Attorney Christopher A. White

City Manager Richard A. Linn
City Clerk Lisa Volpe, CMC
Building Official Dan Arlington
Deputy City Clerk Karla Strait, CMC
Director of Public Services Leon Smith

Order Call/Pledge

Mayor Brown called the meeting to order at 7:00 p.m. and asked Vice Mayor Shimp to lead the Pledge of Allegiance.

AWARDS / PRESENTATIONS / RECOGNITION OF GUESTS

Employee of the Year

PRESENTATION OF EMPLOYEES OF THE YEAR PLAQUES: Mayor Brown recognized and presented plaques to Paula Kersh and Joan Martin for being named employees of the year.

APPROVAL OF MINUTES

Motion:

TO APPROVE THE FOLLOWING MINUTES AS STATED:

AUGUST 5, 2002, REGULAR COUNCIL MEETING
AUGUST 19, 2002, WORKSHOP COUNCIL MEETING
AUGUST 26, 2002, BUDGET WORKSHOP MEETING

Moved by Patronik, seconded by Shimp.

Roll Call Vote:

Ayes: 5 – Gilbert, Patronik, Pruette, Shimp, Brown
Noes: 0

MOTION CARRIED

COMMUNICATIONS AND CORRESPONDENCE

Councilor Patronik advised he had received several e-mails and telephone calls regarding the proposed millage rate of 3.2.

Vice Mayor Shimp stated he spoke with Leman Rosenberg before the meeting regarding the increased millage rate.

Mayor Brown announced the official budget hearing would be held Thursday, September 5, 2002, at 6:00 p.m.

Councilor Pruette thanked City Manager Linn publicly for his hard work involving the Fletcher High Band Fundraiser in Jarboe Park. She asked if there was anything the Council could do to assist. City Manager Linn responded that Vice Mayor Shimp had been working hard on the event and they could use all the help they could get.

CITY MANAGER REPORTS

Utility Improvement **UTILITY IMPROVEMENT PROJECT UPDATE:** City Manager Linn reported Utilex had fractured a 4" water main on First Street and Pine Street just that afternoon. The repair had been made and pressure should be up very soon. 35% of the homes in Bal Harbor still needed to be connected to the new meters. There was still some minor sod work and restoration to be done and Bal Harbor would be complete. East of Third Street had been started and divided into three sections. A section at a time would be tested and connected. He was pleased with the work and asked the public to be patient and understanding during the project.

Holiday Decorations **HOLIDAY DECORATIONS:** City Manager Linn reported there was a need to improve the holiday decorations. He met with Councilor Pruette, Atlantic Beach Councilman Desmond Waters, and Atlantic Beach City Manager Jim Hanson to discuss decorations. They ordered 16 decorations for Atlantic Boulevard from Mayport Road to Town Center to be placed one on every other pole. The City of Jacksonville Beach volunteered to energize the streetlights. The energy cost would be calculated on kilowatts. Funding for the decorations would come from the annual B.F.I. donation of \$5,000. Donations were also being accepted from citizens and could be added to their water bill.

Fractured
Sewer Line **FRACTURED SEWER LINE:** City Manager Linn reported Utilex fractured a dropped sewer line that served 4 homes. Public Services were trying to remove batonite that got into the pipe. A camera would be placed in the pipe to determine any additional problems.

PUBLIC COMMENTS

Lee McDonald, 1140 Florida Boulevard, was concerned about the history of sewer problems at his residence. He added it affected his homeowner insurance rates and he felt the contractor should be penalized.

Teresa McMahan, 1032 Lincoln Road, rebutted statements made by Patrick Mills and other residents of Seawood Drive regarding the greenspace behind her house at the August 19th workshop meeting.

Peggy Roush, 1807 Penman Road, felt the city should not place a lien on her house for installing a new sewer line on her property.

Lana Huguenin, 1521 Summer Sands Drive, stated B.F.I. had combined her recycling and trash in one truck.

Michael Aston, 1523 Summer Sands Drive, defined the following words for the Council: close, barricade, barrier, precedent, equal, equitable, and equity. He felt those words defined the closure of First Street and asked the Council to keep them in mind while considering the closing of Oakhurst Drive.

Lynda Padrta, 1113 First Street, felt the proposed budget was too high and a lien should be placed on the property at 1807 Penman Road.

Leslie Karlin, 1506 Spindrift Circle West, was concerned about the holiday decorations discriminating against other religions.

CONSENT AGENDA

Political Signs

POLITICAL CAMPAIGN SIGNS – SUSPENSION OF ENFORCEMENT OF SECTION 27-583(B) 6.C. FOR THE SEPTEMBER, 2002 ELECTION: City Attorney White advised suspending the enforcement of the 14 day time period throughout the remaining elections of this season.

Moved by Shimp, seconded by Patronik.

Motion: **TO APPROVE THE CONSENT AGENDA.**

Moved by Pruette, seconded by Patronik.

Friendly Amendment: **TO SUSPEND ENFORCEMENT OF THE 14 DAY TIME LIMIT THROUGHOUT THE PRIMARY AND GENERAL ELECTIONS OF THIS YEAR AND PUT ON THE WORKSHOP TO REVISE THE ORDINANCE.**

Roll Call Vote on Friendly Amendment:

Ayes: 5 – Gilbert, Patronik, Pruette, Shimp, Brown

Noes: 0

MOTION CARRIED

Roll Call Vote on the Motion as amended:

Ayes: 5 – Gilbert, Patronik, Pruette, Shimp, Brown

Noes: 0

MOTION CARRIED

VARIANCES/NONE

ORDINANCES

Ord. No. 2002-06

ORDINANCE NO. 2002-06, AMENDING TABLE 27-226-1, PERMISSIBLE USES, SECOND READ AND PUBLIC HEARING, SPONSOR – COUNCILOR PRUETTE: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING TABLE 27-226-1, TABLE OF PERMISSIBLE USES AND PROVIDE AN EFFECTIVE DATE.

Mayor Brown read Ordinance 2002-06 by title only and opened the public hearing.

Kirk Cobb, 112 Orange Street, opposed eliminating residential homes in the Central Business District.

Daryl Grubbs, 1919 Nightfall Drive, felt fast food restaurants should be permitted in the C-2 zoning district.

David Cole, 1500 Penman Road, opposed eliminating residential homes in the Central Business District.

Discussion ensued regarding residential homes in the Central Business District.

Moved by Shimp, seconded by Pruette.

Motion: **TO AMEND THE TABLE AND ALLOW RESIDENTIAL HOMES IN THE CENTRAL BUSINESS DISTRICT INCLUDING C-1, C-2, AND C-3 BY EXCEPTION.**

Roll Call Vote:

Ayes: 5 – Gilbert, Patronik, Pruette, Shimp, Brown
Noes: 0

MOTION CARRIED

Councilor Patronik stated there was an inconsistency with the permissible uses table in the agenda packet and the one that was hand delivered Friday.

Moved by Shimp, seconded by Patronik.

Motion: **TO TABLE ORDINANCE 2002-06, PERMISSIBLE USES TABLE TO THE SEPTEMBER WORKSHOP MEETING.**

Roll Call Vote:

Ayes: 5 – Gilbert, Patronik, Pruette, Shimp, Brown
Noes: 0

MOTION CARRIED

Recess/Reconvene Mayor Brown called a recess at 9:15 p.m. and reconvened the meeting at 9:30 p.m.

Ord. No. 2002-07 **ORDINANCE NO. 2002-07, POLICE OFFICERS' RETIRMENT FUND – FIRST READ:**
AN ORDINANCE OF THE CITY OF NEPTUNE BEACH 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 2-345, DEFINITIONS, TO AMEND THE DEFINITION OF "ACCUMULATED CONTRIBUTIONS"; AMENDING SECTION 2-348, FINANCES AND FUND MANAGEMENT; AMENDING SECTION 2-349.3, DISABILITY; AMENDING SECTION 2-349.11, MAXIMUM PENSION; AMENDING SECTION 2-349.13, MISCELLANEOUS PROVISIONS; AMENDING SECTION 2-349.19, DIRECT TRANSFERS OF ELIGIBLE ROLLOVER DISTRIBUTIONS; AMENDING SECTION 2-349.22, MILITARY SERVICE PRIOR TO EMPLOYMENT; AMENDING SECTION 2-349.23, PRIOR POLICE SERVICE; AMENDING SECTION 2-349.24, DEFERRED RETIRMENT OPTION PLAN; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING AN EFFECTIVE DATE.

Officer Dean explained the ordinance was amended to comply with the changes in the Florida Statutes.

Moved by Shimp, seconded by Gilbert.

Motion: **TO PASS ORDINANCE NO. 2002-07, POLICE OFFICERS**

RETIREMENT FUND ON FIRST READ.

Roll Call Vote:

Ayes: 5 – Gilbert, Patronik, Pruette, Shimp, Brown

Noes: 0

MOTION CARRIED**OLD BUSINESS / NONE****NEW BUSINESS**

Res. No. 2002-10 **RESOLUTION NO. 2002-10:** A RESOLUTION APPOINTING MARCIA JAWITZ TO THE PLANNING AND DEVELOPMENT REVIEW BOARD.

Moved by Gilbert, seconded by Shimp.

Motion: **TO ADOPT RESOLUTION 2002-10.**

Roll Call Vote:

Ayes: 5 – Gilbert, Patronik, Pruette, Shimp, Brown.

Noes: 0

MOTION CARRIED

Res. No. 2002-11 **RESOLUTION NO. 2002-11:** A RESOLUTION APPOINTING BOARD MEMBERS TO THE BOARD OF APPEALS, THE PLANNING AND DEVELOPMENT REVIEW BOARD AND THE POLICE OFFICERS RETIREMENT FUND BOARD.

Moved by Pruette, seconded by Patronik.

Motion: **TO ADOPT RESOLUTION 2002-11.**

Roll Call Vote:

Ayes: 5 – Gilbert, Patronik, Pruette, Shimp, Brown

Noes: 0

MOTION CARRIED

Res. No. 2002-12 **RESOLUTION NO. 2002-12:** A RESOLUTION NAMING THE ALLEYWAY OCEAN PLACE.

Moved by Gilbert, seconded by Pruette.

Motion: **TO ADOPT RESOLUTION 2002-12.**

Roll Call Vote:

Ayes: 5 – Gilbert, Patronik, Pruette, Shimp, Brown

Noes: 0

MOTION CARRIED

1807 Penman Rd. **RECOVERY OF CITY EXPENSES FOR INSTALLATION OF SEWER LINES AT 1807 PENMAN ROAD:** City Attorney White advised the lien needed to be filed immediately to protect the city's interest before the property was sold. He added because the property was under contract for sale a payment schedule should not be accepted.

City Manager Linn explained there was not a provision in the Code to cover the cost of installing water lines on an emergency basis to the connection. He felt that portion of the cost could be legally challenged and \$1,000 should be deducted.

Moved by Patronik, seconded by Gilbert.

Motion: **TO DEMAND PAYMENT IN THE AMOUNT OF \$3,499.46 AND SIMULTANEOUSLY FILE A LIEN IN THAT AMOUNT.**

Roll Call Vote:

Ayes: 5 – Gilbert, Patronik, Pruette, Shimp, Brown

Noes: 0

MOTION CARRIED

Mayport Flyover
Maintenance

APPROVAL OF MAINTENANCE AGREEMENT FOR MAYPORT FLYOVER LANDSCAPE WITH FDOT: City Manager Linn explained Neptune Beach and Atlantic Beach requested that extensive landscaping be included in the Mayport Flyover project. The Florida Department of Transportation agreed to landscape the project if the cities would agree to provide the maintenance. In the agreement FDOT had agreed to reimburse the City of the Neptune Beach \$4,356.28 annually; the amount they would have incurred to maintain the landscaping. Mr. Linn recommended approval of the agreement pending a review by the City Attorney.

Discussion ensued regarding the cost of maintenance.

Moved by Shimp, seconded by Patronik.

Motion: **TO APPROVE THE MAINTENANCE AGREEMENT FOR MAINTENANCE OF THE MAYPORT FLYOVER LANDSCAPING.**

Roll Call Vote:

Ayes: 3 – Patronik, Shimp, Brown

Noes: 2 – Gilbert, Pruette

MOTION CARRIED

Fletcher High
Band

APPROVAL OF BENEFIT FOR FLETCHER HIGH SCHOOL BAND EVENT FROM CABLE T.V. TRUST FUND AS A SPECIAL EVENT: City Manager Linn stated a \$1,500 expenditure had been approved for the Fletcher High School Band event. He added that to use the cable T.V. funds the benefit needed to be named as a special event.

Vice Mayor Shimp explained the donations from vendors and grocery stores may not be sufficient and more funds may be necessary to provide for drinks, hotdogs, condiments, etc. He asked the Council to authorize City Manager Linn to spend an additional \$500 for the event to use at his discretion as needed.

Moved by Shimp, seconded by Patronik.

Motion: **NOT TO EXCEED \$500 TO CITY MANAGER LINN TO USE AT HIS DISCRETION FOR THE FOOD AND DRINKS FOR THE BAND IN THE PARK.**

Roll Call Vote:

Ayes: 5 – Gilbert, Patronik, Pruette, Shimp, Brown

Noes: 0

MOTION CARRIED

Adjournment

There being no further business, the meeting adjourned at 10:30 p.m.

Richard A. Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



**SPECIAL CITY COUNCIL MEETING
SEPTEMBER 5, 2002, AT 6:00 P.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 September 5, 2002 at 6:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

Mayor Richard A. Brown
Vice Mayor Robert D. Shimp
Councilor James Gilbert
Councilor Ronald D. Patronik
Councilor Harriet M. Pruette
City Manager Richard A. Linn
City Clerk Lisa Volpe, CMC

Director of Finance Steve Ramsey
Director of Public Services Leon Smith
Deputy City Clerk Karla Strait, CMC

Absent:
City Attorney Christopher White

Call to Order/Roll Call

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

DISCUSSION

Mayor Brown opened the meeting and commented the Council had been over the budget and made a number of changes. He explained since residents had received the proposed tax bill the "not to exceed millage rate" had been reduced to 3.2 mils. He added that over the last ten years the City had done a great job in rolling back the millage rate. The cost of running the city had significantly increased, with salaries, health insurance, etc. In order to continue serving the city without cutting services or going into the reserve fund, the millage rate would need to be increased.

City Manager Linn felt the City offered excellent service to the citizens and did not want to see a reduction in service. There was a motion made last year to set the rate at 3.2 however, it died for lack of a second. If it had been approved we would not be using reserves funds of \$300,000 to balance out the fiscal year. He was anxious to hear the comments from the public.

Finance Director Steve Ramsey stated the proposed budget was fully funded based on a millage rate of 3.2 without using reserve funds.

Senior Homestead

Vice Mayor Shimp asked about a special homestead exemption for senior citizens. City Manager Linn replied there was a special homestead exemption available for senior citizens of \$25,000 already in effect.

Councilor Patronik suggested eliminating the full time animal control officer position and creating a full time building inspector position in the Building Department. He felt this would save the City money. He also suggested the city cancel the landscape maintenance agreement with Florida Department of Transportation for the Mayport Flyover and have the city employees' cease providing maintenance on the First Street right-of-ways and maintain the landscaping of the Mayport Flyover instead.

Councilor Pruette questioned the amount of money that would be saved by having city employees stop maintaining the right-of-ways on First Street. City Manager Linn stated he was not sure how often the First Street right-of-ways were trimmed. He would have to get the answer from the Director of Public Services Leon Smith.

Councilor Gilbert apologized for missing the last budget meeting due to an illness. He felt it would be more prudent to gradually increase the millage rate. He stated a millage rate of 3.0 instead of 3.2 with an \$84,000 shortfall would be a step in the right direction.

Councilor Pruette questioned what the property values were based on. Finance Director Steve Ramsey responded he based the property values on the assessment provided by the Duval County's Property Appraiser's Office.

Councilor Pruette was not comfortable with a millage rate of 3.2 or 3.0. She added the new stormwater fees would bring in \$100,000 of extra revenue. She did not want to set the millage rate over 2.86.

Vice Mayor Shimp stated last year Council held the City to a very tight budget with the understanding that at the end of the year they would know how well the City was run and if taxes needed to be increased. By holding the City to such a tight budget there was a need to go into the reserves. Therefore, he felt an increase in the millage rate was needed.

City Manager Linn stated the reserve fund was intended to be reserved for disaster recovery not to balance the budget.

Councilor Pruette asked City Manager Linn why the City continued to spend money on things that were not needed like the new wallpaper in the Council Chambers. City Manager Linn replied the wallpaper in the Council Chambers had been budgeted for the past three years and the City received an excellent offer on it. Mr. Linn explained the budget that was passed called for a deficit spending. Councilor Pruette stated the City should not spend money on things that were not necessary.

Vice Mayor Shimp stated the Council knew the City would be going into reserves when the budget was passed. What was stipulated was that any spending requiring the use of reserve funds had to be approved by the Council.

Ord. No. 2002-08

ORDINANCE NO. 2002-08, FIRST READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, ADOPTING FINAL MILLAGE RATES AND LEVYING AD VALOREM TAXES FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2002, AND ENDING SEPTEMBER 30, 2003; SETTING FORTH CERTAIN INFORMATION REGARDING "ROLLED BACK RATES"; DIRECTING THE CITY MANAGER TO ADJUST THE ADOPTED MILLAGE RATES IN THE EVENT OF CHANGES IN THE ASSESSMENT ROLL AND TAXABLE VALUE; PROVIDING AN EFFECTIVE DATE.

Mayor Brown read Ordinance No. 2002-08 by title only and opened the public hearing.

Hayes Bishop, 1443 Spindrift Circler East, stated her monthly obligations had increased and her pension had decreased. She was on a fixed income and opposed increasing the millage rate.

Michael Aston, 1523 Summer Sands Drive, explained how his property value had increased. He felt with the increase in property values and the millage rate the City's income would be sufficiently more. He opposed increasing the millage rate to 3.2.

Marsha Holton, 1503 Spindrift Circle West, asked what the citizens were getting for the 35% increase in taxes. She asked for a copy of the budget.

Cathleen Maiden, Summer Sands, asked if there were any salary increases for employees in the past five years, specifically the management. Finance Director Steve Ramsey replied the union contract that was signed last year gave a 5% increase for employees. Vice Mayor Shimp responded in order to keep the good management employees from leaving, their salaries were brought up to standards with the Florida League of Cities salary survey.

Margaret Rush, 417 Penman Road, stated the assessment had increased 20% and taxes had increased 40% on her rental house on Penman Road that was part of her retirement income.

Phyllis Benner, 244 Wind Swept Circle, asked if the seniors had to be 65 years of age to get the additional homestead exemption and what the maximum income level was. City Manager Linn responded he knew the age requirement was 65 and was not sure what the income level was. With the property value increase and a millage rate of 3.5 would be a 42% tax increase on her property.

Charlie Miller, 512 South Street, stated there was no such thing as a professional Mayor or Council Member and the Council should listen to the staff because they were the experts that were hired to advise them. He had confidence in the city staff and felt the Council should listen to them.

There being no further comments from the public the public hearing was closed.

Councilor Patronik asked if the \$100,000 contingency budget could be lowered to \$75,000.

Vice Mayor Shimp suggested lowering the millage rate to 3.0. and have the employees come back with suggestions from tonight's discussion.

Councilor Patronik felt the budget could be cut maybe to 2.9.

Councilor Pruette suggested saving \$58,632 by cutting 2 vehicles and 2 defibulators from the police department budget. She asked what percentages were allotted for salary increases and if there was room to cut 1%. She asked how much that would save.

Vice Mayor Shimp felt cutting out the defibulators and police vehicles would be taking away health and welfare from the citizens in case of an emergency. He did not want to cut back the services. He added salary increases were required by union contract and could not be decreased. He stated the budget had been cut as much as possible.

Moved by Gilbert, seconded by Pruette.

Motion: **AMEND ORDINANCE 2002-08 LOWERING THE MILLAGE RATE TO 2.9.**

Roll Call Vote:

Ayes: 5 – Gilbert, Patronik, Pruette, Shimp, Brown

Noes: 0

MOTION CARRIED

Moved by Patronik, seconded by Shimp.

Motion: **TO PASS ORDINANCE NO. 2002-08 AS AMENDED ON FIRST READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 5 – Gilbert, Patronik, Pruette, Shimp, Brown

Noes: 0

MOTION CARRIED

Ord. No. 2002-09

ORDINANCE NO. 2002-09, FIRST READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, ADOPTING A FINAL BUDGET AND APPROPRIATING FUNDS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2002, AND ENDING SEPTEMBER 30, 2003; PROVIDING AN EFFECTIVE DATE.

City Manager Linn stated an amendment would be necessary to Section 1-A to change the 3.2 millage rate to 2.9.

Moved by Shimp, seconded by Gilbert.

Motion: **TO AMEND SECTION 1-A OF ORDINANCE 2002-08 CHANGING THE MILLAGE RATE FROM 3.2 TO 2.9.**

Roll Call Vote:

Ayes: 5 – Gilbert, Patronik, Pruette, Shimp, Brown

Noes: 0

MOTION CARRIED

City Manager Linn stated Section 3-A needed to be amended to read 18.64.

Moved by Shimp, seconded by Patronik.

Motion: **TO AMEND SECTION 3-A OF ORDINANCE 2002-08 TO READ 18.64.**

Roll Call Vote:

Ayes: 5 – Gilbert, Patronik, Pruette, Shimp, Brown

Noes: 0

MOTION CARRIED

Mayor Brown read Ordinance No. 2002-09 by title only and opened the public hearing.

Michael Aston, 1523 Summer Sands Drive, asked if there was any other way the city could bring in income. City Manager Linn described what the city had done to increase revenues in the last year.

There being no comments from the public the public hearing was closed.

Finance Director Steve Ramsey asked the Council if they wanted to stop the process and go back to first read. Councilor Pruette wanted Mr. Ramsey to address the Council on how much money the City could save with the suggested changes and amendments. Councilor Patronik stated the best thing to do was to adjust the reserves to accommodate the budget and adjust the expenditures at a later date.

Moved by Patronik, seconded by Shimp.

Motion: **TO ADJUST THE BUDGET TO DRAW THE MONEY FROM THE RESERVES INSTEAD OF REVENUES FROM THE MILLAGE RATE.**

Roll Call Vote:

Ayes: 5 – Gilbert, Patronik, Pruette, Shimp, Brown

Noes: 0

MOTION CARRIED

Moved by Gilbert, seconded by Shimp.

Motion: **TO PASS ORDINANCE NO. 2002-09 AS AMENDED ON FIRST READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 5 – Gilbert, Patronik, Pruette, Shimp, Brown

Noes: 0

MOTION CARRIED

Ord. No. 2002-10

ORDINANCE NO. 2002-10, FIRST READ AND PUBLIC HEARING: AN ORDINANCE AMENDING THE OPERATING BUDGET FOR THE CITY OF NEPTUNE BEACH, FLORIDA FOR FISCAL YEAR, BEGINNING OCTOBER 1, 2001 AND ENDING SEPTEMBER 30, 2002.

Finance Director Steve Ramsey stated the City was required by state statute to fund the police pension at certain levels.

Mayor Brown read Ordinance No. 2002-10 by title only and opened the public hearing.

Cathleen Maiden, Summer Sands, asked if it was a state, city or county fund. Mr. Ramsey replied it was a city fund.

There being no further comments from the public the public hearing was closed.

Moved by Shimp, seconded by Patronik.

Motion: **TO PASS ORDINANCE NO. 2002-10 ON FIRST READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 5 – Gilbert, Patronik, Pruette, Shimp, Brown

Noes: 0

MOTION CARRIED

Adjournment

There being no further business, the meeting adjourned at 7:20 p.m.

Richard A. Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
WORKSHOP CITY COUNCIL MEETING
SEPTEMBER 16, 2002 AT 7:00 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 September 16, 2002 at 7:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

Mayor Richard A. Brown
Vice Mayor Robert A. Shimp
Councilor James Gilbert
Councilor Ronald A. Patronik
Councilor Harriet Pruette

City Attorney Christopher White
City Manager Richard A. Linn
City Clerk Lisa Volpe, CMC
Building Official Dan Arlington
Deputy City Clerk Karla Strait, CMC

Call to Order/Roll Call

The Mayor called the meeting to order at 7:00 p.m.

AGENDA AMENDMENTS

**First St.
40' Abandonment**

FIRST STREET, 40' ABANDONMENT, SIDEWALK – CITY ATTORNEY CHRIS WHITE:
City Attorney White advised the Council action in 1994 to abandon the 40' right of way on First Street was valid in terms of procedural requirements and could not be reversed. He added that it was not legally necessary for the City to issue a deed or provide a letter to the property owners relating to the abandonment. He asked for a consensus of the Council not to issue any deeds.

Consensus: NOT TO ISSUE ANY DEEDS ON THE 40" ABANDONMENT ON FIRST STREET.

Mayor Brown questioned if would be advisable to communicate with the property owners with an objective of adjusting the abandonment to place the sidewalk in the city right-of-way. City Attorney White responded it would be ideal to have a meeting with all of the property owners to reach a consensus relating to the property that included the sidewalk. If the property owners held fast on the 40' abandonment then the City would be faced with whether or not the sidewalk would need to be removed. He asked for a consensus to organize a meeting with the property owners.

Consensus: TO ALLOW CITY ATTORNEY WHITE TO ORGANIZE A MEETING WITH THE PROPERTY OWNERS OR THEIR REPRESENTATIVES, THE CITY MANAGER AND HIMSELF, REGARDING THE SIDEWALK.

Ord. No. 2002-06

ORDINANCE NO. 2002-06 – PERMISSIBLE USES TABLE: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, AMENDING TABLE 27-226-1, TABLE OF PERMISSIBLE USES AND PROVIDE AN EFFECTIVE DATE.

City Manager Linn advised there was inconsistency in allowing residential dwellings in commercial districts on Table 27-226-1. Section 27-225 of the Code expressly prohibited residential dwellings in the C-1, C-2, C-3 and the Central Business District and would also need to be amended. City Manager Linn recommended tabling the permissible uses ordinance and voting on both the table and footprint bill at the same time to eliminate the inconsistency.

Consensus: **TO AMEND SECTION 27-225 BY DELETING THE WORDING "EXPRESSLY PROHIBIT RESIDENTIAL BUILDINGS IN THE CENTRAL BUSINESS DISTRICT" AND FORWARD TO FIRST READ IN OCTOBER AND SECOND READ IN NOVEMBER AND TABLE THE PERMISSIBLE USE ORDINANCE FOR SECOND READ IN NOVEMBER.**

Footprint Bill

ORDINANCE – FOOTPRINT BILL: City Manager Linn recommended removing the clause "within a residential area" located in Sec. 27-706(c).

City Manager Linn advised the Footprint Bill only allowed residences within a residential district to be rebuilt after a natural disaster without the need for a variance. Therefore, the residences within the commercial district were excluded.

Consensus: **TO STRIKE THE WORDING "WITHIN A RESIDENTIAL AREA" FROM SECTION 27-706(C) AND INCLUDE BUSINESSES ALONG WITH THE ENTIRE CITY IN THE FOOTPRINT BILL AND FORWARD TO FIRST READ IN OCTOBER AND SECOND READ IN NOVEMBER.**

Paul Hardin, 1301 Riverplace Boulevard, representative for property owners affected by the table change, stated the owners were concerned about their vested rights. He stated adding the exception would be burdensome for the property owners and would also require the City to set up criteria. He respectfully suggested that Council reevaluate the position of requiring an exception of a permitted right.

Seawood Dr.

SEAWOOD DRIVE BUFFER / GREENSPACE – COUNCILOR GILBERT: Councilor Gilbert had mailed out a survey to the residents of Seawood Drive and Lincoln Road. The results found that the biggest problem in the greenspace was the overgrowth of the potato vines and everyone agreed they needed to be tamed. There was also a concern regarding who was responsible for the maintenance of the privacy fence and the dumping in the area. He recommended that the city provide a user-friendly clearing of the vines.

Mayor Brown reported he had spoken with the Department of Agriculture and they suggested cutting the vines at the base carefully to avoid damaging the trees and plants and treat the base with roundup. They further advised the use of roundup on public property must be regulated and performed by a certified technician and the vines should be cut at the first frost to save clean up time.

Vice Mayor Shimp was concerned about spending tax dollars to maintain the area. He felt the neighbors should work together on the maintenance. He did not feel the fence was the responsibility of the city. He felt neighbors in conflict should take it up with the State Attorney's office for neighborhood intervention.

Councilor Pruette felt the City should remove the fence. She concurred with Councilor Gilbert regarding the City cleaning out the area and getting the potato vines under control. Then allowing the residents take over the maintenance.

City Manager Linn stated City Attorney White had informed the Council at the last meeting that the fence was not the responsibility of the city. Mr. Linn felt it would not be a good use of city funds to repair and maintain privacy fences installed by developers because the city did not require the developer to erect it. The developer put up the fence for his personal benefit. He stated he would need to speak with the Director of Public Services to figure the cost of clearing the potato vines.

Consensus: **TO ALLOW CITY MANAGER LINN TO SPEAK WITH THE DIRECTOR OF PUBLIC SERVICES TO FIGURE THE COST CLEARING THE POTATO VINES AND REPORT TO THE COUNCIL AT THE NOVEMBER WORKSHOP.**

COMMITTEE REPORTS

IBBC **ISH BRANT BEAUTIFICATION COMMITTEE:** City Manager Linn reported the Ish Brant Beautification Community would be meeting with Brett Goddard to discuss the Waters Edge buffer zone. The committee was also working on Florida Boulevard, shrubbery to compliment the palm trees in the medians on A1A, and a design for landscaping First Street and Seagate Avenue.

CITY MANAGERS PUNCH LIST

Jarboe Park Improvements **JARBOE PARK IMPROVEMENTS:** City Manager Linn stated the Jarboe Park Improvement project had been completed; he was waiting on the final paperwork before removing the item from the punch list.

Bike Path **BIKE PATH IMPROVEMENT:** City Manager Linn reported the Department of Transportation had a contractor in place to begin construction of the bike path from Atlantic Boulevard to Camellia Terrace within 30 days.

Underground Trash Containers **UNDERGROUND TRASH CONTAINERS:** City Manager Linn reported he was negotiating with the manufacturer of the underground trash containers to trade the large containers for 17 smaller containers to be placed at the beach accesses.

Fletcher High Band Benefit **FLETCHER HIGH BAND BENEFIT:** City Manager Linn thanked everyone who participated in the benefit for the Fletcher High School Band. There were donations from Winn Dixie, Publix, Food Lion, David Cole, and Tom Whittingslow.

PROPOSED ORDINANCES

Ordinance Political Signs **ORDINANCE – POLITICAL CAMPAIGN SIGNS:** City Manager Linn recommended amending the Code by striking out Sec. 27-583(b) 6c and renumbering Sec. 27-583(b) 6-d to Sec. 27-583 (b) 6c.

Councilor Pruette agreed to sponsor the ordinance.

Consensus: **ACCEPT THE RECOMMENDATION OF THE CITY MANAGER AND FORWARD THE ORDINANCE TO THE OCTOBER REGULAR MEETING.**

CONTRACTS / AGREEMENTS

Kings Road Bridge **DESIGN CONSULTANTS FOR REPAIRS TO KINGS ROAD BRIDGE:** City Manager Linn recommended the selection of Pitman-Hartenstein as the Design Consultants for the Kings Road Bridge Repair Project in the amount \$63,466 and forwarding to the October

regular city council meeting for approval.

Vice Mayor Shimp recommended including a catwalk for walking across or fishing from the bridge.

Consensus: **TO UPDATE THE PROPOSAL TO INCLUDE THE DESIGN OF A CAT WALK AND FORWARD TO THE OCTOBER REGULAR MEETING AND FORWARD TO THE OCTOBER REGULAR MEETING.**

ISSUE DEVELOPMENT

Taxi Cab Parking

TAXI CAB PARKING ONLY – REDUCTION OF SPACES: City Manager Linn stated he had been asked by the town center merchants to reduce the three reserved taxi cab parking spaces in Town Center because they were not being used. He recommended reducing the number of reserved spaces to one.

Consensus: **TO REDUCE THE AMOUNT OF TAXI CAB PARKING IN TOWN CENTER FROM THREE TO ONE.**

Recess/Reconvene

Mayor Brown called a recess at 8:26 p.m. and reconvened the meeting at 8:37 p.m.

Infrastructure Prado Ferrer

INFRASTRUCTURE IMPROVEMENTS PRADO FERRER (BAY ROAD – KINGS ROAD) – COUNCILOR GILBERT: Councilor Gilbert stated the City was asked to prepare a cost estimate on paving and infrastructure on the remainder of the streets off Florida Boulevard in the Prado Ferrer section. Mr. Steve Jarrett, a private property developer, had prepared a cost estimate in the amount of \$176,000.

Mr. Steve Jarrett explained the cost estimate was \$176,000. He added it would be the Council's decision on how to distribute the costs fairly to the property owners.

Discussion ensued regarding the cost and the notification of the property owners.

Councilor Pruette stated she felt there was still an unresolved issue in the Poinciana Prado-Ferrer area.

Vice Mayor Shimp stated there were other areas within the city that were not developed and the city should develop those areas as well. Councilor Gilbert agreed the other areas should be done as well.

Consensus: **TO CLEARLY IDENTIFY THE REMAINING AREAS WITHIN THE CITY THAT WERE NOT DEVELOPED.**

Public Comments

PUBLIC COMMENTS ON AGENDA ITEMS ONLY

Kyle Kahlhaas, 1016 Lincoln Road, stated because the city owned the greenspace he felt the city should maintain the potato vines to keep them from growing onto private properties.

Teresa McMahon, 1032 Lincoln Road, was concerned about the dumping on the greenspace owned by the city. She did not understand why the city did not maintain the property.

Steve Jarrett, 210 South Street, thanked the Council members for volunteering and sacrificing their time to serve to the city.

Lynda Padrta, 1113 First Street, felt the Kings Road Bridge should be made handicap

accessible; the city should remove the fence on the city owned greenspace between Lincoln Road and Seawood Drive if it was dangerous; homeowners should be responsible for their own fences; and she would like the city to discontinue maintaining the right-of-ways on First Street.

David Baker, 1102 First Street, felt the developer should have set up a homeowners association for the residents and the association would have been responsible for the maintenance of the greenspace. He questioned why the developer turned over the property to the city. He was also concerned about shrubbery, tree growth and parked cars on the sidewalk. He suggested the city create an area for residents to dump yard trimmings.

Michael Aston, 1523 Summer Sands Drive, asked council to also consider the storm water run off on the Prado Ferrer area.

Patrick Mills, 1108 Seawood Drive, stated he was willing to cooperate with the neighbors in keeping the greenspace area maintained. He also was concerned about the area that was cleared and asked the city to plant some trees to fill the void.

Steve Jarrett, 210 South Street, developer for the Seawood subdivision, stated the residents asked him to erect the fence to allow the buffer between the subdivisions.

Councilor Pruette requested the city policy concerning the issue of trimming city easements be placed on the agenda for the October Workshop Council Meeting.

Adjournment

There being no further business, the meeting adjourned at 9:26 p.m.

Richard A. Brown, Mayor

Attest:

Lisa Volpe, CMC, City Clerk

Approved: _____



**SPECIAL CITY COUNCIL MEETING
SEPTEMBER 23, 2002, AT 6:00 P.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 September 23, 2002 at 6:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

Vice Mayor Robert D. Shimp
Councilor James Gilbert
Councilor Ronald D. Patronik
Councilor Harriet M. Pruette
City Manager Richard A. Linn
City Clerk Lisa Volpe, CMC
Director of Finance Steve Ramsey
Director of Public Safety William Brant

Director of Public Services Leon Smith
Building Official Dan Arlington
Assistant to the City Manager Terry Klein
Deputy City Clerk Karla Strait, CMC

Absent:
Mayor Richard A. Brown
City Attorney Christopher White

Call to Order/Roll Call The Vice Mayor called the meeting to order at 6:00 p.m. City Clerk Volpe stated that Mayor Brown had an unavoidable conflict and could not be present.

Ord. No. 2002-08 ORDINANCE 2002-08, FINAL READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, ADOPTING FINAL MILLAGE RATES AND LEVYING AD VALOREM TAXES FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2002, AND ENDING SEPTEMBER 30, 2003; SETTING FORTH CERTAIN INFORMATION REGARDING "ROLLED BACK RATES"; DIRECTING THE CITY MANAGER TO ADJUST THE ADOPTED MILLAGE RATES IN THE EVENT OF CHANGES IN THE ASSESSMENT ROLL AND TAXABLE VALUE; PROVIDING AN EFFECTIVE DATE.

Vice Mayor Shimp read Ordinance No. 2002-08 by title only and opened the public hearing.

Lynda Padrta, 1113 First Street, stated she supported the city in being conservative. She felt there were still areas where the city could cut back and asked the city to reserve any unused funds.

There being no further comments from the public the public hearing was closed.

Moved by Patronik, seconded by Gilbert.

Motion: **TO ADOPT ORDINANCE NO. 2002-08, ON FINAL READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 3 – Gilbert, Patronik, Shimp
Noes: 1 – Pruette
Absent: 1 – Brown

MOTION CARRIED

Ord. No. 2002-09

ORDINANCE NO. 2002-09, FINAL READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, ADOPTING A FINAL BUDGET AND APPROPRIATING FUNDS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2002, AND ENDING SEPTEMBER 30, 2003; PROVIDING AN EFFECTIVE DATE.

Vice Mayor Shimp read Ordinance No. 2002-09 by title only and opened the public hearing.

Lynda Padrta, 1113 First Street, restated her above comment.

There being no further comments from the public the public hearing was closed.

Moved by Patronik, seconded by Gilbert.

Motion: **TO ADOPT ORDINANCE NO. 2002-09 ON FINAL READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 4 – Gilbert, Patronik, Pruette, Shimp
Noes: 0
Absent: 1 – Brown

MOTION CARRIED

Res. No. 2002-13

RESOLUTION NO. 2002-13: A RESOLUTION OF THE CITY OF NEPTUNE BEACH ALLOWING EXPENDITURE OF FUNDS FROM LINE ITEM NON-DEPARTMENT CONTINGENCIES AND EMERGENCY ONLY WITH CITY COUNCIL APPROVAL.

Moved by Patronik, seconded by Gilbert.

Motion: **TO ADOPT RESOLUTION NO. 2002-13.**

Roll Call Vote:

Ayes: 4 – Gilbert, Patronik, Pruette, Shimp
Noes: 0
Absent: 1 – Brown

MOTION CARRIED

Ord. No. 2002-10

ORDINANCE NO. 2002-10, FINAL READ AND PUBLIC HEARING: AN ORDINANCE AMENDING THE OPERATING BUDGET FOR THE CITY OF NEPTUNE BEACH, FLORIDA FOR FISCAL YEAR 2002 BEGINNING OCTOBER 1, 2001, AND ENDING SEPTEMBER 30, 2002.

Vice Mayor Shimp read Ordinance No. 2002-10 by title only and opened the public hearing.

There being no comments from the public the public hearing was closed.

Moved by Patronik, seconded by Gilbert.

Motion: **TO ADOPT ORDINANCE NO. 2002-10 ON FINAL READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 4 – Gilbert, Patronik, Pruette, Shimp
Noes: 0
Absent: 1 – Brown

MOTION CARRIEDElectric Service
Agreement

ELECTRIC SERVICE AGREEMENT BETWEEN THE CITY OF JACKSONVILLE BEACH AND THE CITY OF NEPTUNE BEACH: City Manager Linn explained the City of Jacksonville Beach had agreed to pay the City of Neptune Beach a percentage based on kilowatt consumption in lieu of franchise fees. The old rate was .00245 per kilowatt hour and the new rate would be .00302 per kilowatt hour.

Councilor Pruette stated the Council had just received copies of the agreement and she had not had the opportunity to review it.

Vice Mayor Shimp called for a recess at 6:12 p.m. to allow Council members time to review the agreement. The meeting reconvened at 6:18 p.m.

Moved by Gilbert, seconded by Patronik.

Roll Call Vote:

Ayes: 4 – Gilbert, Patronik, Pruette, Shimp
Noes: 0
Absent: 1 – Brown

MOTION CARRIED

Adjournment

There being no further business, the meeting adjourned at 6:24 p.m.

Richard A. Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
REGULAR CITY COUNCIL MEETING
AUGUST 5, 2000, 7:00 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 August 5, 2002, at 7:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

Mayor Richard A. Brown
Vice Mayor Robert D. Shimp
Councilor Jimmy Gilbert
Councilor Ronald D. Patronik
Councilor Harriet Pruette
City Manager Richard A. Linn
City Clerk Lisa Volpe, CMC

Assistant to the City Manager Terry Klein
Director of Finance Steve Ramsey
Building Official Dan Arlington
Assistant to the Building Official Piper Turner
Deputy City Clerk Karla Strait, CMC

ABSENT:
City Attorney Christopher A. White

Order Call/Pledge

Mayor Brown called the meeting to order at 7:00 p.m. and asked Councilor Gilbert to lead the Pledge of Allegiance.

AWARDS / PRESENTATIONS / RECOGNITION OF GUESTS

Mayor Brown recognized Janet Rolland a long time educator in the community.

APPROVAL OF MINUTES

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

JULY 1, 2002, REGULAR COUNCIL MEETING
JULY 8, 2002, BUDGET COUNCIL MEETING
JULY 11, 2002, SPECIAL COUNCIL MEETING
JULY 15, 2002, WORKSHOP COUNCIL MEETING
JULY 16, 2002, BUDGET COUNCIL MEETING

Moved by Shimp, seconded by Patronik.

Roll Call Vote:

Ayes: 5 – Gilbert, Patronik, Pruette, Shimp, Brown
Noes: 0

MOTION CARRIED

COMMUNICATIONS AND CORRESPONDENCE

Mayor Brown asked to place the issue of variance requests requiring approval from Homeowners Associations on the workshop meeting agenda.

Vice Mayor Shimp suggested holding the Fletcher High School Band Fund Raiser in Jarboe Park on Sunday, September 15th. He felt property owners should be notified before the city provided maintenance on an abutting right-of-way. He asked to place the issue of appointing Officer Larry Dean as the official Sergeant at Arms for the council meetings on the workshop meeting agenda.

Councilor Patronik asked to place the issue of making the roadway between Summer Sands and Leeward Landing parkland on the workshop meeting agenda.

Councilor Gilbert asked to place the issue of the cost of paving the streets in the Prado Ferrer area and assessing the property owners on the workshop meeting agenda.

Mayor Brown announced that voter registration was available at City Hall and the Senior Center.

City Clerk Volpe advised information on the Florida League of Cities Conference would be provided in Friday's hand deliveries. She also asked if the September regular meeting could be held Tuesday, September 6th because Monday was the Labor Day Holiday.

Consensus: **MOVE THE SEPTEMBER 2, 2002 REGULAR MEETING TO TUESDAY, SEPTEMBER 3, 2002 DUE TO THE LABOR DAY HOLIDAY.**

City Manager Linn stated a budget workshop meeting should be scheduled for the adoption of the budget.

Consensus: **TO HOLD A BUDGET WORKSHOP MEETING ON MONDAY AUGUST 26, 2002 AT 6:00.**

CITY MANAGER REPORTS

Utility Improvement

UTILITY IMPROVEMENT PROJECT UPDATE: City Manager Linn reported the utility improvement project in the Bal Harbor section was 90 to 95% completed. All the water lines had been installed, connected, disinfected and tested. Following approval of the testing from the Department of Environmental Protection connections to homes and new meters would be installed. The contractor would then start the final clean up of repaving the roadways, concrete, curbs, turf work, etc. The Florida Boulevard line was 40% complete. There had been some utility conflicts at the Penman Road & Florida Boulevard intersection that called for a change of routing because utility companies could not give the exact location of the lines. Phase B & C east of Third Street, had just started.

PUBLIC COMMENTS

John Northrup, 255 Myra Street, opposed increasing the millage rate. He felt the budget could be balanced without a tax increase.

Lee McDonald, 1140 Florida Boulevard, felt sub-contractors should be held responsible for repairing damaged property. He was also concerned about the utility contractors blocking traffic lanes.

Vice Mayor Shimp requested placing the issue of contractors being responsible for directing traffic when a traffic lane was blocked on the workshop council meeting agenda.

Mary Ann Padrta, 1032 Second Street, asked the city to trim the trees on the Second Street right-of-way.

Lynda Padrta, 1113 First Street, was happy that the utility project was updated on the website. She felt the city needed better utility maps. She also suggested the city could cut cost by allowing only the new council members to attend the Florida League of Cities Conference.

Sybil Ansbacher, 2008 Strand Street, Chairman of the Board of Appeals, informed the council members that the Board of Appeals always advised property owners with Homeowner Association restrictions that they needed approval from the association before beginning construction.

Leslie Karlin, 1506 Spindrifter Circle West, felt that all council members did not need to attend the Florida League of Cities Conference. She asked if the new voting machine would be used at the upcoming election and if there would be a demonstration.

City Clerk Volpe responded there was a voting machine set up for demonstrations at the Publix Super Market on Atlantic Boulevard.

Mayor Brown stated he had recently written a letter to John Stafford, Supervisor of Elections, requesting that a demonstration of the new voting equipment be provided to the public.

Larry Shealy, 1501 First Street, announced the Fletcher High School Band had raised over \$50,000 to date toward their goal for the Fiesta Bowl trip. He thanked the council for proposing a \$1,500 contribution.

Robert West, 106 Hall Place, spoke about Ordinance 2002-06, amending permissible uses. He voiced concern regarding alcohol being served at outdoor cafes. He felt it would diminish property values and quality of life.

Craig Leidy, 1810 Strand, felt the public should be more informed regarding issues before the council. He was concerned about the city abandoning right-of-ways. He felt Neptune Beach should remain as it was.

CONSENT AGENDA / NONE

VARIANCES

Variance V02-
218 Oleander St.

APPEAL ON VARIANCE APPLICATION REQUEST FOR V02-31 – KRAWIEC – 218 OLEANDER STREET: In accordance with Section 27-153, consider appeal of variance request for Mr. & Mrs. Tom Krawiec.

Mr. Tom Krawiec stated they wanted to improve their property by adding a detached garage in the front yard. The Board of Appeals denied him the variance request in February. Following Mr. Warren Anderson's appeal and approval by the city council in June to build a detached garage in his front yard, they went back to the Board of Appeals with the same request and were again denied. Because the city council set precedence by approving a similar request for Mr. Anderson they elected to appeal to the city council. The hardship was the garage had to be placed in the front yard because they did not have a backyard.

City Manager Linn stated council could only hear an appeal if there was a procedural error or lack of circumstantial evidence at the board hearing. He asked council to make a motion defining their reason for hearing the appeal. The Council did not feel it was necessary to make the motion.

Sybil Ansbacher, Chair of the Board of Appeals stated the board was doing the best they could to uphold the code. The board members were sympathetic with the Krawiec family in that there was no room to build a garage in the backyard. The board found 4 to 2 to deny the variance. The main issue of the board was Section 27-328 of the code, that stated accessory buildings shall be permitted provided the accessory building was located in the side or rear yard. The code specifically denied detached garages in front yards. She suggested a change in the code that would allow the Board of Appeals to approve detached garages by special exception.

Discussion ensued over whether or not to uphold the board's decision. Vice Mayor Shimp stated his vote did not mean he was against the board. Councilor Pruette stated the council needed to support the boards or people would stop wanting to be on them. She felt there was no procedural error in this case.

Mayor Brown opened the floor for comments from the public.

Lynda Padra, 1113 First Street, felt the council should uphold the board's decision.

There being no further comments from the public the public hearing was closed.

Moved by Shimp, seconded by Patronik.

Motion: **TO REVERSE THE DECISION OF THE BOARD OF APPEALS AND GRANT THE VARIANCE.**

Roll Call Vote:

Ayes: 2 – Shimp, Brown

Noes: 3 – Gilbert, Patronik, Pruette

MOTION FAILED

City Manager Linn stated because the motion failed no action had been taken. He asked the council to entertain another motion.

Councilor Pruette asked to place the issue of detached garages on the workshop meeting agenda.

Councilor Gilbert stated it was difficult to serve on a board. He felt if there was a problem with the code the city council needed to change it and not haphazardly grant variances. He felt the council should stand behind the board's decision.

Moved by Gilbert, seconded by Pruette.

Motion: **TO AFFIRM THE DECISION OF THE BOARD OF APPEALS AND DENY THE VARIANCE.**

Roll Call Vote:

Ayes: 3 – Gilbert, Patronik, Pruette

Noes: 2 – Shimp, Brown

MOTION CARRIED

816 Oceanfront

OCEANFRONT: In accordance with Section 27-153, consider appeal of variance request for Mr. William Hart.

Michael Dunlap, 212 Lora Street, architect for Mr. Hart, stated the variance was to build a detached garage in the front with a guest room above. He felt this was a model that existed as part of the history of Neptune Beach and should not have been written out of the code. The garage would cover 30% of the 5,000 square foot lot excluding the driveway. He showed a photographic example of the principle house with a drive along the side and a garage apartment in the rear. He added the detached garage with a guest room above was within the spirit and character of the community and there was not competent substantial evidence for the board to deny the variance. He asked the council to reverse the decision of the board.

Sybil Ansbacher, Chair of the Board of Appeals, stated the board voted unanimously to deny the request because it was in direct opposition to the letter and intent of the code. There were neighbors that appeared to oppose the variance and others that had written letters of objection. She felt if the council overturned the boards ruling it would create precedence and other requests would follow.

Mayor Brown opened the floor for public comments.

Julie Anderson, 1537 Arrowhead Trail, felt the council should support the board of appeals and if there was a problem with the code it should be changed.

Vice Mayor Shimp stated the council should uphold the board's decision when it was unanimous.

Thad Mosley, 3701 Duval Drive, Jacksonville Beach, stated a majority of the close neighbors opposed the addition of the second story. He asked the council to uphold the boards' decision.

Lynda Padrta, 1113 First Street, stated the detached garage apartment was clearly denied by the code.

There being no further comments from the public the public hearing was closed.

Moved by Gilbert, seconded by Pruette.

Motion: **TO AFFIRM THE DECISION OF THE BOARD OF APPEALS AND DENY THE VARIANCE.**

Roll Call Vote:

Ayes: 5 – Gilbert, Patronik, Pruette, Shimp, Brown
Noes: 0

MOTION CARRIED

Recess/Reconvene

Mayor Brown called for a recess at 8:30 p.m. and the meeting reconvened at 8:40 p.m.

Agenda
Amendment

Mayor Brown amended the agenda to vote on the new business of the donation to the Fletcher High School Band for the Fiesta Bowl Parade.

NEW BUSINESS

Fletcher High
Band

APPROVAL OF A \$1,500 DONATION TO FLETCHER SENIOR HIGH SCHOOL BAND FOR THE FIESTA BOWL PARADE TRIP FROM CATV FUND:

Moved by Shimp, seconded by Patronik.

Motion: **APPROVE A DONATION OF \$1,500 FROM THE CABLE TV TRUST FUND FOR THE FLETCHER HIGH SCHOOL BAND TRIP TO THE FIESTA BOWL.**

Roll Call Vote:

Ayes: 5 – Gilbert, Patronik, Pruette, Shimp, Brown

Noes: 0

MOTION CARRIED

Consensus: **TO SUPPORT A FUND RAISING EVENT IN JARBOE PARK FOR THE FLETCHER HIGH SCHOOL BAND TO BE HELD ON SEPTEMBER 15, 2002.**

City of Jacksonville Beach Councilman Art Graham challenged the Neptune Beach council members to match Jacksonville Beach's council members personal contributions of \$100.00. Vice Mayor Shimp stated he would match the \$100.00 and raise it to \$150.00

ORDINANCES

Ord. No. 2002-06

ORDINANCE NO. 2002-06, AMENDING TABLE 27-226-1, PERMISSIBLE USES, FIRST READ AND PUBLIC HEARING, SPONSOR – COUNCILOR PRUETTE: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, AMENDING TABLE 27-226-1, TABLE OF PERMISSIBLE USES AND PROVIDE AN EFFECTIVE DATE.

City Manager Linn stated he had a request from the Planning & Development Review Board to send the ordinance back to them for recommendations before the second read.

Mayor Brown opened the floor for comments from public.

Daryl Grubbs, 1919 Nightfall Drive, stated the difference between fast food restaurants, carry out and delivery restaurants, and interior service restaurants should be better defined. He suggested eliminating the fast food restaurant category.

City Manager Linn informed that Section 27-227 Paragraph 12 defined the additional requirements for fast food restaurants.

Building Official Dan Arlington felt the three different categories for restaurants were needed.

Lynda Padrta, 1113 First Street, was in favor of passing the ordinance on first read and sending it back to the Planning & Development Review Board before second read.

Tom Whittingslow, 546 South Street, questioned the definition of outdoor dining and why it was permitted in three areas by special exception but not in the CBD.

Discussion ensued regarding annual renewal permits for outdoor dining facilities.

There being no further comments from the public the public hearing was closed.

Moved by Shimp, seconded by Gilbert.

Motion: **TO PASS ORDINANCE NO. 2002-06 ON FIRST READ AND PUBLIC HEARING AND SEND IT BACK TO THE PLANNING &**

**DEVELOPMENT REVIEW BOARD FOR RECOMMENDATIONS
BEFORE THE SECOND READING IN SEPTEMBER.**

Roll Call Vote:

Ayes: 5 – Gilbert, Patronik, Pruette, Shimp, Brown

Noes: 0

MOTION CARRIED

OLD BUSINESS / NONE

NEW BUSINESS

Board
Appointments

RESOLUTION NO. 2002-09, APPOINTING BOARD MEMBERS: A RESOLUTION
APPOINTING BOARD MEMBERS TO THE BOARD OF APPEALS AND THE
PLANNING AND DEVELOPMENT REVIEW BOARD.

Moved by Shimp, seconded by Patronik.

Motion: **TO ADOPT RESOLUTION 2002-09 APPOINTING MEMBERS TO
THE BOARD OF APPEALS AND THE PLANNING &
DEVELOPMENT REVIEW BOARD.**

Roll Call Vote:

Ayes: 5 – Gilbert, Patronik, Pruette, Shimp, Brown

Noes: 0

MOTION CARRIED

Adjournment

There being no further business, the meeting adjourned at 9:30 p.m.

Richard A. Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
WORKSHOP CITY COUNCIL MEETING
AUGUST 19, 2002 AT 7:00 P.M.
CITY HALL, 116 FIRST STREET
NEPTUNE BEACH, FLORIDA

Pursuant to proper notice a Workshop Meeting of the City Council of the City of Neptune Beach was held August 19, 2002 at 7:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

Mayor Richard A. Brown
Vice Mayor Robert A. Shimp
Councilor James Gilbert
Councilor Ronald A. Patronik
Councilor Harriet Pruette
City Attorney Christopher White

City Manager Richard A. Linn
City Clerk Lisa Volpe, CMC
Director of Finance Steve Ramsey
Assistant to the City Manager Terry Klein
Building Official Dan Arlington
Deputy City Clerk Karla Strait, CMC

Call to Order/Roll Call The Mayor called the meeting to order at 7:00 p.m.

COMMITTEE REPORTS

IBBC **ISH BRANT BEAUTIFICATION COMMITTEE:** The committee was continuing working with ongoing projects. PBS&J provided a complimentary drawing & estimate for piping on Florida Boulevard that would be submitted along with the request to State Representative Don Davis for state funding.

Bikeway Report **BEACHES BIKEWAY REPORT:** Brett Goddard, facilitator for the beaches bikeway design, gave a summary of the priority bikeway routes that were chosen by the public at three separate advertised public meetings. The priorities were based on the amount of usage and destinations. The Neptune Beach priority routes were identified as: 1) Florida Boulevard from Atlantic Boulevard down to Penman Road, and First Street, 2) Florida Boulevard and Penman Road south of Florida Boulevard and Third Street south of Florida Boulevard, and 3) Penman Road from Atlantic Boulevard down to Florida Boulevard and portions of Kings Road and Seagate Avenue. He asked the Council to make a decision to accept the report as it was, make modifications, or do nothing.

CITY MANAGERS PUNCH LIST

Utility Improvement **UTILITY IMPROVEMENT PROGRAM:** City Manager Linn explained he had invited Jeff Norcross, Representative for Utilx, the contractor for the water project, to attend the meeting. Mr. Norcross was present to give a brief report and answer any questions relating to the project.

Mr. Norcross reported they had received very few complaints, which they responded to immediately. The project was proceeding at a very good pace and was right on schedule.

Bal Harbour would be completed by the end of the week and they would start tying in homes to the new services this week. The asphalt, curb and concrete work would be completed this week with the exception of 3 or 4 driveways that would be replaced by the first of next week. They would then proceed up Florida Boulevard north on First Street working the alleyways and streets to the east then turn south on Second Street and complete the tie ins between First Street and Second Street. The working environment had been very satisfactory and they worked well with the city employees. Mr. Norcross answered questions from the council relating to concerns about water pressure and traffic lane closures. Council members commended Mr. Norcross for the good work they were doing.

Bike Path

BIKE PATH IMPROVEMENT: The Bike Path Improvement on Florida Boulevard was to begin construction on September 12, 2002.

Underground Trash Containers

UNDERGROUND TRASH CONTAINERS: City Manager Linn was currently negotiating with the manufacturer of the underground garbage containers for an even trade of the 7 large bins that could not be used for 20 smaller bins that could be used on the beach.

Vice Mayor Shimp and other council members described how the small bins would be used on the beach as they saw in Boca Raton during the Florida League of Cities Conference last week.

PROPOSED ORDINANCES**PORF AMENDMENT**

ORDINANCE AMENDING POLICE PENSION FUND: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH AMENDING THE CITY OF NEPTUNE BEACH POLICE OFFICERS' RETIREMENT SYSTEM, ADOPTED PURSUANT TO ORDINANCE NO. 2000-05, AMENDING SECTION 1, DEFINITIONS, TO AMEND THE DEFINITION OF "ACCUMULATED CONTRIBUTIONS"; AMENDING SECTION 4, FINANCES AND FUND MANAGEMENT; AMENDING SECTION 8, DISABILITY; AMENDING SECTION 15, MAXIMUM PENSION; AMENDING SECTION 17, MISCELLANEOUS PROVISIONS; AMENDING SECTION 24, DIRECT TRANSFERS OF ELIGIBLE ROLLOVER DISTRIBUTIONS; AMENDING SECTION 26, MILITARY SERVICE PRIOR TO EMPLOYMENT; AMENDING SECTION 27, PRIOR POLICE SERVICES; AMENDING SECTION 28, DEFERRED RETIREMENT OPTION PLAN; PROVIDING FOR SEVERABILITY OF PROVISION; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING AN EFFECTIVE DATE.

Scott Christiansen, Attorney for the Police Officers' Retirement Board recommended updating the ordinance to be in compliance with state statutes.

City Manager Linn recommended forwarding the ordinance to first read and inviting Scott Christiansen, the PORF Board attorney to attend the meeting.

Vice Mayor Shimp agreed to sponsor the ordinance.

Consensus: **FORWARD TO THE SEPTEMBER REGULAR COUNCIL MEETING FOR FIRST READ.**

CONTRACTS / AGREEMENTS / NONE**ISSUE DEVELOPMENT****Naming of Alley**

NAMING OF ALLEY OFF FIRST STREET: Councilor Pruette explained several property owners abutting the alley on First Street had approached her with a petition to name an abutting alleyway Ocean Place. She supported naming the alleyway and asked the

council to consider it.

Consensus: **FORWARD TO THE SEPTEMBER REGULAR COUNCIL MEETING
FOR A MOTION OR RESOLUTION.**

Green Space

GREEN SPACE AND NOTICE TO RESIDENCE OF CITY WORK: Vice Mayor Shimp requested combining this agenda item with agenda item 6-F. He was concerned about city employees cleaning up city property without notifying the abutting property owners that took care of the property. He asked the following citizens to state their concerns to the Council:

Charles Richardson, 1300 Forest Avenue, complained he had a nice green wall of shrubs all the way down Forest Avenue behind his house before city employees left stubble and roots sticking up 2 to 3 inches while trimming the shrubs to allow school children to walk down Forest Avenue. He added that in the six years he had lived there he trimmed the hedges back off the sidewalk each year before school started.

Patrick Mills, 1108 Seawood Drive, stated the Seawood subdivision of 10 lots off Florida Boulevard had a green area across the street. He was upset that city employees cleared a 3-foot area because of a complaint from a neighbor on Lincoln Road that backed up to the area. He added in the process of clearing the city employees cut down trees including one oak tree about 4 inches in diameter. He had purchased shrubs to plant to help fill the void. He felt he should have been notified by the city and had an equal voice in the situation.

Vice Mayor Shimp asked Council to direct City Manager Linn to have city employees go back and clean it up.

Bill Holden, 1114 Seawood Drive, stated the neighbors had maintained the green space area for the last 8 years and felt they should have been notified before it was cleared by the city.

City Manager Linn stated he would take a landscaper and look at it the following day.

Mayor Brown asked how the residents of Seawood could adopt the area. City Manager Linn stated a program was in place that would give them the responsibility for maintaining the area.

Oakhurst Right-of-Way

SET ASIDE OAKHURST RIGHT-OF-WAY FROM LEEWARD LANDING TO SUMMER SANDS AS PARK LAND, COUNCILOR PATRONIK: Councilor Patronik requested that the roadway between Summer Sands and Leeward Landing be dedicated as parkland to prevent the roadway from connecting the two subdivisions in the future.

Mayor Brown questioned how to officially close the road to make sure the roads would not connect. City Attorney White advised closing the road would only be temporary. To close the road permanently it would have to be abandoned.

Councilor Gilbert suggested temporarily closing the road until a permanent solution was found.

Consensus: **TO TEMPORARILY CLOSE THE ROADWAY AND HAVE THE CITY
ATTORNEY AND CITY MANAGER REVIEW HOW TO
PERMANENTLY CLOSE THE ROAD LEGALLY.**

Assessment

RECOVERY OF COST FOR WATER & SEWER REPAIRS AND INSTALLATION – 1807

1807 Penman Rd. PENMAN ROAD: City Manager Linn explained the expense of the city to install new water & sewer lines at 1807 Penman Road, where the lines were severed, amounted to a total of \$4,499.46. The Code allowed the City to recover the cost. He recommended placing a lien on the property of \$4,499.46 and working out a payment plan with the property owner.

City Attorney White stated the ordinance read the lien had to be paid within three months or it would earn 8% interest. He advised the lien should be filed as soon as possible before the property was sold.

Consensus: **FILE A LIEN ON THE PROPERTY AND WORK OUT A PAYMENT PLAN WITH THE PROPERTY OWNER.**

Sergeant at Arms NAMING OFFICER LARRY DEAN OFFICIAL SERGEANT AT ARMS: Vice Mayor Shimp removed this item from the agenda.

Notification of Work NOTIFICATION TO RESIDENTS OF CITY WORK – VICE MAYOR SHIMP: This item was discussed with the above green space item.

Recess/Reconvene Mayor Brown called for a recess at 8:35 p.m. and reconvened the meeting at 8:45 p.m.

Detached Garages DETACHED GARAGES – APPEAL PROCESS: Councilor Pruette felt the detached garage ordinance should be reviewed because of the recent variance requests for detached garages to be located in the front yard.

Council members felt detached garages should be allowed in front yards under certain circumstances.

City Manager Linn stated the Board of Appeals could grant a variance to allow detached garages in front yards based on the finding of facts on a case-to-case basis.

Vice Mayor Shimp suggested all variances require final approval from the Council.

Councilor Pruette stated the neighboring city councils did not hear appeals for variances, the requester had to take it to court.

City Manager Linn recommended amending the code to separate detached garages from the accessory buildings to avoid tool sheds and other types of accessory buildings from being placed in front yards.

Discussion ensued relating to the duties of the Board of Appeals and whether residents that were denied a variance should be able to appeal to the Council or take it to court.

City Manager Linn stated the job of the Board of Appeals was to interpret the legislation passed by the Council. The challenge to the Council was to write good legislation that the Board could interpret.

Councilor Patronik agreed to sponsor an ordinance that would allow the council the final decision in the approval of all variance requests.

Consensus: **TO AMEND THE ORDINANCE TO ALLOW DETACHED GARAGES IN FRONT YARDS.**

Variances – HOA APPROVAL OF VARIANCES FOR PROPERTIES LOCATED WITHIN A HOME OWNERS ASSOCIATION: City Manager Linn recommended adding a clause on the variance application which would read: The Granting of a Variance by the City of Neptune

Beach does not relieve the property owner of any additional restrictions on the owner such as Homeowner Covenants or Deed Restrictions.

Consensus: **TO MODIFY THE VARIANCE APPLICATION BY ADDING THE CLAUSE.**

Political Signs

TWO-WEEK TIME PERIOD FOR PLACEMENT OF POLITICAL SIGNS: Councilor Pruette questioned the 2-week time period of placement of political signs before the election. She felt more time should be allowed.

Consensus: **FOR THE CITY MANAGER NOT TO ENFORCE THE TIME LIMIT PROVISIONS OF THE SIGN ORDINANCE FOR THE SEPTEMBER PRIMARY ELECTION AND FOR THE CITY ATTORNEY TO FIND OUT WHAT WOULD BE REASONABLE AND FORWARD TO THE SEPTEMBER REGULAR MEETING.**

Public Comments

PUBLIC COMMENTS ON AGENDA ITEMS ONLY

Lynda Padrta, 1113 First Street, favored the placement of underground trash containers on the beach. She discouraged allowing detached garages in front yards and felt the time period for political signs should be enforced.

Laura Patronik, 1520 Leeward Lane, favored and encouraged the permanent closure of the roadway between Leeward Landing and Summer Sands.

Michael Aston, 1523 Summer Sands Drive, suggested creating a definition that would denote a dedicated green space verses a park for naming the roadway between Leeward Landing and Summer Sands that would permanently close the area.

Lana Huguenin, 1521 Summer Sands Drive, suggested claiming the roadway between Leeward Landing and Summer Sands as an easement.

Jim Miller, 1633 Hopkins Creek Lane, member of the Board of Appeals, felt the ordinance for detached garages was too flexible and needed to be amended.

Leslie Karlin, 1506 Spindrift Circle West, asked the Council to be aware that the Boards work very hard for the community and did not take their duties lightly.

Adjournment

There being no further business, the meeting adjourned at 10:00 p.m.

Richard A. Brown, Mayor

Attest:

Lisa Volpe, CMC, City Clerk

Approved: _____



**BUDGET WORKSHOP MEETING
AUGUST 26, 2002, AT 6:00 P.M.
CITY HALL, 116 FIRST STREET,
NEPTUNE BEACH, FLORIDA**

Pursuant to proper notice a Budget Workshop Meeting of the City Council of the City of Neptune Beach was held August 26, 2002 at 6:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

Mayor Richard A. Brown
Vice Mayor Robert D. Shimp
Councilor Ronald D. Patronik
Councilor Harriet M. Pruette
City Manager Richard A. Linn
City Clerk Lisa Volpe, CMC

Director of Finance Steve Ramsey
Director of Public Services Leon Smith
Director of Public Safety William Brandt
Building Official Dan Arlington
Deputy City Clerk Karla Strait, CMC

Absent:
Councilor James Gilbert
City Attorney Christopher White

Call to Order/Roll Call

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

Finance Director Steve Ramsey explained using last years millage rate of 2.64 the previous budget showed a deficit of \$349,669. The revised budget showed a deficit of \$247,889.

The deficit was lower because tourism had picked up and the revenues had increased by \$100,000. The previous budget also showed a 30% increase in insurance cost however the insurance company had offered a different policy that would save the city \$45,000, increasing the co-payment of the employees. The telecommunication tax was also higher.

Mr. Ramsey stated to completely balance the budget the millage rate should be set at 3.2267. If the rate were set at 3.0 the deficit would be \$96,000 and if it were set at 3.05 the deficit would be \$75,000.

Councilor Pruette stated 2001/2002 was the first year the city had to dip into the reserves because of September 11th. She felt the millage rate should be raised no higher than 2.84. She added that with the increase in property values the revenue would be higher.

Vice Mayor Shimp stated he had not received any telephone calls from citizens regarding the proposed not to exceed millage rate of 3.5. He would compromise and raise the millage rate to 3.2267 if the city would run a balanced budget.

Mayor Brown felt the realistic choice would be to set the millage rate at 3.2267 balancing the budget without dipping into the reserves.

Mr. Ramsey stated the reserves in the general fund were currently approximately \$2,000,000. This year the city would go into the reserves for \$300,000 because the market had fallen and the city was required by state law to fund the Police Officers Retirement Fund.

Mr. Ramsey stated the public hearing for the first reading of the ordinance setting the millage rate, the budget, and this year's budget amendment would be held September 5, 2002. The second reading would be held at a special meeting before the workshop meeting September 16, 2002.

City Manager Linn stated he was negotiating a new franchise fee with Jacksonville Beach Electric and felt the revenue would be higher this year. He added a grant from the Department of Transportation in the amount of \$4,000 for the Mayport Flyover was not reflected in the budget.

Mayor Brown recommended setting the millage rate to 3.2.

Councilor Patronik questioned the \$2,800 for a personal computer budgeted for community development. Building Official Arlington stated the computer would have to be compatible with graphics but would most likely cost less than the \$2,800.

For the Record Vice Mayor Shimp stated at the Florida League of Cities Conference he spoke with a vendor that would take over the building department for 90% of the permit fees and the city would only have to provide office space and a phone line.

Councilor Patronik questioned Chief Brandt regarding \$83,000 that was budgeted for police vehicles. Chief Brandt responded it was for fully equipped vehicles.

Councilor Pruette questioned City Manager Linn regarding the 900% increase in overtime in his department and if there was a way to avoid some of the overtime. City Manager Linn responded he could decrease the amount of meetings his assistant attended.

Councilor Patronik questioned Director of Public Services Leon Smith regarding the \$23,000 budgeted for a pick up truck. Mr. Smith responded he had several trucks that were over ten years old and the new pick up would replace a 1985 model.

Mayor Brown commented the rate of 3.2 was below the advertised not to exceed rate of 3.5. He felt the citizens had not responded negatively to the advertised proposed rate of 3.5 because they knew the city had held the taxes down in the past and they wanted to maintain the level of service.

Consensus: **TO SET THE MILLAGE RATE AT 3.2.**

Adjournment

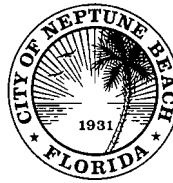
There being no further business, the meeting adjourned at 6:38 p.m.

Richard A. Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
REGULAR CITY COUNCIL MEETING
JULY 1, 2002 AT 7:00 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 June 3, 2002, at 7:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

Mayor Richard A. Brown
Vice Mayor Robert D. Shimp
Councilor Jimmy Gilbert
Councilor Ronald D. Patronik
Councilor Harriet Pruette
City Manager Richard A. Linn

City Attorney Christopher A. White
City Clerk Lisa Volpe, CMC
Assistant to the City Manager Terry Klein
Director of Finance Steve Ramsey
Building Official Dan Arlington
Director of Public Services, Leon Smith
Deputy City Clerk Karla Strait, CMC

Order Call/Pledge

Mayor Brown called the meeting to order at 7:00 p.m. and asked Fletcher High School students, Justin and Jordan Peterson, to lead the Pledge of Allegiance.

APPROVAL OF MINUTES

Motion:

TO APPROVE THE FOLLOWING MINUTES AS STATED:

MAY 28, 2002, WORKSHOP COUNCIL MEETING
MAY 29, 2002, SPECIAL COUNCIL MEETING
MAY 29, 2002, WORKSHOP COUNCIL MEETING
JUNE 3, 2002, REGULAR COUNCIL MEETING
JUNE 17, 2002, BUDGET COUNCIL MEETING
JUNE 17, 2002, WORKSHOP COUNCIL MEETING

Moved by Patronik, seconded by Gilbert.

Roll Call Vote:

Ayes: 5 – Gilbert, Patronik, Pruette, Shimp, Brown
Noes: 0

MOTION CARRIED

AWARDS / PRESENTATIONS / RECOGNITION OF GUESTS

Fiesta Bowl Parade

Larry Shealy, President of the Fletcher High School 12th Man Booster Club, announced the Fletcher High School Band had been invited to participate in the Fiesta Bowl

AV

Parade for the National Band Championship this year.

Paul Pippin, Director of the Fletcher High School Band, stated Fletcher High was one of sixteen bands in the United States to be selected to participate in the Fiesta Bowl Parade and the National Band Championship. They were the first band from the City of Jacksonville to ever be accepted. The band needed to raise \$200,000 in order to participate. They were actively trying to raise money and requesting contributions from the beach cities.

Julie Lucas, President of Fletcher High Band Boosters, stated the Booster Club was faced with the challenge of raising \$200,000 in four months. Since they were informed two weeks ago they had already raised \$3,000 in contributions and \$2,000 in pledges. She Invited everyone to the premier show Saturday, July 27, 2002, at 6:00 at the Fletcher High School Stadium.

Mayor Brown thanked the guests for their presentation and asked to place the issue on the July 15, 2002, workshop meeting for discussion.

COMMUNICATIONS AND CORRESPONDENCE

Mayor Brown stated he had received copies of letters from residents thanking our Police Department for watching over their homes while they were on vacation. He added it was a nice example of personal service in a small community.

Vice Mayor Shimp was concerned about a greenscape area on Seawood Drive. Residents had complained that the city sprayed herbicide each year that destroyed the plants and did not go back and clean them up. He questioned why the area was sprayed.

Councilor Patronik requested discussing the issue of turning the property between the Leeward Landing and Summer Sands subdivisions into a park, on the July 15, 2002, workshop meeting.

Councilor Pruette requested discussing other permissible uses for commercial property, Table 27-226-1, at the July 15, 2002, workshop meeting.

Councilor Gilbert asked for an update on the beautification of the north end of Florida Boulevard at the entrance to the city to be placed on the July 15, 2002, workshop meeting. City Manager Linn stated he would meet with Councilor Gilbert for suggestions and options.

CITY MANAGER REPORTS

Utility Improvement

UTILITY IMPROVEMENT PROJECT UPDATE: City Manager Linn reported Utilex had been working in Bal Harbor for four weeks. All the main water lines were installed and 50% of the service connections had been made. They were in the process of interconnecting with the old system and hoped to have all connections made and testing complete within two weeks. They were also locating the existing utilities on Florida Boulevard to map out where the 12" main would be placed. Their working relationship was excellent with a great response time and only a few minor problems.

Public Services Director

APPOINTMENT OF LEON SMITH – DIRECTOR OF PUBLIC SERVICES: City Manager Linn introduced newly appointed Director of Public Services, Leon Smith who would be replacing John Galen. Leon Smith thanked the Council and City Manager Linn for allowing him the opportunity to serve as Director of Public Services. The Council congratulated him on his appointment.

PUBLIC COMMENTS

Dennis McLendon, 1914 Seagate Avenue, opposed the city vacating and abandoning the ¾ acres of property at the end of Seagate Avenue for Steve Jarrett's subdivision.

Steve Jarrett, 210 South Street, stated his plans were incomplete at this time. He asked the Council to table his request for abandoning the property and the development order, for the subdivision at the end of Seagate Avenue, to the July 15, 2002, workshop meeting.

Jo Anne Waddill, 115 Oleander Street, was opposed to the Council abandoning any public property especially the property at the end of Seagate Avenue. She would like for the property to be turned into a conservation area.

Mary Ann Padrta, 1032 Second Street, felt that property belonging to the city also belonged to the citizens of Neptune Beach and was not the Council's property to give away. She asked the Council to consider selling property instead of giving it away.

Lynda Padrta, 1113 First Street, asked the Council to find a way to deny deeding the 40 feet of property the city council gave away in 1994 on First Street, to the adjacent property owner. She stated it would be a \$75,000 personal gain to the owner. She added that property could be used for beach access parking. She also opposed abandoning the property at the end of Seagate Avenue. She asked that the Water Improvement Project information on the website be updated.

Kara Tucker, 1650 Leeward Lane, felt it was not prudent for the City of Neptune Beach to give away land to private citizens or profit making organizations.

Steve Jarrett, 210 South Street, stated it was his understanding that if someone had given property to the city the property could not be sold. He thought the only option would be for the city to abandon it.

Leslie Karlin, 1506 Spindrift Circle West, was concerned about the city abandoning property and how the Planning & Development Review Board could make the decision to recommend it.

Donald White, 1414 First Street, felt all residents should have a say regarding public property and any property that was to be abandoned should require a referendum.

For the Record Councilor Pruette stated for the record she would not support abandoning any public property.

CONSENT AGENDA

Councilor Patronik requested voting on the two items, on the consent agenda, separately.

Consensus: **TO VOTE SEPARATELY ON THE TWO ITEMS ON THE CONSENT AGENDA.**

4x4 Pick-up

AUTHORIZATION TO PURCHASE 4 X 4 PICK-UP: City Manager Linn stated the 4 x 4 pick-up truck would be assigned to Stormwater and the old truck would be transferred to Animal Control.

Moved by Shimp, seconded by Patronik.

Motion: **TO AUTHORIZE THE PURCHASE OF A 4 X 4 PICK-UP TRUCK FOR THE STORMWATER DEPARTMENT.**

Roll Call Vote:

Ayes: 5 – Gilbert, Patronik, Pruette, Shimp, Brown

Noes: 0

MOTION CARRIED

July 5th

DECLARATION OF JULY 5TH AS A CITY HOLIDAY FOR YEAR 2002: Approval to declare July 5th, 2002, the Friday after July 4th, a holiday.

Moved by Gilbert, seconded by Pruette.

Motion: **TO APPROVE DECLARATION OF JULY 5, 2002, A CITY HOLIDAY.**

Roll Call Vote:

Ayes: 3 – Gilbert, Pruette, Brown

Noes: 2 – Patronik, Shimp

MOTION CARRIED

VARIANCES / NONE

ORDINANCES

Ord. No. 2002-04

ORDINANCE NO. 2002-04, AMENDING SECTION 27-238, MAXIMUM LOT COVERAGE, SECOND READ AND PUBLIC HEARING, SPONSOR – COUNCILOR PRUETTE: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, AMENDING SECTION 27-238, MAXIMUM LOT COVERAGE AND PROVIDING AN EFFECTIVE DATE.

Mayor Brown opened the public hearing for comments from public.

Lynda Padrta, 1113 First Street, supported the Ordinance and an incentive to reduce impervious surfaces.

There being no further comments from the public the public hearing was closed.

Moved by Pruette, seconded by Gilbert.

Motion: **TO ADOPT ORDINANCE NO. 2002-04, ON SECOND READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 3 – Gilbert, Pruette, Brown

Noes: 2 – Patronik, Shimp

MOTION CARRIED

Ord. No. 2002-05

ORDINANCE NO. 2002-05, AMENDING TABLE 27-226-1, PERMISSIBLE USES, FIRST READ AND PUBLIC HEARING, SPONSOR – MAYOR BROWN: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, AMENDING TABLE 27-226-1, TABLE OF PERMISSIBLE USES AND PROVIDE AN EFFECTIVE DATE.

Mayor Brown opened the public hearing for comments from the public.

Darryl Grubbs, 1919 Nightfall Drive, owner of Tradewinds Plaza Shopping Center, favored allowing gymnastic studio's and athletic and exercise clubs in the C-2 & C-3 districts.

Sheila Connor, owner of Curves for Women, stated she had customers in Neptune Beach that were anxious to have a facility in Neptune Beach. She explained the club offered a 30-minute workout for women.

Lynda Padrta, 1113 First Street, favored the Women's Health Club in the Tradewinds Shopping Center, but was concerned about traffic and parking.

Lana Huguenin, 15212 Summer Sands Drive, preferred the Women's Health Club over the bar that was previously in the shopping center.

Misty Wheeler, 1321 Penman Road, looked forward to the Women's Health Club opening up and felt it would benefit the city.

Leslie Karlin, 1506 Spindrift Circle West, did not visualize a problem with traffic or parking for the Women's Health Club location in the shopping center.

Carol DeMarre, felt there would not be a problem with parking because the members would only be there for 30-minute time periods.

There being no further comments from the public, the public hearing was closed.

Moved by Pruette, seconded by Patronik.

Motion: **TO PASS ORDINANCE NO. 2002-05, ON FIRST READ AND PUBLIC HEARING.**

Ayes: 5 – Gilbert, Patronik, Pruette, Shimp, Brown
Noes: 0

MOTION CARRIED

Mayor Brown explained in order for Sheila Connor, owner of Curves for Women, to meet her deadline, a special meeting for second read and public hearing had been advertised for July 11, 2002 at 6:00 p.m.

OLD BUSINESS / NONE

NEW BUSINESS

Back to School Party **CLOSURE OF ATLANTIC BOULEVARD FOR TOWN CENTER BACK TO SCHOOL PARTY FROM 6:00 A.M. TO 6:00 P.M. JULY 27, 2002:** A back to school party would be held in Town Center on July 27, 2002, from 6:00 a.m. to 6:00 p.m.

Moved by Shimp, seconded by Gilbert.

Motion: **APPROVE CLOSURE OF ATLANTIC BOULEVARD FOR TOWN CENTER BACK TO SCHOOL PARTY FROM 6:00 A.M. TO 6:00 P.M. JULY 27, 2002.**

Ayes: 5 – Gilbert, Patronik, Pruette, Shimp, Brown
Noes: 0

MOTION CARRIED

Abandoned Property ABANDONING AND VACATING 40 FEET OF PUBLIC PROPERTY – FIRST STREET AND NORTH STREET: City Attorney Chris White stated the 40 foot strip was abandoned by the city council in 1994, the city kept a utility easement but did not make any mention of the sidewalk. He asked council to consider moving the issue to a workshop so he could have time to resolve any legal or practical issues before bringing the information to the council.

Councilor Pruette thought City Attorney White should do a title search on the property to find out the type of ownership. City Attorney White responded he could not have a title search done in time for the workshop meeting. The piece of property would have to be specified and may require a survey. He may be able to find out the type of ownership through the city records.

Vice Mayor Shimp stated he had spoken with the adjacent property owner and he was willing to give the sidewalk plus 10' of the property back to the city. He had asked City Attorney White to prepare the paperwork. Vice Mayor Shimp stated if the council was comfortable he would speak with the other property owners and try to work with them on the city obtaining back a right-of-way for the sidewalk.

Consensus: **FORWARD TO THE JULY 15, 2002, WORKSHOP MEETING.**

Abandon Seagate REQUEST TO VACATE, CLOSE, AND ABANDON A PORTION OF SEAGATE AVENUE: Steve Jarrett requested deferring the abandonment to the July 15, 2002, workshop meeting.

Consensus: **DEFER TO THE JULY 15, 2002, WORKSHOP MEETING.**

Development Order
Seagate Ave. APPROVAL OF DEVELOPMENT ORDER FOR SEAGATE AVENUE – STEVE JARRETT: Steve Jarrett requested deferring the development order to the July 15, 2002, workshop meeting.

Consensus: **DEFER TO THE JULY 15, 2002, WORKSHOP MEETING.**

Budget Meeting Director of Finance Steve Ramsey asked if the council would like to hold the budget meeting that was scheduled for July 8, 2002, on July 11, 2002, after the special meeting. The council declined moving any meeting.

Height Restrictions Councilor Gilbert asked to place the issue of height restrictions on the July 15, 2002, workshop meeting for discussion.

Adjournment There being no further business, the meeting adjourned at 8:33 p.m.

Richard A. Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



BUDGET WORKSHOP MEETING

JULY 8, 2002, AT 6:00 P.M.

**CITY HALL, 116 FIRST STREET,
NEPTUNE BEACH, FLORIDA**

Pursuant to proper notice a Preliminary Budget Workshop Meeting of the City Council of the City of Neptune Beach was held July 8, 2002 at 6:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

Mayor Richard A. Brown
Vice Mayor Robert D. Shimp
Councilor James Gilbert
Councilor Ronald D. Patronik
Councilor Harriet M. Pruette
City Manager Richard A. Linn
City Clerk Lisa Volpe, CMC

Director of Finance Steve Ramsey
Director of Public Services Leon Smith
Director of Public Safety William Brandt
Building Official Dan Arlington
Deputy City Clerk Karla Strait, CMC

Absent:
City Attorney Christopher White

Call to Order/Roll Call The Mayor called the meeting to order at 6:00 p.m.

City Manager Linn explained the proposed budget began with requests from each department head during the months of May and June. He had already cut some requests from the budget, however, the proposed budget would require going into the reserves.

General Fund Director of Finance Steve Ramsey stated the General Fund projected a revenue increase over last year of \$100,000. The increase in revenue was small because the interest rates dropped from 7% to 2%. The state advised him to project at least 4% lower on the ½ cent sales tax. Due to a projected 20 to 25% increase in health insurance he had added 30% to that line for each department.

Proposed Expenditures The total proposed expenditures were budgeted at a 10.64% increase over last year. That included employee salary raises of 5% and the health insurance increases. The proposed figures were based on last years property tax rate of 2.64 mils. Before any more cuts were made it showed a deficit of \$445,070. There were some budgeted items the City Manager or Council may consider eliminating.

Not to Exceed Millage Rate Director of Finance Steve Ramsey requested that Council consider setting the "Not to Exceed Millage Rate." In order for the rate to be on the preliminary tax bill it had to be received by the tax assessor's office before August 4, 2002. He explained it was only a "Not to Exceed Rate" and could easily be lowered. However, it would be more difficult to raise it once it was set because every taxpayer would have to be notified in writing.

The estimated tax rate of 2.64 would amount to \$1,115,582. The roll back rate of 2.444 would amount to \$1,032,928. To balance the proposed budget the millage rate would need

to be increased to 3.64.

The millage rate in 1992 was 4.2 and has dropped to 2.64 over the last 10-years. Mr. Ramsey explained if the city did not start taking steps to increase the millage rate the reserve fund would be depleted in 4 years.

Discussion

Councilor Patronik stated the city also generated income from other sources as well as property taxes.

Councilor Gilbert stated after reading in the newspaper that the millage rate had been too low for years and the city was heading for financial disaster he felt obligated to a millage rate of 2.6. He felt unprepared and did not appreciate reading about business coming before the council in the newspaper before hearing about it from staff. City Manager Linn explained the proposed budget was copied out and in the press box last Tuesday. The press had come to the city for quotes after receiving their copy.

City Manager Linn asked Council to take a serious look at the proposed budget and question each department head regarding the expenditures.

Councilor Shimp stated last year the Council rolled back the millage rate to put the staff on a strict budget.

Council Patronik stated the options were to increase the millage rate and fund the proposed budget the way it stood, leave the millage rate as it was and draw on the reserves, or cut city services. He felt trying to cut small line item requests one by one would not accomplish anything.

Councilor Pruette thanked Finance Director Steve Ramsey for his professional demeanor, adding that he has always been honest and professional in answering questions. She felt everyone needed to work together to cut the budget and the millage rate should remain the same. She did not want to raise taxes unless it was absolutely necessary. She added there was a significant difference between last year's deficit of \$153,595 and this years deficit of \$445,000. She also felt the Council should approve the purchase of all computer equipment in the future.

Mayor Brown agreed with Councilor Patronik that the city had to either reduce services or find more revenue. However, he was proud of the services the city provided to the community and did not want to reduce services.

Vice Mayor Shimp stated he was willing to go through the proposed budget line item by line item if that was what the Council wanted to do.

Director of Finance Steve Ramsey stated that he liked the property tax revenue because it was a fair tax and was deductible on federal income taxes. City Manager Linn added the only sources of revenue a municipality could control were property taxes and franchise fees. The state dictated how much a municipality would receive from sales tax, telecommunications tax, etc.

Councilor Pruette questioned what the City had done in the past to save money. City Manager Linn replied he had deferred capital purchases of vehicles and kept overtime at a minimum. He added he would not be replacing the Director of Public Services position with a certified engineer saving the city approximately \$55,000 annually.

Councilor Pruette asked how much the proposed budget could be cut while providing the same level of services. City Manager Linn responded 75 to 80% of the budget was employee salaries. To lower that figure the number of employees would need to be reduced. Finance Director Ramsey added if each department reduced expenditures by 5%

not including salaries it would only reduce the amount by \$42,000.

Vice Mayor Shimp stated the budget discussion should not be a matter of staff verses Council. The City had hired new employees and made part time positions full time positions without the consent of the Council. He asked that everyone treat each other with respect while reviewing the proposed budget otherwise it would be demeaning to all.

Councilor Patronik asked Mr. Ramsey if he conservatively estimated the other revenue sources. Mr. Ramsey responded yes, however the largest one after property tax was the local ½ cent sales tax and the state set the guidelines on that.

Councilor Patronik stated of the \$2,000,000 Police Department budget 82% was personnel cost and including the vehicles there was not much flexibility within the budget.

Mayor Brown questioned what was the recommended life cycle of police vehicles. Mr. Linn replied the capital program for police cars was to replace them every 5 years and we replaced 3 cars each year. Chief Brandt informed the capital program required replacement every 6 years.

Councilor Pruette asked Mr. Ramsey if there was a budget deficit for the year 2000-2001. Mr. Ramsey replied no that we had been fortunate because the revenues had come through. This would be the first year we actually hit the reserves. With the drop in the market the police pension fund dropped down and the city had to fund it by state law.

Mayor Brown stated we could soften using the reserve fund as much as possible but may still require a slight increase in taxes.

Councilor Gilbert questioned the need for the \$18,000 in other contractual services for the building department. Building Official Arlington replied it was used for inspections and plan reviews. Councilor Gilbert asked if Mr. Arlington's workload could be decreased to allow him the time needed to do the plan reviews and inspections himself therefore eliminating the need for other contractual services. Mr. Arlington responded his department earned enough money to cover the service because the extra work also brought more money to the general fund. It also offset hiring a new employee for the department. Mr. Linn stated he could realign personnel and do some internal reorganizing to relieve Mr. Arlington of some of his workload.

Discussion ensued regarding moving Animal Control Officer John Webber to Code Enforcement Officer.

Vice Mayor Shimp stated other departments also had expenditures for "other contractual services" and asked why city employees could not do the work.

Councilor Gilbert stated the "other contractual services" amounted to approximately \$90,700 that could be cut.

Councilor Pruette felt the budget could be cut if everyone would work together to save money.

Mayor Brown asked the Council how they would like to direct staff.

Councilor Patronik asked the staff to cut the discretionary expenses to the bare minimum, leaving services as they were. He added some cost had risen that there was no control over.

Councilor Pruette did not feel the city did enough to save money; adding that dumpsters and manholes had been purchased but could not be used and they were sitting at the city

yard. City Manager Linn explained the manholes were purchased and delivered as part of the Phase 1 Capital Improvement before it was canceled. The manholes cost around 3 or 4 thousand each and would be incorporated into the project east of Third Street. The dumpsters would also be used in the future.

Mayor Brown requested that staff work on several scenarios and come back with examples showing different millage rates and deductions.

City Manager Linn stated so far this year all of the expenditures were falling right on target with the budget. The large increase in expenditures for the Police Pension Fund was not anticipated and the revenues were on the low side.

Councilor Gilbert asked staff to take a good hard look at expenses from banking fees to the cleaning people.

Consensus: **TO RESTRUCTURE EMPLOYEES TO ELIMINATE "OTHER CONTRACTUAL SERVICES" – SET MEETING DATE OF TUESDAY, JULY 15, 2002, AT 6:00 P.M. TO REVIEW THE BUDGET AND SET THE "NOT TO EXCEED MILLAGE RATE".**

Adjournment

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

Richard A. Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
SPECIAL CITY COUNCIL MEETING
JULY 11, 2002 AT 6:00 P.M.
CITY HALL, 116 FIRST STREET
NEPTUNE BEACH, FLORIDA

Pursuant to proper notice a Special Meeting of the City Council of the City of Neptune Beach was held July 11, 2002, at 6:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

Mayor Richard A. Brown
Councilor Jimmy Gilbert
Councilor Ronald D. Patronik
Councilor Harriet Pruette
City Manager Richard A. Linn
City Clerk Lisa Volpe, CMC

ABSENT:
Vice Mayor Robert D. Shimp

Call to Order/Roll Call

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

Ord. No. 2002-05

ORDINANCE NO. 2002-05, AMENDING TABLE 27-226-1, PERMISSIBLE USES, SECOND READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, AMENDING TABLE 27-226-1, TABLE OF PERMISSIBLE USES AN PROVIDING AN EFFECTIVE DATE.

Moved by Pruette, seconded by Patronik.

Motion: **TO ADOPT ORDINANCE NO. 2002-05 ON SECOND READ AND PUBLIC HEARING.**

The Mayor opened the floor the public hearing.

There being no comments from the public, the public hearing was closed.

Roll Call Vote:

Ayes: 4 – Gilbert, Patronik, Pruette, Brown
Noes: 0
Absent: 1 – Shimp

MOTION CARRIED

Adjournment

There being no further business, the meeting adjourned at 6:04 p.m.

ATTEST:

Richard A. Brown, Mayor

Lisa Volpe, CMC, City Clerk



MINUTES
WORKSHOP CITY COUNCIL MEETING
JULY 15, 2002 AT 7:00 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 July 15, 2002 at 7:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance: IN ATTENDANCE:

Mayor Richard A. Brown	City Clerk Lisa Volpe, CMC
Vice Mayor Robert A. Shimp	Director of Finance Steve Ramsey
Councilor James Gilbert	Assistant to the City Manager Terry Klein
Councilor Ronald A. Patronik	Building Official Dan Arlington
Councilor Harriet Pruette	Assistant to Building Official Piper Turner
City Attorney Christopher White	Deputy City Clerk Karla Strait, CMC
City Manager Richard A. Linn	

Call to Order/Roll Call The Mayor called the meeting to order at 7:00 p.m.

COMMITTEE REPORTS

IBBC ISH BRANT BEAUTIFICATION COMMITTEE: The Ish Brant Beautification Committee was working on the completion of the beautification of the Third Street medians. They were waiting on a proposal from Brett Goddard for the design of the Seagate Avenue barrier and also working on a grant application for the buffer zone at Watersedge/Mayport Flyover ramp. Mr. Linn was working with State House Representative Don Davis on the completion of the Bike Path culvert project and would be meeting with Director of Public Services Leon Smith, Councilor Gilbert, and Streets Supervisor Paul Williams on the Florida Boulevard/Mayport Flyover.

CITY MANAGERS PUNCH LIST

Utility Study UTILITY STUDY FOR THE THREE BEACH COMMUNITIES: The City of Atlantic Beach was currently receiving bids on a utility study that would combine the water and sewer services of the three beach communities.

Employee of the Year EMPLOYEE OF THE YEAR AWARD: The City had selected Paula Kersch and Joan Martin as the employees of year. Both were chosen because they worked as a team in the Public Service Department. The ladies had worked for the City in various positions since 1998. They were currently working on the meter change out program changing the manual read meters to remote touch meters that could be downloaded into the computer billing software. The ladies were to be honored and recognized at a luncheon hosted by the Beaches Chamber of Commerce.

Jarboe Park	<u>JARBOE PARK IMPROVEMENT:</u> The Jarboe Park Improvement Project had been completed and the bridge was installed. There was some still some minor site work necessary that would be completed by city forces.
Utility Improvement	<u>UTILITY IMPROVEMENT PROGRAM:</u> A construction meeting was held last week. The Bal Harbor area was currently 80% completed. The major portion would be completed in 1 to 2 weeks and all connections completed within 3 weeks. There had only been a few complaints that had been sent to directly to PBS&J and City Manager would be following up on them.
Kings Road Bridge	<u>KINGS ROAD BRIDGE:</u> Proposals had been received from two engineering firms for planning and designing the repairs of the Kings Road Bridge. The Department of Transportation reported the bridge did not need to be completely replaced; it only needed to be repaired. Vice Mayor Shimp asked City Manager Linn to consider installing a catwalk for walking and fishing from the bridge.
Underground Trash Containers	<u>UNDERGROUND TRASH CONTAINERS:</u> Councilor Pruette requested that City Manager Linn place the underground trash containers on his punch list. She was concerned about recuperating the money the City spent on them. Mr. Linn responded the underground containers could not be used because after they were purchased BFI changed from rear-loading trucks to front-loading trucks making it impossible to unload the underground containers. He had contacted the manufacturer of the containers and they were working on trying to sell them to another city.

PROPOSED ORDINANCES

Permissible Land Uses	<u>ORDINANCE AMENDING TABLE 27-226-1:</u> AN ORDINANCE OF THE CITY OF NEPTUNE BEACH AMENDING TABLE 27-16-1, TABLE OF PERMISSIBLE USES AND PROVIDE AN EFFECTIVE DATE.
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An Ordinance was recently adopted adding the allowance of exercise facilities in the C-2 and C-3 districts.

Councilor Pruette suggested legalizing outdoor dining and tent dining. City Manager Linn stated outdoor dining was not addressed under the current table therefore was not prohibited nor allowed. Vice Mayor Shimp stated such facilities were at the discretion of the Building Official and permitted on an annual review basis. Building Official Dan Arlington stated a line could be added to the restaurant section of the table allowing for outdoor dining in the Central Business District, C-2 & C-3 by special exception and Council review.

Consensus: **ADD A LINE UNDER THE RESTAURANT SECTION ALLOWING FOR OUTDOOR DINING IN THE CBD, C-2, & C-3 DISTRICT BY SPECIAL EXCEPTION AND COUNCIL REVIEW AS LONG AS THERE IS AN ANNUAL REVIEW AND NO DINING ON THE PUBLIC RIGHT-OF-WAY.**

Councilor Patronik questioned the use of allowing multi-family residences in the CBD. He was concerned about condominiums being built with a height limitation of 35'.

Consensus: **TO REMOVE MULTI-FAMILY RESIDENCES FROM THE CBD AND GRANDFATHER THE EXISTING ONES.**

Daryl Grubbs, 1919 Nightfall Drive, and owner of Tradewinds Shopping Center on Atlantic Boulevard, suggested allowing wholesale sales without inventory in the C-1 & C-2

districts and wholesale sales with inventory by exception in C-2.

Building Official Dan Arlington recommended allowing wholesale sales without inventory in C-2 but felt C-1 should be protected.

Consensus: **TO ALLOW WHOLESALE SALES WITHOUT INVENTORY IN THE C-1 & C-2 DISTRICTS AND WHOLESALE SALES WITH INVENTORY BY EXCEPTION ONLY IN C-2 WITH NOTIFICATION OF THE PROPOSED BUSINESS BY ADVERTISEMENT TO ABUTTING RESIDENCES.**

Councilor Pruette questioned why the Planned Unit Development had been crossed off the table. Building Official Arlington explained the PUD should not have been on the table at all because the table allowed for a specific use in a zoning district and a PUD was a zoning district within itself.

Building Official Arlington recommended adding public parks and recreation areas in the R-4 district.

Consensus: **TO ADD PUBLIC PARKS AND RECREATION AREAS IN THE R-4 DISTRICT.**

Councilor Pruette agreed to sponsor the Ordinance amending Table 27-226-1, Permissible Uses.

Mayor Brown requested that Mr. Daryl Grubbs letter of recommended changes be recorded with the minutes.

28' Height Restriction

ORDINANCE AMENDING BUILDING HEIGHT LIMITATIONS SECTION 27-239: Councilor Gilbert was concerned about the overall esthetics of the 28' height restriction. He stated modern builders wanted to have higher ceilings in homes and felt something was needed to differentiate between a 28' flat roof and perhaps a 35' peak roof. His intent was to avoid having rows of homes on a street with 28' flat roofs. It was intended to allow condominiums to be built on First Street.

Vice Mayor Shimp felt it would be a canyon effect to allow larger homes with pitched roofs to surround the smaller homes. He felt the height limit should remain at 28'.

Councilor Patronik agreed with Vice Mayor Shimp. He felt if the height limit was raised it would continue to rise.

Councilor Pruette agreed with Vice Mayor Shimp and Councilor Patronik.

Councilor Gilbert agreed the height limit would then remain at 28' and he would not bring the subject up again.

CONTRACTS / AGREEMENTS / NONE

ISSUE DEVELOPMENT

Oakhurst Right-of-Way

SET ASIDE OAKHURST RIGHT-OF-WAY FROM LEEWARD LANDING TO SUMMER SANDS AS PARK LAND, COUNCILOR PATRONIK: Councilor Patronik requested that the land between Oakhurst Drive and Leeward Landing subdivision be dedicated as parkland to prevent it from being built upon.

Part of Oakhurst Drive was already paved and discussion ensued regarding what part of the property could be dedicated as parkland.

City Manager Linn informed the Council that when any land was dedicated parkland the City and Council would no longer have any control over the land. The land would then be in the hands of the voters.

Councilor Pruette asked City Manager Linn to walk each Councilor through the property individually.

Consensus: **ASK THE STAFF TO WALK THE PROPERTY AND MAKE RECOMMENDATIONS.**

Fletcher Band
Booster

REQUEST FROM FLETCHER HIGH SCHOOL BAND BOOSTER FOR FUNDS: The Fletcher High School Band had been awarded the opportunity to perform at this years Fiesta Bowl Parade and had asked the City to donate funds towards their trip.

City Manager Linn explained money from the Cable T.V. Franchise Fee Fund could be used to promote groups or events. City Manager Linn stated since the telecommunication tax was enacted last year the City would no longer be receiving the \$5,000 franchise fee each year. He asked the Council to keep that in mind while considering a donation because the money was normally used for annual city events, festivals and other activities.

Legal Advise City Attorney White advised the City could make contributions for public purposes.

Vice Mayor Shimp made a suggestion that the City could also help the students organize a fund raising event in Jarboe Park.

Mayor Brown proposed a contribution in the amount of \$1500.00.

Consensus: **FORWARD TO THE AUGUST REGULAR MEETING WITH A PROPOSED CONTRIBUTION OF \$1,500.**

First Street
Right-of-Way

1994 ABANDONMENT OF 40' OF FIRST STREET RIGHT-OF-WAY: Councilor Pruette felt the ordinance that was adopted in 1994 to abandon the 40' right-of-way on First Street did not adequately describe the property. She felt a title search should be done to determine if the property was owned by fee simple or easement. She was also concerned because the abutting property owners had not requested a deed until recently and wanted to know who paid taxes on the property. Councilor Pruette felt the property was valuable to the citizens of Neptune Beach and should be taken back over by the city.

Legal Advise City Attorney White stated property could be abandoned regardless of the source of ownership and there was no statute of limitations on property abandonment.. He explained when a property was abandoned it was automatically deeded to the abutting property owners by operation of law. The only issue was whether or not the property was abandoned, and the answer was "yes it was" regardless if it was right or wrong. He added that it would be hard to challenge in court.

Vice Mayor Shimp reminded the Council he had spoken with two of the three abutting property owners and they were willing to return a portion of the property along with the sidewalk back to the City. He would be willing to speak with the third abutting property owner if the Council so wished. He felt City Attorney White should start the paper work.

Councilor Pruette stated she wanted the entire council to hear from the property owners. She felt that Vice Mayor Shimp and City Attorney White went behind closed doors and worked out a deal with the abutting property owners without allowing the council to hear

from them.

City Attorney White replied he would not accept an implication or insinuation that he had worked a "back door deal" with anyone. He added that he had not worked out an agreement with anyone on this issue.

Mayor Brown stated the issue of the abandonment was to discuss the history of the property and was not before the Council for a vote.

Consensus: **FOR STAFF TO WORK WITH CITY ATTORNEY WHITE TO SEE IF AN ADJUSTMENT COULD BE MADE TO THE BOUNDARY.**

Seagate Ave.
Abandonment

SEAGATE AVENUE DEVELOPMENT BY STEVE JARRETT: Steve Jarrett stated his proposed development for Seagate Avenue required a cul-de-sac at the end of the street and would require the city to abandon a portion of property. The parcel in question would be from the end of the cul-de-sac to the marsh. He felt if the property remained public it would not create the atmosphere desired by the homeowners and did not see the 66' strip being a benefit to the City. Mr. Jarrett agreed with the Planning & Development Review Board recommendation not to close the right-of-way and create a gated community. Mr. Jarrett added the new development would greatly enhance tax revenue for the City.

Vice Mayor Shimp felt the green space belonged to the public and he would not vote in favor of it.

Councilor Pruette agreed with Vice Mayor Shimp that it was prime property and she would not support it.

Councilor Gilbert stated he wanted to hear from the surrounding property owners whose quality of life it would impact. He had heard opposition from citizens that did not reside in the area. He questioned if the city should encourage development or hold on to a property for the principal of holding it.

Councilor Patronik stated he had received a number of opposing telephone calls and he could not support it.

Mr. Jarrett did not wish to abandon the entire development and would look at alternate designs.

City Manager Linn suggested Mr. Jarrett return to the Planning & Development Review Board with a modified plan.

Hotel Advertisements

REQUEST OF FUNDS FOR HOTEL ADVERTISEMENTS: The beaches hotels had requested the three beach cities contribute money from the Bed Tax Fund to help promote tourism in the beaches area.

Councilor Pruette stated the Financial News and Jacksonville Daily Record recently reported the beach hotels had a 98% occupancy rate.

Mayor Brown wanted to know if the other beach cities planned on making a contribution. He was concerned about the flexibility of the Bed Tax Fund.

Director of Finance Steve Ramsey stated under Florida Statute 212.305 the Bed Tax Fund could only be used to develop and acquire municipal parks, lifeguard stations, or athletic fields.

Public Comments

PUBLIC COMMENTS ON AGENDA ITEMS ONLY

Bruce Rehmer, 804 McCollum Circle, felt it was time for the City to raise the millage rate. He suggested the property at the end of Seagate Avenue to be turned into a park or sold. Mr. Rehmer invited everyone to the VFW in Jacksonville Beach for hotdogs and hamburgers, on July 27, 2002, in honor of the end of the Korean War.

Roger Bennett, 1871 Nightfall Drive, opposed abandoning the property at the end of Seagate Avenue.

Ron Dowell, 1830 Nightfall Drive, opposed abandoning the property at the end of Seagate Avenue. He felt the property could be adequately used without abandoning the property.

Jo Anne Waddill, 115 Oleander Street, opposed abandoning any property that would benefit the citizens of Neptune Beach. She added that the City of Jacksonville was interested in purchasing the property for a natural resource area.

Dennis McClendon, 1914 Seagate Avenue, opposed abandoning the property at the end of Seagate Avenue and turned over a petition to the city clerk with 25 names of other residents that were opposed.

Sandy Leidy, 1810 Strand Street, opposed abandoning the property at the end of Seagate Avenue.

Greg Bossow, 1872 Seagate Avenue, opposed abandoning the Seagate Avenue property adding that 3 of the lots in the proposed Seagate Avenue would be in the City of Jacksonville Beach and enhance their tax rate.

Jamie Gibbs, 1309 Trailwood Court, opposed raising the 28' building height restriction to 35'.

Leslie Karlin, 1506 Spindrift Circle West, was concerned about new land uses increasing traffic on Brandt Boulevard. She felt the proposed parkland property between Summer Sands and Leeward Landing should extend to Poinciana Road.

Lynda Padrta, 1113 First Street, felt the 28' height limit should be maintained. She asked the city to appoint someone to oversee the suggested fundraiser for the Fletcher High Band. She felt there was a defect in the ordinance that was adopted in 1994 abandoning 40' of property of First Street. She requested that the Water Improvement Project be updated on the website.

Lana Huguenin, 1521 Summer Sands Drive, asked the City Manager to invite the residents of Summer Sands to look at the proposed parkland property and that it should be extended to the pavement.

Adjournment

There being no further business, the meeting adjourned at 9:27 p.m.

Richard A. Brown, Mayor

Attest:

Lisa Volpe, CMC, City Clerk

Approved: _____



BUDGET WORKSHOP MEETING JULY 16, 2002, AT 6:00 P.M. CITY HALL, 116 FIRST STREET, NEPTUNE BEACH, FLORIDA

Pursuant to proper notice a Budget Workshop Meeting of the City Council of the City of Neptune Beach was held July 16, 2002 at 6:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

Mayor Richard A. Brown
Vice Mayor Robert D. Shimp
Councilor James Gilbert
Councilor Ronald D. Patronik
Councilor Harriet M. Pruette
City Manager Richard A. Linn
City Clerk Lisa Volpe, CMC

Director of Finance Steve Ramsey
Director of Public Services Leon Smith
Building Official Dan Arlington
Deputy City Clerk Karla Strait, CMC

Absent:
City Attorney Christopher White

Call to Order/Roll Call

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

City Manager Linn explained the budget sets the level of service the city is able to provide with the amount of money available. It is also the authorization for the administrative staff to spend money. He stated the staff came up with \$92,920 of cuts from the last budget meeting. He highlighted the larger cuts from each department.

City Manager's office	\$2,100 for a new computer
Finance Department	\$3,500 for computer equipment
Community Development	\$12,000 for professional services
Officer Larry Dean would be taking over more of the Code Enforcement duties.	
City Clerk's office	\$10,000 for imaging services
Non Departmental	\$3,300 for copier lease
Police Department	\$3,000 trade in values for old police cars
Animal Control	various smaller cuts
Street Department	\$12,000 for a chipper
Parks Department	\$22,000 for a new truck

Millage Rate

City Manager Linn explained the Millage Rate chart that was in the packet. The City of Neptune Beach has reduced their rate by 37% since 1992. The City of Jacksonville has reduced the rate by 25%. The School Board has reduced by 9%. The total tax has been reduced by 24%. The City has done the most reduction throughout the years.

Millage/budget scenarios

The City Manager explained the three scenarios the council could take. Scenario 1 would be to maintain the tax rate of 2.6400 and use \$349,669 of reserves. Scenario 2 would be to have a rate of 3.4675 to balance the budget with using any reserves. And the final would be a combination of a rate of 2.9808 using \$205,679 of reserves. He commented that if you take the 3.4675 rate on a \$100,000 home the increase would be \$82.75 a month or \$6.89 a month.

Discussion

Vice Mayor Shimp asked how much extra money the city would need with out going into the reserves/contingencies. Mr. Linn stated that with the 3.4675 rate would allow a budget with out going into any reserves with a \$100,000 contingency.

Vice Mayor Shimp asked if it were reasonable for the city to raise the millage rate from 2.6400 to 3.5 in one year. Mr. Linn commented this is a 1997 rate.

Council Patronik asked if this budget included the same level of service. City Manager Linn stated yes except for the elimination of Leon Smith's old job with his promotion to Public Services Director. Councilor Patronik felt only travel, education, overtime and repairs are the only discretionary areas.

City Manager Linn suggested setting the Not to Exceed Rate at the highest rate and then listening to the public's reaction before setting the final budget in September.

Councilor Pruette felt that it was depended on if you were on a fixed income whether a higher millage rate would hurt you.

Mayor Brown was concerned that it would be irresponsible to roll back yet again and let the reserves dwindle to nothing.

Vice Mayor Shimp stated he felt the best idea for the future would be to allow staff to set the not to exceed rate and if citizens complained when they received their proposed tax bill the Council could let them know that was a staff recommendation. Council could then decide what to set the final rate on based on the budget and public opinion. Other cities at the beaches already had this practice.

Councilor Patronik felt it was a good idea for staff to set the not to exceed millage. He thought the council should set the rate at the amount to balance the budget and then try to lower it as much as possible by seeing what could be cut.

Mayor Brown agreed with the balancing the budget not to exceed rate. Everyone agreed that services should remain the same while working on the budget and possible cuts.

Councilor Pruette questioned how much the city saved with eliminating the Fire Department. City Manager Linn stated the funding of the Volunteer Fire Department for the last year in 1998 was \$101,436. The Fire Marshal and Code Enforcement Officer's salaries were included in that budget. Those salaries are still in the budget today under different departments. He commented the Fire Department annual budget excluding salaries was roughly \$10,000. Vice Mayor Shimp stated the Volunteer Fire Department was eliminated to avoid paying Police Officers overtime. City Manager Linn stated \$150,000 of equipment would have needed to be replaced to continue the Volunteer Fire Department.

Councilor Pruette asked why there was a 900% increase in a line item. City Manager Linn stated it was to pay his assistant overtime for assisting him at the Council meetings. She asked about the 127% increase in communication services for the Police Department. Officer Larry Dean explained it was for new lines necessary for the upgraded 800-megahertz radio system.

Councilor Gilbert felt staff could cut the budget even more. He also agreed that staff could set the not to exceed millage rate and Council should set the rate this year set at 3.5. He felt the Council should be more pro active balancing the budget.

Councilor Gilbert felt if Code Enforcement were pro active it would provide the City more revenue. Councilor Pruette felt Animal Control Citations and Code Enforcement for weed cutting should be larger. Discussion ensued over Code Enforcement.

Councilor Pruette asked the City Manager and Finance Director to give a report in January on how the city could save money. Finance Director Steve Ramsey stated he would give quarterly updates to the Council on how the budget was. Councilor Patronik asked if there were better ways to do business, i.e.: suggestion boxes for employees. City Manager Linn stated there is a program set up for employee to be recognized for saving money.

Mayor Brown stated some budget items could be put off but none were totally unnecessary. Every budget should have some contingency. City Manager Linn stated the city has been working on replacing fire hydrants, repairing water lines and renegotiating the garbage contract.

Consensus: **TO SET THE "NOT TO EXCEED MILLAGE RATE" AT 3.5.**

Finance Director Ramsey stated they could set one last budget workshop at the first meeting in August. Council thanked Mr. Ramsey for his good work.

Adjournment

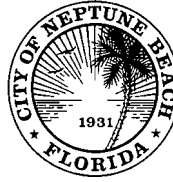
There being no further business, the meeting adjourned at 7:15 p.m.

Richard A. Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
REGULAR CITY COUNCIL MEETING
JUNE 3, 2002 AT 7:00 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 June 3, 2002, at 7:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

Mayor Richard A. Brown
Vice Mayor Robert D. Shimp
Councilor Jimmy Gilbert
Councilor Ronald D. Patronik
Councilor Harriet Pruette
City Manager Richard A. Linn

City Attorney Christopher A. White
City Clerk Lisa Volpe, CMC
Assistant to the City Manager Terry Klein
Director of Finance Steve Ramsey
Building Official Dan Arlington
Deputy City Clerk Karla Strait, CMC

Order Call/Pledge

Mayor Brown called the meeting to order at 7:00 p.m. and asked Larry Shealy to lead the Pledge of Allegiance.

AWARDS / PRESENTATIONS / RECOGNITION OF GUESTS

FLAG PRESENTATION – CAPTAIN FURNESS, USN: Mayor Brown stated Captain Furness would be a few minutes late.

APPROVAL OF MINUTES

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

MAY 6, 2002, REGULAR COUNCIL MEETING
MAY 20, 2002, WORKSHOP COUNCIL MEETING

Moved by Patronik, seconded by Gilbert.

Roll Call Vote:

Ayes: 5 – Gilbert, Patronik, Pruette, Shimp, Brown
Noes: 0

MOTION CARRIED

COMMUNICATIONS AND CORRESPONDENCE

Councilor Pruette stated she had received a certified letter regarding a lot of record in

Watersedge. City Attorney White replied the title searches were complete. He would have his opinion on the remaining units by the end of the week. The topic should be placed on the workshop meeting agenda.

Councilor Pruette asked when the ditches would be cleaned. Mr. Linn replied he would check with Mr. Galen.

Councilor Patronik was concerned about Oakhurst Drive opening into Leeward Landing North. It was legally platted but the residents in Leeward Landing did not want it to open.

CITY MANAGER REPORTS

JARBOE PARK IMPROVEMENTS UPDATE: City Manager Linn reported the handicap swing had been installed another seat was on order. The bridge would be installed next week.

WATER IMPROVEMENT PROJECT: Mr. Linn reported the contractor had finished videotaping and radar all three sections and should begin construction in the morning.

EMERGENCY PURCHASE OF ANIMAL CONTROL TRUCK: City Manager reported the animal control truck had rusted out. Director of Public Services John Galen had a four-wheel drive truck he could give to animal control and he could purchase a new one. The money was budgeted in Public Works to cover. Councilor Patronik asked if there was a way to prevent rusting. City Manager Linn stated most sealing measures were a waste of time. Mayor Brown asked if repair work could be done. City Manager replied the problem was in frame and it would be lucky if it made it to October before the bed fell out.

PUBLIC COMMENTS

Lana Huguenin, 1521 Summer Sands, was concerned about Oakhurst Drive opening through. The residents of Summer Sands did not want the cut through traffic. She stated the code discouraged cut through neighborhoods.

Michael Aston, 1523 Summer Sands, mentioned it was still possible the city of Jacksonville would pick up cost of culvert on Florida Blvd. Summer sands had been told they could not have a street because of the back door, now were told there was no back door. Mr. Jarrett mentioned not enough width on Oakhurst but by his measurement it was wide as Leeward Landing. He felt that in the future paving, closing of the street, and four duplexes being 200 feet from Florida Blvd would come about. These duplexes would rather go out Florida Blvd. If Mr. Jarrett comes through Summer Sands please close all three other options.

Leslie Karlin, Spindrift Circle, did not want Oakhurst Drive connected with Poinciana Road. She did not want the minor replat approved. She felt if Summer Sands was opened she would try to open all blocked streets in Neptune Beach.

FLAG PRESENTATION – CAPTAIN FURNESS, USN: Mayor Brown interrupted comments from the public to introduce Captain John D. Furness who recently returned from Operation Enduring Freedom in Afghanistan. Captain Furness stated he volunteered to go to the front line and got there on October 4, 2001 just as the bombing started. At his request Lt. Colonel Jack Kaplan flew a flag over Afghanistan and Pakistan in honor of the three beach cities for hosting the Sea & Sky Spectacular and supporting the military. He presented the flag with a picture of Lt. Col. Jack Kaplan and a certificate honoring the City of Neptune Beach to Mayor Brown.

Laura Patronik, 1520 Leeward Lane, opposed Oakhurst Drive opening into Leeward Landing.

Mary Linger, 1817 Hopkins Creek Lane, was not in favor of connecting Leeward Landing with Summer Sands.

Lynda Padrta, 1113 First Street, felt variances should not be granted based on who you are. She suggested developing a formulated process for appeals from the variance board to the council. She supported the impervious surface ordinance along with incentives to property owners who had more pervious surfaces. She felt voting for Mr. Jarrett's property should be held off until the city heard from Jacksonville City Councilman Holland about the culvert.

Steve Jarrett, 210 South Street, supported everyone who spoke about closing the road so no traffic could cut through Summer Sands. This was his intention to begin with.

Carlos Asensio, representative for Tire Kingdom, stated he would be available for questions when the development order reached on the agenda.

CONSENT AGENDA/ NONE

VARIANCES

John Cole
1810 First Street

VARIANCE REQUEST FOR JOHN COLE – 1810 FIRST STREET: City Manager Linn stated this was an appeal from the Board of Appeals. He asked Mr. Cole to present his reason for appealing to the Council. Mr. Linn stated that Chairman of the Board Donald White was present for questions.

Mr. John Cole stated he wanted to appeal the decision on his request. The purpose of the request was to encroach on the rear setback for an addition. He wanted to expand the kitchen, add a bedroom on the second story. He could not expand otherwise without completely gutting the house. He felt the lot was a hardship because it was only 100 feet deep, a majority of lots running east and west were 110' deep. He noted the vote was three to three on the Board of Appeals. The home was 1200 to 1250 square feet. He could not add useful floor space without going back. It would also allow them to occupy the home during the construction and remodeling. Councilor Patronik questioned the relationship of the back of house with the addition to the neighbors. Councilor Pruette questioned why impervious surface was discussed.

Chairman Donald White commented there were six members of the board present and the request ended with a three to three vote failing for lack of a majority. This was Mr. Cole's second appearance before the board. He was denied the first time and then reduced his request. He did not think the size of the family was a hardship. He had received a variance before. His lot was high therefore flooding could be an issue. He voted yes to pass it. Vice Mayor Shimp, commented on the board's required findings sheets. Only two were approved on the sheets out of six.

Councilor Gilbert asked what procedural error made that caused an appeal to filed. There was no procedural error. Council needs to look at.

Moved by Shimp, seconded by Patronik.

Motion: **TO REVERSE THE DECISION OF THE BOARD OF APPEALS AND THEREFORE GRANT THE VARIANCE TO MR. COLE, 1810 FIRST STREET.**

Councilor Pruette commented that impervious surface should never have been an

issue since it is no currently in the code. Mr. Arlington explained Fred Cattar did write yes for all findings, if there was one no you had to vote no, Mr. Cattar gave all yeses therefore he voted verbally to deny it. He started using the impervious surface as a gage only to show how intensely the lot was used in relation to the setbacks. Vice Mayor Shimp stated that if it is not in code it should not be brought up at all. Vice Mayor Shimp called the question.

Roll Call Vote:

Ayes: 5 - Gilbert, Patronik, Pruette, Shimp, Brown
Noes: 0

MOTION CARRIED

Warren Anderson
207 Walnut Street

VARIANCE REQUEST FOR WARREN ANDERSON – 207 WALNUT STREET: Mr. Anderson presented his case to the Council. He quoted Dan Arlington's statement from the meeting about the detached garage ordinance. Mr. Arlington had recommended sending the ordinance back to Council for clarifications of what circumstances detached garages should be allowed in the front of the lot. Mr. Anderson added his neighbors favored the improvements. Mr. Anderson purchased a 25' rear easement and explained why he wanted a 3 car detached garage in his front yard.

For the Record Councilor Pruette stated on the record that she had spoken with Mr. Anderson before the meeting.

Council discussed the variance. Vice Mayor Shimp felt it was keeping within the look of the neighborhood. Councilor Pruette did not feel there was a hardship. Councilor Patronik felt if he made an attached garage it would detract from the look of the neighborhood.

Moved by Shimp, seconded by Patronik.

Motion: **TO REVERSE THE DECISION OF THE BOARD OF APPEALS AND GRANT THE VARIANCE FOR WARREN ANDERSON – 207 WALNUT STREET.**

Chairman of Board Donald White explained Mr. Anderson originally asked for a garage apartment which was turned down and to square off the back of his property which was approved. Mr. Anderson came back with a garage without an apartment put with a long connection between the house and the garage with an office over it. He stated the board was hesitant over the moving the setback from 25 ft to 11 ft because there was not a hardship to make this setback change. Councilor Pruette felt the garage far exceeded the 500 square foot limit. Councilor Gilbert felt there was no procedural error.

Roll Call Vote:

Ayes: 2 - Shimp, Brown
Noes: 3 - Pruette, Patronik, Gilbert,

MOTION FAILED

Mr. Anderson asked for approval if he made the garage smaller instead of having to return to the Board of Appeals. Discussion ensued about the size of the garage and the ordinance that limited garages to 500 square feet east of Third Street.

Moved by Shimp, seconded by Patronik.

Motion: **TO RECONSIDER THE MOTION.**

Ayes: 4 - Patronik, Pruette, Shimp, Brown,

Noes: 1 - Gilbert,

MOTION CARRIED

Moved by Shimp, seconded by Patronik.

Friendly Amendment: **TO REVERSE THE DENIAL AND MODIFY THE VARIANCE TO PROVIDE FOR A DETACHED GARAGE OF 500 SQUARE FEET.**

Ayes: 4 - Patronik, Pruette, Shimp, Brown

Noes: 1 - Gilbert

MOTION CARRIED.

ORDINANCES

Ord. No. 2002-04

ORDINANCE NO. 2002-04, FIRST READ AND PUBLIC HEARING, IMPERVIOUS SURFACE, SPONSORED BY COUNCILOR PRUETTE: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING SECTION 27-238, MAXIMUM LOT COVERAGE AND PROVIDING AN EFFECTIVE DATE.

Councilor Pruette asked Building Official Arlington if he felt comfortable with the ordinance the way it was. He replied yes.

Mayor Brown opened the public hearing.

Michael Adams, 200 Cherry Street, suggested changing the amount of impervious surface from 50%.to 65%.

Jim Miller, 1633 Hopkins Creek Lane, felt the ordinance should be amended, if someone could prove they would not be increasing the runoff on the property, to allow more pervious surface.

Council discussed Mr. Miller's suggestion. Discussion of properties that already built out ensued.

Steve Jarrett, 210 South Street, felt the ordinance would take away property rights. He added commercial property had water management permit requirements.

Mayor Brown asked if this ordinance pertained to commercial lots also. Mr. Arlington stated it also commented on commercial property although commercial property has to have a water management permit.

Lynda Padrta, 1113 First Street, kept hearing how the sponsor of the bill's property was built out and commented it was not a personal issue but an attempt to help the city.

Scott McClure, 310 Sunrise Circle, supported Mr. Miller's suggestion about the ordinance being amended to allow proof of the runoff.

Lana Huguenin, 1521 Summer Sands, favored the ordinance she was concerned there was not one in the past. She favored as much green space as possible to get water back into the ground and into the aquifer.

Donald White, Chairman of the Board of Appeals, was concerned about flooding and the necessity of having an impervious surface ordinance.

There being no further comments from the public, the public hearing was closed.

Councilor Gilbert commented this was a way to stop Neptune Beach from being totally concreted over. Councilor Patronik felt the ordinance was too simplistic to help the stormwater problem and that it should be brought to a workshop. Vice Mayor Shimp felt there should be a grace period.

Moved by Pruette, seconded by Gilbert.

Motion: **TO PASS ORDINANCE 2002-04 ON FIRST READ WITH AN AMENDMENT TO ALLOW A TWO YEAR GRACE PERIOD.**

City Manager Linn clarified the grace period would simply change the effective date. Vice Mayor Shimp suggested discussing the two-year grace period at a workshop meeting and see if the ordinance could apply to new homeowners immediately.

Councilor Pruette called the question. Mayor Brown asked if the two year grace period was within the motion or if it would be dealt with in a workshop. Councilor Pruette withdrew her previous motion.

Moved by Pruette, seconded by Gilbert.

Motion: **TO PASS ORDINANCE 2002-04 ON FIRST READ.**

Roll Call Vote:

Ayes: 3 – Gilbert, Pruette, Brown

Noes: 2 – Patronik, Shimp

MOTION CARRIED

Recess/Reconvene

The meeting recessed at 9:15 p.m. and reconvened at 9:25 p.m..

OLD BUSINESS

Minor Replat
Poinciana Road

MINOR REPLAT – POINCIANA ROAD – STEVE JARRETT: Vice Mayor Shimp asked to place this on the agenda in order to come to a decision without further delay. He asked Michael Ashton, Representative of Summer Sands Homeowners Association, if he would agree to allow Mr. Jarrett access if the city agreed to close the other two platted streets through Summer Sands. Mr. Ashton replied the residents of Summer Sands still did not want Mr. Jarrett to enter his property through Summer Sands due to additional traffic. He stated if it was absolutely necessary for the Council to allow Mr. Jarrett to go through Summer Sands please close the other roads.

City Manager Linn stated that Oakhurst right of way would be better suited to add better drainage to the area instead of using it for a road.

Councilor Gilbert questioned if there could be some promissory note to future councils not to allow a back entrance to Summer Sands. He suggested any work trucks would be brought in through Bay Road. That they cul di sac at poinsietta until bay and poinsietta is paved then the cul de sac could be reversed unless the other option is done and the city paved bay and poinsettia. Mr. Ashton stated it all came down to the extra \$20,000 to pave poinsietta and Bay Road.

Steve Jarrett original proposal was to enter through Summer Sands and closing off the back door. He was against complete abandonment of closing off the back yard because of the future. He was in favor of supporting the closing of Oakhurst Drive. He was in favor of sharing the cost for the alternate entrance. He did not want to open a back door to Summer Sands. He proposed a closure at the end of his cul-de-sac.

Councilor Pruette still believed it is the best way to go is through Florida Boulevard. Mr. Jarrett would be willing to go through Bay Road, but he could not pay for all of it. Councilor Pruette commented the code reads houses should be all around all cul de sacs. Mr. Jarrett stated he would bring in construction trucks through Bay no matter what.

Councilor Pruette state we had not heard back from Councilman Holland to see if Jacksonville would pay for the culvert at Florida Blvd and Oakhurst. Mr. Jarrett stated that road had more problems than just the culvert.

City Manager Linn suggested if the property was dedicated a public park it would take a charter amendment and a referendum to the voters to change.

Mayor Brown narrowed down what had been discussed. There was a commitment from Mr. Jarrett not to tie in with Florida Blvd, not to tie into the other areas, this narrows down what the options really are. All sides have been reasonable. The Mayor commented Jarrett agreed to pause and put a street end. And bring the dump trucks and construction entrance through Bay Road.

Mr. Jarrett stated what the apparent three options are 1) He pays everything 2) the city pays for everything 3) the city does the project and accesses adjacent property owners. He could not agree to absorb all costs for an alternate entrance which would be between 20 and 25 thousand dollars. He asked the council to vote on the minor replat of splitting Lot G.

Vice Mayor Shimp suggested every resident in Summer Sands give their opinion on which option they would want. They either help Mr. Jarrett pay for the alternate entrance or allow him to have a small cul de sac at the end of their subdivision. Mr. Ashton would personally ask each one and bring it back to the council.

Leslie Karlen, stated Summer Sands did not keep their neighborhood nice for Mr. Jarrett to sell his lots.

Scott McClure, 310 Sunrise Circle, questioned if developers deeded streets to the city.

Councilor Pruette commented that the problem with this entire area should be discussed at the next workshop.

Moved by Shimp, seconded by Patronik.

Motion: **TABLE THE MINOR REPLAT – POINCIANA ROAD – TO A WORKSHOP.**

Councilor Gilbert did not agree with delaying Mr. Jarrett for another month. Felt the cul de sac was a pretty good compromise. He wanted to take action to close Oakhurst to Sand Castle Way east. If Bay Road is ever opened up then the property owners would be responsible. If that were to happen they could turn the cul de sac around to go out to Florida Blvd. He suggested making Oakhurst a park and that property would not be developed. To wait another month would make people more and more aggravated. This issue has been going on for three months now and we seem to have a good compromise not to open through traffic to Summer Sands.

Vice Mayor Shimp suggested that the Summer Sands people go back to each of their residents and have them decide on which of the three alternatives they want. They could then come back to the next regular meeting and let the council know what they decided.

1. Mr. Jarrett goes through Summer Sands and then when Poinsettia is opened The cul de sac could be turned around to close off Summer Sands.

2. Summer Sands pays part of the money to allow Steve Jarrett to develop Poinsettia and Bay Road.

Michael Aston asked for a number to go back and ask each Summer Sands residents for. Steve Jarrett stated it would be between \$20,000 and 25,000 depending on the drainage needs. Mr. Jarrett asked if Lot G could be split now while other issues were being worked out.

Lana Hueginin asked why the road could not be left limerocked instead of paved.

Vice Mayor Shimp withdrew his motion.

Moved by Gilbert, seconded by Pruette.

Motion: **TO ACCEPT THE MINOR REPLAT TO DIVIDE LOT G**

Amendment: **AND PROVIDING THE INGRESS/EGRESS IS APPROVED BY CITY COUNCIL.**

Roll Call Vote:

Ayes: 5 – Gilbert, Patronik, Pruette, Shimp, Brown

Noes: 0

MOTION CARRIED.

NEW BUSINESS

Development Order
Monohan Roofing

DEVELOPMENT ORDER – MONOHAN ROOFING: Tom Monohan, owner, was present to answer any questions.

Moved by Pruette, seconded by Gilbert.

Motion: **TO APPROVE THE DEVELOPMENT ORDER FOR MONOHAN ROOFING.**

Roll Call Vote:

Ayes: 5 – Gilbert, Patronik, Pruette, Shimp, Brown

Noes: 0

MOTION CARRIED

Development Order
Tire Kingdom

DEVELOPMENT ORDER – TIRE KINGDOM: Carlos Asensio, Developer was present to answer any questions.

Moved by Shimp, seconded by Gilbert.

Motion: **TO APPROVE THE DEVELOPMENT ORDER FOR TIRE KINGDOM.**

Roll Call Vote:

Ayes: 5 – Gilbert, Patronik, Pruette, Shimp, Brown

Noes: 0

MOTION CARRIED

Contract Agreement

CONTRACT AGREEMENT PBS&J – PHASE 1 B&C SEWER: City Manager Linn

PBS&J

requested an amendment to the agenda to approve the contract agreement for PBS&J for pipe bursting and/or in place curing and lift station. He recommended approval not exceed \$51,000 to solicit and award the bid.

Moved by Patronik, seconded by Gilbert.

Motion: **TO APPROVE THE CONTRACT AGREEMENT FOR PBS&J – PHASE 1 B&C SEWER.**

Roll Call Vote:

Ayes: 5 – Gilbert, Patronik, Pruette, Shimp, Brown

Noes: 0

MOTION CARRIED

Resolution
No. 2002-08

RESOLUTION NO. 2002-08, BOARD APPOINTMENTS: RESOLUTION APPOINTING BOARD MEMBERS TO THE BOARD OF APPEALS AND REAPPOINTING MEMBERS TO THE CODE ENFORCEMENT BOARD AND PLANNING & DEVELOPMENT REVIEW BOARD.

Vice Mayor Shimp questioned the board electing the chairmen. The Board of Appeals should re-elect a chairman and Donald White should resign. City Clerk Volpe stated Dan Disch was being appointed because Tom Garza had to resign for medical reason so Mr. Rosenberg could be appointed as an alternate and Elaine Reiss as a regular.

City Attorney White stated you could argue the ordinance either that his term limits started when the ordinance was voted in or when he started his next term. Chairman White could stay on the board until he was replaced on the board. Discussion ensued over term limits.

Moved by Shimp, seconded by Patronik.

Friendly Amendment to reappointment **APPOINT MR. DISCH AND ELAINE REISS REGULAR MEMBERS AND LEMAN ROSENBERG AS AN ALTERNATE. COUNCIL REQUEST MR. DONALD WHITE TO RESIGN.**

Vice Mayor Shimp called the question. City Attorney suggested appointing Elaine Reiss as a regular member to replace Mr. Donald White on the Board.

Motion: **TO APPROVE THE RESOLUTION TO INCLUDE MR. ROSENBERG AS AN ALTERNATE MEMBER AND TO INCLUDE ELAINE REISS AS A REGULAR MEMBER TO THE BOARD OF APPEALS TO REPLACE DONALD WHITE WHO HAS GONE OVER THE TERM LIMITS.**

Ayes: 3 – Gilbert, Patronik, Shimp

Noes: 2 – Pruette, Brown

MOTION CARRIED.

Donald White reminded the council that he was not elected, they appointed him and he was not entitled to resign unless it was for personal reasons. The council may as well abolish the board if they do not hold up the board decisions.

Councilor Pruette thanked Mr. White for serving and stated she appreciated his service.

Vice Mayor Shimp told Mr. White it was nothing personal about him it was a term limits.

Adjournment

There being no further business, the meeting adjourned at 11:08 p.m.

Richard A. Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



BUDGET WORKSHOP MEETING JUNE 17, 2002, AT 6:00 P.M. CITY HALL, 116 FIRST STREET, NEPTUNE BEACH, FLORIDA

Pursuant to proper notice a Preliminary Budget Workshop Meeting of the City Council of the City of Neptune Beach was held June 17, 2002 at 6:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

Mayor Richard A. Brown
Vice Mayor Robert D. Shimp
Councilor James Gilbert
Councilor Ronald D. Patronik
Councilor Harriet M. Pruette
City Manager Richard A. Linn
City Clerk Lisa Volpe, CMC

Director of Finance Steve Ramsey
Director of Public Works John Galen
Assistant to the City Manager Terry Klein
Supervisor of Water/wastewater Leon Smith

Absent:
City Attorney Christopher White

Call to Order/Roll Call

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

**Resignation of Public
Service Director**

City Manager Linn announced that John Galen submitted a letter announcing his retirement as of June 30, 2002. He will remain a part time employee for \$100 a week on a consultant basis for any engineering services needed. Mr. Linn stated he will be bringing Supervisor of Water/Wastewater Leon Smith's name as a replacement for John Galen to the next regular meeting for council's approval. Mr. Smith would become Director and his current position would remain unfilled. This would save the city approximately \$40,000 in salary and benefits and reduce the staff at the city yard by one position. It also changed some items in the budget.

John Galen stated he had been thinking about retirement for some time. He felt the City of Neptune Beach was too small and did not require an engineer in his position. He commented that Leon Smith could handle the position and the staff was well trained. He would be available at any time for any engineering services needed.

Mayor Brown congratulated Leon Smith. Vice Mayor Shimp asked Mr. Smith if he felt he was ready. Leon Smith stated he was and he had enjoyed working with Mr. Galen. Councilor Pruette asked Mr. Smith if he felt more inclined to put more information on computer. He responded by saying that his staff knows what has been done but it can easily be put on computer.

Councilor Pruette questioned if ditch cleaning was contracted out. City Manager Linn stated it was. He also commented that city hall kept work orders on the computer along with his assistant who kept a log on Civic Tracker.

Capital Items

Director of Public Services John Galen stated that the Tahoe from the water and sewer

Reductions and
Additions

fund would not be needed along with the pick up truck. Leon Smith would be getting his Tahoe and Leon's truck would go to water and sewer.

He stated the Animal Control truck was in bad shape but would hopefully last until October 1, when it would be replaced by a Stormwater truck, which would be replaced with a new one. He told the council that the City Manager would be asking their permission to purchase a new truck in this fiscal year only on an emergency basis if the animal control truck stopped working completely.

Mr. Galen stated that the Hypo-Chlorite System in the Water and the Sewer funds was necessary. This would allow a switch from using chlorine gas, which is dangerous, to chlorine liquid. This would save the city from a lot of regulations. City Manager Linn added it would also save expensive reporting requirements and help with safety.

Finance Director Steve Ramsey stated there is a 3.75% increase in revenue due to a water rate increase. The big increase in the budget is the capital. He stated he could answer for any questions. The income showed \$92,612 in the water and sewer funds. With the cuts that Mr. Galen made it went up to \$190,993.

Vice Mayor Shimp asked why other contractual services was increased 33%. Mr. Galen responded it is due to lab fees for regulated testing.

Finance Director Ramsey stated health insurance would be increased at least 25%-30%.

City Manager Linn stated professional services was budgeted at \$20,000 for a rate study. He questioned if the backhoe was a replacement. Mr. Galen answered yes.

Councilor Patronik questioned touch read replacement. Mr. Ramsey said this was the replacement program the city started three years ago which would eventually produce more revenue.

Councilor Gilbert asked why overtime was so high for the current fiscal year. Mr. Ramsey said it was due to water breaks and should eventually go down by the end of the 2003 fiscal year.

Finance Director Ramsey stated there was an extra expense to fund our Debt Service Fund.

Mr. Ramsey reminded the council he is available for any questions at any time. He stated the Stormwater Fund was new because of the new utility and the two employees were carried over from the gas tax fund.

Councilor Pruette asked about the contracting out of ditch cleaning. Mr. Galen stated it was on a schedule.

Adjournment

There being no further business, the meeting adjourned at 6:40 p.m.

Richard A. Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
WORKSHOP CITY COUNCIL MEETING
JUNE 17, 2002 AT 7:00 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 17, 2002 at 7:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance: IN ATTENDANCE:

Mayor Richard A. Brown
Vice Mayor Robert A. Shimp
Councilor James Gilbert
Councilor Ronald A. Patronik
Councilor Harriet Pruette
City Attorney Christopher White

City Manager Richard A. Linn
City Clerk Lisa Volpe, CMC
Director of Finance Steve Ramsey
Assistant to the City Manager Terry Klein
Building Official Dan Arlington

Call to Order/Roll Call The Mayor called the meeting to order at 7:00 p.m.

COMMITTEE REPORTS

IBBC ISH BRANT BEAUTIFICATION COMMITTEE: The Beautification Committee was actively working on the Adopt-a-Street End Program, the Butterfly Garden, the Bike Path on Florida Boulevard, and a buffer zone between the Mayport Flyover and the residents of Watersedge.

Mayor Brown reported that Crime Prevention Officer Lisa Van Nelson and himself went door to door with a flyer inviting the neighbors surrounding Jarboe Park to attend a crime watch meeting at the pavilion in the park on June 20, 2002.

CITY MANAGERS PUNCH LIST

Jarboe Park JARBOE PARK IMPROVEMENT: The fabrication of the Foot Bridge had been completed. City staff was to construct a concrete foundation for the bridge. The handicap swing was installed and a second seat for the swing had been ordered.

Utility Improvement UTILITY IMPROVEMENT PROGRAM: Utilex had started installing the new water lines in Bal Harbour and the area should be completed by the end of the month.

PROPOSED ORDINANCES

Ord. No. 2002-04 ORDINANCE NO. 2002-04, IMPERVIOUS SURFACES: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING SECTION 27-238, MAXIMUM LOT COVERAGE AND PROVIDING AN EFFECTIVE DATE.

Consensus: **HAVE BUILDING OFFICIAL DAN ARLINGTON MAKE THE RECOMMENDED CHANGES AND FORWARD TO THE JULY REGULAR MEETING.**

Ord. No. 2002-05 **ORDINANCE NO. 2002-05, AMENDING TABLE 27-226-1, PERMISSIBLE USES:** AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING TABLE 27-226-1, TABLE OF PERMISSIBLE USES AND PROVIDE AN EFFECTIVE DATE.

Mayor Brown asked to amend the ordinance to deal only with allowing the Women's Health Center in the C-2 and C-3 districts. A public hearing had been advertised for Thursday at 6:00 p.m.

Consensus: **TO AMEND THE ORDINANCE TO DEAL ONLY WITH ALLOWING THE WOMEN'S HEALTH CENTER.**

CONTRACT/AGREEMENTS

4X4 Pick-Up **PURCHASE AUTHORIZATION – 4 X 4 PICK-UP TRUCK FOR STORMWATER & DRAINAGE:** City Manager Linn explained the animal control truck needed to be replaced. He asked Council for approval to replace the stormwater pickup truck with a new truck and pass the old stormwater truck to animal control.

Consensus: **FORWARD TO THE REGULAR JULY COUNCIL MEETING.**

ISSUE DEVELOPMENT

Voting Delegate FLC **SELECTION OF VOTING DELEGATE TO FLORIDA LEAGUE OF CITIES:** Council needed to designate a voting delegate for the Florida League of Cities Conference. One official from each city would make decisions that determine the direction of the League.

Councilor Patronik nominated Mayor Brown, Councilor Gilbert seconded Councilor Patronik's nomination of Mayor Brown, and nominated Councilor Patronik to be the alternate.

Consensus: **TO DESIGNATE MAYOR BROWN TO BE DELEGATE FOR THE FLORIDA LEAGUE OF CITIES AND COUNCILOR PATRONIK TO BE HIS ALTERNATE.**

July 5th Holiday **JULY 5TH HOLIDAY, COUNCILOR GILBERT:** Councilor Gilbert recommended that Council give permission for the city employees to have the following Friday, after July 4th off.

Consensus: **TO GIVE PERMISSION FOR THE CITY EMPLOYEES TO HAVE THE FOLLOWING FRIDAY, AFTER JULY 4TH OFF.**

Roll Call Vote:

Ayes: 3 – Gilbert, Pruette, Brown

Noe: 2 – Patronik, Shimp

Special Recognition **CITIZEN SPECIAL RECOGNITION AWARD, COUNCILOR PRUETTE:** Councilor Pruette suggested a Special Recognition Award program be in place for outstanding citizens who are worthy. Vice Mayor Shimp stated the City had always recognized outstanding citizens in the past. Mayor Brown asked everyone to be aware and look for those citizens who would be considered worthy of the recognition.

- Severed Utility Lines SEVERED UTILITY LINES, COUNCILOR PRUETTE: City Manager Linn informed the Council that the City took action and installed a grinder pump and ran a water and sewer line out to Penman Road and Neptune Lane. The two women that experienced the damage to their utility lines now had utility services. He wrote a letter to the owner of the property at 1807 Penman Road, stating the city code authorized the city to assess the cost and he would bring the invoices to the Council to determine how to assess the property owner.
- City Attorney White stated there were criminal charges against Mr. Jim McCue for damaging the water, sewer and cable lines. He advised Council and staff not to comment on the issue. Under the City Code the City could assess the property owner for the cost of the connection. After three months the assessment would earn an interest rate of 8%. The code also allowed Council to decide if the City should cover part of the cost of the hook up of the lateral line.
- Ms. Peggy Roush, 1807 Penman Road, stated she received a letter from City Manager Linn, notifying her of the assessment on the property after the new utility lines were installed. She would rather have been notified before. She felt Jim McCue should take some responsibility for the cost because he initiated the problem by severing the utility lines.
- Mayor Brown stated City Manager Linn was compiling the figures and the assessment would be fair.
- Watersedge WATERSEdge – TITLE SEARCH, CITY ATTORNEY: City Attorney White explained the title searches for Watersedge had been completed. He issued an opinion letter to the city stating that lots 1 through 8 and 16 through 21 were determined lots of record. He would issue an opinion letter this week advising the remaining units 9 through 14, 15 and 22, were also determined lots of record.
- Poinciana Drive POINCIANA DRIVE – ACCESS, COUNCILOR PRUETTE: City Manager Linn stated he had not received any communications from anyone regarding the access road since the last council meeting. The minor replat was granted at the last meeting with the condition council would approve the access. When he received a proposal he would place it on the agenda.
- Steve Jarrett stated what he thought should happen next was for the city to determine if the water management permit was current and sufficient for the area. His original application to the city was that he would renew the water management permit for the area and install the infrastructure in front of his property as designed by the Master Plan for the area. The only issue that had not been determined was how to access the property. He offered to give Council a report on the current status of the water management permit at the next meeting.
- Seagate Subdivision PROPOSED SEAGATE SUBDIVISION DISCUSSION, CITY MANAGER & BUILDING OFFICIAL: City Manager Linn stated Steve Jarrett brought him the proposal for the proposed subdivision because it involved a City right-of-way on Seagate Avenue.
- Steve Jarrett stated he would like to delay the discussion on the Seagate Subdivision because the Planning & Development Review Board would be held the following night and they made a request to have the opportunity to hear all the information and make a recommendation to the Council.

Steve Jarrett asked the Council if he could address the height restriction of 28' in the wider width lots subdivision. The current residential height restriction was 28', St. Augustine, Atlantic Beach, Jacksonville Beach, and Fernandina Beach had residential height restrictions of 35'. He felt it was an unusable restriction without an identifiable objective. It was causing people buying expensive lots to have unattractive profiles and low ceilings. He felt the height restriction of 28' needed to be looked at more carefully and in detail.

Public Comments

PUBLIC COMMENTS ON AGENDA ITEMS ONLY

Darryl Grubbs, 1919 Nightfall Drive, felt any type of sales should be permitted in the C-1 district and the C-2 district should allow on site storage by special exception. He also suggested allowing take out restaurants in commercial districts.

Lana Huguenin, 1521 Summer Sands Drive, was still concerned about how Steve Jarrett would access his property. Steve Jarrett replied he was still working on a plan to submit to the Council for their approval.

Adjournment

There being no further business, the meeting adjourned at 8:35 p.m.

Richard A. Brown, Mayor

Attest:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
REGULAR CITY COUNCIL MEETING
MAY 6, 2002 AT 7:00 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 May 6, 2002, at 7:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

Mayor Richard A. Brown
Vice Mayor Robert D. Shimp
Councilor Jimmy Gilbert
Councilor Ronald D. Patronik
Councilor Harriet Pruette
City Manager Richard A. Linn

City Attorney Christopher A. White
City Clerk Lisa Volpe, CMC
Assistant to the City Manager Terry Klein
Assistant to the Building Official Piper Turner
Building Official Dan Arlington
Deputy City Clerk Karla Strait, CMC

Order Call/Pledge

Mayor Brown called the meeting to order at 7:00 p.m. and asked Councilor Patronik to lead the Pledge of Allegiance.

AWARDS / PRESENTATIONS / RECOGNITION OF GUESTS

Ish Brant Portrait

PRESENTATION OF ISH BRANT PORTRAIT: Mayor Brown announced the community had raised money to purchase a portrait of Ish Brant, painted by local artist Mary Jane Birch, for placement in City Hall. Mayor Brown asked Jean McCormick to assist him in unveiling the portrait. Terry Brant presented a check to Mayor Brown for the remainder of the funds to be used by Ish Brant Beautification Committee.

Kenny

PRESENTATION OF PLAQUE TO ELAINE KENNY: Mayor Brown recognized and presented a plaque to Elaine Kenny in appreciation for her efforts and dedication for the past years hosting the annual "Sunday in Park" event.

APPROVAL OF MINUTES

Motion:

TO APPROVE THE FOLLOWING MINUTES AS STATED:

APRIL 8, 2002, REGULAR COUNCIL MEETING
APRIL 15, 2002, WORKSHOP COUNCIL MEETING

Moved by Patronik, seconded by Gilbert.

Roll Call Vote:

Ayes: 5 – Gilbert, Patronik, Pruette, Shimp, Brown

Noes: 0

MOTION CARRIED

COMMUNICATIONS AND CORRESPONDENCE

Councilor Gilbert stated Lemon Street was overgrown behind Tucker Rental and asked the City Manager if this could be cleaned up because he was concerned about transients. Councilor Gilbert thanked City Manager Linn for repairing the pothole at the intersection of Forest Avenue and Penman Road.

Vice Mayor Shimp stated some neighbors on North Street had asked him if something was wrong with the water pressure in that area.

Councilor Patronik questioned the parking of commercial vehicles on a property on Penman Road. City Manager Linn responded the property was at Neptune Lane and Penman Road and the issue had been turned over to the building department for code enforcement. Mr. Linn added that a property owner was allowed to park a dump truck on their property if he was not conducting a commercial business out of the home. Building Official Dan Arlington reported the case was in progress.

Councilor Pruette had also received complaints regarding the low water pressure on North Street. Councilor Pruette added she had pictures of the vacuum system from the St. Augustine trip if anyone would like to view them.

CITY MANAGER REPORTS

Service Awards	<u>EMPLOYEE SERVICE AWARDS:</u> City Manager Linn reported the City held the hot dog luncheon for employee longevity awards. Forty employees were recognized for a total of 505 years of service to the community. Mr. Linn thanked Councilor Pruette for suggesting the employees be recognized for years of service.
Fire Hydrants	<u>UPDATE ON THE REPLACEMENT OF FIRE HYDRANTS:</u> The Public Service Department had completed installation of 17 replacement fire hydrants. In order to replace the remaining fire hydrants the water service would have to be cut off in some areas. This may slow down the process and create inconvenience to residents for several hours.
Water Improvement	<u>WATER CAPITAL IMPROVEMENT PROJECT UPDATE:</u> The contractor had supplied the required documents to the Florida Department of Environmental Protection and the bonding agency. He was expecting approval from DEP this week. Once approval was received he would send the contractor a notice to proceed and the contractor would be required to start the job within 30 days.
Sunday in the Park	<u>REPORT ON SUNDAY IN THE PARK:</u> City Manager Linn thanked Elaine Kenny for hosting the "Sunday in the Park" event. The event was well received by the community. He also thanked the City Council members for their participation.
Budget Mtgs	Councilor Pruette asked about setting dates for the budget meetings. City Manager Linn responded that Finance Director Steve Ramsey had requested budgets from the department heads.

COMMENTS FROM THE PUBLIC

Mayor Brown stated the council would hear public comments regarding Summer Sands under item 12-d, Jarrett development of Poinciana Drive.

Elaine Kenny, 1301 Neptune Grove Drive West, stated she enjoyed hosting "Sunday in the Park" and hoped to continue hosting it years to come.

Larry Shealy, 1501 First Street, member of the Planning & Development Review Board, stated he had served on the board for the past year and enjoyed it very much. Mr. Shealy questioned the existence of the Board when Ordinance 2002-03 was on the agenda to allow drive-in restaurants in the city after the Board had voted 6 to 1 not to change it.

Gerald Schrle, 1417 Neptune Grove Drive West, member of the Planning & Development Review Board, voiced concern about the drive-in restaurant ordinance as well as the action taken by Council last month concerning the sign at Amsouth Bank. Mr. Schrle added the board members were all volunteers and the council should accept their recommendations.

Legal Advice City Attorney Chris White advised that no official action could be taken on ordinance 2002-03. In order to consider an ordinance that dealt with changing prohibited land uses the state law required advertisement of two public hearings one at both the first and second read.

Leslie Karlin, 1506 Spindrift Circle, questioned under what cause should a board member recuse himself from hearing and voting on a case. City Attorney White advised the ethics commission had very strict standards and the only reason a member should recuse himself was if there was a financial interest or personal gain.

CONSENT AGENDA / NONE

VARIANCES / NONE

ORDINANCES

Ordinance No.
2002-02

ORDINANCE NO. 2002-02, ESTABLISHING THE STORMWATER UTILITY, FINAL READ AND PUBLIC HEARING, SPONSORED BY COUNCILOR GILBERT: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA ESTABLISHING THE CITY'S STORMWATER UTILITY SYSTEM; SETTING FORTH PROVISIONS FOR SCHEDULE OF RATES; BILLING AND PAYMENT AND OTHER MATTERS IN RELATION THERETO; AMENDING SECTIONS 27-480(A), 27-548(D) AND 27-548(E) AND PROVIDING AN EFFECTIVE DATE.

Mayor Brown opened the floor for public comments.

There being no comments from the public, the public hearing was closed.

Moved by Shimp, seconded by Patronik.

Motion: **TO ADOPT ORDINANCE NO. 2002-02, ESTABLISHING THE STORMWATER UTILITY, ON SECOND AND FINAL READ AS STATED.**

Roll Call Vote:

Ayes: 5 – Gilbert, Patronik, Pruette, Shimp, Brown

Noes: 0

MOTION CARRIED

Ordinance No.
2002-03

ORDINANCE NO. 2002-03, AMENDING CHAPER 27 TO ALLOW DRIVE IN RESTAURANTS IN C-3 DISTRICT BY SPECIAL EXCEPTION, SPONSORED BY

MAYOR BROWN: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING SECTION 27-225(2), USES EXPRESSLY PROHIBITED WITHIN ZONING DISTRICTS, AND TABLE 27-226-1 TABLE OF PERMISSIBLE USES AND PROVIDING AN EFFECTIVE DATE.

Ordinance 2002-03 was not heard because of City Attorney White's earlier comments. Mr. White added the first public hearing had to be held at least seven days after the first advertisement and the second hearing had to be held at least ten days after the first and should be advertised at least five days prior to that hearing.

Consensus: **MOVE ORDINANCE NO. 2002-03 TO THE MAY WORKSHOP MEETING FOR FURTHER DISCUSSION.**

OLD BUSINESS

Emergency
Generator

AWARD PURCHASE CONTRACT FOR EMERGENCY GENERATOR: City Manager Linn explained council authorized him to advertise bids on a replacement generator for the public safety building. Mr. Linn added that out of nine bids Cummings Southeastern came in the lowest at \$17,660.79. Mr. Linn recommended awarding the contract to Cummings Southeastern in the amount of \$17,660.79.

Moved by Shimp, seconded by Patronik.

Motion: **TO AWARD CONTRACT FOR EMERGENCY GENERATOR TO CUMMINGS SOUTHEASTERN IN THE AMOUNT OF \$17,660.79.**

Roll Call Vote:

Ayes: 5 – Gilbert, Patronik, Pruette, Shimp, Brown
Noes: 0

MOTION CARRIED

Public Services
Facility

AWARD ARCHITECTURAL SERVICE CONTRACT TO PQH VARGAS TO PLAN AND DESIGN PUBLIC SERVICES FACILITY: City Manager Linn recommended awarding a contract to PQH Vargas in the amount of \$85,391.02 to plan and design a new public services facility. Mr. Linn explained the design would be completed in two phases, the first phase would be the pre-design at \$24,891.02, the second phase was the schematics at 45,000, and the remaining amount was for reimbursements. Mr. Linn added the contract could be terminated at anytime. He anticipated the funding for the project coming from the Better Jacksonville Plan.

Moved by Shimp, seconded by Patronik.

Motion: **TO AWARD THE ARCHITECTURAL SERVICE CONTRACT FOR THE PLAN AND DESIGN – PUBLIC SERVICES FACILITY TO PQH VARGAS - \$85,391.02.**

Roll Call Vote:

Ayes: 5 – Gilbert, Patronik, Pruette, Shimp, Brown
Noes: 0

MOTION CARRIED

Kings Road
Bridge

AWARD ARCHITECTURAL SERVICE CONTRACT TO PQH VARGAS TO REPLACE THE KINGS ROAD BRIDGE: City Manager Linn stated the number one priority for the use of the revenue from the Better Jacksonville Plan was to replace the Kings Road bridge. Mr. Linn recommended awarding a study contract to PQH Vargas not to exceed

the amount of \$25,000, with a related budget of \$10,500 for needed testing.

Legal City Attorney White advised that according to state law the city could award a contract up to \$25,000 for a study without advertising for proposals.

City Manager Linn stated the City of Jacksonville Beach would provide temporary access at the end of a cul-de-sac while the bridge was being constructed.

Councilor Pruette asked City Manager Linn what the time frame would be. Mr. Linn estimated three to six months on the design.

Moved by Gilbert, seconded by Pruette.

Motion: **AUTHORIZE THE CITY MANAGER TO REQUEST QUALIFICATIONS FOR THE DESIGN AND BUILD OF THE KINGS ROAD BRIDGE.**

Roll Call Vote:

Ayes: 5 – Gilbert, Patronik, Pruette, Shimp, Brown

Noes: 0

MOTION CARRIED

NEW BUSINESS

Hagler Drive

AWARD CONTRACT TO GRUHN-MAY TO REPLACE WATER LINE ON HAGLER DRIVE: City Manager Linn stated he was recently made aware that the residents along Hagler Drive had been suffering for years with low water pressure. Mr. Linn recommended awarding a contract to Gruhn-May for replacement of the water line.

Vice Mayor Shimp asked if the pipe bursting technology could be used to replace the line. Jim Miller, PBS&J, stated the line could only go up one size. It was a 2-inch line and could not go up to a 6-inch line.

Councilor Pruette asked if it was fair to other contractors to award the bid to Gruhn-May without requests for proposals. City Manager Linn explained it was a \$35,000 project and putting together a bid package would cost \$5,000. City Manager Linn added the contract with Gruhn-May would be piggy backed off Atlantic Beach.

Moved by Shimp, seconded by Pruette.

Motion: **TO AWARD A CONTRACT TO GRUHN-MAY FOR THE REPLACEMENT OF THE WATER LINE ON HAGLER DRIVE.**

City Attorney White asked if there would be a signed contract or an agreement. City Manager Linn responded it would be done by purchase order.

Roll Call Vote:

Ayes: 5 – Gilbert, Patronik, Pruette, Shimp, Brown

Noes: 0

MOTION CARRIED

Dancin' in the Streets

APPROVE FIRST STREET CLOSURE AND WAVE ENFORCEMENT OF OPEN CONTAINER ORDINANCE FOR "DANCIN' IN THE STREETS": City Manager Linn recommended closing the streets on Atlantic Boulevard to Second Street and First Street to Orange Street and waiving the open container ordinance for the annual

Dancin' in the Streets.

Moved by Patronik, seconded by Shimp.

Motion: **TO CLOSE OFF THE STREETS AND WAVE THE ENFORCEMENT OF THE OPEN CONTAINER ORDINANCE DURING THE HOURS OF THE FESTIVAL ONLY AND WITHIN THE FESTIVAL BOUNDARIES.**

Roll Call Vote:

Ayes: 5 – Gilbert, Patronik, Pruette, Shimp, Brown

Noes: 0

MOTION CARRIED

Resolution No.
2002-07

RESOLUTION NO. 2002-07: RESOLUTION ESTABLISHING STORMWATER UTILITY RATE AND PROVIDING AN EFFECTIVE DATE.

Moved by Shimp, seconded by Patronik.

Motion: **TO ADOPT RESOLUTION NO. 2002-07, ESTABLISHING STORMWATER UTILITY RATE.**

Roll Call Vote:

Ayes: 5 – Gilbert, Patronik, Pruette, Shimp, Brown

Noes: 0

MOTION CARRIED

Legal Opinion City Attorney White clarified that you could not close off a right-of-way at the request of adjoining property owners. The right-of-way was there for the public and there had to be substantial evidence to deny access to the property.

Recess/Reconvene The meeting recessed at 8:50 p.m. and reconvened at 9:00p.m.

Poinciana **STEVE JARRETT DEVELOPMENT ON POINCIANA ROAD:** Councilor Gilbert stated he met with Steve Jarrett and the representatives for Summer Sands on two different occasions. The number one thing Summer Sands wanted was to permanently close the rear entrance to Summer Sands. Councilor Gilbert suggested the city develop the remainder of streets in Neptune Beach that had not been developed.

Vice Mayor Shimp stated he would sponsor a bill closing off Bay Street and abandoning the property. He felt there should be a compromise between the Summer Sands residents and Steve Jarrett.

Councilor Patronik felt Mr. Jarrett should not have to absorb the additional cost for an alternative access. He was concerned about having substantial evidence to close off the street.

Councilor Pruette stated Mr. Jarrett had an alternate access and it was all about money. She suggested asking the City of Jacksonville to install a culvert.

Steve Jarrett stated he had anticipated that the right-of-way would be open for access to the property. He was willing to access the property through another route but felt he should not have to bear the total cost. He added that the situation needed to be resolved as soon as possible so he could market the property while the market was still good.

Council discussed the alternative routes and the cost of providing them.

Steve Jarrett asked when Council would consider his request to divide one of the lots.

Bill Darush, 304 Sunrise Circle, President of the Summer Sands Homeowners Association, stated there was a definite traffic problem because there was not a traffic light at the intersection of Atlantic Boulevard and more vehicles would add to the problem. They did not want other cars using the entrance or the streets that they developed and maintained. It was their opinion that the developer should pay for one of the three alternative accesses. They also did not want one member of Summer Sands to be assessed for any streets that Mr. Jarrett developed because it would not benefit them in any way. His thoughts from the last meeting were that the consensus of council was that Mr. Jarrett would not use the Summer Sands entrance and they would be notified of future meetings regarding the issue. He added the residents were not notified the issue would be on the agenda tonight.

Mayor Brown emphasized the City Attorney advised that council may not have the right to deny access to a city street.

Councilor Pruette stated a solution needed to be made as soon as possible.

Vice Mayor Shimp asked the staff to estimate the cost of alternate accesses and contact the City of Jacksonville about installing a culvert.

Councilor Patronik stated cost of alternative accesses could be discussed at the next workshop and emphasized based on the City Attorney's advice there had to be a clear reason with evidence why the access was being denied.

City Manager Linn questioned how to place the subject back on the agenda since the council took action to deny the development order.

Vice Mayor Shimp stated he would ask to place the development order to split the lots back on the agenda. He questioned why Oakhurst could not be abandoned when other roads in the city have been abandoned.

Councilor Gilbert stated that according to Mr. Darush the Summer Sands Homeowners Association could not be accessed for streets unless it was for the benefit of the entire subdivision. Councilor Gilbert questioned if the law would allow the city to pay for them if it did not benefit the entire city.

COMMENTS FROM THE PUBLIC

Michael Aston, 1523 Summer Sands Drive, felt that the city had the authority, power, and legal right to control the amount and direction of traffic flow in a development within the city. He did not believe it would cause a burden to Mr. Jarrett. Mr. Aston read parts of a prepared two page letter and quoted statements from the March 2002, Planning & Development Review Board meeting. He also mentioned a letter from Mayor Vaughn to the Florida Department of Transportation and Resolution No. 2000-06 passed by the council, regarding concern for a traffic light at the intersection of Atlantic Boulevard and Summer Sands. He was also concerned that Summer Sands was not properly notified. He requested postponing the decision until experts had reviewed the issue of drainage.

Shelby Weikel, 228 Windswept Circle, agreed the residents of Summer Sands were not notified of the development. When she bought her property in 1991 she was assured the city had no plans to turn the end of Oakhurst Drive into a roadway because of a water or sewer main. Ms. Weikel also felt the owners of Summer Sands should not be accessed for any new streets.

Leslie Karlin, 1506 Spindrift Circle West, felt Mr. Jarrett should pay for the streets and pass the expense on to his buyers.

Linda Perschel, 1865 Nightfall Drive, owner of eight lots on Bay Road and Poinciana, would be most affected by the assessment. Owner of the red schoolhouse and two lots on the other side of Bay Road. The children cross back and forth on that road to play on the soccer field and baseball field. She would be penalized personally for not developing the land. She had asked many times to rezone the property and made a commitment to the council not to develop the land. It would be a tremendous cost to her. She did not think it was fair to close off the road. If she was assessed 11,000 a lot she would have nothing to lose by hiring an attorney. She also was not notified the Council was discussing assessing the property owners.

Fred Hofmann, 130 Sand Castle Way, thought the council should look into the possibility of abandoning the property at the end of Oakhurst Road.

Resolution No.
2002- 08

RESOLUTION NO. 2002-08, BOARD APPOINTMENTS: A RESOLUTION APPOINTING BOARD MEMBERS TO THE BOARD OF APPEALS AND REAPPOINTING MEMBERS TO THE CODE ENFORCEMENT BOARD AND PLANNING AND DEVELOPMENT REVIEW BOARD.

Vice Mayor Shimp stated that Donald White, Chairman of the Board of Appeals, was currently serving on the Board and his term limits had expired. Vice Mayor Shimp requested Resolution No. 2002-08 be deferred until the staff researched the term limits of the appointees.

BOARD OF APPEALS

Daniel Disch	Appoint Regular	3 year	05/06/2002	05/05/2005
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CODE ENFORCEMENT BOARD

James Ness	Reappoint Alternate	1 year	04/02/2002	04/03/2002
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PLANNING & DEVELOPMENT REVIEW BOARD

Fred Lee	Reappoint Alternate	1 year	04/02/2002	04/01/2003
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Consensus: **TO DEFER RESOLUTION NO. 2002-08 TO THE WORKSHOP AND RESEARCH THE APPOINTEES TERM LIMITS.**

Adjournment

There being no further business, the meeting adjourned at 10:24 p.m.

Richard A. Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
WORKSHOP CITY COUNCIL MEETING
MAY 20, 2002 AT 7:00 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 May 20, 2002 at 7:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

Mayor Richard A. Brown
Vice Mayor Robert A. Shimp
Councilor James Gilbert
Councilor Ronald A. Patronik
Councilor Harriet Pruette
City Attorney Christopher White

City Manager Richard A. Linn
City Clerk Lisa Volpe, CMC
Deputy City Clerk Karla Strait, CMC
Assistant to the City Manager Terry Klein
Director of Public Finance Steve Ramsey
Director of Public Services John Galen
Building Official Dan Arlington

Call to Order/Roll Call The Mayor called the meeting to order at 7:00 p.m.

COMMITTEE REPORTS

IBBC **ISH BRANT BEAUTIFICATION COMMITTEE REPORT:** City Manager Linn reported the Ish Brant Beautification Committee had a work detail at the butterfly garden in Jarboe Park last Saturday.

CITY MANAGERS PUNCH LIST

Water Improvement Project **WATER IMPROVEMENT PROJECT – PHASE 1 B&C:** City Manager Linn updated he had received approval from the Florida Department of Environmental Protection for the award of the bid. The engineer issued a notice to proceed to the contractor and the clock started Friday. The city website had a link to PBS&J that had the contractor's construction schedule.

Jarboe Park **FOOTBRIDGE – JARBOE PARK:** Vice Mayor Shimp asked City Manager Linn when the footbridge would be installed in Jarboe Park. Mr. Linn responded it should be in a couple of weeks.

FLCC **FLORIDA LEAGUE OF CITIES ANNUAL CONFERENCE:** City Clerk Lisa Volpe reminded council the Florida League of Cities Conference would be held in August and asked them to notify the clerk's office if they would like to attend.

PROPOSED ORDINANCES

Ord. No. 2002-03 **ORDINANCE NO. 2002-03, DRIVE IN RESTAURANTS:** AN ORDINANCE OF THE CITY

OF NEPTUNE BEACH, FLORIDA AMENDING SECTION 27-225(2), USES EXPRESSLY PROHIBITED WITHIN ZONING DISTRICTS, AND TABLE 27-226-1, TABLE OF PERMISSIBLE USES AND PROVIDING AN EFFECTIVE DATE.

Mayor Brown explained there was a request for consideration to remove the old outdated building that was Mays Chinese Restaurant on Atlantic Boulevard and replace it with a modern Sonic's Drive-In Restaurant. The code currently prohibited drive-in service restaurants. The Planning & Development Review Board turned down the request for a special exception to allow the Sonic. This ordinance would amend the code and allow drive-in restaurants.

Councilor Pruette felt the council should consider making the current outdoor dining in Town Center legal.

Vice Mayor Shimp agreed with the Planning & Development Review Board. He was concerned about trash being blown around.

Councilor Gilbert also agreed with the Planning & Development Review Board. He stated the Sonic in Mayport created a lot of trash around the area.

Consensus: **LEAVE THE EXISTING ORDINANCE IN PLACE.**

Ord. No. 2002-04

ORDINANCE NO. 2002-04, IMPERVIOUS SURFACE: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING SECTION 27-238, MAXIMUM LOT COVERAGE AND PROVIDING AN EFFECTIVE DATE.

Councilor Pruette stated impervious surfaces were important to the future of Neptune Beach and the ordinance was needed. There were fourteen areas in the city with drainage problems. In her block alone the drainage had worsened.

Mayor Brown stated Atlantic Beach required 50% and Jacksonville Beach required 35% pervious surface. Building Official Dan Arlington stated 50% still allowed reasonable use of a lot. Mr. Arlington commented that Jacksonville Beach allowed only 35% of a lot to be impervious, so 65% would be pervious.

Vice Mayor Shimp spoke with two engineers that confirmed it would take a 100-year storm to affect the area east of Third Street. In the seven years that he had lived there it had not got any worse. He blamed the city for not keeping up with the sewer system. He felt the only people complaining were the people whose lots were built out and the people who had not built their property out would not be able to and that would lower the value of their property. He felt more research should be done.

Mayor Brown asked if a public hearing had been scheduled on the ordinance. City Clerk Volpe responded that a public hearing would be held on the second and final read of the ordinance and there could also be a public hearing at first read if desired.

Councilor Gilbert felt the ordinance was needed to control the floodwaters but should have a one or two year grace period. He also felt it would eventually create a better way of life for everyone.

Councilor Patronik stated that a stormwater utility fee of \$3.00 per household had been adopted to maintain and improve the stormwater. He wanted to see the stormwater runoff improved and that may correct the problem without the need for the ordinance.

City Manager Linn stated the ordinance would affect the entire city but the greatest impact would be east of Third Street because of the large homes on small lots. Building

Official Dan Arlington stated the ordinance would require less than half of lots east of Third Street to request a variance to add on to their property.

Vice Mayor Shimp encouraged the other council members to drive east of Third Street and look at the different size lots because some of the homes were built on half size lots and according to the code they would not be able to rebuild. Building Official Dan Arlington explained according to the footprint bill the homes could be rebuilt to the exact square footage.

Councilor Pruette stated Neptune Beach was in the process of being completely redeveloped and the city should be proactive in order to protect future green space. Other cities had an ordinance limiting impervious surface and so should Neptune Beach. As it stood now the entire city could be completely concreted without a permit.

Consensus: **MOVE ORDINANCE NO. 2002-04 FORWARD TO THE JUNE REGULAR MEETING FOR FIRST READ AND PUBLIC HEARING.**

CONTRACT/AGREEMENTS/NONE

ISSUE DEVELOPMENT

North Street
Abandonment

ABANDONMENT OF PROPERTY SOUTH OF NORTH STREET: Vice Mayor Shimp explained the city abandoned the east side of First Street to the residents because the homes were built right up to the property line. He felt the city should abandon the property on the south side of North Street for the same reason. He explained the city property was actually their front yard and they maintained it as such. Therefore he thought the city should abandon it and let them have it. He also felt it would relieve the city of legal ramifications if anyone were to be injured on the property.

Glenn Jeffreys, 111North Street, explained the property was between First Street and Strand. He was surprised that city owned the 20' of property that was his front lawn.

City Attorney White responded to City Manager Linn that abandoning the property would have an impact on setbacks, minimum lot sizes, and density and would allow lots to be subdivided.

Councilor Gilbert did not see a reason for abandoning the property. He questioned how the homes were built out to the property line to begin with and if 10 feet were abandoned they could build out that 10 feet and so forth.

Councilor Pruette did not agree with abandoning city property because it may be needed in the future.

Councilor Patronik asked how many homes would be affected. Building Official Dan Arlington responded if one of the properties was still a double lot it would affect a total of four properties.

Councilor Gilbert stated other properties within the city were also built right up to the city line and he was concerned they would also asked the city to abandon property.

Councilor Patronik suggested the city could abandon the property but retain its right to use it and they would not be able to build on it.

Vice Mayor Shimp felt it would give the property owners peace of mind to do what they wanted with their landscaping if the city would abandon the property.

BOA Term Limits

BOARD TERM LIMITS: Vice Mayor Shimp explained that it had come to his attention that Donald White had been serving on the Board of Appeals after his term limits had expired. He felt the staff failed by not recognizing his term limits had expired and recommending him to be reappointed. He felt Mr. White should be asked to resign.

Mayor Brown stated there was some confusion because Mr. White was first appointed before the term limits were adopted and he felt that his first term should not be counted.

Legal Opinion

City Attorney White explained the ordinance setting the term limits was inconsistent however the intent was to set a three-year two-term limit for regular members and should apply to the board members who were serving when the ordinance was passed. There was a hold over provision that allowed someone to hold over the term limit until he was replaced. He considered Mr. White as a hold over member of the board until he was replaced.

Councilor Pruette stated the ordinance was flawed and needed to be corrected. She added that serving on the board was a thankless job and the members had to make tough decisions. She felt Mr. White should be allowed to remain on the board and serve the remainder of his term because he had the experience and had done a good job.

City Manager Linn stated the ordinance also read that someone could be reappointed twelve months after completion of two terms and Mr. White qualified to be reappointed because his term had expired over twelve months ago. City Attorney White responded it was a matter of interpretation but the intent was to have someone off the board for a period of one year before he was reappointed.

Councilor Gilbert agreed with Vice Mayor Shimp stating that term limits were in place for a reason and it was clear that Donald White had served on the Board for almost nine years.

Vice Mayor Shimp felt that in the spirit of good faith to the community Mr. White should resign from board. The ordinance set term limits and if the term limits were not followed then we did not need a city charter.

Councilor Pruette ask City Attorney White to clear up the language of the ordinance and bring it to the council next month.

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

Sewer Capital Improvement

SEWER CAPITAL IMPROVEMENT PROJECT: City Manager Linn stated he had placed information from Jim Miller of PBS&J regarding the Sewer Capital Improvement Project at council stations.

Councilor Pruette felt this was not the time to discuss the Sewer Capital Improvement Project because she just received the information and had not had a chance to review it. She asked that a special meeting be held as soon as possible.

Vice Mayor Shimp asked to hold a special meeting to discuss the Sewer Capital Improvement Project. He explained he brought up the issue because the last council wanted to complete the water and sewer project at the same time.

Consensus: **TO HOLD A SEPARATE MEETING TO DISCUSS THE SEWER CAPITAL IMPROVEMENT PROJECT ON MAY 29TH AT 6:30 P.M.**

Recess/Reconvene The meeting recessed at 8:00 p.m. and reconvened at 8:10 p.m.

Severed Sewer Line SEVERED SEWER LINE ON FLORIDA BOULEVARD: Councilor Pruette placed this issue on the agenda because she wanted to find out what the problem was with the severed sewer line and discuss solutions to reconnect it.

City Manager Linn explained the city acted legitimately when a permit was issued back in 1987 for two sewer lines for two separate homes on one property. Subsequent to that time the lot had been subdivided without the knowledge of the city. It appeared now that one of the property owners had decided to sever the neighbor's sewer line because it ran across his property without an easement agreement. Mr. Linn concluded that this was a dispute between the two property owners and the city should not be involved.

Mayor Brown stated he would like to have seen the staff research the legal issues of the parties. He felt anytime there was an occupied dwelling with a cut sewer line it was a city issue and needed to be handled carefully. He never expected something like this to happen in the city.

City Manager Linn stated that both parties had been advised to seek legal counsel before the sewer pipe was cut.

Mayor Brown had spoken with the Health Department and they would permit and allow a septic tank to be installed on the property.

Councilor Pruette stated she was not aware of the problem until she was contacted by e-mail from the homeowner whose sewer line had been cut. She felt the city staff should have informed the council of the problem. She would like the council to pass an ordinance that would make it mandatory for all residences to have their own sewer line.

Building Official Dan Arlington explained there was currently an ordinance in the code that required each property to have its own sewer line.

Vice Mayor Shimp questioned if the water line was also on the neighbor's property and if it would also be cut. City Manager Linn responded that the water line was also on the neighbor's property. Vice Mayor Shimp stated the same problem existed in several areas east of Third Street. He felt if the city let it happen the city should take care of it.

City Manager Linn informed that the city did not make the mistake. The parcel was never re-platted by the city and the property owner made the mistake by subdividing the property without recording with the city.

Mayor Brown asked City Attorney White to prepare an ordinance making it illegal to sever a sewer line without the permission of the council.

Legal Advise City Attorney White stated if the property owners could not reach an agreement, the council would have to decide if the city wanted to take formal legal action in terms of seeking injunctive relief against the person who disconnected the sewer line. The city could also take a look at whether or not this created a nuisance under Section 28.33 and if emergency action could be taken on a temporary basis to abate the nuisance. The only options to the city were if something could not be worked out on a short term basis between the property owners, the council would be left no alternative but to either initiate emergency nuisance procedures or file for injunctive relief downtown seeking a court order that would require the property owner to reconnect.

Councilor Gilbert felt it was more of a civil issue than a city issue because you could not

dictate where a person ran his sewer line on his own property. The issue went deeper than just cutting the sewer line. The division of the property created the non-conformity. He felt legislation needed to be passed in Duval County that nothing could be placed on the tax roll unless it conformed to municipality standards. He felt it was the city's responsibility to get it reconnected immediately and the two parties should settle their differences in civil court. It created a health problem and the council should force it to be reconnected. It was the city's responsibility to bring city and public services to the edge of the property line. The deeds were issued with the sewer line on the property and it should remain on the property. When the owner purchased the property he purchased the sewer line along with it.

Councilor Pruette stated that Ms. Autin, the homeowner whose sewer line was disconnected, received a Sanitation Violation Notice today from Building Official Dan Arlington stating that she needed to cap the exposed sewer line.

Ms. Autin read the following letter:

After an onsite inspection of the referred property open discharge of untreated sewage was found. The open sewer line must be capped and the contaminated area disinfected with 24 hours. The cap must be made for the purpose, be tight fitting, and be permanently installed with PVC glue. Failure to cap the open sewer line within 24 hours will result in condemnation of the residence.

Mayor Brown stated the Health Department had informed him they could cite both parties but they agreed to wait until after the council workshop meeting to discuss a solution.

Vice Mayor Shimp agreed with Councilor Gilbert that when the property was sold or bought the sewer line went along with it. It should be reconnected and an easement provided.

Councilor Patronik asked what could be done in the meantime.

Legal Advise City Attorney White advised he could begin the injunction process or if the city wanted they could authorize the reconnection. However because the city would be dealing with a private dispute there could be ramifications.

Ms. Autin did not understand why the city was not responsible since they had inspected and approved it. She stated that Building Official Dan Arlington told Mr. McCue he had the right to cut the sewer line on his property. Mr. Arlington also told her that he was doing her a favor by not condemning her property.

Mr. McCue felt it was poor planning by the city to inspect, allow, and approve the sewer line on his property without an easement. He offered to deed a 10-foot easement on his property if the city would pay the cost of installing a new sewer line and a grinder pump.

Councilor Pruette stated she did not understand why Mr. McCue cut the sewer line. Mr. McCue replied he cut the sewer line because the neighbors were selling their house and he did not want to work out the problem with the new neighbors. It was the only way he could get any action out of city.

Mayor Brown asked Mr. McCue if he would be willing to allow a temporary connection while a solution was being worked out. Mr. McCue responded he would allow temporary connection with a written statement that the city would pay for and install the sewer. Mayor Brown replied the council could not take any immediate action.

Councilor Pruette stated there was a couple in the audience that lived over there that had

an easement and she wanted to hear from them.

Terry and Sandra Jordan, 1025 Neptune Lane, were concerned because the survey of their property they had done in 1981 showed their sewer line crossed their neighbor's property. City Manager Linn advised them that it would be in their best interest to get a written easement agreement with their neighbor.

City Attorney White questioned who would prepare the paperwork for the 10-foot easement agreement between the property owners.

Mr. McCue stated he would have his counsel prepare the agreement for the easement. He agreed to connect the sewer line temporarily if the city would agree to allow the 10-foot easement and install the sewer line and grinder pump. Mayor Brown stated again the city could not take action at a workshop meeting.

Mr. McCue would not agree to temporarily reconnect the sewer line until he spoke with his counsel.

For the Record Mayor Brown asked on the record if there was an agreement to reconnect the sewer line.

City Attorney White clarified Mr. McCue stated he would speak with his counsel in the morning and have a decision back to the city by 11:00 a.m. tomorrow.

Building Official Dan Arlington stated the most important issue at hand was the raw sewage coming out the pipe. He added it would only cost about ten dollars to cap it off and would take about a half an hour.

Vice Mayor Shimp asked if the city would give them until tomorrow to cap the sewer line.

Consensus: **TO FILE AN INJUNCTION IF NOTICE IS NOT RECEIVED FROM MR. MCCUE ALLOWING RECONNECT THE SEWER LINE BY 11:00 A.M. TOMORROW.**

Poinciana Road

COST OF ALTERNATE ROADWAYS TO POCIANNA ROAD: Mr. Linn stated Director of Public Works John Galen had prepared a cost estimate of \$35,500 for an alternate entrance to Steve Jarrett's property from Bay Road down to Poinciana Road. The estimate did not include drainage or curb work. Mr. Jarrett's cost estimate was around \$65,000 including drainage, water and sewage. Including the water, sewer and drainage both were about the same. The other alternate entrance was going out Oakhurst Drive to Florida Boulevard. He had contacted the City of Jacksonville and they would not agree to install a culvert at the intersection. It was beyond his ability to estimate that cost but at the direction of the council he could hire an engineer.

Councilor Pruette responded to Mr. Linn she had spoken with City of Jacksonville Councilman Jerry Holland about the installing the culvert, and was told today that he was looking into it and Mr. Beck would write a letter this week with an estimate of the cost.

Director of Public Services John Galen stated in 1985 when Smith & Gillespie did the plans for Prado Ferrer that portion of Oakhurst Drive going out to Florida Boulevard was strictly designed to be a drainage structure and was never intended to be a road.

Vice Mayor Shimp, commented that not long ago when Summer Sands requested that a traffic light be placed at the entrance on Atlantic Boulevard one of the reasons the Stated would not allow it was because there was an alternate entrance off of Florida Boulevard they could open up. At that time there was no problem with opening that portion of Oakhurst Drive. The city had agreed to open Oakhurst Drive for Summer Sands and

should do the same for Mr. Jarrett.

Mayor Brown stated the dilemma was that Mr. Jarrett had a legal right to connect through Oakhurst Drive.

Councilor Patronik thought it would be fair for the city to subsidize the additional cost of an alternate entrance other than through Summer Sands.

Councilor Gilbert stated legally the city could not deny Mr. Jarrett the right to access his property through Summer Sands. He did not think it was fair to assess the residents of Leeward Landing and Bal Harbour for the cost of the road modifications for Bay Road, Poinciana Road, and Oakhurst Drive. He thought the city needed to make a decision to develop all undeveloped streets in the city and assess the property owners to avoid this problem arising in the future.

Mayor Brown stated that without a true engineering study we could not get an accurate estimate.

Director of Public Services John Galen stated the city should leave the roads the way they were platted. He added that portion of Oakhurst Drive was a drainage structure and if it were opened up to Florida Boulevard there would be nowhere for water to drain. He felt the residents of Summer Sands would not benefit from the alternate access and should not be assessed.

Councilor Gilbert stated Summer Sands would benefit if Mr. Jarrett entered his property through Bay Road because the future owners of those four lots would not be driving through the Summer Sands entrance down Oakhurst Drive and that was precisely the reason alternate access was being discussed.

Mr. Jarrett commented Mr. Galen was trying to explain it would be a tremendous infrastructure expense to open Oakhurst Drive because the water would have to be forced to drain somewhere else and a new water management plan would be needed.

Vice Mayor Shimp suggested placing the issue on the June 3, 2002, agenda and voting on it.

Steve Jarrett stated the council had two decisions, either subsidize the project or, assess the adjoining property owners.

Budget Workshops

Mayor Brown asked if everyone agreed with the dates of June 17th and July 8th that Director of Finance Steve Ramsey had set for the budget workshops.

Consensus: **TO HOLD BUDGET WORKSHOP MEETINGS ON JUNE 17, 2002 AND JULY 8, 2002 AT 6:00 P.M.**

Public Comments

PUBLIC COMMENTS ON AGENDA ITEMS ONLY

Leslie Karlin, 1506 Spindrift Circle West, felt Summer Sands residents had a right to their privacy and the developer should pay for his own entrance and streets. She added the public right of way was not a true right of way because it did not go anywhere.

Carlos Asensio, 1311 Atlantic Boulevard, representative for the property owner, stated they would like the city to grant a special exception to allow a Sonic Drive-In Restaurant at 1311 Atlantic Boulevard. He added the shopping center was becoming a blighted area and a Sonic would bring value into the community. Sonic was a large restaurant chain with over 2,400 Sonics in 30 states.

Michael Aston, 1523 Summer Sands Drive, stated the main concern of the residents of Summer Sands was not opening Oakhurst Drive to be a through street from Atlantic Boulevard to Florida Boulevard.

Larry Shealy, 1501 First Street, member of the Planning & Development Review Board, stated Carlos Asensio, the representative for the property at 1311 Atlantic Boulevard was present at the meeting and did not take the opportunity to speak with Board.

Lana Huguenin, 1521 Summer Sands, was familiar with the Sonic restaurant chain and stated they were very involved in community. She felt it would be a good addition to the city.

Lynda Padrta, 1113 First Street, felt the city tax money belonged to the all the citizens of Neptune Beach and should be spent for the benefit of the entire city. It was her impression the two property owners discussed the sewer line and decided to cut it in order to force the city to pay for the cost of the grinder pump and new sewer line. She did not favor the drive in restaurant on Atlantic Boulevard because trash would be a major concern.

Jim Miller, 1633 Hopkins Creek Lane, stated setting limits on impervious surfaces did not necessarily mean it would increase or decrease the runoff.

Councilor Pruette urged the council to ask Building Official Dan Arlington to work with the City of Jacksonville in passing an ordinance that would not allow Duval County to record a property without the consent of the Planning & Development Review Board.

Steve Jarrett stated the city would have a hard time enforcing such an ordinance.

Adjournment

There being no further business, the meeting adjourned at 10:21 p.m.

Richard A. Brown, Mayor

Attest:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
WORKSHOP CITY COUNCIL MEETING
LAND DEVELOPMENT REGULATIONS
MAY 28, 2002 AT 7:00 P.M.
CITY HALL, 116 FIRST STREET
NEPTUNE BEACH, FLORIDA

Pursuant to proper notice a Special Meeting of the City Council of the City of Neptune Beach was held May 28, 2002, at 7:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

Mayor Richard A. Brown
Vice Mayor Robert A. Shimp
Councilor James Gilbert
Councilor Ronald D. Patronik
Councilor Harriet Pruette
City Manager Richard A. Linn

Deputy City Clerk Karla Strait, CMC
Building Official Dan Arlington
Assistant to the Building Official Piper Turner

Absent:
City Clerk Lisa Volpe, CMC
City Attorney Christopher White

Call to Order/Roll Call

The Mayor called the meeting to order at 7:00 p.m.

PUBLIC COMMENTS

Robert West, 106 Hall Place, suggested adding a paragraph in the Land Development Regulations that would allow rebuilding of homes after a hurricane.

Daryl Grubbs, 1919 Nightfall Drive, suggested allowing more land uses in the C-2 district.

Charlie Gear, 1004 Second Street, was concerned about the affect on the footprint bill.

City Manager Linn explained the existing code read that any structure substantially damaged by a natural cause could be rebuilt on the original footprint without the need for a variance.

Lynda Padrta, 1113 First Street, opposed changing the Comprehensive Plan to accommodate additional density in R-4 and R-5 districts.

Ed Jones, 430 Oceanfront, felt it was appropriate to allow detached garages on oceanfront lots and lots between First Street and Strand. He was concerned about the vision of the Central Business District.

Lynda Padrta, 113 First Street, opposed discontinuing the allowance of a 4' deck without a variance.

Judy Bost, 115 Walnut Street, asked City Manager Linn to clarify the footprint bill.

City Manager Linn explained the footprint bill allowed the rebuilding of the home if it was substantially damaged by a hurricane or fire without increasing the non-conformity. The construction had to be completed within 24 months.

Land Development
Article IV Section 27

LAND DEVELOPMENT REGULATIONS REVIEW ARTICLE IV, SECTION 27 LAND USE: Building Official Dan Arlington explained the handout was the latest edition and the proposed additions were underlined and the proposed deletions were crossed through.

SECTIONS 27-213 APPLICABILITY, 27-214 FINDINGS OF FACT, 27-215 PURPOSE AND INTENT: were expanded.

SECTION 27-216 DEFINITIONS: were moved to another location. Mr. Arlington stated definitions could still be added. He wanted to add the definition of "bay window".

SECTION 27-218 AMENDMENTS TO ZONING MAP: was expanded.

SECTION 27-219 INTERPRETATION OF ZONING DISTRICT BOUNDARIES: Had new language that required recommendation from the Planning & Development Review Board with the Council having the final decision.

SECTION 27-220, DIVISION OF LOT OF RECORD BY DISTRICT BOUNDARY: Added new language requiring Council review. Currently the zoning map was clean with no lots with split zoning districts.

SECTION 27-222, PURPOSE AND INTENT OF ZONING DISTRICTS: See following subsections 1 through 10.

SUBSECTION 1, THE DESIGN GOALS FOR NEW CONSTRUCTION OR IMPROVEMENTS ARE AS FOLLOWS:

SUBSECTION 2, THE DESIGN OBJECTIVES FOR NEW CONSTRUCTION OR IMPROVEMENTS ARE AS FOLLOWS:

Mr. Arlington stated subsections 1 & 2 related to goals, purposes and intent, and design. Mayor Brown stated these subsections were conflicting, as subsection 1 discouraged inharmonious and out of scale development and subsection 2 encouraged originality, flexibility and innovation. Mr. Arlington added it was in the eye of the beholder and very subjective. He had tried enforcing these in the past to no avail.

A lengthy discussion ensued about subsections 1 & 2.

Consensus: **TO STRIKE OUT SUBSECTIONS 1 & 2.**

SUBSECTION 3, RESIDENTIAL R-1, RESIDENTIAL R-2, AND RESIDENTIAL R-3 ZONING DISTRICTS: There were no changes to this section.

SUBSECTION 4, RESIDENTIAL R-4 ZONING DISTRICT: described the R-4 zoning district east of Third Street. The number of dwelling units per acre had been changed to 15. Mr. Arlington recommended leaving the density at 10. The current number of dwellings units per acre was 13. He felt that number would decrease in the future with duplexes being converted to single-family homes. If this change were made the Comprehensive Plan would also have to be changed.

A lengthy discussion ensued.

Consensus: **TO LEAVE THE NUMBER OF DWELLING UNITS PER ACRE AT TEN WITH THE INTENT TO LOWER THE AMOUNT OF SQUARE FOOTAGE PER LOT FOR A DUPLEX FROM 8000 SQUARE FEET TO 6000 SQUARE FEET.**

SUBSECTION 5, RESIDENTIAL R-5 ZONING DISTRICT: The number of dwelling units per acre was changed from 17 to 20. Mr. Arlington stated the reason for this change was to have the density in R-5 higher than in R-4. If R-4 did not change, R-5 did not need to be changed. Mr. Arlington calculated the current number of dwelling units per acre to be 25 including Ocean Oaks apartments.

Consensus: **TO LEAVE THE NUMBER OF DWELLING UNITS PER ACRE BETWEEN 10.1 AND NOT TO EXCEED 17.**

SUBSECTION 6, COMMERCIAL C-1, ZONING DISTRICT: The language was changed to better describe the usage.

SUBSECTION 7, COMMERCIAL C-2, ZONING DISTRICT: Allowed more usages than C-1 and better described the usages.

SUBSECTION 8, COMMERCIAL C-3, ZONING DISTRICT: Allowed more usages than C-2 and better described the usages.

SUBSECTION 9, CENTRAL BUSINESS ZONING DISTRICT: Changed to add new language discouraging residential uses.

Consensus: **STRIKE OUT NEW RESIDENTIAL USAGE AND GRANDFATHER IN THE EXISTING RESIDENTIAL UNITS.**

SUBSECTION 10, CONSERVATION ZONING DISTRICT: No changes.

Mr. Arlington recommended adding Subsection 11 to read as follows: "Check the footprint bill after reading the above described zones".

Consensus: **TO END THE MEETING AT SECTION 27-222 AND PICK UP AT SECTION 27-223.**

Adjournment

There being no further business, the meeting adjourned at 9:10 p.m.

ATTEST:

Richard A. Brown, Mayor

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
SPECIAL CITY COUNCIL MEETING
MAY 29, 2002 AT 6:00 P.M.
CITY HALL, 116 FIRST STREET
NEPTUNE BEACH, FLORIDA

Pursuant to proper notice a Special Meeting of the City Council of the City of Neptune Beach was held May 29, 2002, at 6:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

Mayor Richard A. Brown
Vice Mayor Robert D. Shimp
Councilor Jimmy Gilbert
Councilor Ronald D. Patronik
Councilor Harriet Pruette
City Attorney Christopher White

City Manager Richard A. Linn
City Clerk Lisa Volpe, CMC
Deputy City Clerk Karla Strait, CMC
Assistant to the Building Official Piper Turner
Building Official Dan Arlington

Call to Order/Roll Call

The Mayor called the meeting to order at 6:00 p.m. and explained the special meeting was called to discuss the severed sewer line on Neptune Lane and Penman Road.

City Manager Linn stated Vice Mayor Shimp had reached a compromise between the Mr. McCue and Ms. Autin after Mr. McCue severed Ms. Autin's sewer line because it was on his property. His recommendation included Mr. McCue providing an agreement allowing the sewer line to be installed underground to Neptune Lane, Ms. Autin purchasing a grinder pump, and the city paying to have a new line installed.

Mr. Linn stated an agreement would need to be drawn up between Mr. McCue, Ms. Autin and the city with an understanding that the city would provide the line but would not own, operate or maintain the line. The agreement would have to be recorded with the deed so there would be no misunderstanding in the future when the property was sold.

Mr. Linn added the other option was for Ms. Autin to have a sewer line installed up to the frontage on Penman Road. However, it would be less expensive to install it up to Neptune Lane.

Vice Mayor Shimp stated all parties had agreed to the arrangement.

Mayor Brown asked City Attorney White about any legal issues and if the city would be setting a precedent.

Legal Advise

City Attorney White stated this would not set a legal precedent. The city had discretion on whatever it wanted to do in this type of situation. He advised not to enter into any agreement until he saw the easement between Mr. McCue and Ms. Autin.

Mayor Brown stated he had asked City Attorney White to draft an ordinance that would make the cutting of any sewer line in Neptune Beach unlawful. He wanted to forward it to the next council meeting for first read.

Councilor Pruette had reservations and did not agree with the City Attorney that it would not set precedence. The building department had already received a certified letter from a resident who had a sewer line on his property that did not belong to him. He wanted to know how to have the owner move it.

Legal Advise City Attorney White stated if the city installed the sewer line it would not be admitting in any way that the city was at fault or responsible or was required legally to carry any of the financial responsibility of taking care of the situation. It would not be an admission that the city was obligated to do it.

Vice Mayor Shimp felt each property in this situation would have to be dealt with individually.

Councilor Gilbert questioned who would own the easement the city; Mr. McCue or Ms. Autin and if Ms. Autin would install the grinder pump.

Mr. McCue stated the easement would be an underground sewer utility easement only. It would be on his personal property and would allow the city to come in and install the line and fix any problems, however the property would be remain with the original deed of the property owner.

Lynda Padrta, 1113 First Street, felt because the sewer line had been on the property for many years it should be an implied easement.

Councilor Patronik felt the council should agree with the plan if the City Attorney approved the easement agreement.

Mayor Brown stated the city reacted because Ms. Autin's house was going to be condemned and she would be put out of her home. He was concerned because Mr. McCue created an emergency to get the city to install a new sewer line.

City Attorney White asked Mr. McCue if he meant that the city would be responsible for maintaining the lateral pipe through easement. Mr. McCue replied the city would be allowed to enter the property to install it. City Attorney White stated it was the property owner's responsibility to supply and maintain the lateral line from their house to the main city sewer hook up.

Vice Mayor Shimp requested this special meeting for council to vote on accepting the compromise contingent on approval from the city attorney. City Attorney White advised again he wanted to see the easement first. He suggested the property owners go ahead and get the easement prepared. If the easement was satisfactory then the council could approve the compromise.

Vice Mayor Shimp asked Mr. McCue what it would cost him to have the easement prepared. Mr. McCue replied he did not know the exact figure. Vice Mayor Shimp did not think it would be fair for Mr. McCue to pay to have the easement prepared and then have the council vote against it.

City Attorney White stated again he could not prepare an agreement without seeing the easement.

Councilor Gilbert agreed that Mr. McCue should prove to the council he would allow the easement. He would not agree to anything until he saw the language in the agreement.

Mr. McCue stated he had a copy of the property appraisers records and the two houses were not built on the same parcel and could not have been permitted that way.

Mayor Brown was comfortable waiting for the City Attorney to examine the easement and prepare an agreement for a decision to be made at that point.

City Manager Linn stated there were two possible routes for the property owner to reach the city sewer line, one was Penman Road, and the other was Neptune Lane. He asked City Attorney White if the city could recover the cost from the homeowner if they decided they wanted to use the Penman Road route. City Attorney White replied the city could recover the cost and assess it as a lien against the property.

Adjournment

There being no further business, the meeting adjourned at 6:38 p.m.

Richard A. Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
WORKSHOP CITY COUNCIL MEETING
MAY 29, 2002 AT 6:40 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 May 29, 2002 at 6:40 p.m., following the special meeting, in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

Mayor Richard A. Brown
Vice Mayor Robert A. Shimp
Councilor James Gilbert
Councilor Ronald A. Patronik
Councilor Harriet Pruette
City Manager Richard A. Linn

City Clerk Lisa Volpe, CMC
Deputy City Clerk Karla Strait, CMC
Director of Public Services John Galen
Supervisor of Water & Wastewater Leon Smith

ABSENT:
City Attorney Christopher White

Call to Order/Roll Call The Mayor called the meeting to order at 6:40 p.m.

SEWER PROJECT

Sewer Project

City Manager Linn stated the object of the meeting was to discuss how to proceed with the sewage in Phase B&C of the Master Plan. The engineer would be responsible for keeping the water and sewer construction from overlapping.

City Manager Linn asked Jim Miller, PBS&J to prepare and give a presentation on the different technologies.

Jim Miller, PBS&J, explained the following three sanitary sewer options east of Third Street.

1. **PIPE BURSTING:** Was a method where a pipe was inserted and pulled through the existing pipe. It would expand the existing pipe up to two sizes larger. This method was currently being used by J.E.A. The advantages were 1) no permits or plans would be required, 2) it was fast construction, 3) less ingress and egress interference, and 4) it was widely accepted trenchless technology. The disadvantages were 1) it did not correct depth or slope problems, 2) manholes and services must be rehabilitated to take full advantage of I/I reduction and 3) the Town Center lift station must be upgraded. The estimated cost of contract documents & bid phase would be \$30,000. The estimated cost of construction would be \$4,500,000. A complete estimated total of 4,530,000.
2. **IN-PLACE CURING / PIPE BURSTING:** A form where they set up a scaffolding over a manhole and put a material through the pipe to the next manhole and use

hot water and steam to cure it. In-Place curing was only good for 8" and above pipe. This method would have to be used in combination with pipe bursting because of the 6" lines. The same contractor could do both. The advantages to the pipe curing were 1) no permitting was required, 2) it would be relatively fast, 3) there would be less ingress & egress interference, 4) it was widely accepted trenchless technology, and 5) there would be minimal engineering. The disadvantages were 1) it would not correct depth or slope problems, 2) manholes and services must be rehabilitated to take full advantage of I/I reduction and 3) the Town Center lift station must be upgraded. The estimated cost of contract documents & bid phase would be \$30,000. The estimated cost of construction would be \$4,000,000. A total estimate of \$4,030,000.

3. VACUUM: The vacuum sewer system east of Third Street would require a vacuum station, which would be located close to lift station one. It would have the capability to serve the area east of Third Street as well as the area between Third Street and Fifth Street south of Florida Boulevard and the Bal Harbor area. The advantages are 1) they are clean and simple to operate and maintain, 2) it would eliminate the need for the Town Center lift station, and 3) it would provide a vacuum station for connection of other areas resulting in savings on future improvements. The disadvantages were 1) detailed engineering and permitting plans would be required, 2) the maintenance staff must learn the new technology, 3) it would require approximately 50% more chambers than manholes, and 4) require acceptance of new technology/concept by residents. The estimated cost of contract documents & bid phase would be \$200,000. The estimated cost of construction would be \$4,100,000. A total estimate of \$4,300,000.

If pipe bursting and pipe curing were used the estimated cost for the Town Center lift station upgrade would be \$20,000 for contract documents & bid phase, and \$75,000 for construction. Total estimated cost of \$95,000.

Director of Public Services John Galen stated the system was currently working, the only problem was infiltration. The pipe bursting from 6" would go to 8" with the current slopes. He had reservations about the vacuum system. He felt the vacuum system would work well west of Third Street between Florida Boulevard and Seagate Avenue because those lots were laid out neatly. He felt it would also work well in Oceanwood and Neptune by the Sea. It would be environmentally ideal to get the Nightfall area off septic tanks.

Director of Public Services John Galen stated the pipe curing technique was used on Forest Avenue and Penman Road.

Mr. Miller stated there were two contractors who could do both the pipe bursting and the pipe curing. If we could get approval by D.E.P. they would let us piggyback a J.E.A. contract without bidding.

Mr. Galen stated the pipe bursting system would need to be used east of Third Street because they were 6" lines and a minimum of 8" lines would be needed.

Mayor Brown asked if the infiltration causes any problems at the water treatment plant. Mr. Galen responded there is a big influx in the plant. The other thing was it surcharged the sewers and there was a tendency to see manholes rising up from the street. If the infiltration was eliminated then it would not happen and the water would most likely stay on the top and there would be a storm water problem.

Councilor Pruette was concerned about the maintenance on the vacuum system. Mr. Galen stated he did not expect any problems with the vacuum system other than not being adaptable east of Third Street.

Vice Mayor Shimp was concerned about pipe bursting in the low spots. Mr. Miller explained that if there were structural damage in the pipe it would have to be replaced. Vice Mayor Shimp also liked the vacuum system because it was environmentally conscious and could save water.

City Manager Linn stated the vacuum system would require more excavation to install the canisters. The pipe bursting would require every connection to be excavated to make the lateral connections. Mr. Linn stated one advantage of the vacuum system was the future reduction of cost and the elimination of lift stations. He felt there would be a problem east of Third Street no matter what system but the vacuum system would be the biggest.

Councilor Pruette spoke with the City Manager in Sanford and he told her they had a lot of maintenance problems. Mr. Galen responded they tied into the storm sewer system and it was not the same thing. He had no doubt the vacuum system worked, but felt it would be a problem installing it east of Third Street.

Councilor Patronik was concerned about the cost of maintenance if the pipe bursting system were used. Mr. Galen replied with either system the maintenance cost would be lower.

Councilor Gilbert asked if the old sewer lines in the back of properties in Bal Harbor would be abandoned. Mr. Miller recommended putting it in the street. He added that some sewers east of Third Street were not in right-of-ways and would also have to be addressed.

Mayor Brown asked about high priorities. Mr. Miller replied Bal Harbor and the area south of Florida Boulevard were high priorities but that at this point we had only applied to the state for loan money for Phase 1. After being urged by D.E.P. he gave Mr. Linn a proposal to prepare an amendment and apply for funds to complete the entire Master Plan.

Councilor Pruette asked what the total estimate was to complete the sewer work. Mr. Linn replied the estimate was 15.4 million dollars for both water and sewer and did not include the stormwater system.

Mayor Brown concluded this was a good update and asked what was recommended.

Tim Slater, 573 Magnolia Street, questioned the size of the pods and maintenance on the vacuum system. Mr. Miller replied they were the same size or smaller than a manhole cover. The maintenance was very minimal. The air controller may have to be replaced every three to four years, and the vacuum valve may need to be replaced every year or two.

Lynda Padrta, 1113 First Street, had heard a navy ship was planning to discontinue the use of the vacuum system and go to a gravity system. The reason was salt water and air corrosion caused a lot of maintenance. She was also concerned about power outages. Mr. Miller responded the only electricity would be the main vacuum station and it would be on a generator. The system on a ship was an entirely different system. We would not be dealing with vacuum toilets.

Mayor Brown asked Mr. Linn how he would like to proceed. Mr. Linn stated the council needed to evaluate the three different systems and come back with a decision.

Consensus: **TO USE THE PIPE BURSTING SYSTEM EAST OF THIRD STREET AND MOVE TO THE JUNE 3, 2000, REGULAR COUNCIL MEETING.**

Adjournment

There being no further business, the meeting adjourned at 7:45 p.m.

Attest:

Richard A. Brown, Mayor

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
REGULAR CITY COUNCIL MEETING
APRIL 8, 2002 AT 7:00 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 April 8, 2002, at 7:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

Mayor Richard A. Brown
Vice Mayor Robert D. Shimp
Councilor Jimmy Gilbert
Councilor Ronald D. Patronik
Councilor Harriet Pruette
City Manager Richard A. Linn

City Attorney Christopher A. White
City Clerk Lisa Volpe, CMC
Assistant to the City Manager Terry Klein
Assistant to the Building Official Piper Turner
Director of Finance Steve Ramsey
Building Official Dan Arlington
Deputy City Clerk Karla Strait, CMC

Order Call/Pledge

Mayor Brown called the meeting to order at 7:00 p.m. and asked Councilor Patronik to lead the Pledge of Allegiance.

AWARDS / PRESENTATIONS / RECOGNITION OF GUESTS/NONE

APPROVAL OF MINUTES

Motion:

TO APPROVE THE FOLLOWING MINUTES AS STATED:

MARCH 4, 2002, REGULAR COUNCIL MEETING
MARCH 18, 2002, WORKSHOP COUNCIL MEETING
MARCH 25, 2002, WORKSHOP COUNCIL MEETING
MARCH 28, 2002, SPECIAL COUNCIL MEETING

Moved by Shimp, seconded by Patronik.

Roll Call Vote:

Ayes: 5 – Gilbert, Patronik, Pruette, Shimp, Brown
Noes: 0

MOTION CARRIED

Agenda Amendment

AMENDMENT TO AGENDA: Mayor Brown suggested amending the agenda to allow public comments first, followed by items 12-E, Development Order for minor replat change on Oakhurst Drive, and 12-F Development Order for 115 Third Street, Amsouth Bank.

Consensus: **TO AMEND THE AGENDA ALLOWING PUBLIC COMMENTS FIRST, FOLLOWED BY ITEMS 12-E AND 12-F.**

COMMENTS FROM THE PUBLIC

Public Comments

Bill Darush, President of Summer Sands Homeowners Association, read the following letter he had written to the Council:

April 8, 2002

The Board of Summer Sands represented by Bill Darush and numerous homeowners would like a few minutes to discuss possible access roads to the West/Jarrett lots associated with Section 12 (E) and how they would impact Summer Sands, a compact well-defined community of 192 homeowners.

We would like the City Council to consider that we have maintained the entire entry area for 15 years, annually provided \$250,000 - \$300,000 in taxes and have a genuine concern regarding traffic patterns through Summer Sands and from Florida Boulevard, either via Oakhurst or next to the Little Red School House.

Thank you

Mr. Darush explained the homeowners were concerned about Steve Jarrett's development. His plans were to open up Oakhurst Drive allowing 16 vehicles access to the four duplexes through the Summer Sands entrance off Atlantic Boulevard. Mr. Darush added Summer Sands already had problems entering and leaving the subdivision because there was no traffic light at the Atlantic Boulevard entrance. The homeowners were also concerned about extending Oakhurst Drive through to Florida Boulevard. They felt the extension would create a cut through via Summer Sands to Atlantic Boulevard. The homeowners asked that Mr. Jarrett's development be accessed providing the least traffic pattern for Summer Sands. Mr. Darush suggested the development be accessed via Oakhurst Drive next to the Little Red School House.

City Manager Linn explained the item on the agenda before the Council was the minor plat division of one lot in the development. The land had already been platted and City Ordinances called for either a cul-de-sac at the end of the road or a connection to two other roads. Mr. Linn added the City could not create a land lock on the property by denying ingress or egress.

Mayor Brown asked if a final decision had been made on the roadway. City Manager Linn responded as long as the road met the City Code requirements a building permit could be issued without Council approval.

Mr. Darush stated he had no objection to Mr. Jarrett dividing the lot. What he objected to were the owners of the new duplexes accessing the property via the Summer Sands entrance off of Atlantic Boulevard. Mr. Darush felt Summer Sands property owners should be given a voice in the matter.

Mayor Brown asked if the Planning & Development Review Board had considered the ingress and egress. City Manager Linn responded the Planning & Development Review Board would not address the issue unless the Council directed him to bring it before them.

City Manager Linn stated that Mr. Jarrett had indicated his intentions were to access the development through Oakhurst Drive adding a cul-de-sac at the end that would not

connect with Bay Street.

Vice Mayor Shimp stated that Mr. Jarrett's current plan connected to Summer Sands. He added that the owners in Summer Sands had always stood together when it came to their property. They were always opposed to the idea of adding an entrance to Summer Sands off of Florida Boulevard. Vice Mayor Shimp felt that Mr. Jarrett needed to look for an alternative entrance and City Council should make the final decision on the access into the development.

Councilor Pruette agreed with Vice Mayor Shimp and added that according to the Planning & Development Review Board minutes there was also a drainage problem on Mr. Jarrett's property. She was concerned that once the property was developed it would add to the water problem. The Development Order as it stood tonight clearly allowed access through Summer Sands to Oakhurst Drive. Councilor Pruette suggested holding a separate workshop meeting to address the issue.

City Manager Linn stated Mr. Jarrett's representative would address those concerns when item 12-E came up on the agenda.

Councilor Patronik stated that allowing Mr. Jarrett's development access through Summer Sands would have a negative impact on 192 homeowners for the benefit of only a few homeowners.

Oakhurst Drive

DEVELOPMENT ORDER – APPROVAL OF MINOR PLAT CHANGE OAKHURST:

Arlene Allard, representative for Jarrett Development, stated that Mr. Jarrett was well aware of the ingress and egress issues and the citizens of Summer Sands concerns. Ms. Allard added the Development Order called for only the minor replat of Lot G, Block 22. Mr. Jarrett's plan was to separate that lot into two individual lots. Ms. Allard added that the Duval County tax records already identified the lot as two separate lots.

Mayor Brown asked City Attorney White if the Development Order could be amended to approve the minor replat dividing the two lots only.

City Attorney White questioned what Mr. Jarrett's intentions were for accessing the development if the Council approved the Development Order tonight.

Ms. Allard stated that Mr. Jarrett's intention at this point was to access the development through the Summer Sands entrance to Oakhurst Drive adding a cul-de-sac at the end of Lot 11.

City Attorney White clarified that if the Development Order was approved construction could proceed and it was Mr. Jarrett's intention to commence the paving and grading of the extension of Oakhurst Drive. The Development Order before Council was the approval of the minor replat dividing Lot G, Block 22, which included the grading and paving of Oakhurst Drive.

City Manager Linn questioned the fact that if Mr. Jarrett had not requested a replat of the development the issue of Oakhurst Drive would not require Council approval. City Attorney White responded that Mr. Linn was correct and if not for the request of the minor replat the issue of ingress/egress would not need approval of the Council.

Councilor Pruette asked if there was another way the property could be accessed. City Manager Linn replied that the City could abandon a portion of Poinciana Road and allow access to the development off Bay Street.

Councilor Gilbert stated that Bay Road was currently a gravel road and asked if it would serve as a road in its current state. City Manager Linn replied yes, it could serve as a road. Councilor Gilbert asked if Mr. Jarrett paved the road in front of his lots would the

Little Red Schoolhouse be assessed for the street in front of them? City Manager Linn responded if the City paved a street at the request of a developer or property owners there would be a special assessment to the adjacent property owners. Mr. Linn added that the developer normally paved the streets in new developments. Councilor Gilbert suggested compromising with Mr. Jarrett by asking him to pave the street in front of his development and have the City pave the connecting 50 feet. He felt Mr. Jarrett should only be responsible for paving the street in front of his development. Councilor Gilbert added that if the Development Order for dividing Lot G did not include the utilization of Oakhurst Drive he would not have a problem approving it.

City Manager Linn stated if the City paved the road there would be an assessment to the adjacent property owners.

Vice Mayor Shimp asked the Council to compromise by allowing the developer to subdivide the lot with the condition of Mr. Jarrett accessing the property through Bay Street.

City Attorney White advised that a final plan should be in place before a condition was placed on a Development Order. He would be cautious about placing a condition of accessing the development through Bay Street without seeing the final plan.

Councilor Pruette asked City Attorney White if the Council could approve only the minor replat dividing Lot G.

City Attorney White stated that if it was approved it would allow access through Oakhurst Drive. Mr. White added that the minor replat could be denied and revisited when the issue of access was adequately addressed. A denial would not place any restrictions on bringing the issue back up.

Moved by Shimp, seconded by Patronik.

Motion: **TO AMEND THE AGENDA AND VOTE ON ITEM 12-E, DEVELOPMENT ORDER – APPROVAL OF MINOR REPLAT – OAKHURST DRIVE.**

Roll Call Vote:

Ayes: 5 – Gilbert, Patronik, Pruette, Shimp, Brown

Noes: 0

MOTION CARRIED

Moved by Shimp, seconded by Patronik.

Motion: **TO DENY THE DEVELOPMENT ORDER FOR APPROVAL OF MINOR REPLAT – OAKHURST DRIVE.**

Roll Call Vote:

Ayes: 5 – Gilbert, Patronik, Pruette, Shimp, Brown

Noes: 0

MOTION CARRIED

Councilor Pruette asked the staff to inform the citizens of Summer Sands when the final Development Order would be on the agenda.

Leeward Landing

LEEWARD LANDING NORTH – DEVELOPMENT BY STEVE JARRETT: Mayor Brown allowed Mr. Darush's request to address another problem in Summer Sands while the homeowners were present. Mr. Darush explained that Summer Sands also had

problems with Leeward Landing North, a townhouse development by Steve Jarrett. One concern was a large drain that was in Summer Sands and had since been raised about a foot and moved onto Mr. Jarrett's side in Leeward Landing. There was now massive flooding in the back of the homes immediately behind the area. He had also spoke with Mr. Jarrett about the continuation of the existing green chain link fence that had always been in Summer Sands. Mr. Jarrett had torn down half of the fence and promised he would replace it and add fencing along the backside of Leeward Landing North. Mr. Jarrett still had not replaced the fence and Mr. Darush had no assurance or anything in writing from Mr. Jarrett. Mr. Darush asked if someone from the city could make sure the fence was replaced. The other problem was the property the city abandoned to Mr. Jarrett allowing him to pave the cul-de-sac. The north side of the cul-de-sac impacted the houses in Summer Sands by backing right up to their backyards. The cul-de-sac was 6 inches from one homeowner's backyard. Mr. Darush felt the development should not have been approved allowing the cul-de-sac to be that close to the lots in Summer Sands.

Chip Manley, 1453 Spindrift Circle East, stated he had spoken with Mr. Jarrett back in July 2001, and Mr. Jarrett assured him he would replace the fence and landscape that side of the road within 30 days. Mr. Manley stated he no longer had any privacy, he could see headlights from the cars on the road, and people were trespassing through his backyard to get into Leeward Landing North. Mr. Manley added he was not aware of the development until he saw the bulldozers.

Mayor Brown asked City Manager Linn to add the issues of the fence, the drain, and the cul-de-sac to his punch list so they could be addressed in a future workshop meeting.

Councilor Patronik asked if the cul-de-sac had been paved in accordance with the approved drawings. Building Official Dan Arlington replied he had inspected the property and it was in accordance with the approved plans.

Building Official Dan Arlington explained the developer of Summer Sands developed the property right up to the back property line at the Oakhurst Drive right-of-way. Mr. Jarrett used the right-of-way for its proper purpose.

City Manager Linn questioned why those issues should be placed on his punch list because the Development Order for Leeward Landing North had already been approved by the Planning & Development Review Board and was also reviewed and approved by the City Council. The problem arose when the original plans for Summer Sands were approved allowing the lots to be developed up to the 15 feet right-of-way.

Mayor Brown felt the issue of the fence repair and the drain should be discussed at a workshop meeting. City Manager Linn stated that city staff would be able to solve those problems.

Vice Mayor Shimp was concerned that the residents of Summer Sands were not informed of the Leeward Landing North development. City Manager Linn responded the Development Order was advertised in the local newspaper in accordance with the Code. Vice Mayor Shimp felt the residents should also have been notified by other means.

Mr. Daruse felt the road should be moved because it was too close to their property. Mr. Daruse asked the Council go out and take a look at the property and readdress the issue.

Councilor Pruette asked the city staff to notify property owners in neighborhoods with homeowner associations when something effected their subdivision.

Consensus: **TO DISCUSS THE ISSUES FURTHER AT A WORKSHOP**

MEETING.

Recess/Reconvene Mayor Brown called a recess at 8:00 p.m. the meeting reconvened at 8:10 p.m.

Mayor Brown asked for a motion to move items 12-F and 12-H forward on the agenda.

Moved by Shimp, seconded by Patronik.

Motion: **TO MOVE ITEMS 12-F AND 12-H FORWARD ON THE AGENDA.**

Roll Call Vote:

Ayes: 5 – Gilbert, Patronik, Pruette, Shimp, Brown

Noes: 0

MOTION CARRIED

Amsouth Bank **DEVELOPMENT ORDER – 115 THIRD STREET – AMSOUTH BANK:** Bob Zigginpus and James Moore, the architects and engineers for Amsouth Bank, came forward to represent Amsouth Bank. Mr. Zigginpus explained the plan called for completely demolishing the existing vacant Hardee's restaurant and parking lot and saving the established palm trees along A1A. The only issue that arose at the Planning & Development Review was the signage. The property had three street frontages and according to Code would be allowed three signs, one sign per street frontage. The original plan was for two signs. During the Planning & Development Review Board meeting they agreed to one sign. The sign would be 22 feet high, 71 square feet in area, located on the southwest corner of the property at Third Street and Lemon Street.

Vice Mayor Shimp questioned if Amsouth Bank would be a full service bank. Mr. Zigginpus responded yes; that it would have a lobby, drive through lanes, and an ATM.

Councilor Pruette asked if they were going to allow cars to park in their parking lot at night or if they would block it off at night. Mr. Zigginpus responded they did not intend to block parking at night. However, the bank would frown on overnight parking because of security reasons. Mr. Zigginpus explained if there was a car parked in the parking lot in the morning the manager would not be able to open the bank because of the possibility of a robbery.

Moved by Shimp, seconded by Patronik.

Motion: **TO APPROVE THE DEVELOPMENT FOR 115 THIRD STREET – AMSOUTH BANK.**

Roll Call Vote:

Ayes: 5 – Gilbert, Patronik, Pruette, Shimp, Brown

Noes: 0

MOTION CARRIED

Resolution No. 2002-05 **RESOLUTION NO. 2002-05, SUPPORT FOR THE BEACHES AREA HISTORICAL SOCIETY: A RESOLUTION OF SUPPORT FOR THE BEACHES AREA HISTORICAL SOCIETY IN THE ORGANIZATION'S EFFORT TO BUILD A MUSEUM TO PRESERVE AND DISPLAY OUR RICH COASTAL HISTORY.**

Mayor Brown acknowledged that Sam Vanleer, the Chairman of the Board, and past President Bill Hilleglass were in the audience.

Moved by Shimp, seconded by Patronik.

Motion: **TO APPROVE RESOLUTION 2002-05, SUPPORT FOR THE BEACHES AREA HISTORICAL SOCIETY.**

Roll Call Vote:

Ayes: 5 – Gilbert, Patronik, Pruette, Shimp, Brown

Noes: 0

MOTION CARRIED

COMMUNICATIONS AND CORRESPONDENCE

Councilor Pruette requested copies of Jacksonville Beach and Atlantic Beach's Stormwater Utility Ordinance for discussion at the April Workshop meeting.

CITY MANAGER REPORTS

Sunday in the Park **SUNDAY IN THE PARK:** City Manager Linn reminded the Council to don their chef hats and aprons to grill hamburgers and hotdogs Sunday April 14th from 1:00 p.m. to 5:00 p.m. for the Sunday in the Park Festival.

Employee Appreciation **EMPLOYEE APPRECIATION LUNCHEON:** City Manager Linn invited Council Members to attend the employee appreciation and recognition hot dog luncheon on Friday, April 26th at 12:00 p.m. at the City Yard. The employees would be receiving city pins and certificates for their years of service.

Fire Hydrants **FIRE HYDRANT REPLACEMENTS:** City Manager Linn reported that a total of 11 out of 21 fire hydrants had been replaced.

COMMENTS FROM THE PUBLIC

Gordon Gruhn, 500 Ranch Road, Ponte Vedra Beach, a utility contractor stated that his efforts for revising the pre-qualifications of Phase 1 B&C of the Water & Sewer Project were for the benefit of Neptune Beach not personal interest.

Ryan Schmitt, 506A Oceanfront, stated his effort for revising the specifications for Phase 1 B&C of the Water & Sewer Project was also in the interest of Neptune Beach. His company did not bid on the project because of the penalties. As a citizen he was concerned that out of sixty contractors there were only two bids both from out of town contractors.

Lynda Padrta, 1113 First Street, questioned why the room full of contractors that delayed the project by demanding the pre-qualifications and specifications be lowered did not even bid on the project. Ms. Padrta felt consideration should be given to homeowners with less concrete and impervious surfaces on the Stormwater Utility Ordinance.

Judy Bost, 115 Walnut Street, felt the City did the right thing by helping the owners of Watersedge with their drainage problem. Ms. Bost stated however that when she visited the property there was trash and broken down vehicles all over the property. Ms. Bost felt the City had done enough for them and they should deal with their own problems in the future.

CONSENT AGENDA / NONE

VARIANCES

Variance V02-13

APPEAL OF DENIAL OF VARIANCE REQUEST – LEMAN ROSENBERG – 101

Rosenberg
101 Myra St.

MYRA STREET: Donald White, Chairman of the Board of the Appeals stated that Mr. Rosenberg had come before the Board of Appeals with a request to remove his balcony and extend the exterior wall 2'11" on the east side. Mr. White explained that according to the current Code he would be able to add a four foot deck beyond that and the deck would be to close too the street. Mr. White stated the Board of Appeals denied the variance by a three to two vote.

Councilor Gilbert stated that the Board of Appeals was more familiar with these types of codes because they dealt with them on a month-to-month basis. He felt the variance should be sent back to the Board of Appeals. He added that if Council approved the variance they would be undermining the authority of the Board.

Chairman White stated in accordance with the Code an appeal to the City Council was only allowed on a basis of a procedural error. If Mr. Rosenberg determined and could prove there was a procedural error he would be entitled to go back before the Board for another vote.

Councilor Pruette asked City Attorney White if the Council had to rule on a procedural error. Mr. White responded the Council had to rule on whether or not proper notice was given, if there was a procedural defect, or a lack of substantial evidence to support the decision of the Board. Those were the items restricted to review the appeal. Mr. White added that the Code read that on appeal the Council had to affirm, modify, or reverse the decision of the Board and it could not be sent back for additional review.

Vice Mayor Shimp stated that Mr. Rosenberg did not ask for a variance to build a deck and the 4' deck should not have been considered in the variance request. He was only asking for a 2'11" extension that would remain under the roofline. Vice Mayor Shimp added if the Board found a problem in the Code they should address it to Council.

Councilor Patronik thought after reading the transcript from the Board meeting that there was confusion among the members as to what they were voting on.

Mr. Leman Rosenberg, 101 Myra Street, explained he was asking for the variance for a 2'11" extension. He wanted to take out the deck that extended 4' out under the roofline and extend the exterior wall out 2'11" to allow for more interior space in his bedrooms. He had no intentions of adding a 4' deck and he would be willing to sign an agreement to that effect.

Vice Mayor Shimp asked City Attorney White if the Council could approve the variance with the condition that Mr. Rosenberg is not allowed to build a 4' deck.

City Attorney White advised the Council could modify it, put conditions on it, or whatever they wanted to do.

Councilor Gilbert asked if the condition of the 4' deck would be placed on the property itself or just for Mr. Rosenberg.

Vice Mayor Shimp stated the issue of allowing 4' decks without a variance would be dealt with during the review of the Land Development Regulations.

Moved by Shimp, seconded by Patronik.

Motion: **TO REVERSE THE DECISION OF THE BOARD OF APPEALS AND APPROVE THE VARIANCE FOR ROSENBERG – 115 MYRA STREET UNDER THE CONDITION THAT HE DOES NOT BUILD A 4' DECK.**

Roll Call Vote:

Ayes: 4 – Gilbert, Patronik, Shimp, Brown
Noes: 1 – Pruette

MOTION CARRIED

ORDINANCES

Ordinance No.
2002-02

ORDINANCE NO. 2002-02, ESTABLISHING THE STORMWATER UTILITY, FIRST READ, SPONSORED BY COUNCILOR GILBERT: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA ESTABLISHING THE CITY'S STORMWATER UTILITY SYSTEM; SETTING FORTH PROVISIONS FOR SCHEDULE OF RATES; BILLING AND PAYMENT AND OTHER MATTERS IN RELATION THERETO; AMENDING SECTIONS 27-480(A), 27-548(D) AND 27-548(E) AND PROVIDING AN EFFECTIVE DATE.

Moved by Shimp, seconded by Patronik.

Motion: **TO PASS ORDINANCE NO. 2002-02 ON FIRST READ ADDING SECTION 23, ARTICLE V, TO THE TITLE.**

Roll Call Vote:

Ayes: 5 – Gilbert, Patronik, Pruette, Shimp, Brown
Noes: 0

MOTION CARRIED

OLD BUSINESS

Award Utility
Contract

AWARDING OF UTILITY CONTRACT – UTILITY IMPROVEMENT PROGRAM PHASE 1 B&C – FLORIDA BOULEVARD – BAL HARBOUR: City Manager Linn recommended awarding the bid to the lowest bidder, Utilix Corporation, in the amount of \$1,575,752.11. Mr. Linn added that the approval would be contingent on the approval of the Florida Department of Environmental Protection.

Moved by Pruette, seconded by Shimp.

Motion: **TO AWARD THE CONTRACT FOR PHASE 1 B&C OF THE WATER IMPROVEMENT PROJECT TO UTILX CORPORATION IN THE AMOUNT OF \$1,575,752.11 CONTINGENT ON THE APPROVAL OF FDEP.**

Roll Call Vote:

Ayes: 5 – Gilbert, Patronik, Pruette, Shimp, Brown
Noes: 0

MOTION CARRIED

City Manager Linn added a pre-construction meeting would be held on April 18th and DEP would be present at the meeting.

NEW BUSINESS

Resolution
No. 2002-02

RESOLUTION NO. 2002-02, SUPPORT OF USS JFK: A RESOLUTION URGING THE NORTHEAST FLORIDA CONGRESSIONAL DELEGATION AND THE U.S. DEPARTMENT OF DEFENSE TO MAKE EVERY EFFORT TO ENSURE THAT THE UPCOMING MAJOR OVERHAUL OF THE AIRCRAFT CARRIER USS JOHN F. KENNEDY BE PERFORMED AT ITS HOME PORT OF NAVAL STATION MAYPORT

IN JACKSONVILLE, FLORIDA; DIRECTING THE COUNCIL SECRETARY TO FORWARD COPIES OF THIS ADOPTED RESOLUTION TO THE MEMBERS OF THE NORTHEAST FLORIDA CONGRESSIONAL DELEGATION AND TO THE U.S. SECRETARY OF DEFENSE AND SECRETARY OF THE NAVY; PROVIDING AN EFFECTIVE DATE.

For the Record Councilors Pruette and Patronik recused themselves from voting on Resolution No. 2002-02 because they worked for the Federal Government.

Moved by Gilbert, seconded by Shimp.

Motion: **TO ADOPT RESOLUTION NO. 2002-02, SUPPORT OF THE USS JFK.**

Roll Call Vote:

Ayes: 3 – Gilbert, Shimp, Brown

Noes: 0

Abstain: 2 – Patronik, Pruette

MOTION CARRIED

Resolution
No. 2002-03

RESOLUTION NO. 2002-03, SUPPORT OF NAVY AIR & SEA SHOW: A RESOLUTION OF THE CITY OF NEPTUNE BEACH, FLORIDA IN SUPPORT OF THE U.S. NAVY PRESENTING THEIR ANNUAL AIR SHOW AT NAVAL AIR STATION MAYPORT IN THE FALL OF 2003 AND THEREAFTER ROTATING SHOWS BETWEEN NAVAL AIR STATION JACKSONVILLE AND NAVAL STATION MAYPORT.

City Manager Linn clarified there was no financial commitment involved with the adoption of the Resolution.

Moved by Shimp, seconded by Patronik.

Motion: **TO ADOPT RESOLUTION NO. 2002-03, SUPPORT OF NAVY AIR & SEA SHOW.**

Roll Call Vote:

Ayes: 5 – Gilbert, Patronik, Pruette, Shimp, Brown

Noes: 0

MOTION CARRIED

Surplus

SURPLUS OF MISCELLANEOUS PROPERTY AND EQUIPMENT FOR CITY AUCTION: City Manager Linn stated there was a list of surplus equipment and materials that were no longer of use to the City and needed to be declared as surplus allowing the city to dispose of them by public auction. City Clerk Volpe stated Chief Brandt decided to remove the two motorcycles on the list.

Moved by Gilbert, seconded by Pruette.

Motion: **TO SURPLUS THE MISCELLANEOUS PROPERTY AND EQUIPMENT FOR THE CITY AUCTION.**

Roll Call Vote:

Ayes: 5 – Gilbert, Patronik, Pruette, Shimp, Brown

Noes: 0

MOTION CARRIED

Sunset Bay

DEVELOPMENT ORDER – APPROVAL OF FINAL PLATTING – SUNSET BAY: City Manager Linn stated the Planning & Development Review Board recommended approval of the final plat for Sunset Bay. Mr. Linn asked the Council to approve the final plat with the condition of the underground electric design being approved by City Attorney White and Public Works Director John Galen.

Vice Mayor Shimp asked if the adjacent property owners had been notified of the development. Building Official Dan Arlington stated that some of the neighbors attended the Planning & Development Review Board meeting. Mayor Brown stated that the bulldozers were out there and the property owners should know something was going on. Vice Mayor Shimp asked why construction had begun before the final plat was approved. Building Official Dan Arlington stated approval of the final development order allowed him to start construction and this development order was for approval of the final platting that would be recorded in Duval County records.

Vice Mayor Shimp was concerned about the road being too close to the existing developed lots. City Manager Linn stated there were rear property setback requirements and unless a variance had been granted on Lots 10 and 11 they were built without a minimum setback to the property line. Mr. Linn added the people living on Lighty Lane had enjoyed the view of the marsh for years but that should not take away another persons right to buy and develop the property.

Councilor Pruette asked if drainage had been considered. Building Official Dan Arlington replied the Planning & Development Review Board, Department of Environmental Protection, the Army Corp of Engineers, and the St. Johns River Water Management addressed the drainage.

Vice Mayor Shimp was concerned about neighbors of new developments not being notified and asked City Clerk Volpe to place the issue on the April 15, workshop agenda.

City Manager Linn stated the public was legally notified by advertisement in the local newspaper.

Moved by Gilbert, seconded by Pruette.

Motion: **TO APPROVE THE FINAL PLATTING OF SUNSET BAY PENDING THE APPROVAL OF THE CITY ATTORNEY AND THE PUBLIC WORKS DIRECTOR ON THE UNDERGROUND ELECTRIC DESIGN.**

Roll Call Vote:

Ayes: 5- Gilbert, Patronik, Pruette, Shimp, Brown

Noes: 0

MOTION CARRIED

Resolution
No. 2002-04

RESOLUTION NO. 2002-04, BOARD APOINTMENTS: RESOLUTION APPOINTING BOARD MEMBERS TO THE BOARD OF APPEALS.

RESOLVED, the City Council of the City of Neptune Beach, Florida, hereby confirms the following board appointments:

BOARD OF APPEALS				
Member	Type	Term	Begins	Ends
Kelly Boswell Greenberg	Appoint Alternate	1 Year	04/08/2002	04/07/2003

This Resolution adopted by the City Council of Neptune Beach, Florida, at the Regular Council Meeting held April 8, 2002.

Moved by Pruette, seconded by Patronik.

Motion: **TO ADOPT RESOLUTION NO. 2002-04, APPOINTING KELLY BOSWELL GREENWOOD TO THE BOARD OF APPEALS.**

Roll Call Vote:

Ayes: 5 – Gilbert, Patronik, Pruette, Shimp, Brown

Noes: 0

MOTION CARRIED.

Mayor Brown asked that the record show the Council appreciated Ms. Boswell serving on the Board.

Resolution
No. 2002-06

RESOLUTION NO. 2002-06, VOTER PARTICIPATION DRIVE: A RESOLUTION OF THE NEPTUNE BEACH CITY COUNCIL URGING CITIZEN SUPPORT FOR A DRIVE TO MAKE OUR CITY A LEADER IN THE HIGHEST PERCENT OF CITIZENS REGISTERED TO VOTE AND PARTICIPATING IN THE NOVEMBER 2002 ELECTIONS IN DUVAL COUNTY, FLORIDA.

Moved by Pruette, seconded by Shimp.

Motion: **TO ADOPT RESOLUTION NO. 2002-06, VOTER PARTICIPATION DRIVE.**

Roll Call Vote:

Ayes: 5 – Gilbert, Patronik, Pruette, Shimp, Brown.

Noes: 0

MOTION CARRIED.

Adjournment

There being no further business, the meeting adjourned at 9:42 p.m.

Richard A. Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
WORKSHOP CITY COUNCIL MEETING
APRIL 15, 2002 AT 7:00 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 15, 2002 at 7:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance: IN ATTENDANCE:

Mayor Richard A. Brown
Vice Mayor Robert A. Shimp
Councilor James Gilbert
Councilor Ronald A. Patronik
Councilor Harriet Pruette
City Manager Richard A. Linn
City Clerk Lisa Volpe, CMC

Assistant to the City Manager Terry Klein
Building Official Dan Arlington
Deputy City Clerk Karla Strait, CMC

ABSENT:
City Attorney Christopher White

Call to Order/Roll Call The Mayor called the meeting to order at 7:00 p.m.

COMMITTEE REPORTS

IBBC ISH BRANT BEAUTIFICATION COMMITTEE: City Manager Linn introduced Dayne Etherton, Chairman of the Ish Brant Beautification Committee. Mr. Etherton reported the committee was working on the following projects: 1) a state grant to finish the culvert on Florida Boulevard, 2) more plants and mulch in the Butterfly Garden, 3) grants offered through the Arbor Day Foundation, 4) continuing to choose a yard of the month, 5) bids for wildflowers on Third Street. 6) beautification of the Seagate Avenue entrance, 7) grant money for sprucing up Stevens Park, 8) getting more streets adopted, 9) creating a barrier of trees at the Watersedge overpass, and 10) trees and vegetation along the beach.

Vice Mayor Shimp suggested that Mr. Etherton obtain money from the City of Jacksonville to continue planting the palm trees in the medians south on Third Street.

Councilor Pruette thanked Mr. Etherton and the committee for their hard work and dedication.

CITY MANAGERS PUNCH LIST

Kings Road Bridge KINGS ROAD BRIDGE: City Manager Linn stated he would address the Kings Road Bridge under agenda item 5a, Architectural Services.

Flood Marking FLOOD MARKING ON FIRST STREET: City Manager Linn reported the "Flood Zone" stencils had been received and the City was ready to start marking the pavement on First

Street.

- Sewer Project SEWER PROJECT – FIELD TRIP: City Manager Linn asked the Council if they would like to accompany him on a field trip to St. Augustine Beach to look at their new operating vacuum sewer system. Council agreed to two separate trips, Tuesday evening with City Manager Linn and Saturday morning with Vice Mayor Shimp.
- CAFR COMPREHENSIVE ANNUAL FINANCIAL REPORT: City Manager Linn reported the Comprehensive Annual Financial Report was complete and asked Council if they would like him to invite the auditors to a council meeting to do a presentation.
- LDR LAND DEVELOPMENT REGULATIONS REVIEW: City Manager Linn stated that due to a heavy workload Building Official Dan Arlington would not be prepared for the Land Development Regulation Review meeting scheduled April 29th. Mr. Linn asked the council if they wanted to postpone the meeting.
- Consensus: **TO POSTPONE THE LAND DELVELOPMENT REGULATIONS REVIEW FROM MONDAY, APRIL 29, 2002 TO TUESDAY, MAY 28, 2002.**
- Sunday in the Park SUNDAY IN THE PARK – APRIL 14, 2002: City Manager Linn reported “Sunday in the Park” was well attended and thanked the Council for their participation. A financial report would be forthcoming. Mr. Linn thanked Elaine Kenny who hosted the event.
- Summer Sands SUMMER SANDS – STEVE JARRETT DEVELOPMENT ISSUES: City Manager Linn stated he would address this issue under agenda item 6d, Summer Sands/Jarrett Issues.

PROPOSED ORDINANCES/NONE

CONTRACT/AGREEMENTS

- Architectural Services ARCHITECTURAL SERVICES – CITY YARD – OPERATIONS & MAINTENANCE FACILITY: City Manager Linn introduced Jose Perez of PQH Vargas. Mr. Perez agreed that a new Public Works Facility was needed and that the overhaul would help serve the taxpayers of Neptune Beach. Mr. Perez explained his services would be in phases. The first stage was the programming phase, which was to create a report, define the functions that were needed, and define the components and sizes. The next phase would be the schematic phase, which consists of 30% completed documents, the plan layout and determining construction materials. At this point he would give an opinion of probable cost for the project and the Council could make a decision on whether or not to proceed, stop, increase, or decrease the project. If Council decided to proceed they would select a delivery method of either design build, conventional method of design and bid, or have a pre-selection of bidders and create a short list. The proposed fee for these services was \$85,391.01.

Vice Mayor Shimp asked if the residential area would be taken into the consideration of the design. Mr. Perez responded that it would be necessary to take the close proximity of the residential area into consideration.

Councilor Pruette asked if the amount of \$233,000 was for the design work only. Mr. Perez responded that amount would include the final design package ready for construction. It did not include the cost of the construction.

Councilor Patronik asked if the project could be done in phases. Mr. Perez replied if the project was done in phases it would be more difficult and more expensive. He would need to know that up front in order to make recommendations on what needed to be

done first.

City Manager Linn explained the contract with PQH Vargas in the amount of \$85,391.01 would include the total development plan. Mr. Linn added at the end of 30% of the design, the first phase, the Council would choose whether or not to proceed with the project.

Councilor Pruette asked City Manager Linn to make a list of all costly capital improvements that were needed so Council could determine the priorities before making any decisions.

Councilor Gilbert was concerned about the state and national control of the property surrounding the intercoastal waterway and asked if the City would be committed to the total amount of \$85,391.01 for the project if for some reason it had to be stopped. Mr. Perez replied it would be a pay as you go contract with a termination clause and could be stopped at anytime.

Vice Mayor Shimp felt the facility was needed and it would be more expensive to it put off for the future. There was no other property in Neptune Beach to build a new city yard except the current location. Vice Mayor Shimp added the Kings Road Bridge had to be replaced.

City Manager Linn stated PQH Vargas had an excellent recommendation from the City of Jacksonville Beach and he wanted Council to be comfortable before proceeding.

Councilor Pruette asked City Manager Linn when he would start negotiations with the City of Jacksonville Beach on the franchise fee for providing electricity in the City. City Manager Linn stated he had started the negotiations. Mr. Linn added the funds for the project would come from the Better Jacksonville ½ cent tax not from the money received from the City of Jacksonville Beach.

City Manager Linn added that he spoke with the architect about the need to replace the Kings Road Bridge being a priority in the Better Jacksonville Plan Funding. Mr. Perez brought his civil engineers out to take a look at it and they proposed a fee of \$25,000 to complete a Preliminary Study.

Mr. Perez stated the structural and civil engineer met with John Galen in regards to the Kings Road Bridge and they were in the process of working with the Department of Transportation to determine if the bridge needed to be designed and built under their standards or the City of Neptune Beach's standards. If the bridge was built and supervised under the Department of Transportation standards the DOT would adopt the bridge and it would fall into their maintenance program.

Mayor Brown asked what was the next step in the process. Mr. Linn replied he wanted Council to review all the documents and forward it to the regular Council meeting agenda.

Consensus: **TO FORWARD THE ARCHITECTUAL SERVICES CONTRACT FOR THE OPERATIONS & MAINTENANCE FACILITY TO THE MAY REGULAR CITY COUNCIL MEETING.**

ISSUE DEVELOPMENT

Development Orders

NOTIFICATION TO NEIGHBORS OF PROPOSED DEVELOPMENT ORDERS: City Manager Linn stated the provisions of the Code were to give notification to neighbors of rezoning and variance requests. Council discussed different ways to notify the surrounding neighbors of development orders.

Consensus: **ADD NOTIFICATION OF NEIGHBORS ON DEVELOPMENT ORDERS TO THE CITY MANAGER'S PUNCH LIST.**

Poinciana Rd.
Development

WORKSHOP ON POINCIANA ROAD DEVELOPMENT ORDER – SUMMER SANDS:
City Manager Linn stated there was a series of lots along Poinciana that were platted and the developer had a right to develop them. The City could not restrict access.

Steve Jarrett, 210 South Street, the developer of the property, stated his proposal was simply for a minor replat to divide one of the lots. He proposed entering the property through the Oakhurst Drive right-of-way. He would continue the pavement down to his four lots adding a cul-de-sac at the end of Oakhurst Drive. He felt that would be the minimum impact on the residents of Summer Sands. He was not opposed to opening up Bay Street to Summer Sands.

The Council discussed alternative entrances to the development and the possibility of the City paving the streets and assessing the adjoining property owners.

Steve Jarrett stated he would not mind if the City was willing to pave the streets but the Little Red Schoolhouse would have to take on the majority of the assessment.

Mayor Brown asked City Manager Linn to get an estimate of what the cost would be for the City to pave Bay Road and Poinciana Road.

Steve Jarrett questioned the right of the City Council, under state law, to deny access to development of land on a platted lot that was a legal right of someone. If he had not requested the minor replat he would be able to start construction using the entrance without the approval of Council.

City Manager Linn stated that the Code of Ordinances dictated how the City would be developed. The Council was to entrust the staff to enforce the Code. The Code said there was a right-of-way on Poinciana Road and if a developer wanted to develop it there was no way, short of Council directing the City Manager and staff, not to grant the building permit. Mr. Jarrett was correct that if he had not tried to divide the one lot he would be able to go ahead and get the building permit and proceed with what he wanted to do without the approval of Council. Mr. Linn asked the Council to direct him not to deny Mr. Jarrett access through Summer Sands.

Vice Mayor Shimp called for a point of order and asked for a consensus that Mr. Jarrett be denied access to his development through Summer Sands. Mr. Linn strongly urged Council not to take that action until advised by the City Attorney because it may have legal consequences.

Councilor Gilbert stated he did not want Mr. Jarrett to access the development through Summer Sands. However, he did not want to risk a lawsuit that would affect the entire City. Councilor Gilbert asked for a consensus to gather more information until the legal issues had been resolved.

Councilor Pruette stated the Charter read that all powers were invested in the Council. She did not support Mr. Jarrett going through Summer Sands but she was willing to work with Mr. Jarrett through the City Attorney for a solution. Ms. Pruette added that it all boiled down to money.

Mr. Jarrett asked for a date when the decision would be made on the two alternative accesses of either Florida Boulevard to Oakhurst Drive or Bay Road.

Vice Mayor Shimp called the question. Councilor Gilbert wanted to know what the legal ramifications would be if access was denied.

Consensus: **TO NOT ALLOW STEVE JARRETT ACCESS OF HIS FOUR LOTS THROUGH SUMMER SANDS – EXPLORE ALTERNATIVES AND LEGAL RAMIFICATIONS.**

Impervious Surface **IMPERVIOUS SURFACE LIMITATION – COMPARISON OF BEACHES CITIES:** City Manager Linn stated that Building Official Dan Arlington had compared impervious surface Ordinances of the City of Jacksonville Beach and the City of Atlantic Beach. Atlantic Beach was 50% and Jacksonville Beach was 35%. Mr. Linn and Dan Arlington recommended 50%. Councilor Pruette stated she would sponsor an ordinance. Councilor Gilbert agreed to co-sponsor it. Both agreed the City should adopt this Ordinance to protect the future of Neptune Beach.

For the Record Vice Mayor Shimp stated for the record he felt the ordinance was wrong.

Consensus: **TO HAVE STAFF DRAFT AN ORDINANCE OF 50% IMPERVIOUS SURFACES WITH A TWO YEAR GRACE PERIOD.**

Summer Sands **SUMMER SANDS – STEVE JARRETT DEVELOPMENT ISSUES:** City Manager Linn reported he and Building Official Dan Arlington visited the site of Leeward Landing North. Summer Sands residents were concerned about three items. Number 1, Steve Jarrett had promised to replace the green chain link fence that was partially torn down by development. Mr. Jarrett told Mr. Linn he was willing to replace the fence or put up a privacy fence and also landscape the area. Item number two was the drainage. Mr. Linn stated the drainage had been installed according to the plans and there was not a problem. Item number three was that the road leading southwest off the cul-de-sac was too close to rear yards in Summer Sands. Mr. Linn reported the road was on the right-of-way, it was wider than anticipated and if it was an issue he would ask the developer to narrow it.

Public Comments **PUBLIC COMMENTS ON AGENDA ITEMS ONLY**

Bill Darush, 304 Sunrise Circle, stated there was a drainage problem since the Leeward Landing North was put in. The Board of Directors of Summer Sands Homeowners Association had requested the green chain link fence be replaced and extended. The road was too wide and it would help if ten or fifteen feet were taken off the north edge of it. Mr. Darush suggested that Mr. Jarrett pave Poinciana Road, put a cul-de-sac at the end coming in off Bay Road, and the City pay for the paving of Bay Street with no assessment. Mr. Darush felt Summer Sands should not be assessed for the paving because they would not benefit from the road.

JoAnn Hoffman, 130 Sand Castle Way, wanted a final decision on the access to Mr. Jarrett's property so she would be able to relax knowing it would not be allowed access through Summer Sands. Ms. Hoffman stated her house backed up to Poinciana and there was a severe drainage problem.

Michael Aston, 1523 Summer Sands Drive, questioned if the law stated the City had to pave access to the land or provide the access to the land. City Manager Linn responded that it said you could not deny access to the land.

Lynda Padrta, 1113 First Street, supported the impervious surface ordinance. She was opposed to the Council trying to take action while disregarding legal ramifications. Ms. Padrta was concerned about the residents wanting to block access to Mr.

Jarrett's development yet they were not willing to help pay for an alternate solution. Ms. Padrta was also concerned that an adjacent neighbor was not made aware of an appeal on a variance request, which he opposed at the Board of Appeals meeting, and was overturned by the Council. She felt if the Council wanted to overturn Board decisions they should change the Code to allow them the final approval.

Chip Manley, 1453 Spindrift Circle East, wanted to know exactly when Mr. Jarrett would be replacing the fence and planting shrubbery, when the pond would be cleaned up and who was responsible for taking care of the pond.

Romaine Moore, 1511 Spindrift Circle West, stated that her deck was about ten feet from the edge of the blacktop of Mr. Jarrett's development. She also felt Mr. Jarrett should be held accountable to landscape and replace the fence.

Debbie Fields, 1901 Forest Avenue, stated there were thirteen "No Parking" signs on Forest Avenue within 1½ blocks. Ms. Fields suggested using less signs or smaller signs.

Hays Bishop, 1443 Spindrift Circle East, felt Mr. Jarrett should be responsible to spray the retention pond or put a fountain in it to keep the mosquitoes away. Ms. Bishop was also concerned that without the fence children were trespassing through Summer Sands.

Lana Huguenin, 1520 Summer Sands Drive, was concerned about children getting hit by cars while crossing the street if they allowed access to Mr. Jarrett's development through Summer Sands. She felt paving Poinciana Road would add to their drainage problem. She favored the Ordinance for impervious surfaces. Ms. Huguenin added that if signs had been posted on the property to notify them of the development order they would have been put on the wrong side and they would not have seen them.

Larry Shealy, 1501 First Street, thanked the Council for doing a great job. Mr. Shealy was concerned about the legal ramifications of denying access to Mr. Jarrett's development without the City Attorney present.

OPEN DISCUSSION

Mayor Brown acknowledged that City of Jacksonville Beach Councilman Art Graham was present in the audience.

Councilor Pruette asked Steve Jarrett who would be responsible for taking care of the pond. Mr. Jarrett responded ultimately a Homeowners Association would be established and it would be the responsibility of that Association.

Councilor Pruette asked Steve Jarrett if he could give the residents of Summer Sands a date when the fence would be put up. Mr. Jarrett answered that he could not give an exact date but he would start right away to solve all the issues.

Chip Manley was not happy with Mr. Jarrett's reply and wanted an exact date when the fence would be up from Steve Jarrett.

Councilor Pruette stated that he had Council's attention and should give Mr. Jarrett a chance.

Councilor Gilbert stated the Code read that there had to be a procedural error for an

appeal from a Board and he felt procedural errors should be justified by the City Attorney in the future.

Adjournment

There being no further business, the meeting adjourned at 9:41 p.m.

Attest:

Richard A. Brown, Mayor

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
REGULAR CITY COUNCIL MEETING
MARCH 4, 2002 AT 7:00 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 March 4, 2002, at 7:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

Mayor Richard A. Brown	City Attorney Christopher A. White
Vice Mayor Robert D. Shimp	City Clerk Lisa Volpe, CMC
Councilor Jimmy Gilbert	Assistant to the City Manager Terry Klein
Councilor Ronald D. Patronik	Director of Finance Steve Ramsey
Councilor Harriet Pruette	Building Official Dan Arlington
City Manager Richard A. Linn	Deputy City Clerk Karla Strait, CMC

Order Call/Pledge

Mayor Brown called the meeting to order and lead the Pledge of Allegiance.

AWARDS / PRESENTATIONS / RECOGNITION OF GUESTS/NONE

APPROVAL OF MINUTES

Motion:

TO APPROVE THE FOLLOWING MINUTES AS STATED:

FEBRUARY 4, 2002, REGULAR COUNCIL MEETING
FEBRUARY 11, 2002, WORKSHOP COUNCIL MEETING
FEBRUARY 25, 2002, SPECIAL COUNCIL MEETING
FEBRUARY 25, 2002, WORKSHOP COUNCIL MEETING

Moved by Patronik, seconded by Shimp.

Roll Call Vote:

Ayes: 5 – Gilbert, Patronik, Pruette, Shimp, Brown
Noes: 0

MOTION CARRIED

COMMUNICATIONS AND CORRESPONDENCE

Mayor Brown recognized City Manager Linn and thanked him for stepping up repairs to the water lines on 7th Street so that future water breaks would be minimal.

Councilor Patronik had concerns about a survey being sent to Neptune Beach residents by City of Jacksonville Councilman Jerry Holland asking if they would prefer utility service from JEA. He stated there were more concerns than just price such as service and who owned the facility when discussing change of utility. Mayor Brown stated Councilman Holland had contacted him about the survey and about doing a presentation for council. Mr. Holland would be at the March 18, 2002 workshop meeting. This is just for information not for any decision at this very moment.

Councilor Pruette was opposed to the sampling and felt all utility customers should receive the survey. She also did not agree with the voters registration being used to do the mailing.

Councilor Gilbert stated he did receive the mail out but had not filled it out yet. He felt it could be used as a bargaining chip with surrounding communities to show our value.

Councilor Patronik stated he spoke with Mayor Meserve of Atlantic Beach and felt the three beaches should work more closely together.

Vice Mayor Shimp was against JEA taking over because it meant loss of control and felt Jacksonville should not impose on the beaches communities.

Mayor Brown felt comfortable with Neptune Beach service but felt it could not hurt to gather all information.

Councilor Pruette thanked the Mayor for bringing this before Council and not keeping discussions to himself.

City Clerk Volpe commented that she had a new timer for comments from the public.

CITY MANAGER REPORTS

DISCUSSIONS WITH JACKSONVILLE BEACH AND ATLANTIC BEACH: City Manager Linn reported he and Jim Miller of PBS&J had met with Atlantic Beach city manager, engineer, public works and utility director. They discussed how to strengthen the relationship and each utility. They discussed linking water connections so water could be shared. They are looking at four different sample agreements to formalize these sharing relationships. He also met with Jacksonville Beach utility directors. There was interest in connecting with their water system. And building a north south main water line along Penman Road. He discussed with Jacksonville Beach for them to service some customers near Seagate Avenue that were still on septic tanks.

City Manager Linn asked the Council to ratify the emergency action he took to replace the water line on 7th Street. This would alleviate boil water alerts. He contracted Gruhn May to do the work. Work should be completed by close of business tomorrow and can be disconnected and service connects hooked up by the end of the week. Mr. Linn stated that the section of pipe would be removed from the total utility project which is now out for bid.

Motion: **THERE IS A WATER SAFETY EMERGENCY RELATED TO THE HEALTH & SAFETY OF THE PUBLIC AND ON THAT BASIS TO APPROVE THE ACTION TAKEN BY THE CITY MANAGER**

Moved by Patronik, seconded by Shimp.

Roll Call Vote:

Ayes: 5 – Gilbert, Patronik, Pruette, Shimp, Brown
Noes: 0

Kings Road Bridge

Councilor Pruette asked for an update on the King Road bridge repair. City Manager Linn stated a letter would be going out from Mayor Brown to the Mayor of Jacksonville Beach regarding an alternate ingress/egress for the area so that work can be done on the bridge.

COMMENTS FROM THE PUBLIC

Public Comments

Judy Bost, 115 Walnut Street, questioned the letter/survey from Councilman Holland. She stated it came at a time where some individuals would be upset about water problems in Bal Harbour. She did not understand the rate comparison, She pointed out the schools compared may not be equal. She questioned where JEA would get the money to fix our infrastructure. She also pointed out that the "no parking" signs on First Street were different in each block and felt they should all match.

Tim Slater, 573 Magnolia Street, brought a piece of pipe from Bal Harbour. He thanked the council for doing work on 7th Street. He asked when the work would begin and how he could receive updates when the work began in his neighborhood.

Mr. Linn stated Bal Harbour would be the first to be worked on and if all went as planned the work would start the first week in May. He also stated the engineer would post updates on the city web page.

Harriet Christovich, 110 Seagate Avenue, suggested letting residents know in the city newsletter that if the water is shut off then they must boil water and also let them know if they are allowed to shower in it.

Lynda Padrta, 1113 First Street, commented on the comparison used in the utility survey. She felt water problems should be worked on so businesses are not inconvenienced. She wanted citizens to be made aware of water outages during construction.

Ralph LaPerna, 2507 Waters Edge Drive, asked Council what was the status for the Watersedge Drive drainage problem.

City Attorney White stated that he and the Mayor had a meeting with JTA. They were in the process of having the project manager come out and see who is responsible and who will be fixing the problem.

Mr. LaPerna asked if it was being dealt with in violation of the Nuisance Ordinance. Mr. Linn stated it is not definite whose property it is and the homeowners may actually be responsible for it. Discussion ensued. Vice Mayor Shimp asked for a verbatim of the discussion during the February 25, 2002 meeting. City Attorney White stated that the Nuisance Ordinance could not actually be used against JEA but rather a lawsuit would have to be filed for inverse condemnation since it is a governmental unit.

Consensus: **TO HAVE CITY ATTORNEY WHITE LOOK INTO IF THE CITY COULD FILE AN INVERSE CONDEMNATION AGAINST JEA FOR THE DRAINAGE PROBLEMS AT WATERSEDGE DRIVE DUE TO THE MAYPORT FLYOVER.**

CONSENT AGENDA

APPROVAL OF ADVERTISEMENT OF BIDDING FOR EMERGENCY GENERATOR FOR PUBLIC SAFETY BUILDING

APPROVAL OF THE SELECTION OF ARCHITECTURAL FIRM FOR PUBLIC

SERVICES FACILITY

Motion: **TO APPROVE THE CONSENT AGENDA AS STATED.**

Moved by Patronik, seconded by Shimp.

Roll Call Vote:

Ayes: 5 – Gilbert, Patronik, Pruette, Shimp, Brown

Noes: 0

MOTION CARRIED

VARIANCES/NONE

ORDINANCES/NONE

OLD BUSINESS/NONE

NEW BUSINESS

Stormwater Utility
Workshop

SET DATE FOR A STORMWATER UTILITY WORKSHOP: Mayor Brown stated he had given out a recommended agenda. The meeting was set for Monday, March 25, 2002, at 7:00 pm. City Manager Linn stated that Councilor Gilbert, Councilor Pruette and Building Official Arlington could get together to add concrete permitting.

LDR Workshop

SET DATE FOR A LAND DEVELOPMENT REGULATIONS WORKSHOP: The meeting was set for Monday, April 29, 2002.

Adjournment

There being no further business, the meeting adjourned at 8:12 p.m.

Richard A. Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
WORKSHOP CITY COUNCIL MEETING
MARCH 18, 2002 AT 7:00 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 March 18, 2002 at 7:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

Mayor Richard A. Brown
Vice Mayor Robert A. Shimp
Councilor James Gilbert
Councilor Ronald A. Patronik
Councilor Harriet Pruette
City Manager Richard A. Linn
City Clerk Lisa Volpe, CMC

Deputy City Clerk Karla Strait, CMC
Assistant to the City Manager Terry Klein
Building Official Dan Arlington
Director of Finance Steve Ramsey

ABSENT:
City Attorney Christopher White

Call to Order/Roll Call The Mayor called the meeting to order at 7:00 p.m.

PRESENTATION

Water/Sewer Survey WATER/SEWER SURVEY REPORT – JACKSONVILLE COUNCILMAN JERRY HOLLAND: Mayor Brown explained that Jacksonville City Councilman Jerry Holland had mailed out a survey to Neptune Beach citizens soliciting their opinion on utility services. Councilman Holland was present with those results.

Jacksonville City Councilman Jerry Holland stated his office had mailed the survey to approximately 2,100 households in Neptune Beach for the purpose of finding out if they would be interested in pursuing a study to change utility services. Mr. Holland explained he had notified the respondents that there were some errors on the rate comparison survey. The survey had 4 different options: 1) no change, 2) change in water & sewer only, 3) electric only and, 4) change in both electric, water & sewer. Out of the 2,100 mail outs 185 responses were received and 160 were returned undeliverable. The results were as follows:

1. 27 or 15% not interested in pursuing a study to change
2. 8 or 4% interest in changing only the water & sewer
3. 3 or 2% interest in changing electric only
4. 147 or 79% interest in changing both electric, water & sewer

He presented the surveys to the City Clerk for records and introduced Walt Bussells with JEA.

Walt Bussells JEA, stated that Mr. Holland had informed him of constituent interest in

utility services and rates. Mr. Holland asked him if JEA would consider doing a joint study in order to see if there were different ways to configure utility service that would be mutually beneficial. Mr. Bussells stated it would be a complex undertaking, however he would be willing to gather the facts if asked by the Neptune Beach City Council. He added he was not seeking in any way to intrude in Neptune Beach's affairs and suggested the Council think long and hard about it and not rush into anything.

Councilor Pruette was concerned about customer service response time and inquired as to how many utility customers J.E.A. had. Mr. Bussells responded JEA serviced 750,000 different accounts and were growing 3 to 3 1/2 percent a year.

Vice Mayor Shimp felt the survey was done underhandedly because of the recent problems with the water lines. He felt Mr. Holland should have addressed the council before mailing the survey.

Mayor Brown clarified that Mr. Holland had shared the information regarding the survey with him and he in turn shared it with the Council. Mayor Brown explained although the City may not act on the information at the present time he welcomed the information because he felt it was part of the Council's job to be informed of future options.

PRESENTATION – JACKSONVILLE BEACH MAYOR BOB MARSDEN: Mayor Brown introduced Jacksonville Beach Mayor Bob Marsden to give a presentation. Mayor Marsden read the following letter as stated for the record:

Dear Mayor and City Council Members:

Thank you for providing me with an opportunity to speak tonight. As the Mayor of Jacksonville Beach I can relate to your concerns about the operation and maintenance of your water and sewer systems. These are systems that are crucial for the welfare and control of our Cities.

This letter is to offer our support for your efforts and provide an additional option for you to consider. I understand that you are considering ways the JEA may be of service to you.

I would propose that instead of relinquishing control of your system to JEA or anyone else you consider a second option. This option is to join with the City of Jacksonville Beach and Atlantic Beach to support an engineering study on how all three beach cities can work together to create water and sewer operating efficiencies that will benefit all of our citizens. This is not an idea without precedent as all three beach communities jointly constructed and maintain a treated effluent line to the St. Johns River. I believe this would have the advantage of:

- Allowing Neptune Beach to maintain ownership and operational control over your system and thereby retain control of your own destiny.
- Make all three-beach cities stronger and more efficient.
- Keep the cooperation that is currently at a very high level between all beach cities intact.

Regardless of your decision, the City of Jacksonville Beach remains committed to assisting its neighbors. Thank you for your consideration.

Sincerely,
Bob Marsden
Mayor

Mayor Marsden introduced Gary Quick, Director of Electric Utilities for Jacksonville Beach. Mr. Quick stated almost all of the rate comparisons on the survey were wrong, one major error on the survey was that Neptune Beach's water & sewer system belonged to Jacksonville Beach Utility Company.

Mr. Quick handed out a listing of different electric company rates for a residential account. JEA's rates were lower than Jacksonville Beach's; however there were other companies that had rates lower than JEA's. Mr. Quick stated that Jacksonville Beach Electric provided Neptune Beach with superior customer service and if Neptune Beach was considering changing electric providers not to base it solely upon the rates.

Councilor Patronik questioned if Jacksonville Beach Electric received the power from Florida Power & Light. Mr. Quick responded Jacksonville Beach along with 13 other municipalities belonged to an organization called the Florida Municipal Power Agency out of Orlando.

PRESENTATION ATLANTIC BEACH – MAYOR MESERVE: Atlantic Beach Mayor Meserve stated the three beach cities currently worked together successfully in a lot of different areas. He felt there were more opportunities for joint venture in things from children's activities to beach clean up's. He agreed with Mayor Marsden regarding a joint effort between the beach cities to find and implement a strategy on projects that would help maintain the beaches independence and insure the continued high quality of life. Mayor Meserve suggested joining together to do a study on cross connecting the water and sewer systems.

City Manager Linn thanked Jacksonville Beach City Manager George Forbes and Atlantic Beach City Manager Jim Hansen publicly for their cooperative sharing of services throughout the past years.

Mayor Brown acknowledged that Jacksonville Beach City Manager George Forbes and Atlantic Beach City Manager Jim Hansen were in the audience.

Public Comments

PUBLIC COMMENTS

Richard Brown, 716 Magnolia Street, stated he did not receive one of the utility surveys. Mr. Brown added that he was happy with the current utility providers and concerned about hidden cost if the providers were changed.

Scott Birdsong, 616 McCollum Circle, had received superior customer from Jacksonville Beach Electric and was willing to pay more for outstanding customer service.

Judy Bost, 115 Walnut Street, expressed disappointment in the city not proceeding with the water & sewer project. She felt it should have been started 20 years ago when it was less expensive. Ms. Bost did not think that JEA would be willing to do repairs for free and charge less for services. Ms. Bost questioned what would happen with the garbage collection, public works employees, cashiers, and customer representatives if the services were sold to JEA. Ms. Bost referred to an article in the paper relating to the recent takeover of United Water by JEA that stated JEA was bogged down with their billing process. She wondered if JEA would be bogged down with taking over a system that was in bad shape and needed to be completely revamped.

Laura Patronik, 1520 Leeward Lane, stated their household did not receive a survey. She liked the idea of three beach cities working together.

Chris Oakey, 620 Camellia Terrace Drive, felt Jacksonville Beach provided excellent services. He received a survey but he did not respond because he did not understand the comparisons.

Lynda Padrta, 1113 First Street, felt there were inconsistencies in the rate comparisons. She also felt Jacksonville Beach provided better response time. Ms. Padrta was concerned about how JEA easements would affect the property owners.

Roy Deese, 1720 Light Lane, thanked Jerry Holland for his good intentions. Mr. Deese stated that Jacksonville Beach Electric provided better service than he had received anywhere.

Mayor Brown acknowledged that Jacksonville Beach Councilman Art Graham was in the audience.

Recess/Reconvene Mayor Brown called a recess at 8:15 p.m. and the meeting reconvened at 8:20.

COMMITTEE REPORTS

IBBC ISH BRANT BEAUTIFICATION COMMITTEE: City Manager Linn reported the irrigation system and palm trees had been installed in the Third Street medians. The wildflowers were yet to be installed and they were looking into funds for shrubbery. The committee was also working on beautifying the south barricade on First Street.

CITY MANAGERS PUNCH LIST

New Water Line City Manager Linn informed the Council the replacement of the water line on Seventh Street from Florida Boulevard to Bal Harbor was complete. The old line would be decommissioned at 2:00 a.m.

Change in Regular Meeting Date City Manager Linn stated that himself, Director of Finance Steve Ramsey, and the Director of Public Safety Bill Brandt would be in Orlando for the National Hurricane Conference on the date of the regular Council meeting in April. Mr. Linn suggested changing the date of the meeting to the following week. Mr. Linn also suggested holding a special meeting to award the contract for the Water Project.

Consensus: **TO MOVE THE DATE OF THE REGULAR COUNCIL MEETING TO APRIL 8, 2002.**

Consensus: **TO HOLD A SPECIAL MEETING TO AWARD THE CONTRACT FOR THE WATER PROJECT ON THURSDAY, MARCH 28, 2002, AT 6:00 P.M.**

Jarboe Park JARBOE PARK IMPROVEMENTS: City Manager Linn reported the Jarboe Park Improvement Project was almost complete. He was waiting on the bridge. The handicap swings were in and would soon be installed. The J's were still missing on the park sign and he made several calls and was working on replacing them.

Flood Marking FLOOD ZONE MARKINGS ON FIRST STREET: City Manager Linn stated he was waiting on the paper to come in so a stencil could be made to do the "Flood Zone" markings on the pavement on First Street.

Kings Road Bridge KINGS ROAD BRIDGE: City Manager Linn stated he was working with Jacksonville Beach on an alternative ingress & egress in order to install the bridge. Director of Public Works John Galen was working on the timing and permits.

Vice Mayor Shimp asked City Manager Linn if the timer could be changed on the irrigation system in the Third Street medians to the evening hours when there was less traffic.

Councilor Gilbert asked if there would be a chance of getting some trees planted on Florida Boulevard at the entrance to Neptune Beach. Mr. Linn responded when the Mayport Flyover was complete that JTA would be installing some landscaping and landscaping was also planned along with the bike path. Mr. Linn stated he would work on getting landscaping for the west side of Florida Boulevard.

Councilor Gilbert mentioned there was still a big pothole in the middle of the intersection at Florida Boulevard and Penman Road.

Mr. Linn stated Councilor Pruette and Councilor Patronik would have to recuse themselves from voting on the Resolution in support of the JFK because they worked for the federal government. Councilor Pruette stated for the record that although she could not vote she supported the resolution.

PROPOSED ORDINANCES/NONE

CONTRACT/AGREEMENTS/NONE

ISSUE DEVELOPMENT

Senior Center

UPDATE REPORT ON NEW SENIOR CENTER: Director of the Senior Center Leslie Lyne informed the Council the Senior Center that was created with the CDBG Grant was an absolute hit. The center was available not only to Neptune Beach seniors but to Jacksonville Beach and Atlantic Beach seniors as well. The center opened for activities on January 7, 2002. The age limit was 55 and above. She had 380 seniors visit the center during the month of February. There were many different activities available to the seniors.

The Council and City Manager Linn thanked Leslie Lyne for her enthusiasm and doing an excellent job in getting the senior center up and running.

Resolution
No. 2002-02

RESOLUTION NO. 2002-02 – SUPPORT OF JFK: A RESOLUTION URGING THE NORTHEAST FLORIDA CONGRESSIONAL DELEGATION AND THE U.S. DEPARTMENT OF DEFENSE TO MAKE EVERY EFFORT TO ENSURE THAT THE UPCOMING MAJOR OVERHAUL OF THE AIRCRAFT CARRIER USS JOHN F. KENNEDY BE PERFORMED AT ITS HOME PORT OF NAVAL STATION MAYPORT IN JACKSONVILLE, FLORIDA; DIRECTING THE COUNCIL SECRETARY TO FORWARD COPIES OF THIS ADOPTED RESOLUTION TO THE MEMBERS OF THE NORTHEAST FLORIDA CONGRESSIONAL DELEGATION AND TO THE U. S. SECRETARY OF DEFENSE AND SECRETARY OF THE NAVY; PROVIDING AN EFFECTIVE DATE.

Consensus: **TO FORWARD RESOLUTION NO. 2002-02 TO THE APRIL REGULAR COUNCIL MEETING.**

Watersedge Drive

WATERSEDGE DRIVE DRAINAGE PROBLEM: Vice Mayor Shimp stated several emails had been distributed, but the Watersedge Drive drainage problem had still not been corrected. Vice Mayor Shimp felt it was time to file an official complaint against JEA with the Code Enforcement Board.

City Manager Linn commented he had met with representatives from JEA out on the property. He thought they would have had the work completely by now. City Attorney

White was researching how the city could force JEA to correct the drainage problem since JEA was a government agency. Mr. Linn felt the city was morally obligated to help resolve the problem but legally the homeowners were responsible.

A discussion ensued regarding different ways to resolve the problem.

Consensus: **FOR THE CITY COUNCIL AS A BODY TO FILE AN OFFICIAL COMPLAINT AGAINST JEA WITH THE CITY CODE ENFORCEMENT BOARD.**

Councilor Pruette stated that she wanted to wait to hear from the City Attorney before moving forward on the issue.

Public Comments

PUBLIC COMMENTS ON AGENDA ITEMS ONLY / NONE

Adjournment

There being no further business, the meeting adjourned at 9:12 p.m.

Attest:

Richard A. Brown, Mayor

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
WORKSHOP CITY COUNCIL MEETING
MARCH 25, 2002 AT 7:00 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 March 25, 2002 at 7:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

Mayor Richard A. Brown
Vice Mayor Robert D. Shimp
Councilor Jimmy Gilbert
Councilor Ronald Patronik
Councilor Harriett Pruette
City Attorney Christopher A. White

City Manager Richard A. Linn
City Clerk Lisa Volpe, CMC
Finance Director Steve Ramsey
Building Official Dan Arlington
Deputy City Clerk Karla Strait, CMC

Call to Order/Roll Call The Mayor called the meeting to order at 7:00 p.m.

City Manager Linn reviewed and identified the stormwater projects that could be funded with a stormwater utility fee. The source of the information was from the Stormwater Master Plan that was completed in 1998 by PBS&J. Some of the work on Kings Road and Acacia Road had already been completed. There was not a cost attached or priority list to the projects. Mayor Brown asked why it was mentioned to pump water out of certain retention ponds. City Manager Linn replied he had to check with PBS&J. He stated that Drainage Problem #5, Florida Boulevard west of Penman Road intersection, was a City of Jacksonville problem. The city could ask them to fix this problem that could be a danger to motorists. Vice Mayor Shimp asked if the work completed on Hopkins Creek helped with the drainage. Mr. Linn stated it helped move the water but did not totally solve the problem.

Vice Mayor Shimp asked if grants could be acquired to do these projects. Mr. Linn answered that it was necessary to have a utility in order to receive grant money from St. Johns River Management.

Discussion ensued on how to set up the stormwater utility.

Councilor Pruette asked if a record of when and where the city cleaned up for maintenance. Mr. Linn stated the city only has record of contracted work. The state was now mandating us to record what we do and a program was being set up to do this. Councilor Pruette stated we could use any extra money through renegotiation with Jacksonville Beach Electric to use for stormwater and therefore lower the fee. City Manager Linn stated the new fee would be minimal considering the amount the city

needs for stormwater.

Councilor Gilbert stated if constituents understood what the money was for they would be less likely to be upset about it. He felt if was necessary to stop depleting the gas tax fund.

Councilor Patronik asked if the state mandated the creation of a stormwater utility fee. Mr. Linn stated there was no mandate but there is a permit necessary for stormwater, which requires certain activities that need funding.

Councilor Patronik asked how the billing would be done. Mr. Linn clarified that the stormwater utility fee would be added to the monthly utility bill based on the number of dwelling units per property.

Councilor Pruette questioned how commercial properties would be charged. Mr. Linn stated they would be charged per ERU (equivalent residential unit) basis. Close to 50% of the total revenue would be paid by the commercial areas.

Councilor Pruette asked for concreting to be permitted before dealing with stormwater. Discussion ensued about this type of permit. Building Official Dan Arlington stated this could be done by a policy change because it was already mentioned in the code. He felt guidelines should be set up before starting a fee. City Attorney Chris White stated there should be some guidelines so that it could not be ruled an invalid fee. Discussion ensued.

Mayor Brown asked what the gas tax was earmarked for besides stormwater. Mr. Linn stated it was for the maintenance of our streets. This would start to be a problem after the water and sewer work was complete and streets need to be rebuilt. Repaving would be impacted if gas tax money was depleted.

Vice Mayor Shimp questioned how the gas tax is funded. Mr. Linn stated it is a penny on the gallon of gas and is approximately \$238,000 a year in revenue.

Councilor Gilbert explained that along with the stormwater utility they were attempting to encourage builders to use pervious surfaces by giving them a break on permitting fees. He announced three ways to help the cities stormwater problems. 1) to have a percentage of a property not be allowed to be impervious in the land use codes, 2) to have a stormwater utility fee to fund projects 3) to have a reason such as a permit break for people not to concrete in their whole yard. This will be helpful as more people renovate their home. Discussion ensued about permitting for impervious surfaces and percentage of the lots. Problems with yard waste going into the storm drains was also discussed.

Building Official Arlington explained that the stormwater ordinance was the same as at the last workshop with the addition of sections 8 and 9. These sections amend the sections of the code that call for impervious surfaces for driveways and allows pervious surfaces to be used. He explained he could start charging a permit fee for paving if the council wished but he felt they should wait until better guidelines could be formed. Mr. Arlington clarified for council that private property drainage problems had to be corrected by the homeowners. The city could not be responsible.

City Manager Linn commented that a small permit fee would not stop people from using impervious material on their property. He felt the best control would be having a percentage of the lot that could not be built on. Councilor Pruette felt permits were for keeping track of the concrete, not to stop people from concreting. Mayor Brown stated it could be discussed in the future as a type of incentive for people to use impervious surfaces.

Mayor Brown stated that instead of having different amounts for districts now the council could establish a basic rate and then in the future could increase certain areas if necessary.

Consensus: **TO ESTABLISH A \$3.00 STORMWATER UTILITY AND TO MOVE THE STORMWATER UTILITY ORDINANCE TO THE APRIL REGULAR COUNCIL MEETING.**

Adjournment

There being no further business, the meeting adjourned at 8:30 p.m.

Richard A. Brown, Mayor

Attest:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
SPECIAL CITY COUNCIL MEETING
MARCH 28, 2002 AT 6:00 P.M.
CITY HALL, 116 FIRST STREET
NEPTUNE BEACH, FLORIDA

Pursuant to proper notice a Special Meeting of the City Council of the City of Neptune Beach was held March 28, 2002, at 6:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

Mayor Richard A. Brown
Vice Mayor Robert D. Shimp
Councilor Jimmy Gilbert
Councilor Ronald D. Patronik
Councilor Harriet Pruette

City Manager Richard A. Linn
Finance Director Steve Ramsey
City Clerk Lisa Volpe, CMC
City Attorney Christopher White

Call to Order/Roll Call

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

Utility Improvement
Project Phase I B&C

AWARDING THE BID FOR THE UTILITY IMPROVEMENT PROJECT PHASE 1, B&C – City Manager Linn stated that two bids were received. Utilix at \$1,575,752.11 and Meers for \$2,302,787.00. Mr. Linn and Jim Miller of PBS&J agreed that due to the large difference in price they would have to do in depth reference check to make a proper decision.

Moved by Shimp, seconded by Patronik.

Motion: **TO POSTPONE AWARDING THE BID FOR THE UTILITY IMPROVEMENT PROJECT PHASE 1 B& C UNTIL APRIL 8, 2002.**

Roll Call Vote:

Ayes: 5 – Gilbert, Patronik, Pruette, Shimp, Brown
Noes: 0

MOTION CARRIED

Watersedge

WATERSEdge DRIVE DRAINAGE –City Manager Linn stated JEA had grated the dirt as promised. Vice Mayor Shimp asked if trees could be planted as a barrier. Mr. Linn answered he would turn the project over the Ish Brant Beautification Committee.

Adjournment

There being no further business, the meeting adjourned at 6:20 p.m.

ATTEST:

Richard A. Brown, Mayor

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
REGULAR CITY COUNCIL MEETING
FEBRUARY 4, 2002 AT 7:00 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 February 4, 2002, at 7:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

Mayor Richard A. Brown
Vice Mayor Robert D. Shimp
Councilor Harriet Pruette
Councilor Jimmy Gilbert
City Attorney Christopher A. White
City Manager Richard A. Linn

City Clerk Lisa Volpe, CMC
Assistant to the City Manager Terry Klein
Director of Finance Steve Ramsey
Building Official Dan Arlington
Deputy City Clerk Karla Strait, CMC

ABSENT:
Councilor Ronald D. Patronik

Order Call/Pledge

Mayor Brown called the meeting to order and asked Councilor Gilbert to lead the Pledge of Allegiance.

AWARDS / PRESENTATIONS / RECOGNITION OF GUESTS

Mayor Brown recognized and introduced Elaine Reiss as a newly appointed alternate member on the Board of Appeals.

APPROVAL OF MINUTES

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

JANUARY 7, 2002, REGULAR COUNCIL MEETING
JANUARY 22, 2002, WORKSHOP COUNCIL MEETING

Moved by Shimp, seconded by Pruette.

Roll Call Vote:

Ayes: 4 – Gilbert, Pruette, Shimp, Brown
Noes: 0
Absent: 1 – Patronik

MOTION CARRIED

COMMUNICATIONS AND CORRESPONDENCETable the Consent
Agenda

Vice Mayor Shimp asked the council to table the consent agenda due to some information received over the weekend regarding open trenching verses directional drilling. Vice Mayor Shimp suggested a special meeting be held to discuss the most cost effective method.

City Attorney White advised that if one member of the Council requested that something to be removed from the consent agenda it was automatically removed and did not require a majority vote of the Council.

Consensus: **TO HOLD A SPECIAL WORKSHOP MEETING MONDAY, FEBRUARY 11, 2002, AT 6:30 P.M. TO DISCUSS THE PRE-QUALIFICATIONS FOR THE WATER IMPROVEMENT PROJECT.**

Bartalome Road

BARTALOME ROAD: Councilor Pruette referred to an e-mail from a resident of Water Edge Drive regarding a road under construction and asked what it was all about. Dan Arlington stated someone was looking into building on the property behind Waters Edge Drive and a survey for a road had been completed. Mr. Arlington added that it was a preliminary study and nothing was firm. City Attorney White stated there were some issues to be worked out with St. Johns River Water Management District which he and Mr. Arlington were working on.

Penman Road &
Florida Blvd.

PENMAN ROAD & FLORIDA BOULEVARD: Councilor Gilbert asked City Manager Linn about the potholes in the intersection of Florida Boulevard and Penman Road. City Manager Linn responded that Florida Boulevard is a Jacksonville road but Neptune Beach could do the repairs.

CITY MANAGER REPORTSProject 1-A
Close Out

PROJECT 1-A – CLOSE OUT: City Manager Linn announced that Project 1-A of the Water Improvement Plan was completed.

Waters Edge
Lots of Record

WATERS EDGE DRIVE – LOTS OF RECORD – NOTIFICATION: City Manager Linn stated City Attorney Chris White had sent him the results of the title search at Waters Edge Drive. City Attorney White added that lots 9-15 were not addressed in his opinion letter and the owners of those units needed to send him a copy of their deed so he could run a title search. City Manager Linn stated he would have his assistant send the owners a letter notifying them to send a copy of their deed.

Recess

Mayor Brown called a recess at 7:25 p.m. to go to the parking lot for a demonstration of the Smart Trailer.

Smart Trailer
Demo

DEMONSTRATION OF SMART TRAILER: Officer Larry Dean demonstrated how the smart trailer operated and explained it was a speed monitoring/awareness radar designed to alert drivers of the posted speed limit and the speed in which they were traveling.

Reconvene

Mayor Brown called the meeting back to order at 7:35 p.m.

COMMENTS FROM THE PUBLIC

Public Comments

Ralph LaPerna, 2507 Waters Edge Drive, thanked Council for completing title searches on Waters Edge Drive and acknowledging them as lots of record. Mr. LePerna added there was still a drainage problem.

David Baker, 1102 First Street, suggested adding more “no parking” signs on First

Street and more "speed limit" signs on Third Street.

Lynda Padrta, 1113 First Street, felt the city should move forward with the Water Improvement Project. Ms. Padrta felt it would delay the project even longer if the water and sewer project were combined.

Brian Schmitt, 506 Oceanfront, stated that he worked for an underground utility contractor. Mr. Smidt felt the pre-qualification specifications would exclude a lot of quality contractors.

Gordon Gruhn, 500 Ranch Road, stated that there would be no difference in impact on the residents if the pipes were installed with directional drilling or if they were installed with open trenches. Mr. Gruhn suggested having an open dialog at the workshop meeting.

CONSENT AGENDA

Water Improvement
Project

RESCINDING SUSPENSION OF BIDDING OF WATER IMPROVEMENT PROJECT:
Mayor Brown stated the consent agenda had been tabled by earlier council action.

VARIANCES/NONE

ORDINANCES

Ordinance No.
2002-01

ORDINANCE NO. 2002-01, MECHANICAL PERMIT FEES, SECOND READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, AMENDING SECTION 8-182, PERMIT FEES MECHANICAL AND PROVIDING AN EFFECTIVE DATE.

Mayor Brown opened the floor for public comments.

There being no comments from the public the public hearing was closed.

Moved by Shimp, seconded by Gilbert.

Motion: **TO ADOPT ORDINANCE 2002-01, MECHANICAL PERMIT FEES, ON SECOND READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 4 – Gilbert, Pruette, Shimp, Brown

Noes: 0

Absent: 1 – Patronik

MOTION CARRIED

OLD BUSINESS/NONE

NEW BUSINESS

Smart Trailer

PURCHASE AUTHORIZATION – SMART TRAILER - \$14,465 TO KUSTOM SIGNALS: The funds to be used to purchase the Smart Trailer would come from the contingency line item fund, which required City Council approval.

Mayor Brown questioned if the city was large enough to put the trailer to use full time and suggested perhaps a partnership with Atlantic Beach would be worth exploring. He also suggested running some field tests.

Councilor Pruette was concerned about a shortage in the contingency fund and suggested waiting until August or September to purchase it if it was decided that it was needed.

Vice Mayor Shimp felt the city would get a lot of use out of the trailer and was not in favor of sharing one with Atlantic Beach. He was in favor of field tests.

Councilor Gilbert felt the trailer would also be useful for counting traffic thus eliminating the need for traffic studies.

Director of Public Safety Brandt stated the department had borrowed a trailer from Jacksonville before and it was very useful in slowing the traffic down on Florida Boulevard. Chief Brandt added it could be used on Third Street, in school zones, and wherever a police officer was not present.

Councilor Gilbert voiced concern about the school zone on Florida Boulevard being too small and suggested posting signs and increasing it to two blocks.

Sunset Point

APPROVAL OF FINAL PLAT AND AN ENCROACHMENT PERMIT: City Manager Linn explained since the previous approval of the final development two lots had been removed from the plat. Because those two lots had been removed the developer was requesting an encroachment permit to allow for a landscape buffer between the development and the two lots. The landscape encroachment would be between 4 and 8 feet wide and extend about 200 feet.

Steve Jarrett, 210 South Street, the developer of the property explained that the owner of the two lots found another buyer and requested not to be a part of the plat. Mr. Jarrett needed the encroachment permit in order to landscape along that common side and in front of the subdivision to make an attractive entrance into the subdivision.

Moved by Shimp, seconded by Pruette.

Motion: **TO APPROVE THE FINAL PLAT AND THE ENCROACHMENT PERMIT FOR SUNSET POINT.**

Roll Call Vote:

Ayes: 4 – Gilbert, Pruette, Shimp, Brown

Noes: 0

Absent: 1 – Patronik

MOTION CARRIED

Days Inn

APPROVAL OF DEVELOPMENT ORDER – 1401 ATLANTIC BOULEVARD – DAYS INN: Gary McDonald, architect for Nemesis Hotel Management, stated that he had received preliminary development approval from the Planning & Development Review Board for the project and they were now requesting a final approval from the City Council. Mr. McDonald explained they were planning to upgrade the quality of the hotel to provide a very nice upscale hotel. Mr. McDonald stated there were 132 rooms of 2 stories and 1 long wing with an existing lobby, restaurant, and nightclub area. The 132 rooms were currently being renovated and they were waiting on a permit to start renovations on the lobby, restaurant, and nightclub. The new construction involved a 5,600 square foot lobby building in front of the existing lobby and to the side of the existing restaurant. The entire front of the building would look completely different and the landscaping would also be upgraded.

Moved by Shimp, seconded by Gilbert.

Motion: **TO APPROVE THE FINAL DEVELOPMENT ORDER FOR 1401 ATLANTIC BOULEVARD – DAYS INN.**

Roll Call Vote:

Ayes: 4, Gilbert, Pruette, Shimp, Brown

Noes: 0

Absent: 1 – Patronik

MOTION CARRIED

Resolution No.
2002-01

RESOLUTION NO. 2002-01, APPOINTING BOARD MEMBERS TO THE BOARD OF APPEALS AND THE CODE ENFORCEMENT BOARD.

RESOLVED, the City Council of the City of Neptune Beach, Florida, hereby confirms the following board appointments:

BOARD OF APPEALS				
Member	Type	Term	Begins	Ends
Thomas Garza	Appoint Regular	3 years	02/04/2002	02/03/2005
Sybil Ansbacher	Appoint Regular	3 years	02/04/2002	02/03/2005
Elaine Reiss	Appoint Alternate	1 year	02/04/2002	02/03/2003

CODE ENFORCEMENT BOARD				
Member	Type	Term	Begins	Ends
William Weldon	Reappoint Alt.	1 year	02/02/2002	02/01/2003

Moved by Gilbert, seconded by Pruette.

Roll Call Vote:

Ayes: 4 – Gilbert, Pruette, Shimp, Brown

Noes: 0

Absent: 1 – Patronik

MOTION CARRIED

Adjournment

There being no further business, the meeting adjourned at 8:34 p.m.

Richard A. Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
WORKSHOP CITY COUNCIL MEETING
FEBRUARY 11, 2002 AT 6:30 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 February 11, 2002 at 6:30 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

Mayor Richard A. Brown
Vice Mayor Robert D. Shimp
Councilor Jimmy Gilbert
(arrived 6:40 p.m.)

Councilor Ronald Patronik
Councilor Harriett Pruette

City Manager Richard A. Linn
City Clerk Lisa Volpe, CMC
Supervisor of Water & Waster/Water Leon Smith

Absent:
City Attorney Christopher A. White

Call to Order/Roll Call

The Mayor called the meeting to order at 6:30 p.m. and asked for questions from Council. Councilor Patronik asked for the most cost effective method.

City Manager Linn stated he and Jim Miller from PBS&J and the city attorney met during the prior week. They outlined in a memo the best compromise solution with the best price. He summarized the memo stating they have changed the specifications to allow the contractor to decide which method they would like to use either open cut or horizontal directional drilling. Either method would have to use High Density Polyethelene (HDPE) pipe. Poly vinyl chloride (PVC) pipe could not be used without a permit change. The qualifications would remain the same for any work completed by a contractor or subcontractor for horizontal directional drilling.

Councilor Pruette asked how the bid would be awarded if two different methods were in the bids. Mr. Linn stated the bid would be awarded based on the lowest price.

Vice Mayor Shimp asked if it would be more cost effective if the city installed sewer at the same time as the water if the city did the open trench method. He also asked if the city would have a special machine necessary to weld the new type of High Density Polyethelene (HDPE) pipe. Mr. Linn stated the city would have the new machine. He also stated the water and sewer pipes had to be 10 feet apart by state mandate, therefore it would be just as easy to do these separately.

Councilor Pruette felt the city should begin with water and attack the sewer later due to the water break problems in the recent weeks. Mr. Linn did comment that the city should begin design work on sewer as soon as the water project is underway.

Councilor Patronik asked if pipe bursting was an option. Mr. Miller said the permit would

not allow pipe bursting due to the type of pipe permitted.

Vice Mayor Shimp asked why the qualifications for directional drilling had not changed which could allow someone with no experience in the Jacksonville area to win the bid. Mr. Miller commented that the specifications were changed to let open cut bid. He stated the qualifications were necessary to be sure the company had the ability and experience to do the job. The specs were not JEA specs yet but JEA hoped to adopt them in the future and should definitely be looked at. The job would not allow for any change orders and there would be strict penalties for delays, line destructions, ingress/egress problems, liquidated damages, and a bonus if completed early. This allows the city to stop contractors who have a bad record with telecommunication companies to be able to bid.

Vice Mayor Shimp reiterated that open cut contractor could bid and penalties were for anyone doing the job but did not understand why the qualification was so strict with 200,000 feet of piping experience.

Mr. Miller stated he was going by the recommendation of many engineers all over Florida in his company. He would change the qualifications if directed by Council but did not feel comfortable changing them on his own.

Councilor Patronik suggested adding to the penalties to offset the lowering of qualifications.

Councilor Gilbert read from a letter he had previously submitted by a JEA official that stated qualifications were not necessary as written. Councilor Gilbert had objections to imposing the 200,000 feet qualification to subcontractors and felt qualifications should be imposed based on what percent of the job was being completed by directional drilling. Mr. Miller stood by his recommendation but would listen to any directive made by Council. Discussion ensued about Councilor Gilbert's recommendation.

City Manager Linn stated that John Galen, Director of Public Services, had told him the Consumptive Water Use Permit was being renewed and St. John's River Water Management was beginning to question why we kept saying we were going to do this project and why it kept being put off. Mr. Linn also stated he had spoken with the city attorney and if a consensus was made tonight then it could be advertised and an official vote be made at a special meeting preceding the workshop on February 25, 2002.

Mayor Brown opened the floor to public comments.

PUBLIC COMMENTS

Gordon Gruhn, 500 Ranch Road, stated that the specification attempting to be used was not used anywhere else and would not guarantee a qualified contractor. He objected to having to qualify subcontractors thereby using a sub that he would be bidding against. He stated the information he had previously given was factual but did not guarantee a million dollar savings. JEA does not go by any specifications but they did have a qualification list with many good contractors on it. He stated that JEA did not require a permit for pipe bursting. He felt the general contractor should be able to choose which technology to use on what section and not have to use a "qualified contractor" as a subcontractor. He suggested using the added paragraph that he had suggested at the last meeting. Council engaged in discussion with Mr. Gruhn.

Tim Slater, 573 Magnolia Street, asked when Bal Harbour would be done and stated it should be given priority due to the excessive water breaks in the last year. Vice Mayor Shimp assured him it was first on the list. Councilor Pruette asked for an updated priority list in writing from Mr. Linn. Mr. Slater also asked for the sewer to

be looked into because of the problems it is causing in this neighborhood where lines are in the back yards.

Bryan Schmidt, 506 Oceanfront, passed out a resume of the contractors within the Utility Contractors Association. He asked for no one to be excluded in the bidding process and was glad for the compromise but felt a meshing of the two technologies would be the best economically speaking. He felt qualifications should not be placed on subcontractors.

Mike Woodall, John Woody Inc., 424 Pond Drive, as an open cut contractor, he felt there were some places it would be better to directionally drill. He wanted to be able to use a subcontractor of his choosing. He also questioned the liquidated damages for hitting existing pipes especially when a lot of times the city did not know where the pipes were themselves.

Grady James, Jax Utility Construction a part of the Haskell Company, 6130 Hecksher Drive, was also interested in lowering the amount of drilling required in the qualifications and felt the city would be better off by using local talent. He disagreed with having to qualify the subcontractor.

Robin Thigpen, 1445 West Church Street, stated that pipe bursting did not need a permit but did have excess interruption of service. He stated JEA does have a pre-qualifying list called 18 b&g and his company is on it. He stated AT&T cable had 11 contractors running their cable. His company uses ground radar and put in 20,000 feet of lines in this area by directional drilling. His company is always prompt in fixing anything that may be damaged during the work. His company has completed a lot of work for drilling for gas companies.

Lynda Padrta, 1113 First Street, asked what the 18 b&g list meant for JEA and what qualifications were needed. She also asked the council to be clear what the consensus was before the end of the meeting.

The council discussed some of the specifications such as contractors having to own their own equipment and blending the two technologies. They also discussed allowing subcontractors who are only doing a percentage of the job not to have the same qualifications; having qualifications for open cut contractors; residential drilling requirements; and JEA qualifications.

Vice Mayor Shimp stated that a compromise needed to be worked out by the end of the meeting.

Councilor Pruette asked for a brief recess.

Recess/Reconvene

Mayor Brown called a recess at 8:30 p.m. The meeting was called back to order at 8:45 p.m.

Mayor Brown stated that when he was with the telephone company he sat on the Utility Association Board. He remembers them being interested in safety and professionalism.

Vice Mayor Shimp asked Robin Thigpen how much directional drilling he had completed in the last year. Mr. Thigpen stated it was a lot but mostly gas lines. Discussion ensued about whether or not gas mains were equal in experience to water mains.

Mr. Miller stated that if the council wanted the qualifications to be changed they just needed to direct him to do so. He also stated if the qualifications were changed for subcontractors they needed to be changed for contractors.

Councilor Gilbert asked about the paragraph that the contractors asked to be inserted at a prior meeting. Mr. Miller stated it meant less experience. Councilor Gilbert asked if they could pre qualify based on percentage of the job being directional drilled. Discussion ensued on this topic. City Manager Linn stated he would be more comfortable with allowing gas line experience rather than percentage of job to determine pre-qualifications. Councilor Pruette suggested going with only open cut method. Mr. Miller said if this was going to be done then you may as well use PVC pipe and therefore you would have to re-permit. Mr. Gruhn spoke about mitigating damages. Discussion ensued about whether to raise the amount of damages or to change the specifications to allow for gas pipe experience. Discussion also centered on what licensing would be required.

Vice Mayor Shimp asked Leon Smith, Supervisor of Water and Sewer what he felt should be done. Mr. Smith stated he had no problem with any of the contractors in the audience but the council were the ones making the decision.

Councilor Pruette asked if the memo by the City Manager and Mr. Miller would allow the contractors in the audience to bid. They stated it would allow them to bid open cut.

The council discussed using licensing as a pre-qualification or using JEA lists as a qualification.

Councilor Pruette stated that as a councilor she needed to rely on staff and she supported the memo that was in front of them.

A contractor suggested adding pressure pipe to the pre-qualifications. The compromise was discussed.

Consensus: **TO USE THE MEMO CITY MANAGER LINN AND JIM MILLER OF PBS&J SUMMITTED TO GO OUT TO BID BUT CHANGING IT TO AND/OR DIRECTIONAL DRILLING / OPENCUT. AND ADDING PRESSURE PIPE TO THE PREQUALIFICATION REQUIREMENTS.**

City Manager Linn recognized Donna Kaluzniak of Atlantic Beach and Gary Quick of Jacksonville Beach.

Lynda Padrta thanked the council for all of their efforts.

Adjournment

There being no further business, the meeting adjourned at 9:45 p.m.

Richard A. Brown, Mayor

Attest:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
SPECIAL CITY COUNCIL MEETING
FEBRUARY 25, 2002 AT 7:00 P.M.
CITY HALL, 116 FIRST STREET
NEPTUNE BEACH, FLORIDA

Pursuant to proper notice a Special Meeting of the City Council of the City of Neptune Beach was held February 25, 2002, at 7:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

Mayor Richard A. Brown
Vice Mayor Robert D. Shimp
Councilor Jimmy Gilbert
Councilor Ronald D. Patronik
Councilor Harriet Pruette
City Manager Richard A. Linn
Finance Director Steve Ramsey

Building Official Dan Arlington
Assistant to the City Manager Teresa Klein
Assistant to the Building Official Piper Turner
Deputy City Clerk Karla Strait, CMC

ABSENT:
City Clerk Lisa Volpe, CMC
City Attorney Christopher White

Call to Order/Roll Call

The Mayor called the meeting to order at 7:00 p.m.

Utility Improvement
Project Phase I B&C

ADVERTISE FOR BIDS- UTILITY IMPROVEMENT PROJECT PHASE 1, B&C – Mayor Brown asked for a motion to approve the bidding process.

Moved by Shimp, seconded by Pruette.

Motion: **TO ADVERTISE FOR BID FOR THE UTILITY IMPROVEMENT PROJECT PHASE 1 B&C.**

Roll Call Vote:

Ayes: 5 – Gilbert, Patronik, Pruette, Shimp, Brown
Noes: 0

MOTION CARRIED

Adjournment

There being no further business, the meeting adjourned at 7:07 p.m.

Richard A. Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
WORKSHOP CITY COUNCIL MEETING
FEBRUARY 25, 2002 AT 7:00 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 February 25, 2002 at 7:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

Mayor Richard A. Brown
Vice Mayor Robert A. Shimp
Councilor James Gilbert
Councilor Ronald A. Patronik
Councilor Harriet Pruette
City Manager Richard A. Linn

Deputy City Clerk Karla Strait, CMC
Assistant to the City Manager Terry Klein

ABSENT:

City Clerk Lisa Volpe, CMC
City Attorney Christopher White

Call to Order/Roll Call

The Mayor called the meeting to order at 7:00 p.m.

COMMITTEE REPORTS

IBBC

ISH BRANT BEAUTIFICATION COMMITTEE: City Manager Linn reported the irrigation system was installed in the Third Street medians and the palm tress and wildflowers would be installed on March 4th . The committee was also looking at the Bike Path Beautification.

CITY MANAGERS PUNCH LIST

Jarboe Park

JARBOE PARK IMPROVEMENTS: City Manager Linn reported the handicap swing and the footbridge were on order and would be installed within two weeks.

Bike Path – Penman Road

BIKE PATH – PENMAN ROAD: City Manager Linn stated he attended a meeting on January 17th. The Florida Department of Transportation was handling it.

Vice Mayor Shimp asked about shrubs around the new lift station in Jarboe Park. City Manager Linn stated they were supposed to have already planted some.

Councilor Pruette asked for the water project to be placed on the punch list.

PROPOSED ORDINANCES

Ordinance 2002-02

ORDINANCE NO. 2002-02 ESTABLISHMENT OF A STORMWATER UTILITY COUNCILOR GILBERT. Councilor Gilbert stated this issue keeps getting pushed back

and the funding available now through the local option gas tax is depleting quickly with no other source in place. The surrounding communities already have this tax. He stated while no one may want to raise taxes but they can not let the funds deplete. He suggested raising within a period of years to an eventual break even point. He asked that incentives be made for people to use less impervious surfaces. City Manager Linn stated PBS&J had completed a stormwater report last year. The numbers that were being suggested are based on this report. The fund being used now for services had a \$1.1 million amount in 1996 and this past year it is down to \$448,000 and within four years the city will be broke in that fund.

For the record Mayor Brown stated this was pretty much a state mandate to have a Stormwater Utility and a dedicated source of revenue. City Manager Linn stated it is mandated to have a certain level of services regardless of where the money comes from.

Vice Mayor Shimp had concerns for everyone paying the same amount when not everyone had the same benefit. The city needs to encourage people to build less impervious service. He felt there should be two different rates; one for east and one for west of Third Street.

Councilor Pruette stated she wanted a workshop solely on stormwater. She also found the code stated driveways had to be paved. She felt this caused some of the problem. She also wanted to know what the five year plan was. City manager Linn stated we did have a Storm Water Master Plan.

City Manager Linn stated all commercial property would be divided by the ERU's and have to pay the majority of the total utility. He explained that PBS&J had written what they felt was the most fair way for the utility to be set up.

Councilor Pruette asked if the city could get help from other agencies to fund this. City Manager Linn did not think so.

Vice mayor Shimp asked why each lot could not be taken separately. City Manager Linn stated it could be completed that way but it would be very costly to survey each property.

Councilor Gilbert felt there should be incentive and there should be permits for pouring concrete.

Mayor Brown pointed out that the storm water utility does not only deal with flooding problems in one area of town it also dealt with maintenance, street sweeping, and processing of stormwater throughout the city.

Councilor Patronik discussed using zones to make the rate fair throughout the city or charging per dwelling unit. City Manager Linn stated staff had some recommendations for changes to make it easier to bill. Councilor Pruette asked if the fee could be folded into property taxes.

Consensus: **TO HAVE A SPECIAL WORKSHOP ON STORM WATER UTILITY.**

CONTRACT/AGREEMENTS

Utility Improvement
Project

RECOMMENDATION FOR SELECTION OF ARCHITECTURAL SERVICES PUBLIC SERVICES FACILITIES. City Manager Linn stated the Public Services Facilities was in much needed repair and replacement. He felt it was the best way to spend Better Jacksonville money. He was in favor of a design build method. Staff agreed to use the firm that Jacksonville Beach used. City Manager Linn asked council to start negotiating or for them to make a presentation to council.

Consensus: **TO ALLOW THE CITY MANAGER TO NEGOTIATE WITH PGH/VARGAS ARCHITECT/ENGINEERS FOR THE PUBLIC SERVICES FACILITY.**

ISSUE DEVELOPMENT

Emergency Generator **PURCHASE OF EMERGENCY GENERATOR:**

Smart Trailer **PURCHASE OF A "SMART TRAILER" SPEED INDICATOR UNIT.**

City Manager Linn suggested putting the Smart Trailer off until budget time and using contingency money to buy the generator, which is very necessary. The generator in use now is extremely unreliable. Council discussed the purchasing of both items.

Consensus: **TO MOVE THE EMERGENCY GENERATOR TO THE NEXT COUNCIL MEETING AND TO DELAY THE SMART TRAILER UNTIL THE NEXT BUDGET SEASON.**

Jarboe Park shower **INSTALLATION OF SHOWER UNIT AT JARBOE PARK - COUNCILOR PATRONIK:** Councilor Patronik stated it was just a spicket for hosing off after volleyball games. City manager Linn stated the same thing was tried at the lifeguard station and was a maintenance problem. Councilor Patronik stated a hose spicket was fine so no maintenance problems would start.

Flooding
First Street **FLOODING – FIRST STREET – COUNCILOR PRUETTE:** Councilor Pruette explained she understood not much could be done except for maybe some signage. Discussion ensued.

Public Comments

PUBLIC COMMENTS ON AGENDA ITEMS ONLY

Ralph LaPerna, 2507 Watersedge Drive, asked if JEA could be fined by our city for standing water. Mayor Brown stated he and the city attorney met with JTA and they said they would meet with JEA. There was discussion concerning the problem.

Joanne Waddill, Oleander Street, asked questions concerning flooding.

Lynda Padrta, 1113 First Street, discussed concerns about the Stormwater Utility and the property taxes. She felt that concrete should be permitted and new residents should get local information packets. She also stated flooding concerned all residents.

Ron Powell, 1830 Nightfall Drive, stated his concern for paying for services he would not benefit from since his neighborhood had no stormwater system. He did not mind paying a fee as long as he could see some benefit.

Jean Powers, 215 Florida Blvd, asked if council would allow the residents to speak after each topic.

Roy Dees, 1720 Lighty Lane, thanked the council for the work they do and the abuse they take.

Ralph LaPerna, 2507 Waters Edge Drive, suggested stenciling Flood Area on the street.

Councilor Pruette asked the city manager for an update on the Kings Road Bridge at the next meeting. Vice Mayor Shimp hoped Councilor Gilbert's foot felt better.

Adjournment

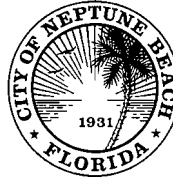
There being no further business, the meeting adjourned at 8:50 p.m.

Richard A. Brown, Mayor

Attest:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
REGULAR CITY COUNCIL MEETING
JANUARY 7, 2002 AT 7:00 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 7, 2002, at 7:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

Mayor Richard A. Brown
Vice Mayor Robert D. Shimp
Councilor Ronald D. Patronik
Councilor Harriet Pruette
Councilor Jimmy Gilbert
City Attorney Christopher A. White
City Manager Richard A. Linn

City Clerk Lisa Volpe, CMC
Assistant to the City Manager Terry Klein
Director of Finance Steve Ramsey
Building Official Dan Arlington
Assistant to the Building Official Piper Turner
Deputy City Clerk Karla Strait, CMC

Order Call/Pledge

Mayor Brown called the meeting to order and asked Councilor Patronik to lead the Pledge of Allegiance.

AWARDS / PRESENTATIONS / RECOGNITION OF GUESTS

Mayor Brown presented Deputy City Clerk Karla Strait with a plaque from the International Institute of Municipal Clerks for achieving the designation of Certified Municipal Clerk.

APPROVAL OF MINUTES

Motion:

TO APPROVE THE FOLLOWING MINUTES AS STATED:

DECEMBER 3, 2001, REGULAR COUNCIL MEETING
DECEMBER 17, 2001, WORKSHOP COUNCIL MEETING

Moved by Patronik, seconded by Shimp.

Roll Call Vote:

Ayes: 5 – Gilbert, Patronik, Pruette, Shimp, Brown
Noes: 0

MOTION CARRIED

COMMUNICATIONS AND CORRESPONDENCE

Vice Mayor Shimp felt the specifications and qualifications for the bidding of Phase I of the Water Utilities Plan were too strict and eliminated smaller companies from the bidding process. Shimp suggested postponing the pre-qualifying and reducing the qualifications. He requested that the subject be placed on the next workshop meeting for discussion.

City Manager Linn stated an official action was needed in order to cancel the bidding process. Mr. Linn supported the bid specifications as they were written by the engineer and was concerned about lack of performance and increased costs if the qualifications were reduced. Mr. Linn asked Jim Miller to estimate the additional costs the city would incur to re-bid the project.

Jim Miller, PBS&J, stated the whole job would need to be re-advertised and would take at least another 30 days. Mr. Miller estimated that it would cost the city approximately \$3,000 to \$4,000 more in bidding expenses.

Moved by Shimp, seconded by Patronik.

Motion: **TO SUSPEND THE BIDDING PROCESS.**

Roll Call Vote:

Ayes: 5 – Gilbert, Patronik, Pruette, Shimp, Brown

Noes: 0

MOTION CARRIED

Vice Mayor
Resignation &
Reappointment

ELECTION OF NEW VICE MAYOR: Vice Mayor Shimp stated when he was elected Vice Mayor a year ago he promised he would resign the post after a year and allow a fellow council member the opportunity to serve as Vice Mayor for a year. Vice Mayor Shimp nominated Councilor Patronik for Vice Mayor and asked to place the issue on the next workshop meeting.

Councilor Pruette voiced concern about electing a new Vice Mayor because of the expenses the city would incur in ordering new business cards, stationary, etc. Councilor Pruette asked City Attorney White for a legal opinion because the Charter clearly stated that the Vice Mayor was chosen when there was an election. City Attorney White responded he would give a legal opinion at the workshop meeting.

Penman Road &
Florida Blvd.

PENMAN ROAD & FLORIDA BOULEVARD: Councilor Gilbert asked City Manager Linn if the city was responsible for the paving at Penman Road & Florida Boulevard because the center of the intersection was in need of repair. City Manager Linn responded that the paving was the responsibility of Duval County.

Atlantic Blvd.
Entrance to the City

ATLANTIC BOULEVARD – ENTRANCE TO THE CITY: Councilor Gilbert questioned who was responsible for the upkeep of the area west of Penman Road on Florida Boulevard at the entrance to the city. City Manager Linn responded that the City of Jacksonville was responsible for the upkeep of that area. Mr. Linn added the Metropolitan Planning Organization and Jacksonville Transportation Authority were currently working with landscape architects for the landscaping once the bike path was completed.

Change of Meeting
Dates

CHANGE OF WORKSHOP MEETING DATES – JANUARY & FEBRUARY 2002: City Clerk Lisa Volpe suggested changing the dates of the January and February workshop meetings. The regularly scheduled January workshop meeting would fall on Martin Luther King Day and the February meeting on Presidents Day.

Consensus: **TO HOLD THE JANUARY 2002 WORKSHOP MEETING ON TUESDAY, JANUARY 22ND AND HOLD THE FEBRUARY WORKSHOP MEETING ON MONDAY THE 25TH.**

CITY MANAGER REPORTS

Longevity Service Awards

LONGEVITY SERVICE AWARDS – EMPLOYEES: City Manager Linn stated he had spoken to and received support from the department heads on the implementation of the Longevity Service Award Program and recommended council approval.

Consensus: **TO MOVE FORWARD WITH THE EMPLOYEE LONGEVITY SERVICE AWARD PROGRAM AND ORDER THE PINS USING THE FOUR-YEAR OPTION PLAN PRESENTED BY STEVE RAMSEY.**

COMMENTS FROM THE PUBLIC

Public Comments

Larry Shealy, 1501 First Street, opposed extending the parking hours on First Street and presented an opposing petition with 130 signatures. He feared council would extend the hours without the input from residents and proposed a discussion forum.

David Baker, 1102 First Street, felt First Street was a unique street where people came from all over to walk, skate, and bicycle. Mr. Baker felt it would be a mistake to extend the parking hours on First Street and suggested allowing parking permits for residents if they needed extra parking for guests.

John Weldon, 108 Oak Street, Chairman of the Planning & Development Review Board, opposed extending the parking hours on First Street stating the parking was intended to support beach access during the sunlight hours not to provide additional parking for evening parties.

Lynda Padrta, 1113 First Street, opposed extending the parking hours on First Street and felt the hours should not be changed unless there was very good justification.

Mary Ann Padrta, 1113 First Street, opposed extending the parking hours on First Street. Ms. Padrta felt if the parking was extended more people would drink, litter on residents' lawns, and party in parked cars. She did not want to live in a party community.

Robin Thigpen, 1445 West Church Street, applauded the decision of the council to suspend the bidding process on the Water Project and reevaluate the qualifications for contractors.

CONSENT AGENDA

Water Improvement Plan

APPROVAL OF FACILITIES PLAN FOR WATER IMPROVEMENT PROJECT: City Manager Linn explained this was the facility plan on the environmental impact for the Department of Environmental Protection.

Moved by Shimp, seconded by Patronik.

Motion: **TO APPROVE THE CONSENT AGENDA AS STATED.**

Roll Call Vote:

Ayes: 5 – Gilbert, Patronik, Pruette, Shimp, Brown
Noes: 0

MOTION CARRIED

VARIANCES

207 Walnut Street APPEAL OF DENIAL OF VARIANCE REQUEST – 207 WALNUT STREET – MR. WARREN ANDERSON: City Manager Linn asked Mr. Warren Anderson, the appellant, to present his case to the council.

For the Record Councilor Pruette stated for the record that she had spoken with Mr. Warren Anderson the previous night. Councilor Patronik and Vice Mayor Shimp had also spoken with Mr. Anderson.

Mr. Warren Anderson stated he purchased the lot because of the large front yard and had plans to build a courtyard effect with a garage in the front, a green space and small swimming pool in the middle.

His variance request to the Board of Appeals was on the following three issues:

1. An addition to the front and rear of the house.
2. A swimming pool in the front yard.
3. A detached 3-car garage apartment in the front yard.

- 1) Mr. Anderson explained that because of the 3' backyard he had contacted "Foundation Holding IV" the owner of the property to the south, immediately behind his property. Foundation Holding IV granted him the use of a 25' easement on the property. The 25' easement allowed him a 28' backyard, which he felt placed him in compliance with of the code. The Board of Appeals did not take into consideration the 25' easement but they did grant him the variance to add on to the back of the house as long as it did not encroach on the 3' backyard.
- 2) The Board of Appeals ruled against his request and denied the variance for the swimming pool. According to Building Official Dan Arlington a swimming pool was not considered a hardship and according to the Code was not allowed in front yards. Mr. Anderson argued that point with the Board but to no prevail.
- 3) The Board of Appeals also denied the variance request for the detached garage apartment and the front yard setback.

Mr. Anderson was appealing the Board of Appeals decision on the swimming pool and the 11' front yard setback. He was asking the Council to vote on a variance only on the front yard setback and not the garage apartment itself because his architect was redesigning the plans changing from a detached garage to an attached garage. Therefore the garage apartment was not before the Council because the new plans had not presented to the Board of Appeals.

Mr. Anderson asked the Council to allow him to build the swimming pool and grant him a variance on the front -yard setback for the garage apartment.

Vice Mayor Shimp felt the 3' backyard was indeed a hardship and the pool was a reasonable request as long as it was securely fenced in. Vice Mayor Shimp also felt that front yard setbacks should be consistent along the street. Mr. Anderson stated the houses on Walnut Street where all setback about 5' and he was only asking for an 11' front setback.

For the Record Councilor Pruette felt the 3' backyard was a hardship and the request was for the pool

was reasonable as long as Mr. Anderson assured the water would not drain onto the neighbor's property.

Mr. Anderson had spoken with his neighbors about the drainage and the possibility of building a retention wall between the properties. Mr. Anderson added the new plans for the garage apartment would attach the second story to the house allowing a walkway underneath. The walkway would be pervious surface and allow for drainage. Mr. Anderson assured Councilor Pruette he would work with the neighbors and do whatever was necessary to prevent drainage onto their property.

Councilor Gilbert asked Building Official Dan Arlington to state why the Board of Appeals did not approve the variance. Mr. Arlington responded the Board had listened to two presentations given by Mr. Anderson and followed the Code. Mr. Anderson bought the house knowing that it did not meet his needs. The Board granted the variance for the addition of squaring off the back of the house because it would not encroach on the 3' backyard. The Board granted him the variance for an addition on the front of the house to allow him to enlarge the master bedroom. Mr. Arlington added that a swimming pool in the front yard would be next to the neighbor's front entrance and windows. Detached garages as well as garage apartments were not allowed. Mr. Arlington quoted the Code of Ordinances, Section 27-215, Purpose and intent, 1) to regulate height and size of buildings, 2) to regulate and limit the intensity of the use of lot areas, 3) to provide for open space, 4) to classify, regulate, and restrict the location of trades and industries, and 5) to minimize the conflict between land uses. Mr. Arlington added the purpose of setbacks was to control the development of lots and restrict building. Mr. Anderson's 3' backyard was 22' short and he should have a 47' front yard. Mr. Arlington concluded that the Board of Appeals heard the presentation, considered the Code, conducted a finding of facts, and voted against the variance. Mr. Arlington asked the Council to uphold the decision of the Board of Appeals and deny the variance request.

Mayor Brown questioned Mr. Anderson if he was asking for a single variance including the pool and the front structure or two separate variances. Mr. Anderson replied his request today was to allow him the variance for the pool and an 11' front setback. If the 11' setback was granted he could take the revised plans to Mr. Arlington and have them approved without the need to appear before the Board of Appeals again for another variance.

Councilor Gilbert stated the Board of Appeals debated heavily and granted part of Mr. Anderson's request and denied other parts. He felt Mr. Anderson should take his revised plans back to the Board of Appeals. Mr. Anderson restated that he was hoping Council would approve the 11' setback conditional on the new plans.

Legal Advise City Attorney White stated the setback and the swimming pool were two separate and independent issues before the Council. He did not think the Council should rule on the setback issue because it was different from what was presented to the Board of Appeals and should be considered in light of the total project. The variance that was before the Board of Appeals was for a detached garage with a garage apartment not just the setback. He had some concern about Council granting a variance on the setback because he originally requested a setback of 8' from the Board and changed it to an 11' setback. Mr. White advised it was premature for the council to grant the variance allowing an 11' setback before the total project was considered by the Building Official and the Board of Appeals.

Vice Mayor Shimp asked City Attorney White if it would be appropriate to make a motion to allow a variance for the swimming pool. City Attorney White stated the swimming pool was a separate issue he still felt setbacks needed to be considered in light of the total project being submitted for approval.

Moved by Shimp, seconded by Patronik.

Motion: **TO REVERSE THE DECISION OF THE BOARD OF APPEALS AND GRANT THE VARIANCE FOR THE SWIMMING POOL WITH THE CONDITION THAT A SIX FOOT BARRIER WALL TO PREVENT RUN OFF ON ADJACENT PROPERTY AND PRIVACY.**

Building Official Dan Arlington stated Mr. Anderson's lot was supposed to have 50' of yard space, 25' in the front and 25' in the back. If they grant the variance he would have 14'. The staff and the Board of Appeals based their decision on the code not their opinion. Swimming pools in side yards required at least 18' of clear property plus the width of pool. Mr. Arlington added the staff worked hard to enforce the code fairly and consistently and requested the Council to uphold the decision of the Board of Appeals.

Vice Mayor Shimp called the question and asked for a vote.

Roll Call Vote:

Ayes: 4 – Patronik, Pruette, Shimp, Brown

Noes: 1 – Gilbert

MOTION CARRIED

ORDINANCES

Ordinance No.
2002-01

ORDINANCE NO. 2002-01, MECHANICAL PERMIT FEES, FIRST READ: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, AMENDING SECTION 8-182, PERMIT FEES MECHANICAL AND PROVIDING AN EFFECTIVE DATE.

Councilor Pruette suggested that the ordinance become effective on the date that the 2003 budget takes effect. Finance Director Steve Ramsey estimated the city would lose approximately \$3,400 if the ordinance went into effect now.

Moved by Shimp, seconded by Patronik.

Motion: **TO PASS ORDINANCE 2002-01, MECHANICAL PERMIT FEES, ON FIRST READ.**

Roll Call Vote:

Ayes: 5 – Gilbert, Patronik, Pruette, Shimp, Brown

Noes: 0

MOTION CARRIED

OLD BUSINESS/NONE

NEW BUSINESS

Sunset Point

REQUEST FOR FINAL PLATTING – STEVE JARRETT FOR SUNSET POINT: The Planning & Development Review Board recommended approval of the final plat for Sunset Point with the condition that any proposed construction of docks would be submitted for a development order prior to building.

City Attorney White advised he and Building Official Dan Arlington went over the plans and found some inconsistencies in the language. Mr. Jarrett agreed to make the necessary changes. Mr. White recommended Council go ahead and approve the plans and he and Mr. Jarrett would correct the grammar. Mr. Arlington also recommended approval.

Moved by Patronik, seconded by Shimp.

Motion: **TO APPROVE THE FINAL PLATTING FOR SUNSET POINT.**

Roll Call Vote:

Ayes: 5 – Gilbert, Patronik, Pruette, Shimp, Brown

Noes: 0

MOTION CARRIED

Leeward Landing
North

REQUEST FOR FINAL PLATTING – STEVE JARRETT FOR LEEWARD LANDING NORTH: The Planning & Development Review Board recommended approval of the final plat with the recommendation that Buddy Crout Lane start at the intersection of Kings Road and Hopkins Creek Lane, as long as it does not cause undue hardship for the current property owners.

Moved by Gilbert, seconded by Pruette.

Motion: **TO APPROVE THE FINAL PLATTING FOR LEEWARD LANDING NORTH.**

Roll Call Vote:

Ayes: 5 – Gilbert, Patronik, Pruette, Shimp, Brown

Noes: 0

MOTION CARRIED

Mayor Brown recognized Jacksonville Beach Councilman Art Graham was in the audience.

Adjournment

There being no further business, the meeting adjourned at 8:34 p.m.

Richard A. Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
WORKSHOP CITY COUNCIL MEETING
JANUARY 22, 2002 AT 7:30 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 22, 2002 at 7:30 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

Mayor Richard A. Brown
Vice Mayor Robert A. Shimp
Councilor James Gilbert
Councilor Ronald A. Patronik
Councilor Harriet Pruette
City Manager Richard A. Linn

City Clerk Lisa Volpe, CMC
Deputy City Clerk Karla Strait, CMC
Assistant to the City Manager Terry Klein

ABSENT:
City Attorney Christopher White

Call to Order/Roll Call The Mayor called the meeting to order at 7:30 p.m.

Mayor Brown explained the meeting had been delayed in order for City Clerk Lisa Volpe, Councilor Pruette, and himself to represent the City of Neptune Beach at the City of Jacksonville Council Meeting in the adoption of a Resolution honoring former Neptune Beach Mayor Ish Brant.

COMMITTEE REPORTS

IBBC

ISH BRANT BEAUTIFICATION COMMITTEE: City Manager Linn reported the Ish Brant Beautification Committee had the irrigation system installed in the Third Street medians and it was functioning well. Palm tress, wildflowers, and shrubbery would be installed in the medians in March. The committee had also received a \$5,000 matching grant from the Jacksonville Mayors Neighborhood Beautification Program and were soliciting plans from landscapers to improve the barricade at Seagate Avenue & First Street

CITY MANAGERS PUNCH LIST

Jarboe Park

JARBOE PARK IMPROVEMENTS: City Manager Linn reported the handicap swing and the footbridge were on order and should arrive soon. The project should be complete, inspected and closed out in two months.

Bike Path – Penman Road

BIKE PATH – PENMAN ROAD: City Manager Linn stated he attended a utility meeting with the utility companies involved in the right of way. The meeting went well, they would

have to coordinate the activity, and a couple of manholes would have to be adjusted.

- Mechanical Permits MECHANICAL PERMIT FEES: City Manager Linn reported the Ordinance was passed on first read at the January regular council meeting.
- Traffic Light
Florida Blvd. TRAFFIC LIGHT- FLORIDA BOULEVARD – NEPTUNE BEACH ELEMENTARY: City Manager Linn reported he was awaiting the arrival of a letter from the City of Jacksonville with the results of their traffic study.
- Mezza Luna / Sliders MEZZA LUNA – SLIDERS: There had been rumors that Mezza Luna Italian Restaurant and Sliders Oyster Bar were going out of business. Councilor Pruette announced she had spoken with the owners and they had no intentions of closing and were in business to stay.

PROPOSED ORDINANCES/NONE

CONTRACT/AGREEMENTS

- Utility Improvement
Project UTILITY IMPROVEMENT PROJECT – PRE-QUALIFICATION REQUIREMENTS – PHASE I, B&C, FLORIDA BOULEVARD & BAL HARBOUR: City Manager Linn stated the engineer set the pre-qualifications of the bid specifications to insure a successful contractor would be awarded the contract. The pre-qualifications allowed the contractor to list his successful job experiences and qualifications and have his references checked by the engineer. Without pre-qualifications the bid would be open to anyone and a low bidder that did not have experience could not be eliminated. Mr. Linn reminded the council that the first phase of the project had problems because the contractor was not pre-qualified.

Mayor Brown questioned if the pre-qualifications were too strict. City Manager Linn responded he felt they were fair and there were at least four contractors that could meet the qualifications.

A lengthy discussion ensued regarding the pre-qualifications.

Jim Miller, PBS&J Engineering, stated he had been directed by the council on three different occasions to avoid the trouble the city experienced in the past with Harcon. The pre-qualifications came directly from Jacksonville Electric Authority and he felt strongly about them. The pre-qualifications provided for bids from contractors that had experience in horizontal directional drilling and owned their own equipment thereby eliminating subcontracting to gas or cable contractors. The contractor would also have to hold an underground contractors license. The pre-qualifications would allow the city the ability to approve the sub-contractors they could hire. If the subcontractor had a bad record the city could reject them. Mr. Miller felt that if the bid pre-qualifications were lowered it would open the bidding to more contractors but that did not mean the bids would be lower. Mr. Miller added Phase I, B&C, was the biggest part of the project and if we are not satisfied with the contractor it would be too late. Therefore, we needed to do all we could from the beginning to assure we are getting the best-qualified contractor.

City Manager Linn added the goal of the project was to get a good job done at a fair price and he felt we had established what the fair estimates would be.

- Public Comment Gordon Gruhn, 500 Ranch Road, stated he was in favor of the pre-qualification requirements. He did not want to lower the standards he wanted to raise the standards to insure the City of Neptune Beach had a qualified contractor to do the installation. Mr. Gruhn felt that successful completion of 200,000 total linear feet of pipe was too strict and would not insure a good contractor because of the 200,000

feet there was no set standard for how much had to be in a residential area. Mr. Gruhn explained that of the 200,000 feet only 5,000 had to be in sandy wet conditions and the entire Neptune Beach job would be in sandy wet conditions. Mr. Gruhn felt because he had completed jobs for J.E.A. putting 15,000 feet of pipe in the ground in 60 days he would be better qualified than the other guy. Mr. Gruhn also felt a contractor should not be excluded if he hired subcontractors for the drilling. What was important was if the contractor had worked with the subcontractor in the past and if he had performed well. Mr. Gruhn concluded that he had provided Mr. Linn and Mr. Miller with an additional paragraph to add to the pre-qualifications.

Jim Miller, PBS&J, stated his company of sixty offices did a lot of work throughout the United States and the consensus of their top engineers was these were good specifications. They were proposed J.E.A. specifications. Mr. Miller stood behind the specifications and was reluctant to make any changes because he was not sure what the overall impact would be.

Consensus: **TO LEAVE THE PRE-QUALIFICATIONS AS THEY STOOD AND FORWARD TO THE FEBRUARY CONSENT AGENDA.**

ISSUE DEVELOPMENT

Flooding
First Street

FLOODING – FIRST STREET – COUNCILOR PRUETTE: Mayor Brown explained that Councilor Pruette had asked to forward the issue of flooding on First Street to the February regular council meeting.

Parking Hours
First Street

NO PARKING HOURS – FIRST STREET – VICE MAYOR SHIMP: Vice Mayor Shimp stated he was asked by a citizen to bring up the discussion of increasing the parking hours on First Street until 10:00 p.m. Vice Mayor Shimp added that it was the council's job to bring up controversial issues and one council member should not be criticized for their effort because it takes a majority vote of the council to make changes. Vice Mayor Shimp added further that if there was no support for increasing the hours he would not move forward with it.

Mayor Brown clarified no formal action would be taken on increasing the parking hours on First Street.

Public Comments

Wendie Ruibal, 303 First Street, stated that it would change her quality of life completely if the parking hours on First Street were increased. Ms. Ruibal also felt that the current parking hours between 7:30 a.m. and 7:30 p.m. should be strictly enforced.

Kelly Greenburg, 801 First Street, opposed increasing the parking hours on First Street. Ms. Greenburg felt First Street was more of a pedestrian avenue and there were problems with speeding.

Heath Weldon, 628 Midway, thanked the Council for listening to the constituents and making the right decision by shelving the issue of changing the parking hours on First Street.

Tim Slater, 573 Magnolia Street, thanked the council for not changing the parking hours on First Street. Mr. Slater wanted to know if the Bal Harbour portion of the Water Improvement Project could be a priority.

Ed Jones, 430 Ocean Front, opposed extending the parking hours on First Street. He felt the pedestrians should have the right of way on First Street.

Larry Shealy, 1501 First Street, also thanked the council for listening to the people and stated it was nice to know the system worked.

Vice Mayor
Position

VICE MAYOR POSITION – VICE MAYOR SHIMP: Vice Mayor Shimp explained when he was elected Vice Mayor on December 5, 2000; he felt it was such an honor and a privilege he suggested that at the end of each year a fellow council member be given the same opportunity. At that time there were no objections from the council. A year had passed and he was honoring his commitment to resign and elect a new Vice Mayor.

City Manager Linn stated the City Attorney's opinion was that the term of office of Vice Mayor was not spelled out in the Charter therefore City Council was free to do as they wished. A referendum was not necessary. It could be done by adopting an Ordinance that would have a Vice Mayor elected annually.

Mayor Brown suggested drafting an Ordinance and asked Vice Mayor Shimp to delay his resignation until the Ordinance was adopted.

Councilor Pruette stated that the Vice Mayor had the responsibility to act as Mayor in the Mayor's absence and felt that Councilor Patronik's job would prevent him from being available. Councilor Pruette added that Vice Mayor Shimp made a promise to the citizens of Neptune Beach to eliminate needless spending and she thought spending \$300 to change the Vice Mayor for nine months was needless. Councilor Pruette felt Vice Mayor Shimp was doing a good job and should remain as Vice Mayor until the upcoming election.

Councilor Patronik stated that in most cities the title of Vice Mayor was passed around from each council member. Councilor Patronik added that Councilor Pruette had a tremendous dislike and a personal vendetta against him and it was not just a matter of spending \$300.

Mayor Brown suggested if the Council were interested in making a change to rotate the Vice Mayor each year the appropriate time to introduce an Ordinance would be this fall to make it effective with the new term. Mayor Brown added that if Vice Mayor Shimp resigned as Vice Mayor with a letter and an effective date the Council could elect a replacement at that time.

Public Comments

PUBLIC COMMENTS ON AGENDA ITEMS ONLY

Robin Thigpen, 1445 West Church Street, felt he was qualified for the Water Project and should have the opportunity to bid; however the pre-qualifications were too strict. Mr. Thigpen stated his company had installed 25,000 lineal feet of this type of pipe in Duval County. Mr. Thigpen presented the Council with a marketing videotape of his company.

Mayor Brown recognized that City of Jacksonville Beach Councilman Art Graham was in the audience.

Marvin Shealy, 840 Penman Road, asked how the Water Project would be bid, if it were by low bid, request for proposals, or negotiated bid. City Manager Linn responded it was by pre-qualified contractors and low bid. Mr. Shealy asked why negotiated bid was not considered. City Manager Linn responded that the city had always taken the low bid by the City Attorney's opinion and a City Ordinance. Mr. Shealy asked council to consider negotiated bids in the future for projects of this size because you could review the bid packages and choose the best value not the lowest bid.

Laura Patronik, 1520 Leeward Lane, thanked Vice Mayor Shimp for his efforts

concerning First Street. Ms. Patronik referred to a newspaper article and stated she was disheartened that a visitor and possible future resident held our community in such low regard. She doubted that residents would come and park on First Street and commit sexual acts in their cars. Ms. Patronik referred to letter addressed to the council and she hoped that personal attacks on council members would cease.

Adjournment

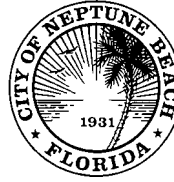
There being no further business, the meeting adjourned at 9:20 p.m.

Richard A. Brown, Mayor

Attest:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
REGULAR CITY COUNCIL MEETING
JANUARY 8, 2001 AT 7:00 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 8, 2001, at 7:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

Mayor Dick Brown
Vice Mayor Robert Shimp
Councilor Harriet Pruette
Councilor Ronald Patronik
Councilor Buddy Crout
City Attorney Christopher White

City Manager Richard A. Linn
City Clerk Lisa Volpe, CMC
Deputy City Clerk Karla Strait
Assistant to the City Manager Terry Klein
Finance Director Steve Ramsey
Director of Public Service John Galen

Order Call/Pledge

The Mayor called the meeting to order at 7:00 p.m. and asked Vice Mayor Shimp to lead the Pledge of Allegiance.

AWARDS / PRESENTATIONS / RECOGNITION OF GUESTS

Employee of the Year

City Manager Linn awarded Jack D. Russell a plaque for the City of Neptune Beach Employee of the Year 2000.

Winn Dixie

The presentation of this award was deferred because the representative for Winn Dixie had not yet arrived.

Felicia West

Mayor Brown presented Felicia West with a plaque for her dedicated service on the Board of Appeals.

Carl Russell

Mayor Brown presented Carl Russell with a plaque for his dedicated service on the Code Enforcement Board.

Verna Griffin &
Rosalind Starling

Verna Griffin and Rosalind Starling were unable to be present and these presentations of appreciation were postponed.

APPROVAL OF MINUTES

Motion:

TO APPROVE THE DECEMBER 5, 2000, SPECIAL INDUCTION CEREMONY MEETING AND DECEMBER 11, 2000, WORKSHOP MEETING AND APPROVE THE DECEMBER 4, 2000, REGULAR COUNCIL MEETING WITH AN AMENDMENT THAT WOULD INCLUDE THAT THE MINUTES CLARIFY THAT THE VARIANCE AT 519 AND

520 OCEANFRONT WAS APPROVED BY THE COUNCIL WITH THE RECOMMENDATION OF THE PLANNING AND DEVELOPMENT REVIEW BOARD THAT A PERMANENT DEED RESTRICTION BE PLACED ON BOTH LOTS SHOWING THESE TWO LOTS WILL STAY SINGLE FAMILY:

DECEMBER 4, 2000, REGULAR CITY COUNCIL MEETING
DECEMBER 5, 2000, SPECIAL INDUCTION CEREMONY
DECEMBER 11, 2000, WORKSHOP CITY COUNCIL MEETING

Moved by Pruette, seconded by Shimp.

Roll Call Vote:

Ayes: 5 – Crout, Patronik, Pruette, Shimp, Brown

Noes: 0

MOTION CARRIED

COMMUNICATIONS AND CORRESPONDENCE

- Fuel Tank Councilor Crout cautioned City Manager Linn that past experiences with above ground fuel tanks were expensive because of the environmental cleanup that may be caused by leakage. Councilor Crout asked City Manager Linn to put in the appropriate safeguards to prevent that liability. Councilor Crout added that the insurance would also be higher.
- Goals Councilor Pruette stated that at the January Workshop Meeting she would like the Council to discuss team goals.
- Parking Stickers City Clerk Lisa Volpe reminded the Council that she had the forms that needed to be filled out in order for council members to receive parking stickers for parking in downtown Jacksonville.
- Amended Budget Report City Manager Linn explained that Finance Director Steve Ramsey had prepared an amendment to the December 31, 2000, Budget Report that included the year-end auditing figures. Mr. Linn added there were still two final adjustments to be made.
- Winn Dixie The representative for Winn Dixie had arrived and Mayor Brown asked Councilor Pruette to describe the community service that had been given by Winn Dixie. Councilor Pruette explained that the Neptune Beach Winn Dixie and their employees needed to be commended for making all city events special by contributing fresh baked cookies, juice, candy and hot chocolate. Mayor Brown then presented the representative and employees of Winn Dixie with a plaque of appreciation from the City of Neptune Beach.
- Lynda Padrta & Amy Roberts City Manager Linn recognized Lynda Padrta and Amy Roberts for their service with the Christmas in the Park event.

CITY MANAGER REPORTS

- Utility Improvements Phase 1- A UPDATE ON UTILITY CAPITAL IMPROVEMENT PLAN PHASE 1 – A: City Manager Linn asked Jim Miller, of Post, Buckley, Schuh, and Jernigan to report on the Utility Improvement Phase 1-A. Mr. Miller reported that the project had been delayed because the contractors had run into some difficulty with the bore and jacks under A1A. Discussion ensued about possible options.
- Jarboe Park Grant UPDATE ON JARBOE PARK GRANT: City Manager Linn reported that the architect for Jarboe Park was expected to submit the preliminary drawing this month. Mr. Linn added that he would consider any design suggestions from the Council.

Fuel Tanks

ABOVE GROUND FUEL TANKS: City Manager Linn stated that the fuel tanks that we had all served emergency generators and were not for dispensing fuel. Mr. Linn added that there was one diesel fuel tank that dispensed fuel into vehicles and that he would take the necessary precautions to prevent spillage from the tank.

COMMENTS FROM THE PUBLIC

Leslie Karlin, 1506 Spindrift Circle, suggested that artwork from local artists and school children be displayed in the Council Chambers and in the hallway of City Hall.

Roy Deese, 1720 Lighty Lane, explained that the Pledge of Alliance should be recited as "one nation under God" instead of "one nation, under God" with no pause between the words nation and under.

CONSENT AGENDA

911 Interlocal Agreement

911 INTERLOCAL AGREEMENT: City Manager Linn stated that the annual renewal of the 911 Agreement would provide Neptune Beach with \$75,409.00 in reimbursements for dispatching expenses.

Moved by Crout, seconded by Pruette.

Motion: **TO APPROVE THE 911 INTERLOCAL AGREEMENT.**

Roll Call Vote:

Ayes: 5 – Crout, Patronik, Pruette, Shimp, Brown

Noes: 0

MOTION CARRIED

VARIANCES / NONE**ORDINANCES / NONE****OLD BUSINESS / NONE****NEW BUSINESS**

Budget Transfer

BUDGET TRANSFER – INVOICE FOR REVISIONS TO LAND DEVELOPMENT REGULATIONS: City Manager Linn asked council to approve an invoice for \$4,080.20 from Ivy, Harris, and Walls for land development regulations, to be paid for out of the \$150,000 contingency line item account.

Moved by Pruette, seconded by Crout.

Motion: **TO APPROVE THE PAYMENT IN THE AMOUNT OF \$4,080.20 FOR IVY, HARRIS AND WALLS.**

Roll Call Vote:

Ayes: 5 – Crout, Patronik, Pruette, Shimp, Brown

Noes: 0

MOTION CARRIED

Surplus Property

SURPLUS PROPERTY – TRADE IN HARBEN SEWER JETTING UNIT: City Manager Linn recommended that City Council declare a 1984 Herben Sewer Jetting Unit surplus and authorize its trade-in value of \$2,500 on the purchase of a replacement unit.

Moved by Crout, seconded by Shimp.

Motion: **TO DECLARE THE HERBEN SEWER JETTING UNIT SURPLUS AND AUTHORIZE TRADE IN ON THE PURCHASE OF A REPLACEMENT UNIT.**

Roll Call Vote:

Ayes: 5 – Crout, Patronik, Pruette, Shimp, Brown

Noes: 0

MOTION CARRIED

Resolution 2001-01

RESOLUTION NO. 2001-01, TREE AMENDMENT REFERENDUM: Councilor Pruette requested consideration of a Resolution recognizing the grass roots works of individuals to successfully pass the county referendum. Councilor Pruette added that 77% of the citizens of Neptune Beach voted for the tree amendment.

Legal Opinion

City Attorney White suggested changing Section 4 of the Resolution to read as follows: By the passage of this Resolution the City Council of Neptune Beach does not waive any of its rights or powers under the Municipal Home Rule Powers Act or the Florida Constitution relating to the application of the Tree Preservation Amendment within the City of Neptune Beach. Mr. White also suggested adding Section 5 to read: This Resolution shall take effect immediately upon its adoption.

Moved by Crout, seconded by Pruette.

Motion: **TO APPROVE RESOLUTION 2001-01.**

Roll Call Vote:

Ayes: 5 – Crout, Patronik, Pruette, Shimp, Brown

Noes: 0

MOTION CARRIED

Moved by Crout, seconded by Pruette.

Motion: **TO AMEND RESOLUTION 2001-01 TO THE VERBIAGE AS STATED BY THE CITY ATTORNEY.**

Roll Call Vote:

Ayes: 5 – Crout, Patronik, Pruette, Shimp, Brown

Noes: 0

MOTION CARRIED

Resolution 2001-02

RESOLUTION NO. 2001-02, SETTING THE SALARY FOR THE CITY CLERK: Council considered Resolution No. 2001-02, increasing the salary of the City Clerk by the 5% that had been budgeted, or raising the salary to the level of the average City Clerks salary in similar size cities.

Consensus: **DEFER RESOLUTION 2001-02 TO THE JANUARY WORKSHOP CITY COUNCIL MEETING FOR DISCUSSION.**

Workshop Meeting **SET A DATE FOR THE JANUARY WORKSHOP CITY COUNCIL MEETING:** City Manager Linn explained that the normal Workshop Meeting would fall on Martin Luther King Day which was a holiday for the city and recommended holding the Workshop on January 22, 2001.

Consensus: **TO HOLD THE WORKSHOP MEETING ON JANUARY 22, 2001.**

Council made closing remarks.

Adjournment There being no further business, the meeting adjourned at 8:28 p.m.

Dick Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



**TOWN HALL MEETING
JANUARY 22, 2001
CITY HALL, 116 FIRST STREET,
NEPTUNE BEACH, FLORIDA**

Pursuant to proper notice a Town Hall Meeting of the City Council of the City of Neptune Beach was held January 22, 2001, immediately following the Workshop Meeting, in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

The following Council members and staff were in attendance:

Mayor Dick Brown
Vice Mayor Robert D. Shimp
Councilor Ronald D. Patronik
Councilor Harriet Pruette
Councilor J. W. "Buddy" Crout
City Manager Richard A. Linn
City Attorney Christopher White

City Clerk Lisa Volpe, CMC
Deputy City Clerk Karla Strait
Assistant to the City Manager Terry Klein
Finance Director Steve Ramsey
Building Official Dan Arlington
Assistant to the Building Official Piper Turner

Call to Order

The Mayor called the meeting to order at 9:48 p.m.

Public Comments

There being no comments the Mayor closed the meeting

Adjournment

There being no further business, the meeting adjourned at 9:48 p.m.

Dick Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
WORKSHOP CITY COUNCIL MEETING
JANUARY 22, 2001 AT 7:00 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 22, 2001 at 7:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

Mayor Dick Brown
Vice Mayor Robert D. Shimp
Councilor Ronald Patronik
Councilor Harriet Pruette
Councilor J. W. "Buddy" Crout
City Manager Richard A. Linn
City Attorney Christopher White
City Clerk Lisa Volpe, CMC

Deputy City Clerk Karla Strait
Assistant to the City Manager Terry Klein
Finance Director Steve Ramsey
Building Official Dan Arlington
Assistant to the Building Official Piper Turner
Director of Public Works John Galen
Director of Public Safety William Brandt

Call to Order/Roll Call The Mayor called the meeting to order at 7:00 p.m.

COMMITTEE REPORTS

IBBC

ISH BRANT BEAUTIFICATION COMMITTEE: City Manager Linn reported that the plans for the Third Street/A1A medians had been introduced and the committee was waiting for the permit. Mr. Linn added that Councilor Holland of the Jacksonville City Council sponsored a bill that would provide \$40,000 to install an irrigation system in the medians and would go the Jacksonville City Council for approval. Mr. Linn also mentioned that the "yard of the month" signs had been vandalized and replaced.

CITY MANAGERS PUNCH LIST

Traffic Signal / Atlantic Blvd. & Brant Blvd.

TRAFFIC SIGNAL AT ATLANTIC BOULEVARD & BRANT BOULEVARD INTERSECTION: Vice Mayor Shimp asked if the traffic signal could be removed from the punch list since the city had done everything they could do about having one installed. City Manager Linn responded that the traffic signal was now left up to the Department of Transportation.

Jarboe Park Improvement

JARBOE PARK IMPROVEMENT: City Manager Linn explained that the architect was expected to present drawings for the Jarboe Park improvements this month.

Kings Road Bridge

KINGS ROAD BRIDGE REPLACEMENT: Vice Mayor Shimp asked if this item could be removed from the Punch List.

- Bike Path / Penman Road** BIKE PATH – PENMAN ROAD: City Manager Linn advised that Sally Rosier with the Department of Transportation was expecting to have the plans completed in January.
- Naval Air Show** NAVAL AIR SHOW: Vice Mayor Shimp asked that the City Manager's punch list clarify that the Air Show was placed on the T.V. Trust Fund as a one time only expense.
- Media One/AT&T** MEDIA ONE / AT&T CABLE BOXES: Councilor Pruette requested the City Manager stay abreast on the Media One/AT&T cable box problems that would be discussed later tonight.
- Request for removal of items from punch list** CITY MANAGER'S REQUEST FOR REMOVAL OF ITEMS FROM HIS PUNCH LIST: City Manager Linn asked Council for a consensus to remove the Kings Road bridge replacement, the traffic signals, and the shuttle trolleys from his punch list.
- Consensus: **TO REMOVE THE KINGS ROAD BRIDGE REPLACEMENT, THE TRAFFIC SIGNALS AND THE SHUTTLE TROLLEYS FROM THE CITY MANAGERS PUNCH LIST.**
- Short Term Rentals** SHORT TERM RENTALS: Councilor Patronik inquired as to why short term rentals had been removed from the City Manager's punch list. City Manger Linn responded that short term rentals were part of the Land Development Regulations and the problem had resolved itself because the property in question had been sold and was currently being developed into a single family dwelling.

PROPOSED ORDINANCES/NONE

CONTRACT/AGREEMENTS

- Solid Waste & Recycling** SOLID WASTE & RECYCLING COLLECTION CONTRACT WITH BFI: City Manger Linn explained that the solid waste collection contract would expire on May 31, 2001, and a new one needed to be in effect by June 1, 2001. Mr. Linn recommended acceptance of the low bid from Brown, Ferris, Industry's. Mr. Linn added that totor's for each resident had been included in the proposal and recommended not accepting that option. Mr. Linn stated further that he and Finance Director Steve Ramsey would recommend new rates before June 1, 2001.
- Vice Mayor Shimp suggested looking at the bid from Superior because it lowered residential rates and raised commercial rates instead of increasing rates across the board.
- Legal Opinion** City Attorney White advised that by statutory obligation the City was required to take the lowest most responsible bid. Mr. White offered to research and present to Council if a bid would be acceptable if it was lower for residential as opposed to commercial.
- City Manager Linn added that in addition to the 10% franchise fee the contract included Monday pick up of yard waste and a donation to a holiday Christmas lighting program.
- Pilot Program** Vice Mayor Shimp asked about the large containers that were out at the city yard. City Manager Linn explained they were for a pilot project to replace the blue commercial boxes throughout the city and could not be used because the trucks were unable to lift the boxes out of the ground.
- Mr. Linn was asked to place this item on his punch list.
- Change Orders/** CHANGE ORDERS FOR HARCON ENTERPRISES IN THE AMOUNT OF \$99,003: City

Harcon Enterprises Manager Linn explained that the contractors had submitted a change order in the amount of \$99,003, for various work performed due to the difficulties they encountered with the bore and jacks under A1A. Mr. Linn stated the amount of the change order included sheet piling that was required by the Department of Transportation which the contractor had not included in his bid. Mr. Linn added he was not ready to make a recommendation and suggested moving the issue to a separate workshop.

A lengthy discussion ensued.

A separate workshop was suggested for discussion of this problem.

COMMENTS FROM THE PUBLIC

Public Comments Former Vice Mayor & Councilor Ed Jones, 200 First Street, felt a 10% salary increase for the City Clerk was appropriate. Mr. Jones also urged council members to spend time with the contractors and the City Manager to become more knowledgeable about the sewer project.

Joe Demato, 249 Florida Boulevard, stated the residents on the corner of Third Street and Florida Boulevard had been deeply impacted and inconvenienced by the sewer project and were concerned about the length of time and cost of the project.

Former City Councilor & Vice Mayor Tom Tankersley, 1038 Kings Road, stated the previous council, in which he was part of, was told that the gravity system would work and he felt the contractors should be held responsible. He felt the city should abandon the Hopkins Creek property to the adjacent property owners because the city wasn't using it. Mr. Tankersley supported a 5% increase in the City Clerk's salary and also felt something should be done about the loose cable wires and boxes throughout the city.

David Baker, 1102 First Street, stated that as a business man if he hired a consultant he would expect the consultant to know what he was doing and the contractors selected should have been reviewed and qualified by the consultant. He thought the consultant and the contractor should be reconsidered. Mr. Baker also felt that the city should not be divided by naming east of Third Street "Seaside". Mr. Baker stated he had witnessed city employees cleaning up after the Media One/AT&T Broadband installation.

Lynda Padrta, 1113 First Street, preferred a garbage contract that would provide a financial break for the citizens shifting the higher expense to the businesses. Ms. Padrta added she had spoken with the cable company and they had not responded in the last year. She also felt that east of Third Street should not be named "Seaside".

ISSUE DEVELOPMENT

Tuition
Reimbursement
Program **REPAYMENT OF TUITION REIMBURSEMENT & CHANGE IN PERSONNEL POLICY:**
City Manager Linn presented a change to the personnel policy that the previous council had requested him to prepare during the budget preparation. The new policy would provide employees who received a reimbursement for tuition and left employment with the city would be required to repay 100% within one year and 50% within two years of the moneys having been received.

Consensus: **TO FORWARD THE PERSONNEL POLICY CHANGE REQUIRING TUITION REIMBURSEMENT TO THE FEBRUARY AGENDA.**

- Resolution No. 2001-03 RESOLUTION NO. 2001-03, STATE REVOLVING FUND FOR PHASE 1 B&C WATER PROJECT: City Manager Linn explained Resolution No. 2001-03 would authorize funding in the amount of \$211,033 for Phase 1 B&C of the water project and needed to be passed before February 5, 2001. Mr. Linn added the loan agreement needed to be executed by March 31, 2001.
- Consensus: **TO FORWARD RESOLUTION 2001-03, STATE REVOLVING FUND FOR PHASE 1 B&C WATER PROJECT TO THE FEBRUARY REGULAR CITY COUNCIL MEETING CONSENT AGENDA.**
- Resolution No. 2001-02 RESOLUTION NO. 2001-02, SETTING SALARY FOR THE CITY CLERK: Mayor Brown explained that Resolution No. 2001-02 called for a 5% increase in the City Clerk's salary. Discussion ensued over the percentage. A majority of council agreed on 5%.
- Consensus: **TO FORWARD RESOLUTION 2001-02, SETTING THE CITY CLERKS SALARY TO THE FEBRUARY REGULAR CITY COUNCIL MEETING CONSENT AGENDA.**
- Resolution No. 2001-04 RESOLUTION NO. 2001-04, SUPPORT FOR FLORIDA DEFENSE ALLIANCE – LEGISLATION TO CONTROL PAYDAY LOAN COMPANIES: Mayor Brown stated that Resolution No. 2001-04 called for legislation to control the payday loan companies.
- Consensus: **TO FORWARD RESOLUTION 2001-04, SUPPORTING FLORIDA DEFENSE ALLIANCE TO THE FEBRUARY REGULAR CITY COUNCIL MEETING CONSENT AGENDA.**
- Cable/Phone Boxes CONDITION OF CABLE/PHONE BOXES IN THE CITY: Councilor Pruette stated her concern about the city's liability of the loose cable wires and cable boxes left by Media One/AT&T Broadband throughout the city. Ms. Pruette added that Anne Murphy of AT&T Broadband had been contacted about the problem and nothing had been done in response. Ms. Pruette asked City Attorney White to look over the franchise agreement that was signed in 1992 to see if it could be renegotiated and asked that this item be placed on the February workshop agenda. Ms. Pruette suggested that the City Manager speak with Anne Murphy on a weekly basis. City Manager Linn stated that he would like a list of each cable location so his office could track each problem as it arose. Council also discussed the expenses that the city had incurred for street sweeping, sewer backups, cut water lines, and pipes, that were caused by the new cable installation.
- Truck Parking at Shopping Centers TRUCK PARKING AT SHOPPING CENTERS: Vice Mayor Shimp stated tractor trailers that had been parking in the shopping center parking lots were an eyesore and were not being ticketed. City Attorney White advised the law placed the obligation on the property owner. Vice Mayor Shimp stated the city had an ordinance in place to ticket them. City Manager Linn responded that the ordinance was for residential property only. Councilor Pruette suggested getting a letter from the owners of the lots allowing permission to ticket the parked tractor trailers. City Manager Linn responded that we currently had a letter from the property owner that allowed us to ticket them. Mayor Brown asked City Attorney White to review the problem.
- Council Goals DISCUSSION OF GOALS OF COUNCIL: Councilor Pruette offered to forward this to the February workshop meeting.
- Consensus: **TO FORWARD DISCUSSION OF COUNCIL GOALS TO THE FEBRUARY WORKSHOP MEETING.**
- Public Survey PUBLIC OPINION SAMPLING SURVEY OF RECREATIONAL VEHICLE PARKING: City

Manager Linn explained he would like to survey every 20th water customer on the limits of parking recreational vehicles on private property. Councilor Pruette suggested replacing the Cast a Line Newsletter one month with the survey and adding your street, with the name, address, and phone number optional to the sample survey. Chief Brandt offered the use of the auto dialer for notifying citizens of the survey. A citizen suggested the city provide RV parking for the residents that already owned one. Councilor Crout asked for advice from the City Attorney on enacting an ordinance that would change the use of property after it had purchased. City Attorney White advised that it could be done and was done all over the country.

Consensus: **TO WORK ON A WIDER DISTRIBUTION OF THE SURVEY ON LIMITING RECREATIONAL VEHICLE PARKING.**

Town Center
Maintenance
Agreement

MAINTENANCE AGREEMENT CONTRACT – TOWN CENTER: City Manger Linn stated a tri-party maintenance agreement between Atlantic Beach, the City of Jacksonville, and Neptune Beach had been approved to maintain the Town Center improvements. Mr. Linn added that as our share of the invoices was received they would come to council for approval to be paid for out of the contingency fund. Mr. Linn also stated the agreement did not include the trimming of the palm trees.

Recess/Reconvene

Mayor Brown called for a recess at 8:55 p.m. and reconvened the meeting at 9:05 p.m.

Fire Engines

FIRE ENGINES: Vice Mayor Shimp suggested that the city surplus the old fire truck.

Consensus: **TO FORWARD THE SURPLUS OF THE FIRE TRUCK TO THE FEBRUARY REGULAR MEETING.**

Hopkins Creek

HOPKINS CREEK RESIDENTS PETITION FOR CITY ABANDONMENT OF LAND: Discussion ensued about a petition to abandon the Hopkins Creek property and deed it to the adjacent homeowners.

Consensus: **TO PREPARE AN ORDINANCE FOR ABANDONING THE HOPKINS CREEK PROPERTY FOR FIRST READ AT THE FEBRUARY REGULAR MEETING.**

Greenscape
Partnership

REQUEST FOR SPONSORSHIP OF GREENSCAPE PARTNERSHIP – 2ND ANNUAL BEACHES TREE SALE: Mayor Brown stated that he had received a letter from Greenscape requesting to sponsor the 2nd Annual Beaches Tree Sale and asked for consideration of a \$500 donation. Discussion ensued and the sponsorship was not favored.

Building Permits

BUILDING PERMITS – PLAN REVIEWS: Council discussed the timing required for plan reviews and permitting. City Manger Linn stated that plan reviews and inspections had been budgeted to be contracted out when there was a backlog in the building department.

Seaside Division

SEASIDE – SEPARATE DISTRICT FOR AREA EAST OF THIRD STREET: Mayor Brown suggested the idea of naming the east side of Third Street “Seaside” because of the significant differences in property sizes. Council discussed the possibility.

Recording System

REQUEST TO REPLACE THE COUNCIL MEETING RECORDING SYSTEM: City Clerk Lisa Volpe stated that the recording system used to record council meetings was purchased in 1984 and could no longer be fixed due to no parts being manufactured. Ms. Volpe asked the council to approve the purchase of new recording system in the amount of \$2,845.

Consensus: **TO FORWARD THE PURCHASE OF THE NEW RECORDING SYSTEM
TO THE FEBRUARY REGULAR MEETING.**

Public Comments

PUBLIC COMMENTS ON AGENDA ITEMS ONLY

Former Councilor and Vice Mayor Tom Tankersley, 1038 Kings Road, commented that the media had reported that the water rates in Neptune Beach had increased 45% and clarified that there had been two 10% increases and there would be another 25% increase. Mr. Tankersley felt it would be nice if Media One/AT&T Broadband had a landscape company to clean up after them. He stated if the Planning & Development Review Board had approved the shopping center parking lots for car parking than the tractor trailer trucks were in violation of the code. Mr. Tankersley added that because Neptune Beach was a smaller city we should only be asked to sponsor a prorated share of events such as Greenscape.

Adjournment

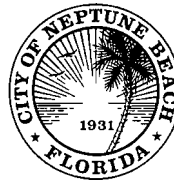
There being no further business, the meeting adjourned at 9:48 p.m.

Dick Brown, Mayor

Attest:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
REGULAR CITY COUNCIL MEETING
FEBRUARY 5, 2001 AT 7:00 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 February 5, 2001, at 7:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

Mayor Dick Brown
Vice Mayor Robert Shimp
Councilor Harriet Pruette
Councilor Ronald Patronik
Councilor Buddy Crout
City Attorney Christopher White
City Manager Richard A. Linn

City Clerk Lisa Volpe, CMC
Deputy City Clerk Karla Strait
Assistant to the City Manager Terry Klein
Finance Director Steve Ramsey
Building Official Dan Arlington
Assistant to the Building Official Piper Turner

Order Call/Pledge

The Mayor called the meeting to order at 7:00 p.m. and asked Lynda Padrta to lead the Pledge of Allegiance.

AWARDS / PRESENTATIONS / RECOGNITION OF GUESTS/NONE

APPROVAL OF MINUTES

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

JANUARY 8, 2001, REGULAR COUNCIL MEETING
JANUARY 22, 2001, WORKSHOP COUNCIL MEETING
JANUARY 22, 2001, TOWN HALL MEETING

Moved by Patronik, seconded by Shimp.

Roll Call Vote:

Ayes: 5 – Crout, Patronik, Pruette, Shimp, Brown
Noes: 0

MOTION CARRIED

COMMUNICATIONS AND CORRESPONDENCE

Code Enforcement

Vice Mayor Shimp stated he had received a complaint from the owner of Tangerine Apartments about non-enforcement of the parking ordinance. Mr. Shimp asked that this

issue be placed on the Workshop Agenda.

Town Center Cleanup	Vice Mayor Shimp stated he had observed pieces of glass on the sidewalk outside of Papa Joe's on a Friday evening. Mr. Shimp requested this issue be placed on the Workshop Agenda.
Code Enforcement	Councilor Pruette requested that a discussion of code enforcement be included in the Workshop Agenda.
Dogs on Beach	Mayor Brown proposed that the ordinance restricting the hours dogs were allowed on the beach be reviewed at the workshop meeting.
Legislative Action Day	City Clerk Lisa Volpe advised council members to contact the Clerk's office if they were interested in attending Legislative Action Day.
February Workshop	City Clerk Lisa Volpe informed the council that the regularly scheduled Workshop Meeting for February would fall on Presidents' Day and that City Hall would be closed. Ms. Volpe requested that the Workshop Meeting be moved to February 26, 2001.

CITY MANAGER REPORTS

FL League of Cities Meeting	City Manager Linn stated the Northeast Florida League of Cities meeting would be held in Starke this month and asked council members to contact his office if anyone would like to attend.
Sexual Assault	City Manager Linn reported the media had misinformed the public on two issues involving the sexual assault that occurred on First Street. Mr. Linn stated the media reported that the perpetrator was hiding in the bushes at Oleander Street when in fact he was not. Mr. Linn added the other misinformation to the public was that our police department did not offer counseling to the victim through the Rape Victim Advocacy when in fact it was offered and recommended by the police department on two occasions and declined by the victim both times.

COMMENTS FROM THE PUBLIC

Public Comments	Steve Rosenbloom, 1417 Beach Ave., Atlantic Beach, explained the goal of Greenscape was to preserve the tree canopy and the flowering tree sale was the only means of funding. Mr. Rosenbloom asked council to reconsider sponsoring the sale.
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Moved by Crout, seconded by Pruette.

Motion: **TO NAME GREENSCAPE AS A SPONSORED EVENT.**

Ayes: 5 – Crout, Patronik, Pruette, Shimp, Brown

Noes: 0

MOTION CARRIED

Leslie Karlin, 1506 Spindrift Circle, asked if any action had been taken on her request to redecorate the council chambers with artwork of students from the local schools. City Manager Linn answered that her suggestion had been taken into consideration. Ms. Karlin felt that a member of the Code Enforcement Board should be present at workshop meetings that involved code enforcement discussions. Ms. Karlin was also concerned about the increase in Neptune Beach businesses that had been going out of business and suggested forming an ad hoc committee to advise new businesses.

Edward Lane, 1735 Beach Avenue, Atlantic Beach, attorney retained by South Coast

Capital Partnership to address the development order concerning 200 First Street stated that the current parking situation at 200 First Street was inadequate and requested denial of the development order on behalf of South Coast Capital.

Jo Anne Waddill, 115 Oleander Street, was concerned about the hedges on the corner of Oleander and asked the City Manager when they would be trimmed. City Manager Linn responded that Building Official Dan Arlington had sent out a letter informing the property owner to comply by February 8, 2001, by either removing or trimming the hedges to the 4-foot requirement. Mr. Linn added that if he did not comply before the deadline, the city would take care of it.

A lengthy discussion ensued.

Moved by Crout, seconded by Pruette.

Motion: **TO INSTRUCT THE CITY MANAGER TO BRING THE HEDGES AT THE OLEANDER STREET END UP TO CODE WITHIN 15 DAYS.**

Legal Advice

City Attorney White cautioned council that the issue needed to go through the Code Enforcement Board.

Amended Motion: **CHANGE THE MOTION TO REMOVE THE HEDGES.**

Legal Advice

Mayor Brown asked City Attorney White if it was appropriate to make a motion during a public hearing. City Attorney White advised if the council was going to take formal action that it should be on the agenda to allow the public to speak for or against it.

MOTION WITHDRAWN

Steve Leitman, 1820 Strand Street, was concerned about the safety at the Oleander Street end. He felt the hedges blocked the line of sight for approaching traffic and someone was going to get hurt.

Harriet Christovich, 110 Seagate Ave, felt that the south end of First Street needed to be cleaned up and should be sufficiently marked to alert drivers that they cannot get through to the other end because of the barricades.

Steve Leitman, 1820 Strand Street, asked if the Adopt-A-Street End program gave Ms. Waddill permission to maintain the bushes at the Oleander Street end. City Manager Linn answered no, that the trimming of the bushes was the responsibility of the city. Mr. Linn explained that the Adopt-A-Street End program was a program that the Ish Brant Beautification Committee brought to Council requesting to adopt public areas under certain terms and agreements. Mr. Linn added that Mr. Steel, owner of the property in question, had also requested to adopt that street.

On the Record Councilor Pruette asked on the record what the city was going to do concerning the problem with the overgrown hedges at the end of Oleander Street. City Manager Linn responded that Building Official Dan Arlington had written a letter to Mr. Steel, owner of the property, allowing him until February 8, 2001, to comply with the city code. Mr. Linn added if he did not comply with the code that the city would trim it down to the 4' maximum or eliminate the hedge entirely.

Lynda Padrta, 1113 First Street, stated that she would like to see the bushes at the end of Oleander Street be cut down completely and asked council not to approve the development order for 200 First Street.

David Baker, 1102 First Street, felt the City Manager should be able to maintain the city

codes without direction from the council.

Kristie Pecci, 5419 Basque Court, Jacksonville, property manager for the owner of the parking lots in Town Center, stated the parking lots were maintained strictly for patrons of their tenants. Ms. Pecci urged council to deny the new development order for 200 First Street due to the inadequate parking that currently existed at the property. Ms. Pecci added that because of the problem the parking lot owner was considering installing paid parking.

CONSENT AGENDA

Resolution No. 2001-02 RESOLUTION NO. 2001-01, SETTING THE SALARY FOR THE CITY CLERK: A RESOLUTION INCREASING THE SALARY OF THE CITY CLERK OF NEPTUNE BEACH.

Resolution No. 2001-03 RESOLUTION NO. 2001-03, APPROVAL OF STATE REVOLVING LOAN APPLICATION: A RESOLUTION OF THE CITY OF NEPTUNE BEACH, FLORIDA, RELATING TO THE STATE REVOLVING FUND LOAN PROGRAM; MAKING FINDINGS; AUTHORIZING THE LOAN APPLICATION; AUTHORIZING THE LOAN AGREEMENT, ESTABLISHING PLEDGED REVENUES; DESIGNATING AUTHORIZED REPRESENTATIVES; PROVIDING ASSURANCE; PROVIDING FOR CONFLICTS, SEVERABILITY, AND EFFECTIVE DATE.

Resolution No. 2001-04 RESOLUTION NO. 2000-04, SUPPORT OF FLORIDA DEFENSE EFFORT FOR STATE LEGISLATION: A RESOLUTION OF THE CITY OF NEPTUNE BEACH SUPPORTING REGULATION OF CHECK CASHING OUTLETS, CASH ADVANCE OFFICES AND PAYDAY LOAN COMPANIES.

Moved by Shimp, seconded by Pruette.

Motion: **TO APPROVE THE CONSENT AGENDA AS STATED.**

Roll Call Vote:

Ayes: 5 Crout, Patronik, Pruette, Shimp, Brown

Noes: 0

MOTION CARRIED

VARIANCES/NONE

ORDINANCES / NONE

OLD BUSINESS

Harcon Enterprises Change Order CHANGE ORDER #1, HARCON ENTERPRISES, INC. FOR \$99,003.11: City Manager Linn stated he had spoken with PBS&J Engineer Jim Miller, Public Safety Director John Galen and consulted with City Attorney Chris White about the change order and he felt that it was justified. Mr. Linn recommended payment of change order #1 to Harcon Enterprises for \$99,003.11.

Legal Advice Mayor Brown asked City Attorney White for his comments. City Attorney White responded that the Director of Public Works and the City Manager felt it was appropriate. Mr. White stated that there was no way to know if sheet piling had been included in the bids because they were not broken down. Mr. White felt that it was appropriate for the contractor to ask for the change order and it was up to the council to grant it.

Councilor Patronik felt that the contractors had plenty of time to find out what the

requirements were before they bid on the project. Mr. Patronik added that it could not be determined that the cost of the sheet piling was not in the contractor's bid that if we agreed to pay the change order we could be paying double. Mr. Patronik felt that Neptune Beach was not at fault and the change order was not justified.

Councilor Pruette commented that she agreed with Councilor Patronik and that council had discussed the issue at the Workshop Meeting held January 22, 2001, and it was agreed that the change order would not be voted on until after a separate Workshop was held for further discussion.

Councilor Crout agreed with Councilor Pruette about holding a separate workshop.

Vice Mayor Shimp felt it was inappropriate to bring up the change order and asked why it was put on the agenda.

Councilor Patronik added that the change order was to be the only issue on the Workshop Agenda.

Mayor Brown stated that after the trip to Englewood, if everyone felt they were ready, a date would be set for a Workshop Meeting.

City Manger Linn stated that Harcon had requested the change order to be placed on the agenda.

Consensus: **TO HOLD A SEPARATE WORKSHOP TO DISCUSS THE CHANGE ORDER FROM HARCON.**

NEW BUSINESS

Tuition
Reimbursement

AMENDMENT TO PERSONNEL POLICY – REPAYMENT OF TUITION: Councilor Pruette commented that she preferred 100% repayment as opposed to the 50% requirement after two years.

Moved by Crout, seconded by Patronik.

Motion: **TO ADOPT THE AMENDMENT TO THE PERSONNEL POLICY REQUIRING TUITION REIMBURSEMENT.**

Roll Call Vote:

Ayes: 5 – Crout, Patronik, Pruette, Shimp, Brown

Noes: 0

MOTION CARRIED

Surplus Fire Truck

DECLARATION OF FIRE TRUCK AS SURPLUS: Councilor Pruette asked for a report back to council of the results of the sale of the truck.

Moved by Patronik, seconded by Shimp.

Motion: **TO APPROVE THE SALE OF SURPLUS FIRETRUCK.**

Roll Call Vote:

Ayes: 5 – Crout, Patronik, Pruette, Shimp, Brown

Noes: 0

MOTION CARRIED

New Recording
System

APPROVAL OF PURCHASE OF COURT TAPE RECORDER FOR COUNCIL CHAMBERS: City Manager Linn asked for the motion to reflect that the old recorder would be surplused and used for a trade in on the new one.

Moved by Shimp, seconded by Patronik.

Motion: **TO APPROVE THE PURCHASE OF THE COURT TAPE RECORDER FOR THE CITY COUNCIL CHAMBERS AND SURPLUS THE OLD ONE.**

Ayes: 5 – Crout, Patronik, Pruette, Shimp, Brown

Noes: 0

MOTION CARRIED

Board Appointments

RESOLUTION NO. 2001-05: RESOLUTION REAPPOINTING BOARD MEMBERS TO THE BOARD OF APPEALS, THE CODE ENFORCEMENT BOARD, AND THE PLANNING AND DEVELOPMENT REVIEW BOARD: City Clerk Lisa Volpe explained that Resolution No. 2001-05 re-appointed Donald White to serve on the Board of Appeals, re-appointed William Weldon to serve as an alternate on the Code Enforcement Board and, re-appointed Marsha Jawitz to serve on the Planning & Development Review Board. Ms. Volpe added that Mr. Whitmire did not wish to be reappointed to the Planning & Development Review Board.

Moved by Crout, seconded by Pruette.

Motion: **TO ADOPT RESOLUTION NO. 2001-05.**

Moved by Crout, seconded by Pruette.

Amendment: **TO AMEND RESOLUTION NO. 2001-05 TO ELIMINATE MR. BILL WHITMIRE JR.**

Roll Call Vote:

Ayes: 5 – Crout, Patronik, Pruette, Shimp, Brown

Noes: 0

MOTION CARRIED

City Clerk Lisa Volpe added that there was an opening on the Board of Appeals for one alternate and one regular, an opening for one alternate on the Code Enforcement Board, and openings for one alternate and one regular on the Planning & Development Review Board. Ms. Volpe informed that applications were in her office if anyone would like to serve.

Hopkins Creek

ABANDONMENT OF PROPERTY ON HOPKINS CREEK: City Manger Linn stated that the newspapers had reported that council would be considering an ordinance for the abandonment of certain property on Hopkins Creek. Mr. Linn added that he had not received the legal description of the property and that it would be ready for first read in March.

1415 Atlantic
Boulevard

DEVELOPMENT ORDER – 1415 ATLANTIC BOULEVARD: There was no discussion.

Moved by Crout, seconded by Shimp.

Motion: **TO ADOPT THE PLANNING & DEVELOPMENT REVIEW BOARD'S
RECOMMENDATION FOR THE DEVELOPMENT ORDER AT 1415
ATLANTIC BOULEVARD.**

Roll Call Vote:

Ayes: 5 Crout, Patronik, Pruette, Shimp, Brown

Noes: 0

MOTION CARRIED

200 First Street

DEVELOPMENT ORDER – 200 FIRST STREET: Edward S. Jones, owner and applicant of 200 First Street, explained his request for the approval of the following four items;

- 1) Storage efficiency apartment over the garage for a security person to live in,
- 2) A variance allowing the existing windows in the garage,
- 3) Allowing new tenants to move in as long as the parking was completed within 60 days and,
- 4) Construction of a 961-sq. ft. building that was not in the original plans.

Mr. Jones added that the Planning & Development Review Board had recommended approval of his requests except for the new building.

Moved by Pruette, seconded by Patronik.

Motion: **DENY THE RECOMMENDATION OF THE PLANNING &
DEVELOPMENT REVIEW BOARD.**

Roll Call Vote:

Ayes: 1 – Pruette

Noes: 4 – Crout, Patronik, Shimp, Brown

MOTION NOT CARRIED

Moved by Shimp, seconded by Crout.

Motion: **TO APPROVE THE DEVELOPMENT ORDER FOR 200 FIRST STREET
WITH THE FOLLOWING CONDITIONS OF THE WHOLE
RECOMMENDATION OF THE PLANNING & DEVELOPMENT REVIEW
BOARD ALONG WITH THE RESTRICTIONS:**

- 1) **AUTHORIZE THE APARTMENT/STORAGE WITH THE
DEED RESTRICTION THAT THE SPACE CANNOT BE
USED FOR RETAIL. IT CAN BE USED FOR STORAGE OR
RESIDENTIAL SPACE:**
- 2) **AUTHORIZE WINDOWS ON THE WEST WALL OF THE
PARKING GARAGE IF THEY CAN FIND A MEANS OF
COMPLYING WITH THE ONE-HOUR FIRE CODE THAT
RELATES TO PARKING GARAGES:**

- 3) DO NOT APPROVE THE CONSTRUCTION OF SUITE "E" OR BUILDING "E", AS IT IS DEPICTED:
- 4) AND THAT WE AUTHORIZE OCCUPANCIES PERMITS FOR THE ADDITIONAL OFFICES IN BUILDING "A" & "B" IMMEDIATELY RATHER THAN WAITING FOR THE COMPLETION OF PARKING GARAGE:
- 5) THAT WE ALSO ENCOURAGE THE LAND OWNER TO DEVELOP LANDSCAPING AND PARKING THAT IS THEREFORE OPENED UP IN THE ABSENCE OF SUITE "E" AND TO MAKE AN OFFICIAL FLOW OF TRAFFIC IN AND OUT OF THAT DRIVEWAY:
- 6) PARKING GARAGE TO BE COMPLETED WITHIN 60 DAYS OR REASONABLE TIME THEREAFTER:
- 7) ADD THREE PARKING SPACES ON-SITE.

Roll Call Vote:

Ayes: 4 – Crout, Patronik, Shimp, Brown

Noes: 1 – Pruette

MOTION CARRIED

218 First Street

WAIVER OF PARKING – 218 FIRST STREET: Councilor Pruette believed a special exception clause should be added to have the Building Official review the request the request once a year in February. Councilor Crout advised that the motion was only for the parking and did not involve the tent.

Moved by Shimp, seconded by Crout.

Motion: TO APPROVE THE WAIVER OF PARKING FOR 218 FIRST STREET.

Ayes: 5 – Crout, Patronik, Pruette, Shimp, Brown

Noes: 0

MOTION CARRIED

PUBLIC COMMENTS

Public Comments

Jo Anne Waddill, 115 Oleander Street, asked what was the final outcome of her request about the bushes at Oleander Street end. Mayor Brown answered that council did not need to take action at this time and her request would be fulfilled.

Adjournment

There being no further business, the meeting adjourned at 9:15 p.m.

Dick Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved:



**TOWN HALL MEETING
FEBRUARY 26, 2001
CITY HALL, 116 FIRST STREET,
NEPTUNE BEACH, FLORIDA**

Pursuant to proper notice a Town Hall Meeting of the City Council of the City of Neptune Beach was held February 26, 2001, immediately following the Workshop Meeting, in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

The following Council members and staff were in attendance:

Mayor Dick Brown
Vice Mayor Robert D. Shimp
Councilor Ronald D. Patronik
Councilor Harriet Pruette
Councilor J. W. "Buddy" Crout
City Manager Richard A. Linn

City Clerk Lisa Volpe, CMC
Deputy City Clerk Karla Strait
Assistant to the City Manager Terry Klein
Finance Director Steve Ramsey
Building Official Dan Arlington
Animal Control Officer John Webber

ABSENT:
City Attorney Christopher White

Call to Order

The Mayor called the meeting to order at 9:45 p.m.

Tom Tankersley, 1038 Kings Road, stated that he was concerned about the water pressure to the fire hydrants and that John Webber had answered his question.

Public Comments

There being no further comments from the public the Mayor closed the meeting

Adjournment

There being no further business, the meeting adjourned at 9:46 p.m.

Dick Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
WORKSHOP CITY COUNCIL MEETING
FEBRUARY 26, 2001 AT 7:00 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 February 26, 2001 at 7:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

Mayor Richard A. Brown
Vice Mayor Robert D. Shimp
Councilor Ronald Patronik
Councilor Harriet Pruette
Councilor J. W. "Buddy" Crout
City Manager Richard A. Linn
City Clerk Lisa Volpe, CMC

Deputy City Clerk Karla Strait
Assistant to the City Manager Terry Klein
Finance Director Steve Ramsey
Building Official Dan Arlington
Public Works Director John Galen
Animal Control Officer John Webber
Customer Service Representative Denise Helms

ABSENT:

City Attorney Christopher White

Call to Order/Roll Call The Mayor called the meeting to order at 7:00 p.m.

COMMITTEE REPORTS

IBBC

ISH BRANT BEAUTIFICATION COMMITTEE: City Manager Linn reported the Ish Brant Beautification Committee had received the permit to plant palm trees and wild flowers in the A1A/Third Street medians and they were going to wait until the irrigation was installed before planting them. Mr. Linn added that the committee was also waiting on the design of the bike path on Florida Boulevard, working on the Yard of the Month, and looking at enhancing the intersection of First and Seagate.

Easter Egg Hunt

ANNUAL EASTER EGG HUNT 2001: City Manager Linn reported that this year's Easter Egg Hunt would be held on Friday, April 13, 2001 and the Police Department volunteered to coordinate it.

Councilor Pruette thanked Candy Sullivan, who was in the audience, for her efforts in coordinating the Easter Egg Hunt for over ten years. City Manager Linn also thanked Ms. Sullivan.

CITY MANAGERS PUNCH LIST

**Jarboe Park
Improvement**

JARBOE PARK IMPROVEMENT: City Manager Linn stated Goddard Design would be at the March 5, 2001, Regular Council Meeting to give a presentation on the Jarboe Park

Improvement designs.

Roadway between Shopping Centers	<u>ROADWAY BETWEEN SHOPPING CENTERS:</u> City Manager Linn stated he had received a letter of commitment for \$20,000 from one of the shopping centers last October.
Bike Path	<u>FLORIDA BOULEVARD BIKE PATH:</u> City Manager Linn stated that he was still waiting on the design plan for the Florida Boulevard Bike Path.
Underground Containers	<u>UNDERGROUND GARBAGE CONTAINERS:</u> City Manager Linn mentioned that the BFI contract was on the agenda and the underground containers were identified in the contract.
Naval Air Show	<u>NAVAL AIR SHOW:</u> City Manager Linn stated that the Interlocal Agreement for the Naval Air & Sea Show was on the agenda to be discussed.
AT&T/Broadband	<u>AT&T/BROADBAND CLEAN UP OF CABLES:</u> City Manager Linn stated he had been notifying AT&T of the loose cable wires in writing and they had been correcting the problems.

PROPOSED ORDINANCES

Cross Connectors	<u>ORDINANCE REGULATING CROSS CONNECTIONS:</u> City Manager Linn explained that the Florida Administrative Code Chapter 62-555.330 and 62-555.360 required each municipality to regulate cross connections and backflow preventions with its public water supply. Mr. Linn added that the Backflow Prevention Policy had been in place since 1992 and the Ordinance was needed to back it up. Director of Public Works John Galen explained that the program insured that where there was a lawn meter for an irrigation system attached to a water supply the backflow prevented the water from the sprinkler system from getting sucked back into the drinking water supply.
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Councilor Shimp agreed to sponsor the Ordinance and Councilor Crout agreed to be the co-sponsor.

Consensus: **FORWARD TO THE MARCH REGULAR CITY COUNCIL MEETING
CONSENT AGENDA.**

Dogs Beach Hours	<u>ORDINANCE CHANGING THE HOURS ALLOWING DOGS ON THE BEACH:</u> Mayor Brown stated he had received a letter from a citizen suggesting extending the hours that dogs are allowed on the beach during the non season hours.
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The council members discussed the following issues:

1. dogs defecating on the beach,
2. dogs on the beach without a leash,
3. dogs not having city pet tags, and
4. increasing the amount of the animal violation citations.

Animal Control Officer John Webber explained the process of collecting the citation fees.

There was no consensus to move forward on this issue.

Green Market	<u>ORDINANCE CHANGING THE HOURS OF OPERATION OF THE GREEN MARKET:</u> City Manager Linn stated he received a letter from the Planning & Development Review Board recommending changing the hours of operation of the Green Market to 10:00 a.m. to 2:00 p.m. Mr. Linn felt the council should extend the permitted hours by ordinance and allow the Board to establish the seasonal hours of operation.
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Councilor Pruette agreed to sponsor the Ordinance and Councilor Crout agreed to be the co-sponsor.

Consensus: **FORWARD TO THE MARCH REGULAR CITY COUNCIL MEETING.**

CONTRACT/AGREEMENTS

Garbage Collection **GABAGE COLLECTION CONTRACT TO BFI:** City Manager Linn stated the bid from BFI was \$67,000 lower than the others and recommended the approval of the garbage collection contract with BFI.

Consensus: **FORWARD TO THE MARCH REGULAR CITY COUNCIL MEETING
CONSENT AGENDA.**

Air & Sea Show
Interlocal Agreement **INTERLOCAL AGREEMENT FOR JOINT SPONSORSHIP OF THE AIR & SEA SHOW:** City Manager Linn stated that following discussions with the Steering Committee and the Chief of Special Events for the City of Jacksonville a consensus was reached on the proposed interlocal agreement for joint sponsorship of the Air & Sea Show. Mr. Linn added that the agreement spelled out the duties and responsibilities of everyone involved and recommended approval of this agreement.

For the Record Vice Mayor Shimp stated for the record that the \$10,000 contribution from Neptune Beach was a onetime kick off contribution only.

Consensus: **FORWARD TO THE MARCH REGULAR CITY COUNCIL MEETING.**

Air & Sea Show
Consulting Agreement **AIR & SEA SHOW CONSULTING AGREEMENT:** City Manager Linn stated the Executive Steering Committee of the Air Show selected Aerial Entertainment Resources, Inc., to provide the consulting services for the show and recommended approval of the agreement.

Consensus: **FORWARD TO THE MARCH REGULAR CITY COUNCIL MEETING.**

City Managers Car **REPLACEMENT OF CITY MANAGERS VEHICLE:** City Manager Linn explained he had received a proposal in the amount of \$6,840 from Garber Country Chevrolet for a brand new 2001 Chevrolet Impala that included the trade in value of four police vehicles and the surplus fire truck. Mr. Linn recommended approval of the proposal for the purchase of the Impala for use by the City Manager.

Consensus: **FORWARD TO THE MARCH REGULAR CITY COUNCIL MEETING.**

ISSUE DEVELOPMENT

Harcon Change Order **SETTING A DATE FOR WORKSHOP FOR CHANGE ORDER #1:** Council discussed payment of the change order from Harcon for the sheet piling required by Florida Department of Transportation that was not included in their bid.

Consensus: **TO HOLD A SPECIAL WORKSHOP MEETING TO DISCUSS THE
CHANGE ORDER FROM HARCON BEFORE THE REGULAR CITY
COUNCIL MEETING ON MONDAY, MARCH 5, 2001, BEGINNING AT
6:00 P.M.**

Mayor Brown asked the Council if anyone would like to accompany him along with Jim Miller, City Manager Linn, and John Galen, on a trip to explore the pipe bursting technology in Jacksonville either Thursday or Friday afternoon.

- Parking Enforcement ENFORCEMENT OF PARKING ORDINANCE: Vice Mayor Shimp stated that Mr. Linn advised that property owners should call Chief Brant when unauthorized vehicles were parked on their private property. Vice Mayor Shimp added that the Florida League of Cities was working on an ordinance that would enforce the unauthorized parking in parking lots.
- Town Center
Clean Up TOWN CENTER CLEAN UP: Vice Mayor Shimp felt that Town Center merchants should take some responsibility for the clean up around and in front of their establishments. Mayor Brown stated that he would be chairing the next Project Oversight Committee Meeting and he would bring up the issue.
- Goal Setting DISCUSSION OF COUNCIL GOALS: Councilor Pruette stated the goals she would like to accomplish were; 1) Land Development Regulations, 2) working on the Budget earlier this year, 3) replacing faded street signs, 4) repairing pot holes and, 5) trimming tree limbs hanging over the sidewalks.
- Mayor Brown suggested future special events and programs such as flags being sold at City Hall for citizens to display on flag days and a Community Watch Program.
- Councilor Crout wanted to work on a solution for the water & sewer problems, water pressure, and take action on one ordinance at a time in order to improve the code.
- Councilor Patronik felt the codes, the water & sewer project, signs, sidewalks, and street resurfacing needed to be addressed.
- Vice Mayor Shimp felt that the water & sewer project was the most pressing issue and that the water pressure, land use codes, budget, and traffic control needed to be improved.
- Code Enforcement DISCUSSION OF CODE ENFORCEMENT ISSUES: Councilor Pruette suggested that the city come up with a better way of tracking code enforcement complaints. City Manager Linn recommended using the civic tracker software that his office used for various other complaints.
- Cable TV Franchise DISCUSSION OF CABLE TV FRANCHISE: Councilor Pruette stated that City Attorney White and City Manager Linn were in the process of seeing if the Cable TV Franchise contract could be renegotiated.
- Beaches Park Project BEACHES PARK PROJECT: Mayor Brown stated that the Beaches Park Project for Kids was asking for a donation of \$10,000 to be shared by the beaches cities. Discussion ensued about donating a pro rata share instead of 1/3 of the cost and donating to a project that was not within our city. City Manager Linn stated that he would allow the employees to volunteer to help with the project.

Public Comments

PUBLIC COMMENTS ON AGENDA ITEMS ONLY

Steve Hould, 111 Walnut Street, was pleased that the council was proceeding to continue to review the Land Use Codes.

Tom Tankersley, 1038 Kings Road, agreed that the Land Development Regulations needed to continue. Mr. Tankersley stated that AT&T/Broadband's contract was for cable only and did not include computer lines. Mr. Tankersley suggested that unleashed dogs be picked up by animal control and have the owner pay a fee to get them out. Mr. Tankersley stated although BFI provided side yard pick up for garbage, people were still putting their cans out front to avoid the scattering of stuff

all over the yard. Mr. Tankersley was tired of seeing Neptune Beach pay the same amount as the other cities and felt we should only pay a pro rata share. Mr. Tankersley was concerned why \$64,000 was included in Harcon's bid if they didn't know about the sheet piling. Mr. Tankersley also was concerned about the beer bottles coming out of the restaurants and bars at Town Center and felt that the merchants should be cleaning them up.

JoAnne Waddill, showed the council a butterfly plague and stated there would be six more of them all to be placed throughout the Butterfly Garden in Jarboe Park.

Lynda Padrta, 1113 First Street, stated that she was terrified of the dogs at large on the beach. Ms. Padrta suggested placing dog poop bag stations at the street ends and having a list of rules given to new residents whenever they applied to have their water turned on. Ms. Padrta asked council to consider having the citizens that are caught not cleaning up after their dogs or allowing them to run at large do some community service by cleaning up poop throughout the city. Ms. Padrta added that Massachusetts had a deposit and refund system for bottles and cigarette butts and thought maybe we could do something similar. Ms. Padrta also stated that AT&T/Broadband had not repaired the damage to her property or responded to her letter.

Cecilia Adams, 449 Lora Street, favored extending the hours that dogs were allowed on the beach. Ms. Adams added that she had lived in Neptune Beach since 1988 and was not aware of the licensing requirement for dogs.

Tom Tankersley, 1038 Kings Road, asked if the problem with the water pressure was serious enough that people had to worry about their homes burning down.

City Manager Linn responded that the pressure and the flow of the fire hydrants were audited annually.

JoAnne Waddill asked if the homeowners were aware of the fire hydrant situation.

John Webber, Animal Control Officer, responded that there were 180 fire hydrants in the city and informed that only 10% of the fire hydrants had a problem and most of them were putting out what they were supposed to and it was not a crisis situation.

Adjournment

There being no further business, the meeting adjourned at 9:45 p.m.

Dick Brown, Mayor

Attest:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
REGULAR CITY COUNCIL MEETING
MARCH 5, 2001 AT 7:00 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 March 5, 2001, at 7:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

Mayor Richard A. Brown
Vice Mayor Robert Shimp
Councilor Harriet Pruette
Councilor Ronald Patronik
Councilor Buddy Crout
City Attorney Christopher White
City Manager Richard A. Linn

City Clerk Lisa Volpe, CMC
Deputy City Clerk Karla Strait
Assistant to the City Manager Terry Klein
Finance Director Steve Ramsey
Building Official Dan Arlington
Assistant to the Building Official Piper Turner

Order Call/Pledge

Vice Mayor Shimp called the meeting to order at 7:00 p.m. and asked Councilor Crout to led the Pledge of Allegiance. Vice Mayor Shimp presided over the meeting because Mayor Brown had a severe soar throat.

Agenda Changes

Vice Mayor Shimp requested that Change Order #1 from Harcon be placed on the consent agenda.

Consensus: **TO PLACE CHANGE ORDER #1 FROM HARCON ON THE CONSENT AGENDA.**

City Manger Linn asked to add the Jarboe Park Design Improvements to the agenda under City Manager Reports.

Consensus: **TO ADD THE JARBOE PARK IMPROVEMENT DESIGN TO THE AGENDA UNDER CITY MANAGER REPORTS.**

AWARDS / PRESENTATIONS / RECOGNITION OF GUESTS

U.S.S. Roosevelt

City Manager Linn presented a plank from the USS Roosevelt to the City Council for support for the christening of the Roosevelt USS DDG80 on January 23, 1999 commissioned October 14, 2000.

APPROVAL OF MINUTES

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

FEBRUARY 5, 2001, REGULAR CITY COUNCIL MEETING

Moved by Pruette, seconded by Crout.

Roll Call Vote:

Ayes: 5 – Crout, Patronik, Pruette, Shimp, Brown

Noes: 0

MOTION CARRIED**COMMUNICATIONS AND CORRESPONDENCE**

- Water Bills Councilor Pruette thanked Finance Director Steve Ramsey for taking care of a number of water bill disputes.
- Town Center Lighting Councilor Pruette stated the lighting at Town Center issue had already been solved by a letter of explanation from City Manager Linn that there would be lighting installed on top of the new street posts.
- Donations & Contributions Councilor Pruette asked City Attorney White for a legal opinion on donations and contributions outside of Neptune Beach.
- Trash on Florida Boulevard Councilor Patronik stated that he had a number of citizens contact him about trash on Florida Boulevard but it should be taken care of by the new contract with BFI.
- Legislative Action Day City Clerk Lisa Volpe advised council members to contact the Clerk's office if they were interested in attending Legislative Action Day.

CITY MANAGER REPORTS

- 1992 Bond Issue City Manager Linn stated he had received several proposals ranging from \$400,000 to \$700,000 from different bonding companies and agencies on the 1994 bond valued at 3,500,000. Mr. Linn advised that he would like to refinance that bond and receive proposals.
- Fact Finding Trip City Manager Linn reported that a manufacture of the sewer vacuum system had offered to reimburse the city for expenses to go Europe due to lack of experience in the united States. The trip is to examine the vacuum system technology that has been in place for 20 to 30 years. Mr. Linn added that Vice Mayor Shimp, Councilor Patronik, Jim Miller with PBS&J and himself would be going.
- For the Record Councilor Pruette stated that she would not be going and commented that she did not believe the elected officials should go. She felt it should be up to City Manger Mr. Linn, Public Works Director John Galen, and other city employees that would be doing the work.
- Jarboe Park City Manager Linn introduced Brett Goddard, landscape design architect. Mr. Goddard explained his plan and that he needed council approval to begin the bid process.

Consensus: **TO MOVE TO THE APRIL REGULAR MEETING CONSENT AGENDA**

COMMENTS FROM THE PUBLIC

- Public Comments Sheri Nicholson, 222 Oleander, asked council to reconsider sponsoring the Beaches Park Project for Kids.

CONSENT AGENDA

- Surplus **SURPLUS OF VEHICLES**

City Manager Vehicle PURCHASE OF SEDAN USING CONTINGENCY LINE ITEM

Air Show APPROVAL OF AIR SHOW INTERLOCAL AGREEMENT

Air Show APPROVAL OF AIRSHOW CONSULTANT CONTRACT

Solid Waste APPROVAL OF SOLID WASTE CONTRACT

Change Order APPROVAL OF CHANGE ORDER # 1 FROM HARCON ENTERPRISES

For the Record Councilor Pruette asked Mr. Linn to confirm on the record that regular trash and yard trash would be picked up on Mondays. Mr. Linn confirmed that was correct.

Moved by Crout, seconded by Patronik.

Motion: **TO APPROVE THE CONSENT AGENDA AS STATED.**

Roll Call Vote:

Ayes: 5 Crout, Patronik, Pruette, Shimp, Brown

Noes: 0

MOTION CARRIED

VARIANCES/NONE

ORDINANCES

Ordinance No. 2001-02 ORDINANCE NO. 2001-02, OPEN AIR MARKET HOURS OF OPERATION, FIRST READ: City Manager Linn reported that Chairman of the Planning & Development Review Board has requested that this ordinance be withdrawn.

Ordinance No. 2001-01 ORDINANCE NO. 2001-01, REGULATING CROSS-CONNECTIONS, FIRST READ: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 23 UTILITIES, OF THE CODE OF ORDINANCES, CITY OF NEPTUNE BEACH, FLORIDA BY ADDING A NEW SECTION 23-32 ENTITLED "DEFINING AND REGULATING CROSS-CONNECTIONS AND BACKFLOW PREVENTION DEVICES AND PROVIDING CORRECTIONS THEREOF" AND PROVIDING AN EFFECTIVE DATE.

Moved by Patronik, seconded by Crout.

Motion: **TO APPROVE ORDINANCE 2001-01**

Roll Call Vote:

Ayes: 5 – Crout, Patronik, Pruette, Shimp, Brown

Noes: 0

MOTION CARRIED

Ordinance No. 2001-02 ORDINANCE NO. 2001-02 CLOSING RIGHT-OF-WAY – PENMAN TERRACE, AKA HOPKINS CREEK, FIRST READ: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA CLOSING, VACATING AND ABANDONING CERTAIN RIGHTS-OF-WAY IN NEPTUNE BEACH, FLORIDA; PROVIDING AN EFFECTIVE DATE.

Due to the withdrawal of Ordinance 2001-02 Vice Mayor Shimp asked to change this Ordinance from 2001-03 to 2001-02.

Moved by Patronik, seconded by Crout.

Motion: **TO APPROVE ORDINANCE 2001-02**

Roll Call Vote:

Ayes: 5 – Crout, Patronik, Pruette, Shimp, Brown

Noes: 0

MOTION CARRIED

OLD BUSINESS

There was controversy over the Harcon Change Order being placed on the Consent Agenda.

For the Record Councilor Pruette stated for the record that she was against payment of the change order.

For the Record Councilor Crout stated for the record that the information he requested from Harcon was not furnished in order for him to make an intelligent decision.

Legal Advise City Attorney White advised to remove the Harcon Change Order from the consent agenda and place it back under old business and vote on it.

Consensus **TO REMOVE THE HARCON CHANGE ORDER #1 FROM THE CONSENT AGENDA AND CALL FOR A VOTE SEPARATELY.**

Harcon Enterprises Change Order CHANGE ORDER #1, HARCON ENTERPRISES, INC. FOR \$99,003.11: City Manager Linn stated he had spoken with PBS&J Engineer Jim Miller, Public Safety Director John Galen and consulted with City Attorney Chris White about the change order and he felt that it was justified. Mr. Linn recommended payment of change order #1 to Harcon Enterprises for \$99,003.11.

Moved by Shimp, seconded by Brown.

Motion: **TO APPROVE THE CHANGE ORDER FROM HARCON.**

Councilor Crout made a motion to amend the change order and pay \$12,267.50 that they billed for the electrical conduit that was not seconded.

Roll Call Vote:

Ayes: 3 - Patronik, Shimp, Brown

Noes: 2 - Crout, Pruette

MOTION CARRIED

NEW BUSINESS

Development Order DEVELOPMENT ORDER, TWO-STORY BUILDING ON LOTS 8, 30 THRU 39 AND 41, BLOCK 1 FLORIDA BEACH PRADO FERRER: City Manager Linn called on Mr. or Mrs. Craig Anderson to present the project to the council for consideration. Hilton Meadows, representative for the Anderson's presented the project to the council. Councilor Crout called a point of order and asked if the city should consider abandoning the property that would be required in order for the project to be built before approval of the development order.

Legal Advise City Attorney White advised that it was premature to vote on the development order until

an ordinance was approved to abandon the property.

Adjournment

There being no further business, the meeting adjourned at 8:15 p.m.

Richard A. Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
WORKSHOP CITY COUNCIL MEETING
MARCH 5, 2001 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 March 5, 2001 at 6:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

Mayor Richard A. Brown
Vice Mayor Robert D. Shimp
Councilor Ronald Patronik
Councilor Harriett Pruette
City Attorney Christopher A. White
City Manager Richard A. Linn
City Clerk Lisa Volpe, CMC

Deputy City Clerk Karla Strait
Assistant to the City Manager Terry Klein
Director of Finance Steve Ramsey
Assistant to the Building Official Piper Turner
Public Works Director John Galen

Absent:
Councilor James W. Crout

Call to Order/Roll Call

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

**Harcon
Change Order #1**

Jim Miller with PBS&J explained that change order #1 from Harcon included six items.

The first item on the change order was for the sheet piling for the jack & bore under Third Street in the amount of \$82,882.11. Mr. Miller added that this cost was additional because it was required by the Florida Department of Transportation and it was not included in the original bid because the permit was not received until after all the bids were in.

Mr. Miller stated that PBS&J tried to intervene with the Florida Department of Transportation and they were told if the contractor could show that he complied with the Trench Safety Act that they would wave the requirement for the sheet piling. Harcon did comply with the Trench Safety Act but the same inspector convinced the District Engineer for Maintenance not to wave the sheet piling because he felt that it was a dangerous deep situation.

Mr. Miller explained the next item on the change order was \$17,883.50 for removing the same sheet piling. That amount included a credit of \$15,040.00 for the trench boxes he had originally planned to use, but was not allowed to use because he had to use the sheet piling.

Mr. Miller added that the other items on the change order were \$10,000 for hand excavation for electrical conduit that was not located by Jacksonville Beach Electric or the location service.

The next item on the change order was for labor and materials in the amount \$3,290.00 for telephone conduit that was not located by the phone company or the locating service and also required hand excavation.

Mr. Miller felt that the change order was legitimate based on the information and recommended approval of payment.

QUESTION & ANSWER SESSION

Questions/Answers

Councilor Patronik asked Mr. Miller if sheet piling was required for trenches deeper than 10 feet. Mr. Miller responded that the Department of Transportation Utility Accommodation Guide stated that trenches must comply with the Florida Trench Safety Act and meet OSHA requirements and had absolutely no requirement for sheet piling.

Councilor Patronik asked if the contractor would have known about the sheet-piling requirement if the permit had been received sooner. Mr. Miller answered yes and added that because the permit was only good for a certain number of days we would also have taken a chance on having to renew the permit and the Florida Department of Transportation could have added other changes to it after the bids.

Vice Mayor Shimp requested that PBS&J get the permits earlier in the future so the projects could be bid on correctly. Vice Mayor Shimp questioned whether Harcon and the Florida Department of Transportation had ran into problems like this before.

For the Record Mr. Shimp acknowledged for the record that President of Harcon Mike Harvey shook his head no. Vice Mayor Shimp added on the record that he was surprised that small towns had no influence over state and county agencies.

President of Harcon Mike Harvey stated that he and Jim Miller worked almost four weeks trying to get the Florida Department of Transportation to reconsider the sheet piling requirements.

City Manager Linn asked Mr. Harvey how deep the wet well was and what technology was used. Mr. Harvey replied the wet well was 32 feet deep and the technology was a sheeting system. Mr. Linn asked if a change order would have been required if the trench box technology was used. Mr. Harvey answered that if he would have used trench boxes that he would not have had to charge for the sheeting. Mr. Linn asked if there were any cave ins at the wet well. Mr. Harvey answered no.

For the Record Councilor Patronik stated that based on Mr. Miller's explanation he agreed that the change order was justified because the contractor went on the best information available and it was an additional expenditure.

Councilor Pruette questioned Mr. Miller why the contractor was never told they would need the sheeting when the bid went out in May. Mr. Miller responded that the issue did not come up because the contractor did not know what he going to use until he got ready to do the jack and bore. Councilor Pruette asked if that was when he tried to get the state to change it the requirements. Mr. Harvey answered yes and added that he worked almost a solid month to have the requirement changed. Councilor Pruette asked how they knew which bidders bid sheeting and which ones did not? Mr. Miller stated he had no way of knowing which bids included sheet piling other than guessing.

Councilor Pruette felt that the contractor should negotiate with us for the amount of the change order and was concerned about future change orders and the citizens of Neptune Beach tax dollars.

Mr. Miller stated they made an honest effort with the Florida Department of Transportation negotiating with the contractor to get the amount change order down to what he thought was reasonable. Mr. Miller recommended that council approve the change order and added he would make sure that Mr. Linn, Mr. Galen, and himself would sit down with the Florida Department of Transportation well in advance of any future required permits.

Vice Mayor Shimp stated that the previous council had added a 20% contingency on the contract for change orders and that City Manger Linn had the authority to pay the change order without going through the council. Mr. Shimp requested moving the change order to the Regular City Council Meeting consent agenda that would follow this Workshop.

Adjournment

There being no further business, the meeting adjourned at 6:50p.m.

Richard A. Brown, Mayor

Attest:

Lisa Volpe, CMC, City Clerk

Approved: _____



**TOWN HALL MEETING
MARCH 19, 2001
CITY HALL, 116 FIRST STREET,
NEPTUNE BEACH, FLORIDA**

Pursuant to proper notice a Town Hall Meeting of the City Council of the City of Neptune Beach was held March 19, 2001, immediately following the Workshop Meeting, in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

The following Council members and staff were in attendance:

Mayor Richard A. Brown
Vice Mayor Robert D. Shimp
Councilor Ronald D. Patronik
Councilor Harriet Pruette
Councilor J. W. "Buddy" Crout
City Manager Richard A. Linn
City Clerk Lisa Volpe, CMC

Deputy City Clerk Karla Strait
Assistant to the City Manager Terry Klein
Finance Director Steve Ramsey
Building Official Dan Arlington

ABSENT:
City Attorney Christopher A. White

Call to Order

The Mayor called the meeting to order at 8:55 p.m.

Public Comments

There being no comments from the public the Mayor closed the meeting

Adjournment

There being no further business, the meeting adjourned at 8:55 p.m.

Richard A. Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
WORKSHOP CITY COUNCIL MEETING
MARCH 19, 2001 AT 7:00 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 March 19, 2001 at 7:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

Mayor Richard A. Brown
Vice Mayor Robert D. Shimp
Councilor Ronald Patronik
Councilor Harriet Pruette
Councilor J. W. "Buddy" Crout
City Manager Richard A. Linn
City Clerk Lisa Volpe, CMC

Deputy City Clerk Karla Strait
Assistant to the City Manager Terry Klein
Finance Director Steve Ramsey
Building Official Dan Arlington

ABSENT:
City Attorney Christopher White

Call to Order/Roll Call The Mayor called the meeting to order at 7:00 p.m.

COMMITTEE REPORTS

IBBC ISH BRANT BEAUTIFICATION COMMITTEE: City Manager Linn reported the Ish Brant Beautification Committee was actively working on the Third Street medians, the trees had been purchased and the shipment was delayed until the irrigation system could be installed. Mr. Linn added they were also working on getting the butterfly plaques installed throughout Jarboe Park and the Yard of the Month for March would be carried into April.

Easter Egg Hunt ANNUAL EASTER EGG HUNT 2001: City Manager Linn reported that the Annual Easter Egg Hunt would be held on Good Friday, April 13, 2001, from 10:00 a.m. to 12:00 p.m.

Sunday in the Park SUNDAY IN THE PARK 2001: City Manger Linn advised this year's Sunday in the Park would be held on April 22, 2001, and the Mayor & Council would be cooking hotdogs and hamburgers for the public.

Jax Beach Trolleys JACKSONVILLE BEACH TROLLEYS FOR FESTIVALS: City Manager Linn reported that he received a call from Roy Paxon with the City of Jacksonville Beach. He stated they had negotiated with Jacksonville Transportation Authority to provide trolley shuttle from Jacksonville Beach to Town Center during the festivals. The cost would be \$1.00 per ride or \$2.00 for an all day pass.

CITY MANAGERS PUNCH LIST

- Jarboe Park Improvement JARBOE PARK IMPROVEMENT: City Manager Linn stated the design plans for Jarboe Park had been given to Council and were reviewed at the last council meeting. Mr. Linn added that the Public Works Department had already started removing the old roofs in anticipation of the new roofs.
- Interlocal Agreement INTERLOCAL AGREEMENT FOR THE NAVAL AIR SHOW: City Manager Linn stated that the Interlocal Agreement for the Naval Air Show was being circulated through the signing process.
- AT&T/Broadband AT&T/BROADBAND CLEAN UP OF CABLES: City Manager Linn reported that AT&T/Broadband had been responding quickly to the loose cable complaints and urged anyone that saw a loose cable wire to report it to his office.

Vice Mayor Shimp stated that citizens were being charged for Broadband services before the new boxes had been put in. City Manager Linn advised he would look into the problem.

PROPOSED ORDINANCES

- Ordinance No. 2002-03 ORDINANCE NO. 2001-03, FLOOD PLAIN MANAGEMENT: AN ORDINANCE OF THE CODE OF CITY OF NEPTUNE BEACH, FLORIDA, AMENDING CHAPTER 27, ARTICLE VIII, DIVISION 2, FLOODPLAINS; ADDING OR CHANGING CERTAIN DEFINITIONS AND GUIDELINES REQUIRED BY THE NATIONAL FLOOD INSURANCE PROGRAM AND ESTABLISHING AN EFFECTIVE DATE.

City Manager Linn stated the Florida Department of Community Affairs had conducted a Community Assistance Visit to assess the city's Floodplain Management Regulations and as a result recommended the corrections as provided in Ordinance No. 2002-03.

Building Official Dan Arlington explained the definitions of mobile homes, modular homes and manufactured homes. Mr. Arlington added that the ordinance was necessary in order to provide property owners with flood insurance and mortgages.

Consensus: **FORWARD TO THE APRIL REGULAR COUNCIL MEETING FOR FIRST READ.**

- Garbage Franchise GARBAGE FRANCHISE ORDINANCE: City Manager Linn stated that City Attorney Christopher White was preparing an ordinance for the 10% franchise fee with BFI and would have it ready for first read at April's regular council meeting.

CONTRACT/AGREEMENTS

- CDBG Grant COMMUNITY DEVELOPMENT BLOCK GRANT REVISED: City Manager Linn explained that he wanted to use the Community Development Block Grant to open a Senior Activity Center that would provide services and programs for residents of Neptune Beach age 62 and older.

Consensus: **TO ALLOW CITY MANAGER LINN TO SIGN AND MOVE FORWARD WITH THE GRANT FOR APPROVAL.**

ISSUE DEVELOPMENT

Vacuum Sewer Trip **VACUUM SEWER RESEARCH TRIP TO GERMANY:** Vice Mayor Shimp felt that council members should be allowed to accompany City Manager Linn and Jim Miller on the trip to Germany in order to be as informed as possible about the vacuum system technology. Vice Mayor Shimp added that it would not be illegal for Roediger to reimburse the city and that the trip would not sway his vote on the bids.

Councilor Patronik stated the purpose of the trip was to look at the long-term effect of the vacuum system. Councilor Patronik felt the council could not be swayed because the contractors that bid on the project would choose their own suppliers and Jim Miller, Mr. Linn, and City Attorney White would look at the bids first and make a recommendation to council. Councilor Patronik stated he would not take the trip because of the Sunshine Law.

Councilor Pruette was concerned about ethical questions relating to the influence of the trip. Councilor Pruette felt that other contractors might protest and delay the project. Councilor Pruette asked City Manager Linn to justify why he needed to go to Germany.

City Manager Linn explained the technology had been proven in Europe for the last 20 to 30 years and was new to the United States. Mr. Linn added that Roediger had offered to reimburse the city for expenses for the council members, the engineer, and himself to visit Germany to look at the track record and speak with experts about the vacuum sewer system.

On the Record Councilor Pruette stated on the record she had spoken with over one hundred citizens and all but one said they did not feel that the city should pay for the trip to Germany. Councilor Pruette gave her consensus for the trip, as long as Roediger would pay for it.

Councilor Crout was not opposed to the Germany trip as long as it did not cost the city and taxpayers any money.

Contingency Line Expenditure **APPROVAL OF \$1,375 EXPENDITURE FROM CONTINGENCY LINE ITEM:** City Manager Linn reported that the computer used by accounts payable had stopped working and had to be replaced. Mr. Linn requested approval of a budget adjustment/transfer for \$1,375 from the contingency fund.

Consensus: **FORWARD TO THE APRIL REGULAR COUNCIL MEETING FOR APPROVAL.**

Town Hall Meetings **TOWN HALL MEETINGS:** Councilor Crout asked council to consider discontinuing the Town Hall meetings immediately following the Workshops explaining that the public already had the opportunity to speak at the end of the Workshop.

Consensus: **TO DO AWAY WITH THE TOWN HALL MEETINGS.**

Public Comments **PUBLIC COMMENTS ON AGENDA ITEMS ONLY**

Lynda Padrta, 1113 First Street, cautioned council to beware of language changes and loop holes in the floodplain ordinance. Ms. Padrta was also concerned that the new Senior Activity Center would duplicate services that were currently offered at a nearby Senior Center. Ms. Padrta also felt that the city should pay for the Germany trip not Roediger.

Chris Oakley, 620 Camellia Terrace Drive, asked if the engineer's contract held him

responsible for information that was not included in bids so that the city did not have to pay for his errors. Mr. Oakley agreed that the trip to Germany was needed. He felt that Public Works Director John Galen and members of his staff should be going because they would be the ones dealing with the water and sewer on a day-to-day basis and they needed to understand the system.

Jim Miller, PBS&J, explained that the reason for the trip was to look at the long-term effect of the vacuum sewer system and added that they were also looking at pipe bursting and other options that would save the city money.

Councilor Crout asked Mr. Miller why the water lines that were originally part of phase 1 of the master plan were moved back. Mr. Miller replied that the council set the priorities and moved it back in order to get east of Third Street completed. Mr. Miller added that he would do a summary plan that would inform the council where the project was and what was lined up for the future.

Anthony Mazzola, 529 Birch Street, felt that if Roediger was allowed to pay for the Germany trip that citizens would lose respect for city officials and if the trip was necessary that the city should pay for it.

Adjournment

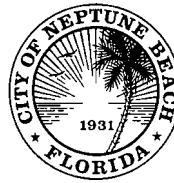
There being no further business, the meeting adjourned at 8:55 p.m.

Richard A. Brown, Mayor

Attest:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
REGULAR CITY COUNCIL MEETING
APRIL 2, 2001 AT 7:00 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 April 2, 2001, at 7:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

Mayor Richard A. Brown	City Manager Richard A. Linn
Vice Mayor Robert D. Shimp	City Clerk Lisa Volpe, CMC
Councilor Harriet Pruette	Deputy City Clerk Karla Strait
Councilor Ronald D. Patronik	Assistant to the City Manager Terry Klein
Councilor J.W. "Buddy" Crout	Finance Director Steve Ramsey
City Attorney Christopher A. White	Building Official Dan Arlington

Order Call/Pledge

Mayor Brown called the meeting to order and asked Doc Silver to lead the Pledge of Allegiance.

AWARDS / PRESENTATIONS / RECOGNITION OF GUESTS

Parliamentary
Emphasis Month

Mayor Brown asked City Clerk Lisa Volpe to read a Proclamation in honor of Parliamentary Emphasis Month. Mayor Brown presented the Proclamation to Sherry Strange the Parliamentarian for the local chapter and invited her to say a few words. Sherry Strange explained that April was celebrated as Parliamentary Emphasis Month because it is the birth month of Thomas Jefferson who wrote the first manual for legislative bodies in this country.

APPROVAL OF MINUTES

Motion:

TO APPROVE THE FOLLOWING MINUTES AS STATED:

FEBRUARY 26, 2001, WORKSHOP
FEBRUARY 26, 2001, TOWN HALL
MARCH 5, 2001, WORKSHOP
MARCH 5, 2001, REGULAR
MARCH 19, 2001, WORKSHOP
MARCH 19, 2001, TOWN HALL

Moved by Shimp, seconded by Patronik.

Roll Call Vote:

Ayes: 5 – Crout, Patronik, Pruette, Shimp, Brown

Noes: 0

MOTION CARRIED**COMMUNICATIONS AND CORRESPONDENCE**

- Hurricane Hattie's Councilor Patronik voiced his concern about the continuing noise complaints from Hurricane Hattie's and asked if there was anything the Council could do to encourage the City of Jacksonville to make sure their noise Ordinance was enforced. Mayor Brown explained that a resolution was currently being typed requesting the City of Jacksonville to legislate an updated and more effective ordinance dealing with the problem.
- Ish Brant Councilor Pruette informed everyone that former Mayor Ish Brant was in the Beaches Baptist Hospital due to congestive heart failure.
- 2001-2002 Budget Councilor Crout asked the Council to consider having City Manager Linn present the 2001-2002 budget to Council no later than May 15, 2001. City Manager Linn felt it would be appropriate to present the budget at that time and added however that the revenue would be hard to predict because two labor contracts expired in September and would be renegotiated and there were also three new revenues including the garbage franchise fee, the telecommunications tax, and the new ½ cent sales tax. City Manager Linn suggested holding the first Budget Workshop meeting on May 14, 2001.
- For the Record Vice Mayor Shimp stated on the record that he felt the budget process was not a fiasco last year and that taxes were not increased.
- Councilor Crout stated that the taxes were not increased however \$180,000 was taken out of the reserve fund to cover expenses.
- Councilor Pruette stated that the property appraiser informed her that property taxes would increase this year and she would do everything possible not to raise the taxes.
- Water/Sewer Project Councilor Crout requested that Water & Wastewater Supervisor Leon Smith attend the Water/Sewer Workshop on April 10, 2001.
- City Clerk Lisa Volpe informed the Council that Resolution No. 2001-06, Ordinance No. 2001-02, and Ordinance No. 2001-03, were not in the agenda packets and had been placed at their seats.

CITY MANAGER REPORTS

- 1999-2000 Audit PRESENTATION OF REPORT BY AUDITORS: City Manager Linn announced that the auditors were present to give the report of the financial findings for the year ending September 30, 2000.
- Director of Finance Steve Ramsey gave each Council Member a copy of the Comprehensive Annual Financial Report and introduced Gary Huggett, CPA, Masters, Smith, and Wisby to present the audit.
- Mr. Huggett commended the Finance Department for receiving the "Certificate of Achievement for Excellence in Financial Reporting" issued by the Government Finance Officers Association for the highest level of reporting that a city could achieve. Mr. Huggett proceeded with presenting the report, which showed that the city was in good financial standing.

2001-2002 Budget PROPOSED BUDGET FOR YEAR 2001-2002: City Manager Linn stated that the first Budget Workshop presentation would be held on May 14, 2001.

Water/Sewer Project SPECIAL WORKSHOP MEETING TO DISCUSS THE WATER SEWER PROJECT: City Manager Linn stated that the Water/Sewer Workshop meeting was scheduled for April 10, 2001. Mr. Miller stated that he would not be available to attend the meeting. Councilor Crout requested that Director of Public Works John Galen and Water & Wastewater Supervisor Leon Smith be present at the meeting to explain what needed to be done and what the priorities were. Councilor Pruette asked Jim Miller to prepare a memorandum addressed to the council explaining where the project was and where it was headed.

COMMENTS FROM THE PUBLIC

Public Comments Gregory Scott, 3460 Heron Drive North, explained that he and his wife had purchased oceanfront property at Midway and Cedar Street and had requested a variance to place a driveway on a city right-of-way. Mr. Scott added that the Planning & Development Review Board had denied their request. Mr. Scott stated that he had asked to be taken off the council agenda and he would go through the board process.

Linda Padrta, 1113 First Street, felt there should be no infringements on the public beach accesses.

CONSENT AGENDA

Jarboe Park APPROVAL OF JARBOE PARK IMPROVEMENT BID PROCESS: Approval to start the bid process for the Jarboe Park Improvement design.

Line Item Transfer APPROVAL OF USE OF CONTINGENCY LINE ITEM \$1,375 FOR NEW COMPUTER: Request to approve transfer of funds in the amount of \$1,375, to replace the accounts payable computer.

Moved by Shimp, seconded by Crout.

Motion: **TO APPROVE THE CONSENT AGENDA AS STATED.**

Roll Call Vote:

Ayes: 5 - Crout, Patronik, Pruette, Shimp, Brown

Noes: 0

MOTION CARRIED

VARIANCES/NONE

ORDINANCES

Ordinance No. ORDINANCE NO. 2001-01, REGULATION CROSS-CONNECTIONS, SECOND READ
2001-01 AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 23 UTILITIES, OF THE CODE OF ORDINANCES, CITY OF NEPTUNE BEACH, FLORIDA BY ADDING A NEW SECTION 23-32 ENTITLED "DEFINING AND REGULATING CROSS-CONNECTIONS AND BACKFLOW PREVENTION DEVICES AND PROVIDING CORRECTIONS THEREOF" AND PROVIDING AN EFFECTIVE DATE.

Mayor Brown read Ordinance No. 2001-01 by title only and opened the public hearing.

There being no comments from the public, the public hearing was closed.

Moved by Crout, seconded by Shimp.

Motion: **TO ADOPT ORDINANCE 2001-01.**

Roll Call Vote:

Ayes: 5 – Crout, Patronik, Pruette, Shimp, Brown

Noes: 0

MOTION CARRIED

Ordinance No.
2001-02

ORDINANCE NO. 2001-02, CLOSING RIGHT-OF-WAY PENMAN TERRACE A.K.A., HOPKINS CREEK, SECOND READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, CLOSING, VACATING AND ABANDONING CERTAIN RIGHTS-OF-WAY IN NEPTUNE BEACH, FLORIDA; PROVIDING EFFECTIVE DATE.

Legal Advise City Attorney White advised amending the Ordinance to include Section 2 that would add the language “Upon the request of any of the owners the City Manager and the Mayor are authorized to execute a quit claim deed conveying the north and south extension lines east into parcel B.” City Attorney White explained the addition would avoid any future title complications and potential lawsuits.

Councilor Patronik agreed to sponsor Ordinance No. 2001-02.

Mayor Brown read Ordinance No. 2001-02 by title only and opened the public hearing.

There being no comments from the public, the public hearing was closed.

Moved by Crout, seconded by Patronik.

Motion: **TO AMEND ORDINANCE NO. 2001-02 BY ADDING SECTION 2.**

Roll Call Vote:

Ayes: 5 – Crout, Patronik, Pruette, Shimp, Brown

Noes: 0

MOTION CARRIED

Moved by Crout, seconded by Shimp.

Motion: **TO ADOPT ORDINANCE 2001-02 AS AMENDED.**

Roll Call Vote:

Ayes: 5 – Crout, Patronik, Pruette, Shimp, Brown

Noes: 0

MOTION CARRIED

Ordinance No.
2001-03

ORDINANCE NO. 2001-03, FLOODPLAIN MANAGEMENT, FIRST READ: AN ORDINANCE OF THE CODE OF CITY OF NEPTUNE BEACH, FLORIDA, AMENDING CHAPTER 27, ARTICLE VIII, DIVISION 2, FLOODPLAINS; ADDING OR CHANGING CERTAIN DEFINITIONS AND GUIDELINES REQUIRED BY THE NATIONAL FLOOD INSURANCE PROGRAM AND ESTABLISHING AN EFFECTIVE DATE.

Vice Mayor Shimp agreed to sponsor Ordinance No. 2001-03.

Moved by Patronik, seconded by Shimp.

Motion: **TO PASS ORDINANCE NO. 2001-03.**

Roll Call Vote:

Ayes: 5 – Crout, Patronik, Pruette, Shimp, Brown

Noes: 0

MOTION CARRIED

Ordinance No.
2001-04

ORDINANCE NO. 2001-04, GARBAGE FRANCHISE FEE, FIRST READ: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA ADDING SECTION 11-67 OF CHAPTER 11, GARBAGE, TRASH AND INDUSTRIAL WASTE TO PROVIDE FOR THE COLLECTION OF FRANCHISE FEES FROM GARBAGE COLLECTION CONTRACTORS AND PROVIDING AN EFFECTIVE DATE.

Councilor Crout agreed to sponsor Ordinance No. 2001-04.

Moved by Crout, seconded by Pruette.

Motion: **TO PASS ORDINANCE NO. 2001-04.**

Roll Call Vote:

Ayes: 5 – Crout, Patronik, Pruette, Shimp, Brown

Noes: 0

MOTION CARRIED

OLD BUSINESS/NONE

NEW BUSINESS

Development Order **DEVELOPMENT ORDER FOR MR. AND MRS. GREGORY SCOTT:** City Manager Linn stated he had received a letter from Mr. Gregory Scott on Friday, March 30, 2001, asking him to interpret the code and that he would be responding to his request. City Manager Linn also stated that Mr. Scott asked that the development order be taken off the agenda.

For the Record Vice Mayor Shimp stated for the record that the citizens had voted for a referendum amending the Charter to prohibit the city from closing, vacating or abandoning any public right-of-way ending on the ocean access without prior approval of the electors. Councilor Shimp added he would not consider giving away any part of the right-of-away because they are for all the citizens of Neptune Beach.

Councilor Pruette agreed with Vice Mayor Shimp and stated that she would fight to protect the right-of-ways.

Councilor Patronik stated according to the referendum the citizens would have to vote to give away city property.

For the Record Councilor Pruette stated on the record that Florida Law required variances could only be granted in instances where denying a variance would lead to the inability of a property owner to use the property as zoned.

Board Appointments **RESOLUTION NO. 2001-06, REAPPOINTING BOARD MEMBERS:** RESOLUTION APPOINTING BOARD MEMBERS TO THE BOARD OF APPEALS, THE CODE ENFORCEMENT BOARD, AND THE PLANNING & DEVELOPMENT REVIEW BOARD.

BOARD OF APPEALS

Member	Type	Term	Begins	Ends
Jim Miller	Appoint Regular	3 year	04/02/2001	04/01/2004
Robert Newbern	Appoint Regular	3 year	04/02/2001	04/01/2004

CODE ENFORCEMENT BOARD

James Niss	Appoint Alternate	1 year	04/02/2001	04/01/2002
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PLANNING & DEVELOPMENT REVIEW BOARD

Sally Vickers	Appoint Regular	3 year	04/02/2001	04/01/2004
Anthony Mazzola	Appoint Alternate	1 year	04/02/2001	04/01/2002
Gerald Schrule	Appoint Alternate	1 year	04/02/2001	04/01/2002
Fred Lee	Appoint Alternate	1 year	04/02/2001	04/01/2002

Councilor Pruette requested in the future to have all new board members be introduced to the Council and recognized for their duties.

Moved by Shimp, seconded by Patronik.

Motion: **TO APPROVE RESOLUTION NO. 2001-06.**

Roll Call Vote:

Ayes: 5 – Crout, Patronik, Pruette, Shimp, Brown

Noes: 0

MOTION CARRIED

City Manager Linn informed that he had exhibitor's passes for the Water/Wastewater Convention Exhibition Hall that would be held on April 9th & 10th if anyone wished to attend.

Adjournment

There being no further business, the meeting adjourned at 8:11 p.m.

Richard A. Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
WORKSHOP CITY COUNCIL MEETING
APRIL 10, 2001 AT 7:00 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 10, 2001 at 7:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

Mayor Richard A. Brown	City Clerk Lisa Volpe, CMC
Vice Mayor Robert D. Shimp	Director of Finance Steve Ramsey
Councilor James W. Crout	Director of Public Works John Galen
Councilor Ronald Patronik	Supervisor of Water & Waster/Water Leon Smith
Councilor Harriett Pruette	Assistant to the City Manager Terry Klein
City Attorney Christopher A. White	Deputy City Clerk Karla Strait
City Manager Richard A. Linn	

Call to Order/Roll Call

The Mayor called the meeting to order at 7:00 p.m. and asked each council member to make opening comments relating to their concerns, ideas, and questions about the water/sewer project.

OPENING COMMENTS

Vice Mayor Shimp commented that the project was not an east & west of Third Street issue and that both east and west of Third Street should be treated equally. He also questioned why the sewer system was being worked on before the water system.

Councilor Pruette stated that she wanted to hear from Leon Smith and John Galen. Councilor Pruette was concerned about the sewer problems in Bal Harbour. She felt each area of the city had different problems but since the low water pressure was a shared issue, it should be worked on first.

Councilor Crout stated his purpose for the meeting was to hear from John Galen and Leon Smith and gain more knowledge about the water and sewer problems in order to make an intelligent decision.

Councilor Patronik was concerned about the long-range maintenance cost of the vacuum sewer system. He suggested a comparative analysis to determine which system would be best for the city.

Mayor Brown thanked the council members for their opening comments and asked Director of Public Works John Galen and Supervisor of Water/Wastewater Leon Smith to explain where the project was at today and what needed attention.

OPEN DISCUSSION

Director of Public Works John Galen began the discussion by stating that the present water and sewer systems had some flaws but were functioning well. Mr. Galen explained that the Master Plan was just a suggested direction and some changes may have to take place. Various systems may need to be used throughout the city because what would work for one area may not work for another. Mr. Galen explained the vacuum system may not work east of Third Street because it would involve a high cost of replacing the pavement and was not sure the vacuum system could adapt. Mr. Galen suggested pipe bursting east of Third Street; going from the 6" lines to 8" lines; using the current system and tying into existing lift stations because it would not disturb the surface and would cost less. The manholes needed to be replaced on Penman Road from Winn Dixie to Neptune Lane. We were still in Phase 1A of the project which would be finished by the end of this summer. Nothing else had been decided and the various technologies needed to be looked at.

Mayor Brown asked Mr. Galen if east of Third Street was the first order of business and asked what the nature of Bal Harbour problems were.

Mr. Galen's main concern east of Third Street was infiltration. The city is treating rainwater at the wastewater plant when there are heavy rains because the lift station becomes overpowered. This is why the idea was to start the work east of Third first. The water pressure east of Third was also a problem, although there were new water lines north of Florida Boulevard. In the Bal Harbour area trees had grown over the lines in the back yards causing problems with bellies in the pipes.

Vice Mayor Shimp questioned the two water main breaks in Bal Harbour.

Leon Smith replied that Bal Harbour was a swampy area and the pipes were brittle and sagging.

Councilor Pruette asked if all the pipes had been video taped.

Mr. Galen answered that a lot of the pipes were video taped but not all of them.

Leon Smith stated that the sewer east of Third Street was flowing fine but some of the cast iron crossings had build up and needed to be replaced. There was also a problem with manholes overflowing from Florida Boulevard south to Penman Road and west to Fifth Street because the lift station could not keep up.

Councilor Crout asked Mr. Galen that if he owned the city, what he would do to correct it.

Mr. Galen replied that he would start the work on Penman Road and then work on east of Third Street across from Jarboe Park back to Atlantic Boulevard.

Councilor Pruette asked John Galen what he thought should be done about the water and sewer.

Mr. Galen replied that he would start south of Penman Road because it could be finished quickly and then work on the water and sewer east of Third Street.

City Manager Linn explained that when he started working for the city in 1997 the infrastructure needed to be repaired. He asked council to approve \$240,000 for a master plan and a map of the entire city to find out exactly what the problems were. He chose not to add \$50,000 to \$100,000 to video tape the entire system. Jim Miller with PBS&J did the

master plan and listed priorities. Mr. Miller identified a concern about the fire flows. Mr. Miller outlined Phase 1-1A and Phase 2 at that time which since has been changed. Mr. Miller identified where all the interconnecting loops should be put in the system to increase the water flow and pressure. Because the city was not built at the same time some developments were never interconnected and lines were missing. Mr. Linn felt that as a council and a community it was owed to the citizens to fix the sewage flowing today and do the major overhaul that would take care of it for the next 20 years not just the next 5 years. Mr. Linn explained that the first interruption in the Master Plan came with the Town Center Project. The next interruption was the decision not to place lift stations east of Third Street when the Master Plan called for three. The last interruption was when the boring across Third Street failed eliminating the gravity system. Mr. Linn recommended making the connections west of Third Street and getting the water system looped in those areas.

Vice Mayor Shimp stated it was the citizens living east of Third Street that did not want the lift stations. It was not a council decision.

City Manager Linn explained that a 12" line running from the tank to east of Third Street was needed because it was not putting out enough water.

Councilor Pruette asked about replacing the line running from the tank to east of Third Street.

Mr. Linn answered that the water line was a top priority.

Leon Smith stated there was a problem with low water pressure because when a pipe broke the water could not be shut off because of improper valving. If there was proper valving he could shut them off and areas could be isolated. Mr. Smith added that another problem east of Third Street was the corroded 2" lines that feed down to the 6" lines on First and Third Street.

Vice Mayor Shimp stated that the pipe bursting technology was not explained to the council in the beginning.

For the Record Vice Mayor Shimp stated on the record that he did not like blaming previous councils or the new council trying to change what the previous council did. That is why the master plan was done so that when this council is gone there is still a logical plan. Councilor Shimp asked City Clerk Lisa Volpe to look at the records to find out where they had talked about pipe bursting.

John Galen stated that before any pipe bursting was done it needed to be video taped and if the trenchless technology were used there would still be bellies in the lines.

Mayor Brown asked what were the logical steps to get back on track.

Councilor Patronik suggested slowing down and taking time to gather all the information and figure out the best and least expensive option.

Councilor Crout stated the estimate for pipe bursting was \$110.00 per linear foot.

Mr. Linn stated that 6 million dollars had been approved from the state-revolving loan for the sewer in Phase 1, but there was a shortfall in water funding.

Mayor Brown stated the next step was to gather more information on the vacuum system.

Councilor Crout stated he would like for John Galen and Mr. Linn to sit down and make a list of priorities.

Director of Finance Steve Ramsey stated the Water Rate Study for the year 2000 looked good. Mr. Ramsey added that the state had allocated \$400,000 for the water project. An alternative method of borrowing would be to add the remaining amount needed for the water to the 3-½ million dollar bond loan and refinance it at a lower rate.

Mayor Brown opened the floor to public comments.

PUBLIC COMMENTS

Former Council Member Tom Tankersley, questioned the options for east of Third Street.

David Baker, felt that if the current system was working that pipe bursting would be the least expensive option.

Mayor Brown summarized that there was not a crisis and due to the delay we would most likely end up with a better system and save the taxpayers money.

Adjournment

There being no further business, the meeting adjourned at 8:37p.m.

Richard A. Brown, Mayor

Attest:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
WORKSHOP CITY COUNCIL MEETING
APRIL 16, 2001 AT 7:00 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 16, 2001 at 7:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

Mayor Richard A. Brown
Vice Mayor Robert D. Shimp
Councilor Ronald Patronik
Councilor Harriet Pruette
Councilor J. W. "Buddy" Crout
City Attorney Christopher White
City Manager Richard A. Linn

City Clerk Lisa Volpe, CMC
Deputy City Clerk Karla Strait
Assistant to the City Manager Terry Klein
Building Official Dan Arlington
Utility Billing Supervisor Rosemary Phillips
Service Division Supervisor Joan Herman

Call to Order/Roll Call The Mayor called the meeting to order at 7:00 p.m.

Agenda Change Councilor Pruette requested amending the agenda to include a discussion about oceanfront accesses.

Beach Crossovers Vice Mayor Shimp asked City Manager Linn to inquire about applying for a grant for beach crossovers.

COMMITTEE REPORTS

IBBC ISH BRANT BEAUTIFICATION COMMITTEE: City Manager Linn reported the "Yard of the Month" had been selected and presented. He had received approval from the City of Jacksonville for the beautification of the Third Street medians and the purchase order was written and approved for \$40,000. He was working on the bid specifications and would bring it back to council for approval to bids.

Bike Path BIKE PATH ALONG FLORIDA BOULEVARD: Mr. Linn reported that Sally Rosier with the Florida Department of Transportation was expecting the drawings from the engineers within two weeks.

Sunday in the Park SUNDAY IN THE PARK 2001: City Manager Linn reported that "Sunday in the Park" would be held on April 22, 2001, and council members were expected to grill hotdogs and hamburgers. Mayor Brown added that Oceanside Bank had agreed to sponsor the event and donate \$150.00 for supplies.

CITY MANAGERS PUNCH LIST

- Jarboe Park Improvement JARBOE PARK IMPROVEMENT: City Manager Linn stated city employees had started removing the old roofs from the picnic shelters in anticipation of the new roofs. Mr. Linn added that Brett Goddard would have the bid packages ready very soon.
- Roadway Between Shopping Centers ROADWAY BETWEEN SHOPPING CENTERS: City Manager Linn stated there was nothing new to report on the roadway between the shopping centers.
- Underground Containers UNDERGROUND GARBAGE CONTAINERS: City Manager Linn stated he had a meeting scheduled with Walt Ritter of BFI this past week to discuss the underground containers, however Mr. Ritter had a family emergency and the meeting was canceled.
- Naval Air Show NAVAL AIR SHOW: City Manager Linn stated that Mayor Brown had written a letter in support of the Naval Air Show.
- AT&T/Broadband AT&T/BROADBAND CLEAN UP OF CABLES: City Manager Linn stated there was nothing new to report on the loose cables.

Service Division Supervisor Joan Herman informed that she was being charged for Broadband services and was not receiving them.

Councilor Pruette asked if the money was refundable and suggested publishing a phone number with a contact person in the city newsletter for people to call that were being charged for the service and not receiving it.

PROPOSED ORDINANCES

- Ordinance No. 2001-05 ORDINANCE NO. 2001-05, GARBAGE COLLECTION FEES: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, DELETING SECTION 11-96 AND 11-106 OF CHAPTER 11, GARBAGE, TRASH AND INDUSTRIAL WASTE AND PROVIDING AN EFFECTIVE DATE.

City Manager Linn explained that this ordinance would change the method used to establish garbage collection fees from an ordinance to a resolution.

Vice Mayor Shimp stated that the newspaper had misinterpreted the garbage collection fees. Mr. Shimp asked city staff to have the newspaper publish that they made a mistake and correct it.

Vice Mayor Shimp agreed to sponsor Ordinance No. 2001-05.

Consensus: **FORWARD TO THE MAY REGULAR CITY COUNCIL MEETING FOR FIRST READ.**

CONTRACT/AGREEMENTS/NONE**ISSUE DEVELOPMENT**

- Phone System Request QUOTES FOR INSTALLATION OF NEW PHONE SYSTEM FOR CITY HALL: City Manager Linn stated the current phone system was inadequate after hours because City Hall forwarded the calls to the police department and the police department was required to handle all incoming calls. Mr. Linn called on Utility Billing Supervisor Rosemary Phillips to present the quotes that she had received for a new system. Rosemary Phillips explained that the current phone system was out dated, new lines could not be added

and computer modems and a fax machine were piggybacking off main lines. Ms. Phillips added that the new system could be answered automatically after hours and go directly to the person the caller is trying to contact by dialing their extension. The automated system would save time at the front desk and also allow an option to talk to a live person. The new system would also allow transfer of calls directly to the city yard and police department.

Discussion ensued about customer service. Vice Mayor Shimp was concerned about the personal relationship with the citizens.

Scott Preister with Nortel Networks explained that the automatic attendant could be customized to go directly to the person the caller is calling and if that person was not available they would have the option to leave a voice mail, go back to the operator, or to talk to a live person. Mr. Preister added that the new system would take care of all communication needs for the next ten years.

City Manager Linn recommended using money from the contingency for the remainder of this year and put it in next years budget. Scott Preister added that there was no required down payment and no payments for 3 months.

Consensus: **FORWARD TO THE MAY REGULAR CITY COUNCIL MEETING
CONSENT AGENDA.**

Resolution 2001-08 **RESOLUTION NO. 2001-08, SOLID WASTE FEES:** A RESOLUTION ESTABLISHING CERTAIN CHARGES OR FEES FOR SOLID WASTE COLLECTION SERVICES.

Consensus: **FORWARD TO THE MAY REGULAR CITY COUNCIL MEETING FOR
FIRST READ.**

Community Center **ATLANTIC BEACH COMMUNITY CENTER:** Mayor Brown stated that we had been asked to consider supporting the study of the need for a community center in a partnership with Atlantic Beach for the amount of \$2000. Mayor Brown suggested participating if the vacant A&P store could be considered as a potential site. Vice Mayor Shimp questioned spending city funds outside of the city.

City Attorney Chris White advised that was no issue with spending public funds outside of the city and that it was okay.

Consensus: **FORWARD TO THE MAY REGULAR CITY COUNCIL MEETING.**

Oceanfront Accesses **PRESERVATION OF OCEANFRONT ACCESSES:** Councilor Pruette referenced a letter from City Manager Linn addressed to Mr. Gregory Scott indicating that his lot located at Midway and Cedar was not considered a corner lot. Councilor Pruette brought about the question of preserving the ocean front accesses for the future.

City Manager Linn explained that Mr. Scott had addressed a letter to him requesting interpretation of the code. Mr. Linn responded that the definition of a corner lot was property that abutted two streets. Mr. Linn added if the street ends were considered corner lots, property owners abutting the street could request pavement and have driveways going out into the street ends.

City Attorney White stated that there were two issues; 1) protection of the beach accesses and 2) whether these lots are considered corner lots. Mr. White stated it would be extremely difficult to hold up in court that these were corner lots because there was no street there. Mr. White explained that if you started calling these corner lots the property owners could privately pave them. Mr. White also explained that according to the code

permanent encroachments are not permitted on any right-of-way and the street ends were right-of-ways whether or not they were considered a street. Mr. White added that the charter provision says that you cannot vacate, close or do anything to any beach access without a referendum.

Discussion ensued creating an ordinance designating the street end property and addressing the use of the lots.

City Attorney White stated that each beach access right-of-way would need to be looked at for encroachments in the right-of-ways and citizens may be required to remove the encroachments if there were no legal obstacles. Mr. White added it is extremely hard for a property owner to acquire title to a public right-of-way by prescription.

On the Record Councilor Pruette stated for the record she was not trying to go back and change what the city has done through the years, she just wanted to protect the accesses that we had today.

Public Comments

PUBLIC COMMENTS ON AGENDA ITEMS ONLY

Lynda Padrta, 1113 First Street, favored an open telephone system that could grow with new technology. Ms. Padrta felt that each street end should be evaluated to determine what was legal and what was not.

Adjournment

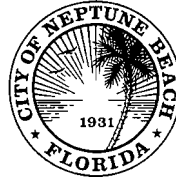
There being no further business, the meeting adjourned at 8:40 p.m.

Attest:

Richard A. Brown, Mayor

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
REGULAR CITY COUNCIL MEETING
MAY 7, 2001 AT 7:00 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 May 7, 2001, at 7:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

Mayor Richard A. Brown	City Manager Richard A. Linn
Vice Mayor Robert D. Shimp	City Clerk Lisa Volpe, CMC
Councilor Harriet Pruette	Deputy City Clerk Karla Strait
Councilor Ronald D. Patronik	Assistant to the City Manager Terry Klein
Councilor J.W. "Buddy" Crout	Finance Director Steve Ramsey
City Attorney Christopher A. White	Building Official Dan Arlington
	Assistant to the Building Official Piper Turner

Order Call/Pledge

Mayor Brown called the meeting to order and asked Vice Mayor Shimp to lead the Pledge of Allegiance.

AWARDS / PRESENTATIONS / RECOGNITION OF GUESTS

Mayor Brown presented City Clerk Lisa Volpe with a letter of congratulations from the Council for obtaining her Masters Degree in Public Administration.

Kara Tucker, member of the Ish Brant Beautification Committee, presented Mayor Brown with a plaque from Tree City U.S.A., dedicating Neptune Beach as an official Tree City.

APPROVAL OF MINUTES

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

APRIL 2, 2001, REGULAR COUNCIL MEETING
APRIL 10, 2001, WORKSHOP COUNCIL MEETING
APRIL 16, 2001, WORKSHOP COUNCIL MEETING

Moved by Patronik, seconded by Pruette.

Roll Call Vote:

Ayes: 5 – Crout, Patronik, Pruette, Shimp, Brown
Noes: 0

MOTION CARRIED**COMMUNICATIONS AND CORRESPONDENCE**

Neptune Beach Elementary	<u>NEW LIGHT POLES AT NEPTUNE BEACH ELEMENTARY SCHOOL:</u> Councilor Patronik questioned City Manager Linn regarding the timing of the field lights at Neptune Beach Elementary School. City Manager Linn replied that the lights were only lit when the field was in use and were not allowed to be lit after 9:00 p.m.
DCA Grant	<u>DEPARTMENT OF COMMUNITY AFFAIRS GRANT SURVEY:</u> Councilor Patronik inquired about a survey from the Auditor General. City Manager Linn answered that it was a survey for grant recipients of an annual grant for the Public Safety Department.
City Manager Goals	<u>CITY MANAGER PERFORMANCE EVALUATION:</u> In order to help determine salary increases for the upcoming budget year, Councilor Crout asked City Manager Linn to report his goals for the next fiscal year to the Council at the May 21, 2001 workshop meeting.
Redistricting	<u>CITY OF JACKSONVILLE REDISTRICTING:</u> Vice Mayor Shimp felt that the beaches should remain together in the same district.
For the Record	<p>Vice Mayor Shimp stated on the record that if the Jacksonville City Council divided the beaches district the citizens of the beaches should consider forming Ocean County.</p> <p>Mayor Brown stated that he had invited Jerry Holland to attend tonight's meeting to explain Jacksonville's plans for redistricting.</p> <p>Councilor Crout suggested expanding Ocean County to include Ponte Vedra Beach.</p> <p>Councilor Pruette attended a redistricting meeting in Jacksonville and stated she was surprised at the animosity she felt toward the beaches from the Jacksonville City Council.</p>
Sunday in the Park	<u>SUNDAY IN THE PARK:</u> Councilor Pruette awarded Councilor Crout with a hamburger magnet thanking him for succeeding in his efforts to serve hamburgers as well as hotdogs at Sunday in the Park.
Police Memorial	<u>FRATERNAL ORDER OF POLICE MEMORIAL SERVICE:</u> Mayor Brown announced that the public was invited to attend the Fraternal Order of Police Memorial Ceremony, Monday, May 14, 2001.
Dancin' in the Street	<u>DANCIN' IN THE STREET:</u> Mayor Brown stated he had received a request from the "Dancin' in the Street" committee to sit in the dunking tank.
Thanks	City Clerk Lisa Volpe thanked the Council for the letter of congratulations.
NEFLOC Meeting	City Manager Linn announced the Northeast Florida League of Cities was meeting Thursday May 10, 2001 and anyone who would like to attend should contact his assistant.
Agenda Change	City Manager Linn requested that the agenda be amended to include item 12-A FOP Water Bill and item 8-A new phone system for City Hall.

CITY MANAGER REPORTS

Life Guard Salaries	<u>2001 LIFEGUARD SALARIES:</u> After researching what nearby municipalities were paying their lifeguards City Manager Linn recommended increasing our lifeguard salaries to \$8.75 per hour in order to provide adequate compensations and keep good lifeguards.
Redistricting	<u>REDISTRICTING OF JACKSONVILLE CITY COUNCIL:</u> Mayor Brown asked Jacksonville Councilman Jerry Holland, to give an overview on the redistricting of Jacksonville.

Councilman Jerry Holland stated that Jacksonville was considering seven redistricting plans. They had not decided if they were going to use voting age population or total population in determining the new districts. Councilman Holland announced that a Town Hall Meeting would be held at Fletcher High School Tuesday, May 15, 2001 at 7:00 p.m. and consultants would be on hand to answer questions. Mr. Holland explained that the redistricting was an ongoing process and the plan that would separate the beaches was just one of seven plans. Mr. Holland added that he would do his best to keep the beaches together in the same district if that was what the beaches wanted.

Council voiced their concerns about redistricting and the possibility of splitting the beaches to Councilman Holland.

Theo Mitchelson, Atlantic Beach Commissioner, was concerned that the beaches would eventually have no voice at all in Jacksonville if the representation was separated. Mr. Mitchelson urged the beaches to stand together, be vocal, demand to remain together as a district, and be heard by one voice.

COMMENTS FROM THE PUBLIC

Public Comments

Hal Mankin, 2037 Sandpiper Point, hoped Resolution No. 2001-07 would help resolve the noise issue with Hurricane Hatties. He thanked all council members including City of Jacksonville Councilman Holland for their support.

Leslie Karlin, 1506 Spindrift Circle, supported the idea of the beaches becoming Ocean County if the redistricting of Jacksonville separated the three beaches.

Hank Baltar, Planning & Development Review Board Member, 2029 Sandpiper Point, urged Council to support Resolution No. 2001-07 to help resolve the noise issue with Hurricane Hatties.

Tom Tankersley, former Vice Mayor and Council Member, 1038 Kings Road, suggested placing a decibel meter outside of Hurricane Hatties that would light up when they exceeded the noise level. Mr. Tankersley also supported the idea of Ocean County.

Jerry Holland, Jacksonville City Council Member, 117 West Duval Street, stated that Hurricane Hatties had been fined \$10,000 for previous noise violations and one more complaint may put them out of business. Councilman Holland added that he appreciated the Noise Resolution and felt he could work with it.

Jim Stienkraus, Board of Appeals Member, 208 Bay Street, supported protecting beach accesses and was concerned about new construction increasing property taxes.

CONSENT AGENDA

Community Center

APPROVAL OF USE OF CONTINGENCY LINE ITEM \$2,000 FOR PARTICIPATION IN STUDY OF COMMUNITY CENTER: Approval of \$2,000 expenditure to help Atlantic Beach conduct a needs assessment study to determine the feasibility of a full service Community Center.

Phone System

NEW PHONE SYSTEM FOR CITY HALL: Approval for a new phone system for City Hall as agreed with a 5.25% interest rate.

Moved by Crout, seconded by Shimp.

Motion: **TO APPROVE THE CONSENT AGENDA AS STATED.**

Roll Call Vote:

Ayes: 5 - Crout, Patronik, Pruette, Shimp, Brown

Noes: 0

MOTION CARRIED

VARIANCES/NONE

ORDINANCES

Ordinance No.
2001-03

ORDINANCE NO. 2001-03, FLOODPLAIN MANAGEMENT, FINAL READ AND PUBLIC HEARING: AN ORDINANCE OF THE CODE OF CITY OF NEPTUNE BEACH, FLORIDA, AMENDING CHAPTER 27, ARTICLE VIII, DIVISION 2, FLOODPLAINS; ADDING NEW SECTIONS 27-407(D) AND (E), 27-416 AND 27-417 AND AMENDING SECTION 27-406 TO INCLUDE ADDITIONAL DEFINITIONS AND REPLACE AN EXISTING DEFINITION.

Mayor Brown read Ordinance No. 2001-03 by title only and opened the public hearing.

There being no comments from the public, the public hearing was closed.

Moved by Shimp, seconded by Patronik.

Motion: **TO ADOPT ORDINANCE NO. 2001-03 AS STATED.**

Moved by Crout, seconded by Pruette.

Friendly Amendment: **TO AMEND SECTION 27-416, SECTION 3 OF THE ORDINANCE TO READ: AFTER "ALL OTHER REQUIRED BEARING POINTS" - "IN ALL FLOOD PRONE AREAS."**

Roll Call Vote:

Ayes: 5 – Crout, Patronik, Pruette, Shimp, Brown

Noes: 0

MOTION CARRIED

Motion: **TO ADOPT ORDINANCE NO. 2001-03 AS AMENDED.**

Roll Call Vote:

Ayes: 5 – Crout, Patronik, Pruette, Shimp, Brown

Noes: 0

MOTION CARRIED

Ordinance No.
2001-04

ORDINANCE NO. 2001-04, GARBAGE FRANCHISE FEE, FINAL READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, ADDING SECTION 11-67 OF CHAPTER 11, GARBAGE, TRASH AND INDUSTRIAL WASTE TO PROVIDE FOR THE COLLECTION OF FRANCHISE FEES FROM GARBAGE COLLECTION CONTRACTORS AND PROVIDING AN EFFECTIVE DATE.

Mayor Brown read Ordinance No. 2001-04 by title only and opened the public hearing.

There being no comments from the public, the public hearing was closed.

Moved by Shimp, seconded by Patronik.

Motion: **TO ADOPT ORDINANCE NO. 2001-04.**

Roll Call Vote:

Ayes: 5 – Crout, Patronik, Pruette, Shimp, Brown
Noes: 0

MOTION CARRIED

Ordinance No.
2001-05

ORDINANCE NO. 2001-05, GARBAGE COLLECTION FEES, FIRST READ: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, DELETING SECTION 11-27 AND AMENDING SECTION 11-82 AND 11-96 AND 11-106 OF CHAPTER 11, GARBAGE, TRASH AND INDUSTRIAL WASTE AND PROVIDING AN EFFECTIVE DATE.

Moved by Crout, seconded by Pruette.

Motion: **TO PASS ORDINANCE NO. 2001-05.**

Roll Call Vote:

Ayes: 5 – Crout, Patronik, Pruette, Shimp, Brown
Noes: 0

MOTION CARRIED

OLD BUSINESS/NONE

NEW BUSINESS

Resolution No.
2001-07

RESOLUTION NO. 2001-07: A RESOLUTION CALLING FOR A REVIEW AND UPDATE OF NOISE VIOLATION REGULATIONS BY THE CITY OF JACKSONVILLE.

Moved by Crout, seconded by Pruette.

Motion: **TO APPROVE RESOLUTION NO. 2001-07.**

Ayes: 5 – Crout, Patronik, Pruette, Shimp, Brown
Noes: 0

MOTION CARRIED

Resolution No.
2001-08

RESOLUTION NO. 2001-08: A RESOLUTION ESTABLISHING CERTAIN CHARGES OR FEES FOR SOLID WASTE COLLECTION SERVICES.

City Manager Linn recommended that Resolution No. 2001-08 be tabled until Ordinance No. 2001-05 was adopted.

Consensus: **TABLE RESOLUTION NO. 2001-08 UNTIL ORDINANCE NO. 2001-05 HAS BEEN ADOPTED.**

Resolution No.
2001-09

RESOLUTION NO. 2001-09: A RESOLUTON OF SUPPORT FOR MAINTAINING SINGLE BEACHES DISTRICT.

Moved by Crout, seconded by Shimp.

Motion: **TO APPROVE RESOLUTION NO. 2001-09.**

Ayes: 5 – Crout, Patronik, Pruette, Shimp, Brown
Noes: 0

MOTION CARRIED

Beach Accesses PROTECTION OF BEACH ACCESSES: City Attorney White requested a discussion of "protection of the beach accesses" at the May 21, 2001, workshop meeting to guide him in drafting the ordinance.

1992 Bond Issue REFINANCE OF 1992 BOND ISSUE: City Attorney White advised that the Director of Finance Steve Ramsey, City Manager Linn and himself had received proposals for refinancing the 1992 Bond Issue that originated in 1988. Mr. White asked for authorization from the Council to use the investment banking services of Gardner, Michael, Capital, Inc. Mr. White added that the savings would amount to \$458,000 over the remaining 17 years.

Consensus: **TO AUTHORIZE THE USE OF GARDNER, MICHAEL, CAPITAL, INC. FOR THE REFINANCE OF THE 1992 BOND ISSUE.**

Dancin' in the Street REQUEST FROM THE DANCIN' IN THE STREET COMMITTEE FOR WAIVER OF ALCOHOL LAW AND CLOSING OF FIRST STREET ON MAY 19, 2001. City Manager Linn stated that it was customary for Council to pass a motion to wave the alcohol law and close First Street to Lemon Street for the annual "Dancin' in the Streets" event.

For the Record Vice Mayor Shimp stated on the record that people had complained in the past about drunkenness at Dancin' in the Streets and he would not support the event next year if it continued.

Moved by Shimp, seconded by Pruette.

Motion: **TO WAVE THE ALCOHOL LAW AND CLOSE FIRST STREET MAY 19, 2001.**

Roll Call Vote:

Ayes: 5 – Crout, Patronik, Pruette, Shimp, Brown

Noes: 0

MOTION CARRIED

FOP Lodge FRATERNAL ORDER OF POLICE LODGE WATER BILL: City Manager Linn stated he had received a memo from Mayor Brown inquiring about the water rates for the Fraternal Order of Police Lodge. Mayor Brown stated that the original lease agreement had called for a charge of \$25 a month for water and garbage pick up and had since been amended. Mayor Brown asked if an adjustment should be considered.

Consensus: **MOVE THE FRATERNAL ORDER OF POLICE LODGE WATER RATE ISSUE TO THE MAY 21, 2001 WORKSHOP MEETING.**

Bond Counsel BOND COUNSEL: City Attorney White requested Council authorization to secure the services of Dan Livermore for bond counsel.

Consensus: **TO AUTHORIZE CITY ATTORNEY WHITE TO SECURE THE SERVICES OF DAN LIVERMOORE FOR BOND COUNSEL.**

Germany Trip

REPORT ON GERMANY TRIP: Mayor Brown asked City Manager Linn and Vice Mayor Shimp to comment on their recent trip to Germany to examine the vacuum sewer system technology. City Manager Linn commented the trip was successful and he was amazed at the simplicity of the vacuum system. Mr. Linn added he was going to ask the manufacturer of the equipment to do a workshop for the Council and Jim Miller would be preparing a report with the numbers. Vice Mayor Shimp stated the trip was worthwhile, they took a lot of pictures and he was very impressed with the system.

Adjournment

There being no further business, the meeting adjourned at 9:00 p.m.

Richard A. Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
WORKSHOP CITY COUNCIL MEETING
MAY 21, 2001 AT 7:00 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 May 21, 2001 at 7:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

Mayor Richard A. Brown
Vice Mayor Robert D. Shimp
Councilor Ronald Patronik
Councilor Harriet Pruette
Councilor J. W. "Buddy" Crout
City Attorney Christopher White
City Manager Richard A. Linn

City Clerk Lisa Volpe, CMC
Finance Director Steve Ramsey
Deputy City Clerk Karla Strait
Assistant to the City Manager Terry Klein
Building Official Dan Arlington
Assistant to the Building Official Piper Turner

Call to Order/Roll Call The Mayor called the meeting to order at 7:00 p.m.

COMMITTEE REPORTS

IBBC

ISH BRANT BEAUTIFICATION COMMITTEE: City Manager Linn referred the council to a memo in the agenda packet he had written to Chairman Dayne Etherton. Mr. Linn updated that there would be a bid opening on painting, resurfacing the tennis courts, and construction of the shelters for Jarboe Park on June 6, 2001.

CITY MANAGERS PUNCH LIST

Bike Path

PENMAN ROAD BIKE PATH: Mr. Linn reported that there was a proposal for landscaping the bike path using the Duval County Tree Mitigation Funding.

AT&T/Broadband

AT&T / BROADBAND: Mr. Linn stated that Ann Murphy had informed him AT&T Broadband would freeze the current rates throughout the city because they did not meet their obligation of having Broadband completed by the end of the year.

PROPOSED ORDINANCES

Detached Garages

PROPOSED ORDINANCE TO DEFINE AND CONTROL DETACHED GARAGES: City Manager Linn stated this ordinance was inspired by the Planning & Development Review Board and asked Chairman of the Board John Weldon to explain why the council was being asked to consider the ordinance.

Chairman of the Planning & Development Review Board John Weldon explained that garages were not addressed in the Land Development Code. Mr. Weldon stated that the Building Department had been receiving requests for detached garages and the code did not provide any guidance. The Planning & Development Review Board had forwarded the suggested ordinance to the council as an emergency measure to deal with the detached garages.

Vice Mayor Shimp was concerned that the ordinance would prevent the construction of garage apartments. John Weldon responded that it was not the intention of the ordinance to prevent garage apartments.

Discussion ensued about detached garage apartments and density.

Councilor Crout agreed to sponsor the ordinance to define and control detached garages.

Consensus: **FORWARD TO THE MAY REGULAR CITY COUNCIL MEETING FOR FIRST READ.**

Abandon Property

PROPOSED ORDINANCE TO ABANDON, VACATE OR CLOSE CERTAIN RIGHTS OF WAYS: City Manager Linn stated this request came in as a development order for the abandonment of certain right of ways for Dynamic Anderson. Mr. Linn added that Councilor Crout had questioned the adoption of the development order without abandoning the right-of-way first. The issue was tabled and Dynamic Anderson now had a legal description of the sections that they were asking to be vacated and abandoned.

Councilor Shimp suggested that because the Dynamic Anderson Landscape Nursery would make money off the abandonment of the property that the property should be sold to them for fair market value.

Legal Advice Attorney Chris White advised that there are restrictions and prohibitions on a municipality selling public property to private owners.

Mayor Brown inquired if it was of any value to the city to preserve the easement. City Manager Linn replied that Director of Public Services John Galen was asked to review and find out if there were any immediate concerns about utilities. Mr. Linn stated that a public right of way was for all utilities and all utilities should be contacted before it was abandoned.

Council agreed to hear from Hilton T. Meadows, Land Planner & Development Consultant for the project.

Hilton T. Meadows, 6837 Merrill Road, Jacksonville Florida, showed and reviewed a map with council which explained the specific right of way they were asking to be abandoned.

At the request of Vice Mayor Shimp, City Attorney White agreed to provide an explanation in writing on the restrictions and prohibitions of a municipality selling public property to private owners.

Legal Advice Attorney Chris White advised the city to hire a surveyor at the property owners expense to confirm the survey presented by the property owners.

Councilor Crout agreed to sponsor the ordinance to abandon property.

Consensus: **TO FORWARD TO THE REGULAR CITY COUNCIL MEETING FOR FIRST READ AND GATHER INFORMATION AND LEGAL ADVISE.**

**Beach Access
Protection**

PROPOSED ORDINANCE TO CONTROL USES OF BEACH ACCESSES: Councilor Pruette felt that in the spirit of the referendum that was passed several years ago the beach accesses needed to be protected.

City Manager Linn explained the purpose of this ordinance would control what happened to right of ways on beach accesses. Mr. Linn added there was currently a charter provision whereby the city could not vacate or abandon a beach access without a referendum. However, there was nothing in the ordinance about how the right of way could be used.

Consensus: **DEFER WHILE AWAITING FEED BACK FROM CITY ATTORNEY CHRIS WHITE.**

Corner Lots

ORDINANCE TO AMEND THE DEFINITION OF A CORNER LOT: Councilor Pruette felt that corner lots needed to be defined in order to help protect the beach accesses for the following reasons: 1) If they were not considered corner lots then the side setback requirement was only 7 feet and, 2) if they were considered corner lots the property owners could have the beach accesses paved.

City Manager Linn stated that the existing code defined corner lots as being abutted by two streets, not a street and a right of way. Therefore the beach accesses were not considered corner lots. However that effected the side setback requirements and fence heights, which could be up to six feet high on side property lines.

City Attorney Chris White asked each council member to contact him with suggestions.

Consensus: **DEFER WHILE AWAITING FEED BACK FROM CITY ATTORNEY CHRIS WHITE.**

Agenda Change

Mayor Brown changed the agenda to allow John Weldon to make a presentation to the council on the Land Use Regulation Revisions.

Land Use Revision

LAND USE REVISION: Chairman of the Planning & Development Review Board John Weldon explained that two years ago the city had appointed Ivey, Harris, & Walls, a professional consultant to assist in revising the land use codes. Mr. Weldon felt that due to the rapid population growth the quality of life would change if the leaders did not act to protect the city against development abuses and densification. Mr. Weldon added that the current code was not adequate to handle the fast pace of development because of the following reasons:

- Relationships between municipal boards and the city council were not clearly delineated.
- Very little guidance was offered to the boards on which to base their decision making.
- Sections of the code were confusing and conflicted with one another.
- Many important issues were not addressed at all.
- The process of applying for development orders was poorly defined.
- Definitions in general were unclear and contradictory.
- Zoning regulations did not provide adequate protection against densification in residential districts.
- Landscaping and tree protection ordinances were inadequate.
- Parking requirements were inappropriate for many areas of the city.
- Enforcement provisions were weak and ineffective.
- The code was unclear and had to be interpreted by staff and the interpretations had been inconsistent.

- The code encouraged a wide range of unnecessary variance requests.

Mr. Weldon felt an effective Land Development Code was absolutely essential to preserve the quality of life in Neptune Beach and that it was time to regroup and restart the review process that was started two years ago.

Discussion ensued about continuing the review of the Land Use Regulations.

Consensus: **TO HAVE ASSISTANT TO THE BUILDING OFFICIAL PIPER TURNER SEND OUT COPIES TO THE COUNCIL OF THE LAND USE REVIEW SHOWING WHERE WE ARE AT THIS POINT.**

CONTRACT/AGREEMENTS

Town Center Drainage **PROPOSAL FOR A STUDY OF DRAINAGE AT TOWN CENTER:** City Manager Linn had a proposal from PBS&J for \$25,500 to study the flooding at Town Center and recommended the cost be shared between Neptune Beach, Atlantic Beach, and Jacksonville.

Discussion ensued whether to spend \$25,000 for a study that may be turned down by the D.E.P. Installing a walkway/crossover that would allow beach access for the handicapped as well as the citizens and visitors when the area was flooded was discussed.

City Manager Linn stated the Department of Environmental Protection had already permitted the crossover. But the contractor went out of business. All we need to do is find a new contractor.

Consensus: **TO BUILD THE CROSSOVER.**

FOP Lodge **FOP LODGE LEASE AGREEMENT – PROVISION FOR FEE FOR CITY UTILITY AND GARBAGE SERVICE:** Mayor Brown stated that there was nothing the council could do to decrease the water payment for the F.O.P. Lodge and asked that the issue be dropped.

Florida Blvd. Landscape **PROPOSAL FOR LANDSCAPE DESIGN SERVICES FOR FLORIDA BOULEVARD:** Mr. Linn stated that Jacksonville City Councilman Jerry Holland had stepped forward with funds from the Duval County tree mitigation fund. Councilman Holland had asked for a design and estimate and Mr. Linn said Goddard design had presented a proposal for \$4900 if we received the funding.

Consensus: **FORWARD TO THE REGULAR CITY COUNCIL MEETING.**

Harcon **HARCON – UPDATE ON PHASE I:** City Manager Linn informed the Council that Harcon was no longer in business. The bonding company had assured staff that the job would be completed. Jim Miller with PBS&J prepared a punch list of things that needed to be completed by Harcon.

ISSUE DEVELOPMENT

Beaches Park Project **DONATION TO BEACHES PARK PROJECT FOR KIDS:** Sherry Nicholson had previously asked for a donation from the city for the Beaches Park for Kids Project and had been turned down. Vice Mayor Shimp asked for reconsideration due to excessive handicap accessibility.

Consensus: **FORWARD TO THE JUNE REGULAR CITY COUNCIL MEETING CONSENT AGENDA FOR A DONATION OF \$1,620.**

Neighborhood
Intervention

NEIGHBORHOOD INTERVENTION / MEDIATION: Vice Mayor Shimp suggested initiating a neighborhood intervention/mediation program to settle disputes between neighbors.

Consensus: **HAVE MR. LINN CONTACT THE STATE ATTORNEY'S OFFICE TO SEE IF THEY COULD INCREASE THE INTAKE FACILITY TO INCLUDE NEPTUNE BEACH, INCREASE PUBLICITY, INVESTIGATE A LOCATION IN NEPTUNE BEACH TO USE AS A HEARING FACILITY AND ASK TO EXPAND THE JURISDICTION.**

City Manager's Goals

CITY MANAGER'S GOALS: Councilor Crout asked that this be moved to the next workshop due to the late hour.

Public Comments

PUBLIC COMMENTS ON AGENDA ITEMS ONLY

Richard Keene, member of the Code Enforcement Board, 733 Bay Street, stated that he was currently a volunteer mediator with the State Attorney's Office and they had a program at the beaches. He added that Council could contact the State Attorney's Office to ask to involve Neptune Beach. Mr. Keene proposed a roll away crosswalk at the Town Center Lifeguard Station and wanted a traffic pattern arrangement completed on Florida Boulevard before the landscaping. He also suggested that the F.O.P. Lodge install a shallow well for irrigation.

Joanne Waddill, 115 Oleander Street, stated that she used to be a mediator for citizens disputes which met at Neptune Beach City Hall. Mrs. Waddill asked for a copy of the Florida Boulevard landscaping design.

Michael Adams, 320 First Street, was relieved that the Land Use Code was not rushed through the last council. Mr. Adams was happy with the new council.

Lynda Padrta, 1113 First Street, felt that the last council did not listen to citizens when they were reviewing the Land Use Code. She Padrta felt the financial status of companies should be checked out before they are hired. Ms. Padrta suggested a fix it up week to help seniors. She stated that illegal apartments should be enforced.

Tom Tankersley, former Vice Mayor & Councilor Member, 1038 Kings Road, asked if the ditch on Florida Boulevard would be filled in with the landscaping project. Mr. Tankersley stated that Section 27 Article IV was the biggest problem with the Land Use Regulation Revisions and asked the council to review the letter he wrote when he was on council.

Adjournment

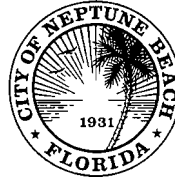
There being no further business, the meeting adjourned at 10:04 p.m.

Richard A. Brown, Mayor

Attest:

Lisa Volpe, CMC, City Clerk

Approved: _____



**MINUTES
REGULAR CITY COUNCIL MEETING
JUNE 4, 2001 AT 7:00 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 June 4, 2001, at 7:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

Mayor Richard A. Brown
Vice Mayor Robert D. Shimp
Councilor Harriet Pruette
Councilor Ronald D. Patronik
Councilor J.W. "Buddy" Crout
City Attorney Christopher A. White

City Manager Richard A. Linn
City Clerk Lisa Volpe, CMC
Deputy City Clerk Karla Strait
Assistant to the City Manager Terry Klein
Director of Public Services John Galen
Director of Finance Steve Ramsey
Building Official Dan Arlington

Order Call/Pledge

Mayor Brown called the meeting to order and asked Councilor Crout to lead the Pledge of Allegiance.

AWARDS / PRESENTATIONS / RECOGNITION OF GUESTS/NONE

APPROVAL OF MINUTES

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

MAY 7, 2001, REGULAR COUNCIL MEETING
MAY 21, 2001, WORKSHOP COUNCIL MEETING

Moved by Shimp, seconded by Patronik.

Roll Call Vote:

Ayes: 5 – Crout, Patronik, Pruette, Shimp, Brown
Noes: 0

MOTION CARRIED

COMMUNICATIONS AND CORRESPONDENCE

Tax Incentive

TAX INCENTIVE PROPOSAL FOR DUPLEX OWNERS EAST OF THIRD: Mayor Brown stated that he had written a letter to Jacksonville Councilman Jerry Holland requesting his assistance in sponsoring an ordinance. It would be designed to reduce density east of Third Street by freezing the ad valorem taxes for 6 years for property owners who would be willing

to convert a duplex to a single-family home. Councilman Holland requested a Neptune Beach resolution to help with the process

Appreciation

PUBLIC SAFETY DEPARTMENT APPRECIATION: Councilor Pruette shared with the council that she had received a telephone call from a new resident who commended our Public Safety Department for watching their home while they were out of town.

Keep Beautiful Signs

KEEP THE CITY BEAUTIFUL SIGNS: Vice Mayor Shimp suggested replacing the existing "Keep Jacksonville Beautiful" signs with signs that read "Keep Neptune Beach Beautiful."

Water/Wastewater
Priorities

PRIORITY LIST FOR WATER/WASTEWATER IMPROVEMENTS: Councilor Crout stated that he had not received a water/wastewater improvement priority list as promised to the council from the Public Works Department at the April 10, 2001, workshop meeting. Director of Public Works John Galen was present and replied that he would prepare and distribute a priority list with an attached budget by Wednesday, June 6, 2001.

Beach Crossover

BEACH CROSSOVER AT TOWN CENTER: Councilor Pruette asked City Manager Linn to place the beach crossover on his punch list. There were no objections from the council.

Consensus: **TO HAVE THE CITY MANAGER PLACE THE BEACH CROSSOVER ON HIS PUNCH LIST.**

Vice Mayor Shimp stated that the beach crossover needed to be completed this summer and should be a top priority.

CITY MANAGER REPORTS

In response to a memo from Councilor Pruette City Manager Linn stated the following:

1. He was pursuing opportunities for grant money to build dune crossovers.
2. He asked Director of Public Works John Galen to speak with Councilor Pruette regarding the beach access signs.
3. He had a list of streets that were being resurfaced.
4. The problems with air conditioning pumps caused by dewatering had been cleared up and the remaining problems were most likely caused by the drought conditions.
5. Florida Boulevard was not wide enough to safely install turn lanes.
6. A contractor was preparing an estimate for the beach crossover at Town Center.

Consensus: **TO HAVE THE CITY MANAGER PLACE THE GRANT MONEY FOR DUNE CROSSOVERS ON HIS PUNCHLIST**

COMMENTS FROM THE PUBLIC

Public Comments

Tom Tankersley, 1038 Kings Road, was concerned about businesses prospering in the Central Business District. Mr. Tankersley also suggested having scheduled pick up services for toxic waste disposal periodically.

Tom Whittingslow, 110 Lemon Street, asked the council to grant the development order at 120 ½ Lemon Street that would allow for a hot dog stand. Mr. Whittingslow informed the council he had stamped approved plans from the Hotel and Restaurant Commission. Council discussed that the Planning & Development Review Board had recommended approval of the development order before they were informed that carry out only restaurants were not allowed in the central business district. Mr. Whittingslow stressed that the hot dog stand would not be carry out only and there would be seating, restrooms, parking and handicap accessibility.

Legal Advise City Attorney White advised the council to send the development order for 120 ½ Lemon Street back to the Planning & Development Review Board for further review and

consideration. Mr. Whittingslow felt this would cause an unnecessary delay.

John Weldon, Chairman of the Planning & Development Review Board, 108 Oak Street, explained the application that went before the Planning & Development Board was not reviewed accurately.

Agenda Change AMEND THE AGENDA TO MOVE ITEM 12-B, DEVELOPMENT ORDER FOR 120 ½ LEMON STREET FORWARD FOR A VOTE: Upon hearing the above legal advise it was requested that item 12-B be moved forward for a vote at this time.

Development Order
120 ½ Lemon Street Moved by Crout, seconded by Pruette.

Motion: **TO MOVE ITEM 12-B, DEVELOPMENT ORDER FOR 120 ½ LEMON STREET FORWARD FOR A VOTE.**

Roll Call Vote:

Ayes: 5 – Crout, Patronik, Pruette, Shimp, Brown

Noes: 0

MOTION CARRIED

Moved by Crout, seconded by Pruette.

Motion: **TO SEND THE DEVELOPMENT ORDER FOR 120 ½ LEMON STREET BACK TO THE PLANNING & DEVELOPMENT REVIEW BOARD FOR FURTHER REVIEW.**

Roll Call Vote:

Ayes: 5 – Crout, Patronik, Pruette, Shimp, Brown

Noes: 0

MOTION CARRIED

Public Comments
Continued Hilton Meadows, asked if his clients request for closing of the alleyways had been advertised for a public hearing. City Manager Linn replied that he did not receive the survey in time to give proper public notice to be placed on the agenda for consideration tonight. Mr. Linn added that the ordinance would be placed on the July agenda for first read.

Kara Tucker, 1650 Leeward Lane, requested that the Ish Brant Beautification Committee be involved in the planning of the Florida Boulevard landscape design. There were no objections from the council.

CONSENT AGENDA

FL Blvd. Landscape
Design FLORIDA BOULEVARD LANDSCAPE DESIGN PROPOSAL: Approval of the Agreement for the landscape design presented by Goddard Design Associates, Inc. in the amount of \$4,900.

Playground Donation DONATION TO THE "THE BEACHES PLAYGROUND FOR KIDS" IN THE AMOUNT OF \$1,620: Approval of a donation in the amount of \$1,620 for the Beaches Park Project for Kids.

Moved by Crout, seconded by Shimp.

Motion: **TO APPROVE THE CONSENT AGENDA AS STATED.**

Roll Call Vote:

Ayes: 5 - Crout, Patronik, Pruette, Shimp, Brown

Noes: 0

MOTION CARRIEDVARIANCES/NONEORDINANCESOrdinance No.
2001-05

ORDINANCE NO. 2001-05, GARBAGE COLLECTION FEES, FINAL READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA DELETING SECTION 11-27 AND AMENDING SECTION 11-82 AND 11-96 AND 11-106 OF CHAPTER 11, GARBAGE, TRASH AND INDUSTRIAL WASTE, AND PROVIDING AN EFFECTIVE DATE.

Mayor Brown read Ordinance No. 2001-05 by title only and opened the public hearing.

There being no comments from the public, the public hearing was closed.

Moved by Patronik, seconded by Shimp.

Motion: **TO ADOPT ORDINANCE NO. 2001-05 AS STATED ON SECOND AND FINAL READ.**

Roll Call Vote:

Ayes: 5 – Crout, Patronik, Pruette, Shimp, Brown

Noes: 0

MOTION CARRIEDOrdinance No.
2001-06

ORDINANCE NO. 2001-06, ORDINANCE TO DEFINE AND CONTROL DETACHED GARAGES, FIRST READ: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING SECTION 27-324, DEFINITIONS; AMENDING SECTIONS 27-328(3) AND 27-328(4), ACCESSORY BUILDINGS, AND ADDING SECTION 27-238(a)(5), 27-328(a)(6), AND 27-328(a)(7).

Mayor Brown read Ordinance No. 2001-06 by title only.

Moved by Pruette, seconded by Crout.

Motion: **TO PASS ORDINANCE NO. 2001-06 ON FIRST READ.**

Friendly
Amendment:

TO AMEND ORDINANCE NO. 2001-06 TO INCLUDE THE RECOMMENDATIONS BY THE BUILDING OFFICIAL THAT GARAGE APARTMENTS ARE DWELLING UNITS AND SHOULD BE CONSIDERED ONE OF THE TWO UNITS, NOT MORE THAN 25% OF REQUIRED SIDE YARD WITH BUILDING SETBACKS TO BE 7 FEET FROM PROPERTY LINE, MAXIMUM IMPERVIOUS SURFACE FOR ENTIRE LOT OF 65%, 65% MAXIMUM FLOOR AREA RATIOS, MAXIMUM SIZE OF GARAGE SHOULD STILL BE 500 SQUARE FEET AND MAXIMUM SIZE OF APARTMENT 600 SQUARE FEET WHICH INCLUDES PORCHES, DECKS, AND STAIR LANDINGS. MAXIMUM HEIGHT OF 28 FEET.

FRIENDLY AMENDMENT WITHDRAWN BY VICE MAYOR SHIMP.

Roll Call Vote:

Ayes: 2 – Crout, Patronik

Noes: 3 – Pruette, Shimp, Brown

MOTION FAILEDOLD BUSINESSResolution No.
2001-08RESOLUTION NO. 2001-08, ESTABLISHING GARBAGE COLLECTION RATES: A RESOLUTION ESTABLISHING CERTAIN CHARGES OR FEES FOR SOLID WASTE COLLECTION SERVICES.

Moved by Shimp, seconded by Patronik.

Motion: TO APPROVE RESOLUTION NO. 2001-08, ESTABLISHING GARBAGE COLLECTION RATES.

Roll Call Vote:

Ayes: 5 – Crout, Patronik, Pruette, Shimp, Brown

Noes: 0

MOTION CARRIEDNEW BUSINESSResolution No.
2001-10RESOLUTION NO. 2001-10, REAPPOINTMENT: A RESOLUTION REAPPOINTING CARL HASHEY TO THE BOARD OF TRUSTEES POLICE OFFICERS RETIREMENT FUND.

Moved by Shimp, seconded by Pruette.

Motion: TO APPROVE RESOLUTION NO. 2001-10. REAPPOINTING CARL HASHEY TO THE BOARD OF TRUSTEES POLICE OFFICERS RETIRMENT FUND.

Ayes: 5 – Crout, Patronik, Pruette, Shimp, Brown

Noes: 0

MOTION CARRIEDDevelopment Order
Dynamic AndersonDEVELOPMENT ORDER – LOTS 30 THRU 39, BLOCK 1, FLORIDA BEACH PRADO FERRER: City Manager Linn stated that the Planning & Development Review Board recommended approval of this development order and asked the representative to come forward.

Moved by Pruette, seconded by Crout.

Motion: TO APPROVE THE DEVELOPMENT ORDER OF LOTS 30 THUR 39, BLOCK 1, FLORIDA BEACH PRADO FERRER FOR DYNAMIC ANDERSON.

Hilton T. Meadows, 6837 Merrill Road, representative for Dynamic Anderson Corporation, explained that this development order had nothing to do with the abandonment of property.

Councilor Crout raised the question of who owned the property. Mr. Meadows responded that Florida Beach Properties had ownership interest in the property and discussion ensued about the ownership.

Council had reservations about approving a development order for someone to develop property that did not belong to them.

Legal Counsel City Attorney White advised that council was entitled to have questions of ownership answered.

Mr. Meadows added that the Andersons had requested the development order and had the consent of Florida Beaches Properties to develop and operate a nursery on the property.

John Weldon, Member of the Planning & Development Review Board, 108 Oak Street, was discouraged that the property was not owned by the Andersons because it had been represented to the Board as owned by them throughout a year of deliberations.

Mr. Meadows asked to defer the request tonight and reconsider it at the next meeting while they get permission of Florida Beach Properties and solve some issues.

Legal Counsel City Attorney White advised that the most effective way to present consent of the owners would be in person at a council meeting.

John Weldon's final comment and what concerned him the most was that if we started granting development orders or abandoning property that would give one business person an advantage over another business owner in a negotiation for the acquisition of property we would be doing a great disservice to the other property owner.

Mr. Meadows stated that abandonment of property in 1998 bordered the property in question. He then asked that the development order be deferred until the July Council Meeting.

MOTION WITHDRAWN

Storm Water Utility PROPOSALS FOR STORM WATER UTILITY: Permission to advertise for request for proposals for the storm water utility rate. City Manager Linn explained that a grant in the amount of \$20,000 had been received from St. Johns River Water Management District to establish a storm water utility. The purpose was to establish a rate structure that was fair to everyone and could be defended in court.

Consensus: **TO MOVE FORWARD WITH REQUESTING PROPOSALS FOR THE STORMWATER UTILITY RATE.**

Final Comments Councilor Pruette had asked the City Clerk's office to provide a list of ongoing council actions and unresolved issues.

Vice Mayor Shimp encouraged that the company hired for the storm water utility be solvent.

Adjournment There being no further business, the meeting adjourned at 8:55 p.m.

Richard A. Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
WORKSHOP CITY COUNCIL MEETING
JUNE 18, 2001 AT 7:00 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 18, 2001 at 7:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

Mayor Richard A. Brown
Councilor Ronald A. Patronik
Councilor Harriet Pruette
Councilor J. W. "Buddy" Crout
City Manager Richard A. Linn
City Clerk Lisa Volpe, CMC

Finance Director Steve Ramsey
Deputy City Clerk Karla Strait
Assistant to the City Manager Terry Klein
Building Official Dan Arlington

ABSENT:
Vice Mayor Robert A. Shimp
City Attorney Christopher White

Call to Order/Roll Call The Mayor called the meeting to order at 7:00 p.m.

COMMITTEE REPORTS

IBBC

ISH BRANT BEAUTIFICATION COMMITTEE: City Manager Linn thanked the Ish Brant Beautification Committee for the Tree City flag raising ceremony that took place before the council meeting. Mr. Linn reported that the committee was awaiting approval on the irrigation system for the Third Street medians. The committee had selected a yard of the month and received the 60% drawings for the Bike Path.

CITY MANAGERS PUNCH LIST

**Jarboe Park
Improvements**

JARBOE PARK IMPROVEMENTS: City Manager Linn stated that the Jarboe Park Improvements were on the agenda for approval of the contract awards.

**Bike Path – Penman
Road**

BIKE PATH – FLORIDA BOULEVARD: City Manager Linn reported that 60% of the bike path design for Florida Boulevard had been received.

Handicap Walkway

HANDICAP WALKWAY TO BEACH AT TOWN CENTER: City Manager Linn reported that he was awaiting proposals for the handicap walkway and hoped to have it completed by the end of July.

Dune Crossovers

BEACH DUNE CROSSOVERS: City Manager Linn reported that his assistant Terry Klein was working on a state matching grant application in the amount of \$150,000 for the dune crossovers. There were no requirements for the grant other than providing beach

access to the public.

- Michael Rowe PUBLIC WORKS EMPLOYEE – MICHAEL ROWE: City Manager Linn informed the council that Public Works employee Michael Rowe was undergoing treatment for cancer and had exhausted his sick leave. Fellow employees have donated personal leave to ensure that Michael would receive a paycheck while undergoing treatment and have donated a total of two months worth of leave.
- Roadway between Shopping Centers ROADWAY BETWEEN SHOPPING CENTERS: City Manager Linn reported there was nothing new on the roadway between the shopping centers.
- Florida League of Cities Conference FLORIDA LEAGUE OF CITIES ANNUAL CONFERENCE: City Clerk Lisa Volpe reminded council members to contact her if they wanted to attend the conference in August so there would be time to make reservations.

PROPOSED ORDINANCES

- Detached Garages PROPOSED ORDINANCE TO DEFINE AND CONTROL DETACHED GARAGES: AN ORDINANCE AMENDING SECTION 27-324, DEFINITIONS; AMENDING SECTIONS 27-328(3) AND 27-328(4), ACCESSORY BUILDINGS AND ADDING SECTION 27-238(A)(5), 27-328(A)(6), AND 27(A)(7).

The council discussed the proposed ordinance and the differences of lot sizes on each side of Third Street.

John Weldon, Jr., Chairman of the Planning & Development Review Board, 108 Oak Street, was not opposed to increasing the size of detached garages west of Third Street. Mr. Weldon stated that the Planning & Development Review Board currently had an application for a two-car garage west of Third Street with a playroom & bathroom attached to it. Mr. Weldon added it would essentially be a garage apartment in an area zoned single family. Mr. Weldon felt restrictions were needed on the sizes of garages in each district and suggested having maximum garage sizes tied to the existing districts.

David Baker, 1102 First Street, suggested that there be a moratorium on out buildings and garages until an ordinance was in place.

- On the Record Councilor Pruette stated on the record that she wanted Vice Mayor Shimp to know that she felt this ordinance needed to be in place as soon as possible and if he wanted to bring forward an ordinance concerning garage apartments the council would handle it separately.

Consensus: **FORWARD TO THE JULY REGULAR COUNCIL MEETING AND ADOPT AS AN EMERGENCY ORDINANCE IF CITY ATTORNEY CHRIS WHITE APPROVES AND ADD AN AMENDMENT TO INCREASE THE SIZE IN CERTAIN DISTRICTS.**

- Amend Section 27-13 RESPONSIBILITY OF INTERPRETATION OF CODE: AN ORDINANCE AMENDING SECTION 127-13, RESPONSIBILITY FOR INTERPRETATION OF THE CODE OF ORDINANCES.

Councilor Crout wanted the following sentence added to Section 127-13: This section shall not be interpreted in any way to restrict the title of the City Manager set forth in Section 2-85(B) and in the event of conflicting interpretation the interpretation of the City Manager shall prevail.

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

Corner Lots

ORDINANCE TO AMEND THE DEFINITION OF A CORNER LOT: AN ORDINANCE TO AMEND SECTION 27-216, CORNER LOT DEFINITION.

Councilor Pruette asked to defer the proposed ordinance defining corner lots for further fact-finding.

Dr. Raul Moreno, 93 Orange Street, wanted to know what the ordinance would do. Several other members of the audience concurred.

Councilor Pruette explained the reason she felt the ordinance was necessary because if the lots on the beach accesses were considered corner lots the property owner could pave the beach access claiming it was a street and would have a 15-foot side building restriction line. If they were not considered corner lots the lots would have a 7-foot side building restriction line and the ocean view would be restricted.

Dr. Raul Moreno, 93 Orange Street, didn't think anything needed to be changed because the Building Department could deny the application if the building encroached in the beach access.

An unidentified man asked how big the beach accesses were. City Manager Linn responded that they varied from 50 to 57 feet and they were called street right-of-ways on the city plot.

Lynda Padrta, 1113 First Street, stated that the 15 foot wide beach access provided the view for a lot of people who paid a premium for their property and if it were changed to 7 feet it would block the view.

Judy Williams, 98 Orange Street, was concerned that if the building restriction lines were changed it would devalue her property and there would be lawsuits.

Harriet Christovich, 110 Seagate Avenue, asked for clarification. Councilor Pruette responded that was why she wanted to defer the ordinance and find out more herself.

Consensus: **TO DEFER PROPOSED ORDINANCE DEFINING CORNER LOTS AND DO FURTHER FACT FINDING.**

Beach Access Protection

PROPOSED ORDINANCE TO CONTROL USES OF BEACH ACCESSSES: AN ORDINANCE TO AMEND ARTICLE I, SECTION 7, BEACHES AND WATERWAYS BY ADDING SECTIONS 7-1 THROUGH 74.

Councilor Pruette proposed this ordinance because there were no definitions or restrictions on what could be done on the beach accesses.

Harriet Christovich, 100 Seagate Avenue, asked Councilor Pruette to read the ordinance.

Ms. Moreno, 93 Orange Street, thought that the city should beautify the beach accesses.

Harriet Christovich, 100 Seagate Avenue, stated that we needed to be careful about launching vessels from beach accesses, especially handicap accesses.

City Manager Linn stated that there was a general provision in the code that stated no one could encroach on a city right-of-way without a permit. Mr. Linn added that the beach accesses needed special attention and special provisions.

Councilor Pruette stated that her intent was to protect the natural beauty that we have on the beach accesses today where citizens could get to the beach.

Judy Williams, 98 Orange Street, asked if more employees would be hired to enforce the new ordinances.

Donald White, Chairman of the Board of Appeals, 1414 First Street, felt that the beach accesses were protected by the referendum and was concerned about violating the previous law.

David Baker, 1102 First Street, was concerned about enforcement.

Ed Jones, 200 First Street, stated that some of the accesses were used as driveways and that should be considered.

Tom Tankersley, 138 Kings Road, stated that the city was responsible for keeping the public accesses safe.

Consensus: **SEND BACK TO THE CITY ATTORNEY FOR ADVICE BEFORE FIRST READ.**

CONTRACT/AGREEMENTS

Jarboe Park
Improvements

JARBOE PARK IMPROVEMENTS – RESURFACE OF EXERCISE TRAIL: City Manager Linn recommend approval of the low bid to Duval Asphalt for the resurfacing of the exercise trail in the amount of \$21,253.

Consensus: **FORWARD TO THE JULY REGULAR COUNCIL MEETING CONSENT AGENDA.**

Jarboe Park
Improvements

JARBOE PARK IMPROVEMENTS – VARIOUS PARK STRUCTURES: City Manager Linn recommended approval of the low bid to RWBV/SWS Construction for the construction of various park structures in the amount of \$36,865.

Consensus: **FORWARD TO THE JULY REGULAR COUNCIL MEETING CONSENT AGENDA.**

ISSUE DEVELOPMENT

Tax Incentive

TAX INCENTIVE – CONVERSION OF MULTI DWELLING TO SINGLE DWELLING IN THE R-4 DISTRICT EAST OF THIRD STREET: Jacksonville City Councilman Jerry Holland had asked Council to pass a resolution requesting support from the City of Jacksonville to freeze property taxes for property owners east of Third Street that would convert multi family dwellings to single family dwellings.

Consensus: **PREPARE A RESOLUTION FOR THE JULY REGULAR COUNCIL MEETING.**

- City Manager Goals GOALS OF THE CITY MANAGER FOR YEAR 2001-2002: Councilor Crout suggested waiting until the City Manager's annual review to discuss the City Manager's goals.
- Consensus: **TO DEFER UNTIL THE CITY MANAGER'S ANNUAL REVIEW.**
- Utility Capital Improvements SET A DATE FOR UTILITY CAPITAL IMPROVEMENTS ROUNDTABLE WORKSHOP (JULY 9, 2001): Schedule a meeting with Public Works Director John Galen, City Manager Linn and Jim Miller of PBS&J to discuss the steps of the Utility Improvement Project.
- Consensus: **HOLD THE ROUNDTABLE WORKSHOP MEETING FOR UTILITY CAPITAL IMPROVEMENTS ON JULY 9, 2001.**
- Voting Delegate SELECTION OF A VOTING DELEGATE FOR THE FLORIDA LEAGUE OF CITIES 75TH ANNUAL CONFERENCE: The city was asked to select one person to be the voting delegate for the Florida League of Cities Annual Conference.
- Consensus: **TO NOMINATE MAYOR BROWN TO SERVE AS VOTING DELEGATE FOR THE FLORIDA LEAGUE OF CITIES 7TH ANNUAL CONFERENCE.**
- Third Street Medians APPROVAL FOR BIDS ON IRRIGATION SYSTEM FOR THE THIRD STREET MEDIANS:
- Consensus: **FORWARD TO THE JULY REGULAR COUNCIL MEETING FOR A VOTE.**
- Public Comments **PUBLIC COMMENTS ON AGENDA ITEMS ONLY**
- David Baker, 1102 First Street, was concerned about overgrown trees and shrubbery on public sidewalks.
- Judy O'Loughlin, 408 Oceanfront, suggested that the city clean up the overgrowth on the sidewalks and send the bill to the property owners.
- Lynda Padrta, 1113 First Street, felt that a moratorium on the construction of garages should be in place until the ordinance went into effect, suggested a referendum to define beach accesses and corner lots and was also concerned about bushes growing over the sidewalks.
- Harriet Christovich, 110 Seagate Avenue, was also concerned about bushes growing over sidewalk and suggested that the city take note of all violations.
- Tom Tankersley, 1038 Kings Road, felt overgrown bushes was a public safety issue and guidelines needed to be set for detached garages. Mr. Tankersley felt Mayor Brown would represent the city well at the Florida League of Cities Annual Conference and the tax incentive east of Third Street should include on site parking.
- Donald White, Chairman of the Board of Appeals, 1414 First Street, felt that the areas both east and west of Third Street should be considered in the detached garage ordinance.

Adjournment

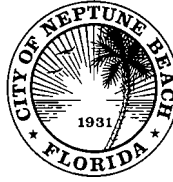
There being no further business, the meeting adjourned at 9:07 p.m.

Attest:

Richard A. Brown, Mayor

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
REGULAR CITY COUNCIL MEETING
JULY 2, 2001 AT 7:00 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 July 2, 2001, at 7:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

Mayor Richard A. Brown
Councilor Harriet Pruette
Councilor Ronald D. Patronik
Councilor J.W. "Buddy" Crout
City Attorney Christopher A. White

City Manager Richard A. Linn
City Clerk Lisa Volpe, CMC
Deputy City Clerk Karla Strait
Assistant to the City Manager Terry Klein
Director of Public Safety William Brandt
Director of Finance Steve Ramsey
Building Official Dan Arlington
Assistant to the Building Official Piper Turner

ABSENT:

Vice Mayor Robert D. Shimp

Order Call/Pledge

Mayor Brown called the meeting to order and asked Councilor Patronik to lead the Pledge of Allegiance.

AWARDS / PRESENTATIONS / RECOGNITION OF GUESTS/NONE

APPROVAL OF MINUTES

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

JUNE 4, 2001, REGULAR COUNCIL MEETING
JUNE 18, 2001, WORKSHOP COUNCIL MEETING

Moved by Patronik, seconded by Pruette.

Roll Call Vote:

Ayes: 4 – Crout, Patronik, Pruette, Brown

Noes: 0

Absent: 1 – Shimp

MOTION CARRIED

COMMUNICATIONS AND CORRESPONDENCE

- July 4th Councilor Patronik asked the City Manager and Police Chief to provide extra safety measures for the July 4th holiday. City Manager Linn stated there would be extra patrols along with motorcycle and bicycle police.
- Redistricting City Manager Linn announced that Jacksonville City Councilman Jerry Holland would be coming to the meeting to speak to the council about Jacksonville's redistricting.

CITY MANAGER REPORTS

- Handicap Walkway HANDICAP WALKWAY AT TOWN CENTER LIFEGUARD STATION: City Manager Linn reported the permit from the Florida Department of Environmental Protection had been received and a purchase authorization had been issued to Michael Adams for construction. The walkway was expected to be completed by the end of July. The railing will be identical to the existing lifeguard building.
- Shade meeting SHADE MEETING: City Manager Linn requested that a shade meeting be set up to discuss union contract negotiations.

Consensus: **TO HOLD THE SHADE MEETING ON MONDAY JULY 9, 2001 AT 6:30 P.M.**

COMMENTS FROM THE PUBLIC

- Public Comments Michael Dunlap, 212 Lora Street, asked the council to consider his handout on garage apartments and to amend the proposed garage ordinance to include them.
- Lynda Padrta, 1113 First Street, encouraged the passage of the curfew ordinance and tax incentive resolution and felt that garages needed to be addressed immediately without the encumbrance of the garage apartment issue.
- Regina Nolting, 1606 First Street, complained about the amount of crowds and law enforcement on First Street on July 4th.
- Susan Carol Losh, 115 Lora Street, was concerned about safety on July 4th and if existing garages would be grandfathered in with the new ordinance.

CONSENT AGENDA

- Contract Awards Jarboe Park CONTRACT AWARD – JARBOE PARK IMPROVEMENTS – DUVAL ASPHALT:

CONTRACT AWARD – JARBOE PARK IMPROVEMENTS – RWB/SWS:

Moved by Crout, seconded by Patronik.

Motion: **TO APPROVE THE CONSENT AGENDA AS STATED.**

Roll Call Vote:

Ayes: 4 – Crout, Patronik, Pruette, Brown

Noes: 0

Absent: 1 - Shimp

MOTION CARRIED

VARIANCES/NONE

ORDINANCES

- Ordinance No. ORDINANCE NO. 2001-07, JUVENILE CURFEW EMERGENCY ADOPTION – FIRST

2001-07

READ, SECOND READ, AND PUBLIC HEARING, SPONSORED BY COUNCILOR CROUT: AN ORDINANCE TO ESTABLISH A NOCTURNAL CURFEW APPLICABLE TO JUVENILES AND REGULATING THEIR ACTION IN PUBLIC PLACES; AND DEFINING THE DUTIES OF PARENTS OR GUARDIANS OF JUVENILES AND OPERATORS OF ESTABLISHMENTS; AND PROVIDING FOR POLICE PROCEDURES FOR THE VIOLATION THEREOF.

Director of Public Safety William Brandt discussed the problem that precipitated this ordinance. All other communities in Duval County have similar ordinances passed between 5 and 10 years ago. In the last few months there has been a large increase in car burglaries. He requested this so officers had a legal reason to stop suspicious juveniles and question them about their actions and intent. He explained there were legitimate exceptions to the curfew.

City Attorney White asked the Chief Brandt if he considered it an emergency. Chief Brandt responded that due to the frequency of the problems in recent months he felt it was a emergency.

The council discussed the ordinance considering changing the time to midnight and one a.m.

Mayor Brown read Ordinance No. 2001-07 by title only and opened the public hearing.

Lenne LaRue III, 600 Driftwood Road, on behalf of the teens of Neptune Beach he requested the curfew to be more lenient in the summer since school was out. He did not feel it was right to take away the rights of teens because of a few ones who may be involved in illegal actions. He asked for a compromise. The parents should control their teens and punishments should be harsher for those who do commit crimes.

Lynda Padrta, 1113 First Street, stated there is nothing you can not do at 8 p.m. that you can do at midnight.

Chris Oakey, 620 Camellia Terrace Drive, supported the ordinance due to the vandalism in his neighborhood especially to mailboxes.

Harriet Christovich, 110 Seagate Avenue, supported the ordinance because of the Police Chief's recommendation and also to protect teens.

There being no further comments from the public, the public hearing was closed.

Moved by Crout , seconded by Patronik.

Motion: **TO ADOPT ORDINANCE NO. 2001-07, JUVENILE CURFEW AS AN EMERGENCY.**

Roll Call Vote:

Ayes: 4 – Crout, Patronik, Pruette, Brown

Noes: 0

Absent: 1 – Shimp

MOTION CARRIED

Moved by Crout , seconded by Patronik.

Motion: **TO ADOPT ORDINANCE NO. 2001-07.**

Roll Call Vote:

Ayes: 4 – Crout, Patronik, Pruette, Brown
Noes: 0
Absent: 1 – Shimp

MOTION CARRIED

Redistricting

Jacksonville City Councilman Jerry Holland stated that the Jacksonville Redistricting Committee had reached a compromise. Everything west of the intracoastal except Mayport Naval Base would become District 13. He does not live in the new district 13 but has thought about moving across the intra coastal. He would continue to represent the beach because the new lines would not take effect until the 2003 elections.

The City Council thanked him for helping in keeping the beaches together.

Ordinance No.
2001-08

ORDINANCE NO. 2001-08, DEFINING DETACHED GARAGES, FIRST READ, SPONSORED BY COUNCILOR PRUETTE: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, AMENDING SECTION 27-324, DEFINITIONS; AMENDING SECTIONS 27-328(3) AND 27-328(4), ACCESSORY BUILDINGS AND ADDING SECTION 27-238(a)(5), 27-328(a)(6), AND 27-328(a)(7).

Mayor Brown read Ordinance No. 2001-08 by title only.

Moved by Crout, seconded by Pruette

Motion: **TO ADOPT ORDINANCE NO. 2001-08, DEFINING DETACHED GARAGES.**

Councilor Pruette stated this ordinance was important in order to help the Building Department and the Board of Appeals. She felt that garage apartments could be considered at a later time with all information.

Mayor Brown clarified that this ordinance did not stop garage apartments and they should be considered at a later time.

Councilor Patronik felt this was important to help the boards and liked the square footage compromises. He also stated that garage apartments could still be looked into.

Roll Call Vote:

Ayes: 4 – Crout, Patronik, Pruette, Brown
Noes: 0
Absent: 1 - Shimp

MOTION CARRIED

City Manager Linn reminded the council and the audience that the second read for this ordinance would be on July 9, 2001 at 7p.m.

Councilor Pruette stated she would be more than happy to speak with Michael Dunlap about establishing regulations on garage apartments.

Ordinance No.
2001-09

ORDINANCE NO. 2001-09, RESPONSIBILITY FOR CODE INTERPRETATION, FIRST READ, SPONSORED BY COUNCILOR CROUT: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING SECTION 27-13, RESPONSIBILITY FOR INTERPRETATION OF THE CODE OF ORDINANCES AND PROVIDING AN EFFECTIVE DATE.

Mayor Brown read Ordinance No. 2001-09 by title only.

Moved by Crout, seconded by Pruette.

Motion: **TO PASS ORDINANCE NO. 2001-09, RESPONSIBILITY FOR CODE INTERPRETATION, ON FIRST READ.**

Councilor Crout stated this was to clarify who had final say on code interpretation. Councilor Patronik asked the City Attorney what would happen if the City Manager had to disagree. City Attorney White said the City Manager could defer to the department head and that this ordinance would not supersede any state law.

Roll Call Vote:

Ayes: 4 – Crout, Patronik, Pruette, Brown

Noes: 0

Absent: 1 – Shimp

MOTION CARRIED

OLD BUSINESS/NONE

NEW BUSINESS

Resolution No.
2001-11

RESOLUTION NO. 2001-11, AUTHORIZING THE CITY MANAGER TO SIGN STATE WIDE MUTUAL AID AGREEMENT: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEPTUNE BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER TO SIGN AND APPROVING THE ATTACHED FLORIDA STATEWIDE MUTUAL AID AGREEMENT.

City Manager Linn stated this was an update of the agreement already in place.

Moved by Crout, seconded by Patronik.

Motion: **TO APPROVE RESOLUTION NO. 2001-11, AUTHORIZING THE CITY MANAGER TO SIGN THE STATE WIDE MUTUAL AID AGREEMENT.**

Roll Call Vote:

Ayes: 4 – Crout, Patronik, Pruette, Brown

Noes: 0

Absent: 1 – Shimp

MOTION CARRIED

Resolution No.
2001-12

RESOLUTION NO. 2001-12, PROPOSING A TAX INCENTIVE TO CONVERT MULTI-DWELLING UNITS TO SINGLE FAMILY UNITS: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEPTUNE BEACH, FLORIDA, REQUESTING JACKSONVILLE SUPPORT FOR AN ORDINANCE PROVIDING A TAX INCENTIVE FOR CONVERSIONS OF MULTI-FAMILY TO SINGLE FAMILY STRUCTURES.

Mayor Brown stated this was requested by Councilman Holland so he could bring it before the Jacksonville City Council. Councilor Pruette questioned guidelines of what constituted a duplex becoming a single family home. Councilor Crout asked why and how it would be limited to five homeowners.

Moved by Pruette, seconded by Crout.

Motion: **TO APPROVE RESOLUTION 2001-12, PROPOSING A TAX INCENTIVE TO CONVERT MULTI-DWELLING UNTIS TO SINGLE FAMILY UNITS.**

Roll Call Vote:

Ayes: 4 – Crout, Patronik, Pruette, Brown

Noes: 0

Absent: 1 – Shimp

MOTION CARRIED

Resolution No.
2001-13

RESOLUTION NO. 2001-13, ADOPTION OF CAPITAL IMPROVEMENT PLAN: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEPTUNE BEACH, FLORIDA, APPROVING A CAPITAL IMPROVEMENT PLAN AS PART OF THE BUDGET PROCESS.

Moved by Crout, seconded by Pruette.

Motion: **TO APPROVE RESOLUTION NO. 2001-13, ADOPTION OF CAPITAL IMPROVEMENT PLAN.**

Roll Call Vote:

Ayes: 4 – Crout, Patronik, Pruette, Brown

Noes: 0

Absent: 1 – Shimp

MOTION CARRIED

Third Street
Medians

APPROVAL OF THE SOLICITATIONS FOR PROPOSALS FOR THE INSTALLATION OF IRRIGATION SYSTEM FOR THE THIRD STREET MEDIANS: City Manager Linn stated that Councilman Holland secured \$40,000 out of the Jacksonville Tree Mitigation Fund to pay for this irrigation system for the palm trees on the Third Street medians and asked for approval to request proposals.

Moved by Crout, seconded by Patronik.

Motion: **TO APPROVE THE SOLICITATION FOR PROPOSALS FOR THE INSTALLATION OF IRRIGATION SYSTEM FOR THE THIRD STREET MEDIANS.**

Roll Call Vote:

Ayes: 4 – Crout, Patronik, Pruette, Brown

Noes: 0

Absent: 1 – Shimp

MOTION CARRIED

Adjournment

There being no further business, the meeting adjourned at 8:16 p.m.

Richard A. Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



**BUDGET WORKSHOP MEETING
JULY 5, 2001, AT 7:00 P.M.
CITY HALL, 116 FIRST STREET,
NEPTUNE BEACH, FLORIDA**

Pursuant to proper notice a Preliminary Budget Workshop Meeting of the City Council of the City of Neptune Beach was held July 5, 2001 at 7:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

Mayor Richard A. Brown
Vice Mayor Robert D. Shimp
Councilor J. W. "Buddy" Crout
Councilor Ronald D. Patronik
Councilor Harriet M. Pruette
City Manager Richard A. Linn
City Clerk Lisa Volpe

Director of Finance Steve Ramsey
Director of Public Safety William Brandt
Director of Public Works John Galen
Building Official Dan Arlington
Deputy City Clerk Karla Strait
Assistant to the City Manager Terry Klein

Call to Order/Roll Call

The Mayor called the meeting to order at 7:00 p.m.

City Manager Linn passed along the sad news that Vice Mayor Shimp's mother-in-law had passed away. Mr. Linn extended his condolences.

Mayor Brown asked City Manager Linn to give an opening statement.

City Manager Linn explained that the budget process began back in March when the department heads were asked to submit their needs to the Finance Director.

City Manager Linn gave the following general remarks:

1. The budget called for one additional employee in City Hall to be shared between the Building Department and the Finance Department.
2. The Police Department had requested 3 defibrillator units and two in car video cameras.
3. The Parks Department asked for a new mower costing \$15,000, a flat bed truck, and a 2002 claw truck single axle.

Director of Finance Steve Ramsey pointed out that the projected numbers in the revenues' summary were based on the current tax rate adopted for 2001. The projected budget was based on maintaining the same rate.

New Millage Rate

Mayor Brown inquired as to what the deadline was to set the new millage rate. Mr. Ramsey replied August 4, 2001.

Director of Finance Steve Ramsey made the following comments:

1. The ½ cent sales tax was down.

2. The purpose for the additional staff person in City Hall was because Assistant to the Building Official Piper Turner was overburdened and an extra person could help her with the typing of the minutes and routine tasks. Due to the web use Utility Billing Supervisor Rosemary Phillips would need to spend more time on the computer end and the additional staff person could fill in at the customer service counter.

Appropriated Fund Balance	Councilor Crout questioned the balance of the appropriated fund balance. Mr. Ramsey answered that there was a shortfall of about \$150,000.
Beach Dunes	Mayor Brown asked City Manager Linn what were the most critical needs in Neptune Beach. City Manager Linn replied that the dune crossovers were in very bad shape and could use a major haul. His assistant Terry Klein sent in a state matching grant application to be used for funding the project. There was no assurance that the funding would be received. If the funding was not received, Mr. Linn recommended starting replacement on the worst two or three crossovers each year.
Police Car Video Cameras	Vice Mayor Shimp questioned the amount of police in car video cameras. Chief Brandt responded that he currently had two from a D.U.I. Grant and was requesting two more in the budget. Mr. Brandt added that he would look for more grants. Eventually he would like to have one in every car.
Budget Cuts	Finance Director Steve Ramsey stated that City Manager Linn had already made some cuts in education, removed a vehicle, and reduced travel.
Mincey Mucker Truck	Director of Public Works John Galen explained that the truck would be used to clean ditches and it would be a nice truck to have. Mr. Galen and Mr. Linn agreed that they would feel more comfortable with a lease because it would not be used too often.
Ice Machine	Mr. Galen explained that the ice machine had to be overhauled several times and was on its last leg. The ice was used to pack water samples to carry to labs and for water coolers on work trucks.
Claw Truck	Director of Public Works John Galen stated the claw truck would be a replacement and was used to pick up heavy items. Mr. Linn strongly supported the truck stating it would be used extensively and could help the city by opening the streets after a storm.
Street Improvements	Councilor Patronik questioned the \$538,877 worth of street improvements. Mr. Ramsey replied that it was standard practice to plug in numbers in case of an emergency.
Two New Pick Ups	Councilor Pruette asked if Mr. Galen could live with only one new truck. Mr. Galen responded that the trucks would be replacements for trucks over 8 years old and the old ones would be auctioned off.
New Tahoe	City Manager Linn mentioned the budget called for a Tahoe truck for the Public Works Department, \$9,000 of which would come from the Street Department budget and the rest would come out of the Water & Sewer budget. Mr. Linn explained the new Jeep Tahoe would replace Mr. Galen's old Jeep Cherokee that would then be used by the Building Official.
Water Pressure	Mayor Brown asked if the local water pressure projects needed to be funded in this budget. Mr. Linn explained that was a different budget all together and would it would be discussed at a later date.
Animal Control	Vice Mayor Shimp asked why the Overtime was up 140% and Other Contractual Services was up 250% in Animal Control. Chief Brandt responded that Other Contractual Services was up because of the duck program that kept the ducks out of Jarboe Park. Chief Brandt

stated that he was unsure about the overtime and would speak with Mr. Ramsey.

Community
Development

Vice Mayor Shimp questioned the Other Contractual Services in Community Development because it was up 250%. Building Official Dan Arlington explained that the figures shown in Other Contractual Services and Professional Services should be reversed. Mr. Arlington added that Other Contractual Services and Professional Services were used for additional building inspections. Mr. Linn stated that he would look into this. Mr. Arlington added there were four new developments slated to start construction next fiscal year.

Principal on Debt

Vice Mayor Shimp asked about the Principle on Debt in the Finance Department being up 275%. Mr. Ramsey replied that it was for lease payments on equipment and was budgeted incorrectly for FY 2001..

Pay for Training

Vice Mayor Shimp commented that when an employee goes to a required class they should be paid their regular salary. Vice Mayor Shimp was concerned if the Lifeguards were paid when they went to first aid classes.

New City Hall
Employee

Councilor Patronik stated that he would like to see the benefits & cost the city would receive from hiring a new employee to be shared by the Building & Finance Departments.

Lifeguard Salary's

Councilor Patronik questioned the Lifeguard Salaries for year to date. Mr. Ramsey replied that the total salary up to that point was averaged over the 12-month period and since the lifeguards had not yet begun working full time the number was considerably lower then it should be.

Contingencies

Councilor Patronik asked if the \$100,000 contingency was for unknowns that the council had to approve. Mr. Ramsey replied yes.

Better Jax Plan

Councilor Patronik asked if there would be any expenditures from the Better Jacksonville ½ cent sales tax. Mr. Ramsey stated no unless the council decided to put a project in. City Manager Linn stated that the number one priority for the use of the money was the replacement of the Kings Road Bridge, number two was to upgrade the entire City Yard.

Salary Increases

Councilor Crout questioned if salary increases were included in the budget. Mr. Ramsey answered yes. City Manager Linn reminded the council that there was a shade meeting for union contract negotiations on Monday.

Property Taxes

Councilor Patronik asked if the City of Jacksonville kept 5% of the dollar for a collection fee. City Manager Linn stated the budget was figured at 95% collection and usually fell in between 96% and 97%. Councilor Patronik asked Mr. Ramsey to find about this.

Vehicle Expenditures

Councilor Patronik questioned how fuel was calculated. Chief Brandt stated that he estimated the fuel cost based on what was spent this year.

Enterprise Fund

Steve Ramsey stated that the meeting for the Enterprise Funds was scheduled for 6:00 p.m. before the workshop on July 16, 2001.

Final Comments &
Closing Statements

Councilor Pruette asked if Jacksonville Beach provided any help with the Kings Road Bridge. A discussion ensued about replacement of the bridge and that the property owners would be inconvenienced. Mr. Galen also discussed having Jacksonville Beach service those customers through an interlocal agreement otherwise the water & sewer lines would have to be run through Hopkins Creek.

Steve Ramsey stated that the date for the Final Adoption of the budget had to be completed by October 1, 2001.

City Manager Linn summarized the following points:

1. More information was needed to justify the new position in City Hall.
2. The mincey mucker truck would not be purchased.
3. Would like to see if Public Works could get by with 4 new trucks instead of 5. Mr. Galen stated that 4 would not be a problem.

City Manager Linn stated that the revenue was estimated lower and the expenditures higher so there would be no surprises at the end of the year.

The Council commended Finance Director Steve Ramsey for a job well done on the budget preparation.

Adjournment

There being no further business, the meeting adjourned at 8:12 p.m.

Richard A. Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
SPECIAL CITY COUNCIL MEETING
JULY 9, 2001 AT 7:00 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 July 9, 2001 at 7:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

Mayor Richard A. Brown
Vice Mayor Robert A. Shimp
Councilor Ronald A. Patronik
Councilor Harriet Pruette
Councilor J. W. "Buddy" Crout
City Attorney Christopher White

City Manager Richard A. Linn
City Clerk Lisa Volpe, CMC
Finance Director Steve Ramsey
Deputy City Clerk Karla Strait
Assistant to the City Manager Terry Klein
Director of Public Services John Galen

Call to Order/Roll Call

The Mayor called the meeting to order at 7:19 p.m.

ORDINANCE 2001-08

**Ordinance No.
2001-08**

ORDINANCE NO. 2001-08, DEFINING DETACHED GARAGES – SECOND READ AND PUBLIC HEARING, SPONSORED BY COUNCILOR PRUETTE: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING SECTION 27-324, DEFINITIONS; AMENDING SECTIONS 27-328(3) AND 27-328(4), ACCESSORY BUILDINGS AND ADDING SECTION 27-238(a)(5), 27-328(a)(6), AND 27(a)(7).

Mayor Brown read Ordinance No. 2001-08 by title only and opened the public hearing.

Lynda Padrta, 1113 First Street, felt it would be irresponsible of the council not to adopt the ordinance.

John Weldon, Chairman of the Planning & Development Review Board, 108 Oak Street, supported the ordinance.

Hank Baltar, Member of the Planning & Development Review Board, 2029 Sandpiper Point, supported the ordinance.

Brian Greenwood, Member of the Planning & Development Review Board, 222 Myrtle Street, felt the ordinance was needed to close the hole in the code that had no restrictions on detached garages.

There being no further comments from the public the public hearing was closed.

Moved by Shimp, seconded by Patronik.

Motion: **TO ADOPT ORDINANCE NO. 2001-08, AS STATED.**

Vice Mayor Shimp voiced concern about the ordinance having passed a first reading while he was on vacation. He was under the impression that the issue would be discussed further at a workshop meeting when he returned from vacation.

Councilor Patronik agreed with the ordinance and increasing the square footage west of Third Street on detached garages. He supported garage apartments and agreed with Vice Mayor Shimp about how the ordinance came up while he was on vacation.

Councilor Crout was glad to see the issue of detached garages brought back to life and favored the ordinance.

Councilor Pruette commented that while Vice Mayor Shimp was on vacation the constituents did not go on vacation and she was asked by a citizen to look at a detached garage that was currently under construction. After looking at that garage Councilor Pruette understood where the Planning & Development Review Board was coming from in their efforts to define and set requirements on detached garages. Councilor Pruette apologized to Vice Mayor Shimp for bringing this back up while he was on vacation, however Councilor Pruette stated that she felt she did what was best for the constituents.

Roll Call Vote:

Ayes: 5 – Crout, Patronik, Pruette, Shimp, Brown

Noes: 0

MOTION CARRIED

Adjournment

There being no further business, the meeting adjourned at 7:35 p.m.

Richard A. Brown, Mayor

Attest:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
WORKSHOP CITY COUNCIL MEETING
JULY 9, 2001 AT 7:35 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 July 9, 2001 at 7:35 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

Mayor Richard A. Brown
Vice Mayor Robert A. Shimp
Councilor Ronald A. Patronik
Councilor Harriet Pruette
Councilor J. W. "Buddy" Crout
City Manager Richard A. Linn
City Clerk Lisa Volpe, CMC

Finance Director Steve Ramsey
Deputy City Clerk Karla Strait
Assistant to the City Manager Terry Klein
Director of Public Services John Galen

Absent:
City Attorney Christopher White

Call to Order/Roll Call The Mayor called the meeting to order at 7:35 p.m.

PRESENTATIONS

PBS&J Jim Miller, PBS&J, gave a slide show presentation that consisted of a summary of the Water & Sewer Master Utility Plan on where we have been, where we were now, and where we needed to go. A copy of said slide show is incorporated, as attachment, to these minutes.

DISCUSSION

Discussion Vice Mayor Shimp was concerned that the pipe bursting technology would cause disruption in other services due to the construction. He felt the water lines needed to be replaced before the pipe bursting or the old pipes would bust. Mr. Miller responded that if the water lines were too close to the sewer it could cause water problems. Mr. Miller stated that Director of Public Services John Galen's recommendation of replacing some water mains first would be best because it would increase the water pressure.

Vice Mayor Shimp voiced concern about the future water supply and felt the city should go with technology that would be the most effective 15 years from now. He stated he learned in Germany that the vacuum system took less than one liter of water per toilet flush. Mr. Galen talked about a reuse system where the water lines would go into the house and the sewer lines would go out in a loop. Mr. Miller stated that the city was not big enough to establish a reuse system and added that a mandatory reuse system would not be cost effective and would be a burden on the taxpayers.

Mayor Brown questioned if it had been decided that the water system replacements would be first. Mr. Miller responded it was the council's decision and agreed that it was a high priority. Mr. Miller added that the Florida Boulevard water main needed to be addressed and we needed to find out what was causing the pumps not to respond to the tank levels.

Councilor Patronik was concerned about adequate pressure needed to fight fire and felt running a water line from Florida Boulevard would increase the pressure. Mr. Galen stated that the fire hydrants were going to be inspected next month and if there were any bad ones they would be replaced. The fire hydrants east of Third Street had no valves on them which might cause some inconvenience when they were replaced.

Councilor Crout realized that it would be costly but he wanted Mr. Miller to get the best price on the staff priorities and move forward with taking action and getting bids. Councilor Crout commented that the longer we waited the more costly it would be. Mr. Miller stated there was still money left in the original contract that could be used for engineering and some items could be done by purchase order.

Councilor Pruette asked how many fire hydrants were east of Third Street. Mr. Galen replied that there were a total of 215 in the city and east of Third was in good shape because new hydrants had been installed at each street end. Councilor Pruette agreed with Councilor Crout to move forward with the priorities.

Vice Mayor Shimp stated the council was waiting on staff recommendations to move forward with the water but council needed to make the decision on the type of sewer system.

Councilor Patronik agreed it was time to start implementing the water improvements.

AVAILABLE FUNDING REPORT

State Revolving Loan Fund

STATE REVOLVING LOAN FUND - WATER PROJECTS: City Manager Linn reported that the city had been authorized a \$211,033 State Revolving Loan and had been approved for a total of \$2,943,685. The loan would be available in September. The application was submitted based on the Master Plan Phase 1, A, B, & C. The funds were only available for the engineering that was done and submitted for the Master Plan. Mr. Linn added that we could ask for changes but they may not be approved.

STATE REVOLVING LOAN FUND - SEWER PROJECTS: City Manager Linn reported that the sewer projects were approved for \$6,089,778 for a State Revolving Loan for Phase 1, A, B, and C, that was submitted.

Disadvantages Small Community Grant

DISADVANTAGES SMALL COMMUNITY GRANT: City Manager Linn stated that the Disadvantages Small Community Grant was for cities under 7,500 in population. Neptune Beach was #27 on the list for the grant and should be reached in 2006 or 2007. This grant money could be used to pay off the State Revolving Loans.

Fund Balances

FUND BALANCES: City Manager Linn stated that the city had \$1,624,597.89 available in cash, \$363,778 to be reserved to meet the bond covenants of the previous bond. The available money in surpluses was \$1,060,819.89.

RECOMMENDATIONS

Water Project

City Manager Linn recommended proceeding with the water project improvement east of Third Street (Phase 1-B&C) and the main line from the water tank to First Street. Mr. Linn

further recommended either pre-qualifying contractors using unit pricing or piggybacking on another agency contract using a "trenchless" technology pipe bursting or directional boring.

Sewer Project

City Manager Linn recommended that we continue research and review of the sewer projects. Mr. Linn felt we needed to collect more cost versus benefit relationship of the various sewer system technologies.

John Galen stated he was not opposed to the vacuum system but felt one system would not be the sole solution. Mr. Galen thought a mix of different technology would be the solution.

Councilor Crout asked the City Manager to come up with a proposal on how the city would pay for the improvements. City Manager Linn replied rate studies had been done and water rates had been raised to allow the work to be done in phases.

On the Record

Vice Mayor Shimp stated on the record that the previous council approved and accepted the water rate study.

Councilor Pruette asked John Galen if the underground lift station would be removed. Mr. Galen responded it was not the original intent but it may end up being permanent.

Mayor Brown asked City Manager Linn to firm up what was covered tonight.

City Manager Linn's conclusion was that he had direction to proceed with water and he and Mr. Miller would put together a list of what they wanted to go out on contract on water lines.

Consensus: **TO GO TO WORK ON THE WATER SUPPLY EAST AND REPLACING THE FAULTY AREAS.**

Public Comments**PUBLIC COMMENTS**

Tim Slater, 573 Magnolia Street, agreed and encouraged the action for Bal Harbor, he had problems with water lines and water pressure.

Lynda Padrta, 1113 First Street, was concerned about the size of the water pipes.

Adjournment

There being no further business, the meeting adjourned at 8:32 p.m.

Richard A. Brown, Mayor

Attest:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
SPECIAL CITY COUNCIL MEETING
JULY 12, 2001 AT 5:00 P.M.
CITY HALL, 116 FIRST STREET
NEPTUNE BEACH, FLORIDA

Pursuant to proper notice a Special Meeting of the City Council of the City of Neptune Beach was held July 12, 2001 at 5:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

Mayor Richard A. Brown
Vice Mayor Robert A. Shimp
Councilor Ronald A. Patronik
Councilor Harriet Pruette
Councilor J. W. "Buddy" Crout
City Attorney Christopher White

City Manager Richard A. Linn
City Clerk Lisa Volpe, CMC
Finance Director Steve Ramsey
Deputy City Clerk Karla Strait
Assistant to the City Manager Terry Klein

Call to Order/Roll Call

The Mayor called the meeting to order at 5:00 p.m. and explained that the purpose of the meeting was to take action on Resolution No. 2001-14 and Resolution No. 2001-15.

City Attorney Chris White explained that the legislature had passed a new law setting up a uniform system for accessing tax on telecommunication companies.

Finance Director Steve Ramsey stated that the City of Jacksonville, Jacksonville Beach, and Atlantic Beach had all adopted the 5.1% max rate.

City Manager Linn added that in addition to the telecommunications tax AT&T Broadband still had a franchise fee.

ORDINANCE 2001-08

**Resolution
No. 2001-14**

RESOLUTION NO. 2001-14: A RESOLUTION OF THE CITY OF NEPTUNE BEACH, RELATING TO INCREASING THE LOCAL COMMUNICATIONS SERVICES TAX RATE; PROVIDING FOR INTENT; PROVIDING FOR INCREASED LOCAL COMMUNICATIONS SERVICES TAX RATE; PROVIDING FOR NOTICE TO THE DEPARTMENT OF REVENUE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

**Resolution
No. 2001-15**

RESOLUTION NO. 2001-15: A RESOLUTION OF THE CITY OF NEPTUNE BEACH, RELATING TO REQUIRING AND COLLECTING PERMIT FEES FROM PROVIDERS OF COMMUNICATIONS SERVICES AND INCREASING THE LOCAL COMMUNICATIONS SERVICES TAX; PROVIDING FOR INTENT; PROVIDING FOR ELECTION NOT TO REQUIRE AND COLLECT PERMIT FEES; PROVIDING FOR ELECTION TO INCREASE LOCAL COMMUNICATIONS SERVICES TAX; PROVIDING

FOR NOTICE TO THE DEPARTMENT OF REVENUE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Moved by Crout, seconded by Shimp.

Motion: **TO ADOPT RESOLUTION NO. 2001-14 AND RESOLUTION 2001-15 COLLECTIVELY.**

Roll Call Vote:

Ayes: 5 – Crout, Patronik, Pruette, Shimp, Brown

Noes: 0

MOTION CARRIED

Adjournment

There being no further business, the meeting adjourned at 5:10 p.m.

Attest:

Richard A. Brown, Mayor

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
WORKSHOP CITY COUNCIL MEETING
JULY 16, 2001 AT 7:00 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 July 16, 2001 at 7:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

Mayor Richard A. Brown
Vice Mayor Robert A. Shimp
Councilor Ronald A. Patronik
Councilor Harriet Pruette
Councilor J. W. "Buddy" Crout
City Manager Richard A. Linn
City Clerk Lisa Volpe, CMC

Finance Director Steve Ramsey
Deputy City Clerk Karla Strait
Assistant to the City Manager Terry Klein
Building Official Dan Arlington
Assistant to the Building Official Piper Turner

ABSENT:
City Attorney Christopher White

Call to Order/Roll Call The Mayor called the meeting to order at 7:10 p.m.

COMMITTEE REPORTS

IBBC

ISH BRANT BEAUTIFICATION COMMITTEE: City Manager Linn reported that he had signed the maintenance agreement for the Florida Boulevard Bike Path with DOT and would be meeting with Brett Goddard and engineers regarding the additional piping. He was also soliciting quotes for the construction of the irrigation system for the Third Street medians. A yard of the month had been selected.

CITY MANAGERS PUNCH LIST/NONE

PROPOSED ORDINANCES

Garage Apartments

PROPOSED ORDINANCE – GARAGE APARTMENTS – VICE MAYOR SHIMP: THAT THE CODE OF ORDINANCES, CITY OF NEPTUNE BEACH, FLORIDA, IS HEREBY AMENDED BY ADDING DEFINITIONS TO SECTION 27-216, DEFINITIONS; ADDING A NEW SECTION, TO BE NUMBERED 27-244, SECONDARY DWELLING UNITS; AND AMENDING SECTION 27-540(A)(2).

Vice Mayor Shimp explained his biggest concern was taking away property owner rights by not allowing construction of new garage apartments. He demonstrated that by not allowing garage apartments property owners could take advantage of their property by building out to the set back lines and covering the entire lot with one structure. Vice Mayor Shimp added that the ordinance would bring garage apartments that are already in

place into compliance as well.

Building Official Dan Arlington read the Ordinance in its entirety explaining the definitions and the guidelines it would require for garage apartments.

Councilor Pruette was concerned about how garage apartments would affect density and living conditions in Neptune Beach. She felt the ordinance; 1) should include that variances would not be allowed for garage apartments, 2) the ordinance was unfair because it limited garage apartments to corner lots, oceanfront lots and lots with two frontages and, 3) should include parking requirements. Councilor Pruette requested a consensus to send the ordinance to the Planning & Development Review Board for recommendations.

Councilor Crout asked that the size of garage apartments be limited to 500 square feet, which was the maximum size of detached garages.

Vice Mayor Shimp also agreed that variances should not be allowed for garage apartments and asked to move the ordinance forward by consensus having City Attorney White and Building Official Dan Arlington work on the details.

Consensus: **SEND TO THE PLANNING & DEVELOPMENT REVIEW BOARD FOR RECOMMENDATIONS AND FORWARD TO THE AUGUST REGULAR COUNCIL MEETING FOR FIRST READ.**

PRESENTATIONS

Air & Sea Show

Captain John Furness, presented an update on the Sea & Sky Spectacular regional event scheduled for November 1 through November 4, 2001.

CONTRACT/AGREEMENTS

Stormwater Utility Proposals

STORMWATER UTILITY PROPOSALS: The following three responses to the Request for Proposals for professional services to establish a stormwater utility were received.

1. Hartman & Associates, Jacksonville
2. Jones, Edmunds & Associates, Jacksonville (formerly Smith & Gillespie)
3. Post, Buckley, Schuh, & Jernigan, Jacksonville

City Manager Linn's first choice was PBS&J, and his second choice was Jones, Edmunds & Associates. Mr. Linn asked council if they would like each firm to give a presentation and the council make the decision or have him make a recommendation.

Consensus: **TO HAVE THE CITY MANAGER MAKE A RECOMMENDATION.**

ISSUE DEVELOPMENT

Employee Recognition Program

EMPLOYEE RECOGNITION PROGRAM: City Manager Linn supported Councilor Pruette's request to recognize years of service of the city employees in five-year increments. The recognition for five to fifteen years would consist of a certificate of appreciation and a pin presented by the Mayor. In addition, employees with fifteen years of service and above would also be awarded a savings bond and luncheon.

Consensus: **TO HAVE THE CITY MANAGER PROCEED WITH THE DEVELOPMENT OF THE EMPLOYEE RECOGNITION PROGRAM AND SUBMIT ESTIMATED THE COSTS.**

- Employee of the Year City Manager Linn announced that Accountant Gina Smith in the Finance Department, had been selected "Employee of the year."
- Mileage Rate SCHEDULE A DATE TO ADOPT THE "NOT TO EXCEED MILLAGE RATE": A date needed to be determined to establish the "Not to Exceed Millage Rate." City Manager Linn suggested holding a Workshop meeting before the Special meeting to firm up adjustments to the general fund.
- Consensus: **TO HOLD A SPECIAL MEETING TO ADOPT THE "NOT TO EXCEED MILLAGE RATE" MONDAY, JULY 30, 2001, AT 6:00 P.M.**
- Impervious Surfaces IMPERVIOUS SURFACES: Vice Mayor Shimp was concerned about impervious surfaces east of Third Street and suggested a tax incentive for property owners with greater green space.
- Noise Ordinance NOISE ORDINANCE – DIRECT LIGHT: Vice Mayor Shimp invited a resident who was concerned about his neighbor's floodlights shining into his home to speak to the council.
- Tim Ingram, 113 Pine Street, suggested that council adopt an ordinance to prevent lighting on the exterior of one residential property from shining directly into another because of a dispute between himself and his neighbor.
- Vice Mayor Shimp asked Building Official Dan Arlington to work with City Attorney Chris White to add verbiage to the nuisance ordinance that would take care of the problem.
- Consensus: **TO HAVE THE BUILDING OFFICIAL AND CITY ATTORNEY WORK TOGETHER ON AN ORDINANCE AMENDING CHAPTER 28, NUISANCES, AND SEND TO THE PLANNING & DEVELOPMENT REVIEW BOARD FOR RECOMMENDATIONS.**
- Councilor Patronik acknowledged that today was Mayor Brown's birthday and everyone wished him a happy birthday.
- Public Comments **PUBLIC COMMENTS ON AGENDA ITEMS ONLY**
- Glen and Kelly Greenberg, 801 First Street, were concerned about mischievous activity east of Third Street during the night and discouraged garage apartments as well as other rental property.
- Harriet Christovich, 110 Seagate Avenue, questioned why an ordinance was necessary for garage apartments when too many variances were being issued. Vice Mayor Shimp responded that the ordinance would provide guidelines and prevent variances.
- Lynda Padrta, 1113 First Street, stated that people could currently build garage apartments and passing the ordinance would be taking away property owners' rights. Ms. Padrta questioned the language and intent of the ordinance. Ms. Padrta felt that Vice Mayor Shimp should abstain from voting on the ordinance because he publicly stated personal self-interest.
- Adjournment There being no further business, the meeting adjourned at 9:18 p.m.

Richard A. Brown, Mayor

Attest:

Lisa Volpe, CMC, City Clerk

Approved: _____



**BUDGET WORKSHOP MEETING
JULY 16, 2001, AT 6:00 P.M.
CITY HALL, 116 FIRST STREET,
NEPTUNE BEACH, FLORIDA**

Pursuant to proper notice a Preliminary Budget Workshop Meeting of the City Council of the City of Neptune Beach was held July 16, 2001 at 6:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

Mayor Richard A. Brown
Vice Mayor Robert D. Shimp
Councilor J. W. "Buddy" Crout
Councilor Ronald D. Patronik
Councilor Harriet M. Pruette
City Manager Richard A. Linn
City Clerk Lisa Volpe

Director of Finance Steve Ramsey
Director of Public Works John Galen
Building Official Dan Arlington
Deputy City Clerk Karla Strait
Assistant to the City Manager Terry Klein

Call to Order/Roll Call The Mayor called the meeting to order at 6:00 p.m.

SALARY ADJUSTMENTS

Council/Mayor

INCREASE IN SALARY FOR COUNCIL & MAYOR: City Manager Linn had spoke with City Attorney Chris White who had been asked by a council member to draft an ordinance that would increase the compensation for elected officials. City Manager Linn explained that he and Mr. White discussed the fact that the compensation had not changed since 1994 and the cost of living had increased and sometimes did not pay for their expenses of trips, time off of work, telephone calls, and other job related expenses. Mr. Linn suggested a 2.5% increase for each year that amounted to a 20% increase.

Consensus: **MOVE FORWARD WITH THE PROPOSED ORDINANCE INCREASING THE COMPENSATION OF THE MAYOR BY \$200 AND THE COUNCIL MEMBERS BY \$100.**

City Clerk

INCREASE IN SALARY FOR CITY CLERK: City Manager Linn explained that the City Clerk had written a memo proposing a salary increase and according to the code of ordinances it had to be set by resolution. City Clerk Lisa Volpe stated that her current salary was \$33,075 and she was requesting an increase of 17% that would raise her salary up to meet the average salary of other City Clerks throughout the state with the same size population.

Councilor Crout questioned if the average was based on City Clerks holding only the title of City Clerk or if it included other titles such as, City Clerk/CEO and City Clerk/Finance Director.

Ms. Volpe replied yes and Councilor Crout requested that she figure the average salary of

City Clerks holding only the title of City Clerk.

Consensus: **TO INCLUDE A \$38,722 ANNUAL SALARY FOR THE CITY CLERK IN THE BUDGET.**

City Manager

INCREASE IN SALARY FOR CITY MANAGER: City Manager Linn stated that his contract called for a salary review and questioned if the adoption of the budget was appropriate or if council wanted to give him a performance review. City Manager Linn further explained, at the request of Councilor Pruette, that under the terms of his new contract last year he was given an initial 15% salary increase and a 5% minimum increase each year thereafter with a satisfactory performance review.

Consensus: **TO GIVE THE CITY MANAGER A PERFORMANCE REVIEW AT THE NEXT WORKSHOP MEETING.**

Enterprise Funds

ENTERPRISE FUNDS

Reductions &
Additions

REDUCTIONS & ADDITIONS TO PROPOSED BUDGET: A Mincey Muck from the Local Option Gas Tax, a Pick Up Truck from the Street Department, and \$1,000 from the City Manager's office for computer equipment had been removed from the proposed budget totaling \$86,000 in reductions and \$1,000 had been added to non-departmental building improvements for painting and wall covering inside City Hall.

Water & Sewer
Enterprise Fund

WATER & SEWER ENTERPRISE FUND: There was a surplus of \$486,000 in the Water & Sewer Fund Phase 3 & 4.

Education & Travel

EDUCATION & TRAVEL - SEWER SERVICES & WATER SERVICES: The education and travel was up because the operators would be required more training by the state. John Galen explained that twelve of his employees had to be licensed and would be required to receive continuing education.

Surplus

FISCAL YEAR SURPLUS OF WATER & SEWER FUNDS: City Manager Linn mentioned that final fiscal year 2000 generated a \$450,000 surplus and the projected final for year 2001 is \$592,000 surplus and \$486,000 surplus was budgeted for 2002. Mr. Linn emphasized that the water & sewer rates were producing the surpluses needed to do the capital project.

Non Expendable
Funds

NON-EXPENDABLE FUNDS: non-expendable funds included Sanitation, King Neptune, and Cable.

Next Meeting

The next budget meeting to discuss the general fund and to set the not to exceed millage rate would be set at the following workshop meeting.

Council publicly commended Finance Director Steve Ramsey for doing a great job.

Adjournment

There being no further business, the meeting adjourned at 6:58 p.m.

Richard A. Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



BUDGET WORKSHOP MEETING JULY 30, 2001, AT 6:00 P.M. CITY HALL, 116 FIRST STREET, NEPTUNE BEACH, FLORIDA

Pursuant to proper notice a Preliminary Budget Workshop Meeting of the City Council of the City of Neptune Beach was held July 30, 2001 at 6:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

Mayor Richard A. Brown
Vice Mayor Robert D. Shimp
Councilor J. W. "Buddy" Crout
Councilor Ronald D. Patronik
Councilor Harriet M. Pruette
City Manager Richard A. Linn
City Clerk Lisa Volpe

Director of Finance Steve Ramsey
Director of Public Works John Galen
Building Official Dan Arlington
Deputy City Clerk Karla Strait
Assistant to the City Manager Terry Klein

ABSENT:
City Attorney Christopher A. White

Call to Order/Roll Call

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

Adjustments

ADJUSTMENTS: The adjustments since the last budget meeting was the elimination of the mincey muck tractor from the Local Option Gas Tax and a pick up truck from the Street Department.

Projected Final

PROJECTED YEAR END FINAL: The 2000-2001 budget was adopted with the anticipation of the need for using \$275,000 in reserves. The projected 2000-2001 year-end final was a revenue surplus of \$81,909 without having used any of the reserved \$275, 000.

Assessed Value

The estimated assessed property value for year 2001-2002 was \$395,844,534.

DISCUSSION

City Manager Linn responded "no" to the question of whether the City of Jacksonville charged a fee to collect taxes stating it was a county service.

Councilor Crout stated the millage rate should support the expenses of the approved budget without reserve funds.

Vice Mayor Shimp felt that according to the projected 2001-2002 budget the millage rate did not need to be raised.

City Manager Linn explained the projected surplus of \$81,909 was the difference between the liabilities and revenues up to September 30, 2001.

City Manager Linn stated that the telecommunications tax and garbage franchise fees would generate more income this year.

City Manager Linn reported the city had rolled back the millage rate for the last 11 years and the cost of gas, staff, etc. was going up.

Vice Mayor Shimp stated that the water & sewer rates had increased and there would also be a storm water utility tax coming up this year. Shimp encouraged rolling back the millage rate, adding that the city was operating efficiently.

Mayor Brown reminded council that the purpose of the meeting was to set a preliminary rate in order to meet the state deadline and added that it could be decreased but not increased. City Manager Linn stated it was what the tax collector needed to notify the taxpayers of the estimated tax liabilities prior to the adoption of the budget.

Mayor Brown urged council to follow the staff recommendation and set the "not to exceed millage rate" at last years level. Mayor Brown was concerned that too many years of rolling back the rate would create false expectations and a bigger increase would be required in the future. He added that we were not doing anyone a favor by having the highest fees and reducing the millage rates and that property taxes were deductible.

Councilor Crout stated that the year was not over until October 1, 2001 and there may not be a surplus of \$81,909.

City Manager Linn recommended not setting the rate any lower than was currently.

Adjournment

There being no further business, the meeting adjourned at 6:45 p.m.

Richard A. Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
SPECIAL CITY COUNCIL MEETING
NOT TO EXCEED MILLAGE RATE
JULY 30, 2001 AT 6:45 P.M.
CITY HALL, 116 FIRST STREET
NEPTUNE BEACH, FLORIDA

Pursuant to proper notice a Special Meeting of the City Council of the City of Neptune Beach was held July 30, 2001, at 6:45 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

Mayor Richard A. Brown
Vice Mayor Robert D. Shimp
Councilor J. W. "Buddy" Crout
Councilor Harriet M. Pruette
Councilor Ronald D. Patronik
City Manager Richard A. Linn
City Clerk Lisa Volpe, CMC

Director of Finance Steve Ramsey
Director of Public Works John Galen
Building Official Dan Arlington
Assistant to the City Manager Terry Klien
Deputy City Clerk Karla Strait

ABSENT:
City Attorney Christopher A. White

Call to Order/Roll Call

The Mayor called the Special Meeting to order at 6:45 p.m.

City Manager Linn explained that State Statute required the tax assessor be notified of the "Not to Exceed Millage Rate" prior to August 4, 2001.

Moved by Crout, no second.

On the Record Motion: **TO SET THE "NOT TO EXCEED MILLAGE RATE" AT THE PROPOSED 2.7421.**

Motion died due to lack of a second.

MOTION FAILED

Moved by Shimp, seconded by Patronik.

Motion: **TO SET THE "NOT TO EXCEED MILLAGE RATE" AT 2.6400, BETWEEN THE ROLL BACK RATE OF 2.5472 AND THE PROPOSED MILLAGE RATE OF 2.7421.**

On the Record Vice Mayor Shimp stated on the record that he would like to see the motion passed in the hope that 2.54 would be adopted because he felt the city was in good shape and still putting money in reserves.

Roll Call Vote:

Ayes: 3 - Patronik, Pruette, Shimp

Noes: 2 – Crout, Brown

MOTION CARRIED

Adjournment

There being no further business, the meeting adjourned at 6:50 p.m.

ATTEST:

Richard A. Brown, Mayor

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
REGULAR CITY COUNCIL MEETING
AUGUST 6, 2001 AT 7:00 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 August 6, 2001, at 7:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

Mayor Richard A. Brown	City Clerk Lisa Volpe, CMC
Vice Mayor Robert D. Shimp	Director of Public Works John Galen
Councilor J.W. "Buddy" Crout	Director of Finance Steve Ramsey
Councilor Ronald D. Patronik	Building Official Dan Arlington
Councilor Harriet Pruette	Assistant to the Building Official Piper Turner
City Attorney Christopher A. White	Assistant to the City Manager Terry Klein
City Manager Richard A. Linn	Deputy City Clerk Karla Strait

Order Call/Pledge

Mayor Brown called the meeting to order and asked Councilor Crout to lead the Pledge of Allegiance.

AWARDS / PRESENTATIONS / RECOGNITION OF GUESTS/NONE

AGENDA AMENDMENTS

Agenda
Amendments

City Manager Linn requested amending the agenda in order to: 1) hear the results of the refinancing of the Bond Issue, from Michael Stuart, and Dan Livermore, 2) move item 12, Development Orders to follow public comments and, 3) at the request of the property owner of 120 ½ Lemon Street pull Item 12-F1 from the agenda.

Refinance Bond
Issue

APPROVAL OF BOND RESOLUTION TO AUTHORIZE ISSUANCE OF REFINANCE OF THE 1992 BOND ISSUE: Council had authorized the negotiated sale to refinance the 1992 Serial Bonds. City Manager Linn introduced Michael Stuart, Vice President of Gardnyr Michael Capital.

Michael Stuart, Vice President of Gardnyr Michael Capital, represented the city for the refunding of 1992 issue. The bonds were sold today and would close on August 27, 2001. The present value savings was \$317,000 after the cost of reissuing the bonds. The bonds mature in the year 2017, the same as the old bonds.

Dan Livermore, Livermore, Freeman, McWilliams, served as the Bond Counsel for the city. Mr. Livermore stated that the city needed to take legal action by approving Resolution 2001-19.

Upon the advise of the City Attorney the City Clerk read the title of Resolution No. 2001-19 for the record.

Resolution No.
2001-19

RESOLUTION NO. 2001-19, AUTHORIZING REFUNDING OF ALL OF THE CITY'S OUTSTANDING WATER & SEWER REFUNDING REVENUE BONDS, SERIES 1992:
A RESOLUTION AUTHORIZING THE REFUNDING OF ALL OF THE CITY'S OUTSTANDING WATER AND SEWER REFUNDING REVENUE BONDS, SERIES 1992; PROVIDING FOR THE ISSUANCE OF NOT EXCEEDING \$3,685,000 WATER AND SEWER REVENUE REFUNDING BONDS, SERIES 2001 OF THE CITY THE PROCEEDS OF WHICH WILL BE APPLIED TO PAY THE PRINCIPAL, REDEMPTION PREMIUMS, AND INTEREST IN RESPECT OF SUCH REFUNDED BONDS; PROVIDING FOR THE RIGHTS OF THE HOLDERS OF SUCH BONDS; MAKING CERTAIN OTHER COVENANTS IN CONNECTION THEREWITH; DESIGNATING SUCH BONDS AS QUALIFIED TAX-EXEMPT OBLIGATIONS; AWARDED THE BONDS TO THE UNDERWRITER NAMED IN THE BOND PURCHASE AGREEMENT; MAKING CERTAIN FINDINGS AND PROVISIONS WITH RESPECT TO SALE OF THE BONDS; AUTHORIZING CITY OFFICIALS TO EXECUTE THE BOND PURCHASE AGREEMENT, OFFICIAL STATEMENT AND RELATED DOCUMENTS; APPOINTING THE REGISTRAR AND PAYING AGENT FOR THE BONDS; AND PROVIDING AN EFFECTIVE DATE.

Motion: **TO APPROVE RESOLUTION NO. 2001-19, AUTHORIZING REFUNDING OF ALL OF THE CITY'S OUTSTANDING WATER & SEWER REFUNDING REVENUE BONDS, SERIES 1992.**

Moved by Crout, seconded by Pruette.

Roll Call Vote:

Ayes: 5 – Crout, Patronik, Prutte, Shimp, Brown

Noes: 0

MOTION CARRIED

APPROVAL OF MINUTES

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

JULY 2, 2001, REGULAR COUNCIL MEETING
JULY 5, 2001, BUDGET WORKSHOP COUNCIL MEETING
JULY 9, 2001, SPECIAL COUNCIL MEETING
JULY 9, 2001, WORKSHOP COUNCIL MEETING
JULY 12, 2001, SPECIAL COUNCIL MEETING
JULY 16, 2001, BUDGET WORKSHOP COUNCIL MEETING
JULY 16, 2001, WORKSHOP COUNCIL MEETING

Moved by Patronik, seconded by Pruette.

Roll Call Vote:

Ayes: 5 – Crout, Patronik, Pruette, Shimp, Brown

Noes: 0

MOTION CARRIED

COMMUNICATIONS AND CORRESPONDENCE

Councilor Patronik stated he had spoken with Director of Finance Steve Ramsey who informed him that the purpose of the new position to be shared between the Building Department and the Finance Department would free up the Code Enforcement Officer and provide more code enforcement.

Councilor Patronik was concerned about the roots of a mulberry tree on Lake Neptune growing into Mr. Fails' property at 510 Oak Street, causing a nuisance problem and he felt the city should remove it. City Manager Linn was concerned about holding the bank back. Vice Mayor Shimp suggested that planting bushes on the bank before cutting down the tree would help to stabilize the bank.

Consensus: **MOVE THE ISSUE OF THE MULBERRY TREE ON LAKE NEPTUNE TO A WORKSHOP MEETING.**

Vice Mayor Shimp asked that the issue of a cost of living increase for the retired police officers be placed on the August 2001, Workshop Meeting. Vice Mayor Shimp felt that his character was being questioned relating to the issue of garage apartments and stated that he had no intention to build a garage apartment on his property.

Mayor Brown stated that he received correspondence concerning lack of security with the possibility of a residential lighting ordinance. Mayor Brown explained the proposed ordinance was not intended to eliminate exterior lighting but to eliminate lighting that may need a change of direction or partial shielding. City Manager Linn explained that the reason it was not on the agenda tonight was because it was sent to the Planning & Development Review Board for recommendations.

Councilor Crout was disturbed about settling neighborhood disputes by adopting an Ordinance and stated that council should not legislate neighborhood disputes.

Councilor Pruette asked Assistant to the Building Official to notify the citizen concerned about security lighting when the Planning & Development Review Board meeting would be held.

City Clerk Lisa Volpe introduced Sybil Ansbacher and Thomas Garzo asking them to stand and be recognized by the council. Ms. Ansbacher and Mr. Garzo were to be appointed by Resolution as alternate members of the Board of Appeals later in the meeting.

CITY MANAGER REPORTS

Jarboe Park

JARBOE PARK IMPROVEMENTS: City Manager Linn reported that the basketball court and tennis court had been resurfaced and new nets and new entrances installed. The two shelters were under construction. Post lamp lighting fixtures were being installed throughout the park for security along the jogging trail. The lighting was nearing completion with the assistance of Jacksonville Beach Electric. The overhead wiring was being replaced with underground conduit.

Utility Improvement

UTILITY CAPITAL IMPROVEMENT PROJECT: City Manager Linn reported the bond company was finishing the project since the contractor declared bankruptcy. They had installed the pumps for the well, the emergency generator, and were working on the fencing and landscaping. The project was nearing completion. A letter had been sent to the bonding company informing of intentions to collect liquidated damages for not complying with the completion date. Jim Miller, PBS&J, negotiated a preliminary estimate of 1.2 million for water east of Third Street with the firm that contracted with

Jacksonville Electric Authority. Mr. Miller was negotiating a further discount from that estimate and funding had been authorized by the state for completion of the project.

Garbage Fees

GARBAGE FEES – REPORT: Councilor Pruette had received complaints from residents that trash was not getting picked up and they were not getting what they were paying for and asked City Manager Linn what was being done to satisfy the citizens. City Manager Linn replied that since the new contract came about in July the number one complaint was the change of yard waste pick up. Residents would call and complain that the truck was picking up the household waste and leaving the yard waste. Mr. Linn explained the reason was because one truck picked up household trash and a later truck picked up yard waste because it was delivered to different places. At first some yard waste was not being picked up until 7:00 or 8:00 p.m. because B.F.I. also had a contract with Atlantic Beach for pick up on the same days. Mr. Linn added that B.F.I. had 24 hours to rectify complaints or the city could charge for liquidated damages. Mr. Linn also added that the amount of complaints had reduced.

COMMENTS FROM THE PUBLIC

Public Comments

Richard Fail, 510 Oak Street, stated that he had been waiting for three years for the city to do something about the roots of the mulberry tree on Lake Neptune growing up all over his property.

Michael Adams, 320 First Street, felt the language in the garage ordinance was not what Vice Mayor Shimp intended. Mr. Adams suggested passing a one sentence bill that said: "The minimum square footage requirement for a duplex on Neptune Beach in the R-4 zoning district is: and pick a number." Mr. Adams did not think Ms. Busbee should have needed a variance to build a duplex.

Michael Dunlap, 212 Lora Street, supported the garage apartment ordinance and suggested two changes: 1) allowing a minimum lot coverage of 60 or 65 percent and, 2) three parking spaces instead of four. Mr. Dunlap added that the 50 x 100 lots had long driveways and would hold a lot of cars but he did not think that was one of our goals in terms of the redevelopment of Neptune Beach.

Steve Hould, 111 Walnut Street, favored increasing the salary of the City Council and the City Clerk. Mr. Hould opposed the garage apartment ordinance feeling that garage apartments should be considered as part of the overall revision of Land Use Code.

Leslie Karlin, 1506 Spindrift Circle, asked what the city was going to do with the \$317,000 saved from the refinancing of the 1992 bond issue. Councilor Crout replied that it was money saved, not real money in hand. Ms. Karlin was concerned about the development on Florida Boulevard.

Lynda Padrta, 1113 First Street, admired the Councils' interest in preserving the city and finding ways to encourage the reduction of density. Ms. Padrta was opposed to the garage apartment ordinance stating that it was not an emergency and a lot more homework needed to be done.

Timothy Ingram, 113 Pine Street, was concerned about the following: 1) that there was not an ordinance regulating residential exterior lighting, 2) the signage at the end of the streets needed to be reduced 3) easements on First Street were being used as driveways and, 4) were the flashing red lights on First Street necessary in conjunction with stop signs when the speed limit was 25 miles per hour.

CONSENT AGENDA/NONE

VARIANCES

216 North Street **APPEAL OF DENIAL OF VARIANCE REQUEST FOR 216 NORTH STREET, LOT 6 NEPTUNE BEACH TERRACE:** The Board of Appeals denied a variance request to build a duplex on a 6000 square foot lot because the current code required a 6000 square foot lot providing all other density control requirements were met. The density control requirements to accomplish the Comprehensive Land Use Plan worked out to 8,712 square feet.

For the Record Councilor Pruette stated on the record that the lot abutted her lot and she expected the city to make sure that the water drained away from her lot.

Motion: **TO GRANT THE VARIANCE REQUEST FOR MRS. BUSBEE TO BUILD A DUPLEX AT 216 NORTH STREET.**

Moved by Crout, seconded by Pruette.

Legal Advice City Attorney White advised that an inconsistency existed between the density of the Comprehensive Land Use Plan and density of the Code of Ordinances. He wanted council to be aware and understand that it was an issue that could be brought up.

Roll Call Vote:

Ayes: 5 – Crout, Patronik, Pruette, Shimp, Brown

Noes: 0

MOTION CARRIED

114 Palm Place **FLYNN VARIANCE APPEAL FOR 114 PALM PLACE:** The property owner requested an extension move to the September 2001, council meeting.

Motion: **TO GRANT THE EXTENSION OF VARIANCE REQUEST FOR 114 PALM PLACE, FLYNN.**

Moved by Shimp, seconded by Patronik.

Roll Call Vote:

Ayes: 5 – Crout, Patronik, Pruette, Shimp, Brown

Noes: 0

MOTION CARRIED

Development Order
1476 Atlantic Blvd. **DEVELOPMENT ORDER – 1476 ATLANTIC BOULEVARD – OCEAN STATE HEATING AND AIR CONDITIONING:** The Planning & Development Review Board approved the proposal for the removal of the existing office building for Ocean State Heating & Air Conditioning and construction of a new building on July 17, 2001. The Board recommended council approve the final development order with the landscape plan.

Motion: **TO ADOPT THE RECOMMENDATION OF THE PLANNING & DEVELOPMENT REVIEW BOARD AND APPROVE THE FINAL DEVELOPMENT ORDER FOR 1476 ATLANTIC BOULEVARD**

Moved by Crout, seconded by Pruette.

Roll Call Vote:

Ayes: 5 – Crout, Patronik, Pruette, Shimp, Brown
Noes: 0

MOTION CARRIED

ORDINANCES

Ordinance No.
2001-11

ORDINANCE NO. 2001-11, SETTING COMPENSATION FOR THE COUNCIL, FIRST READ: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, AMENDING SECTION 2-49, COMPENSATION FOR THE CITY COUNCIL, OF THE CITY OF NEPTUNE BEACH CODE OF ORDINANCE, INCREASING COMPENSATION FOR THE CITY COUNCIL AND PROVIDING AN EFFECTIVE DATE.

Motion: **TO PASS ORDINANCE NO. 2001-11, SETTING COMPENSATION FOR COUNCIL, ON FIRST READ.**

Moved by Shimp, seconded by Crout.

Roll Call Vote:

Ayes: 4 – Crout, Patronik, Shimp, Brown
Noes: 1 – Pruette

MOTION CARRIED

Ordinance No.
2001-10

ORDINANCE NO. 2001-10, SETTING STANDARDS FOR GARAGE APARTMENTS, FIRST READ: THAT THE CODE OF ORDINANCES, CITY OF NEPTUNE BEACH, FLORIDA, IS HEREBY AMENDED BY ADDING DEFINITIONS TO SECTION 27-216, DEFINITIONS; ADDING A NEW SECTION, TO BE NUMBERED 27-244, SECONDARY DWELLING UNITS; AND AMENDING SECTION 27-540(A)(2)

For the Record Vice Mayor Shimp stated for the record that he was against garage apartments back in June of 2000, but after seeing what had happened with the building of duplexes he felt that people needed other options. He did not believe there would be very many requests to build garage apartments because most properties already had duplexes that would have to be reconstructed or remodeled into single-family homes before they could build a garage apartment. He added that he did not want to build a garage apartment on his property.

Councilor Crout questioned the verbiage of the ordinance and asked Assistant to the Building Official Piper Turner to interpret the code.

Assistant to the Building Official Piper Turner explained:

1. The minimum lot size was not addressed in the ordinance because the Planning & Development Review Board expected Council to make a decision about the minimum size of duplex lots while addressing the variance for 216 North Street. There was a conflict because the code said 6000 square feet and the City Attorneys opinion was 8,712 square feet.
2. The biggest problem with the ordinance was Section 27-236, Multiple Uses of Required Yards Prohibited, no part of required yard or other open space provided in conjunction with one structure or use shall be used to meet the requirements for another structural use, except where specific provision of the contrary is made in this code.
3. On corner lots that have double frontage, the rear yard needed to be defined.
4. There is a conflict between Section 27-244, the minimum width 50 feet for a lot,

and the existing code that requires you to have 60 feet lot fronts.

5. There is an inconsistency with detached garages being required to be 7 feet from the side property line and 5 feet from the back property line when the garage apartment ordinance requires a 25 feet rear property line.

Motion: **TO TABLE ORDINANCE NO. 2001-10, SETTING STANDARDS FOR GARAGE APARTMENTS.**

Moved by Crout, seconded by Pruette.

Roll Call Vote:

Ayes: 3 – Crout, Pruette, Brown

Noes: 2 – Patronik, Shimp

MOTION CARRIED

For the Record Councilor Pruette stated for the record she was not opposed to garage apartments if they were done carefully.

Building Official Dan Arlington stated that the code was written with specific rules and general rules. In exceptions the general rules are overwritten with specific rules. For example you have to have 8,712 square foot lot for a duplex, but on corner and double frontage lots with 50 feet would be a specific rule that would override the general rule.

OLD BUSINESS/NONE

Recess/Reconvene The meeting recessed at 8:43 and reconvened at 8:53.

NEW BUSINESS

Resolution No. 2001-17 **RESOLUTION NO. 2001-17, SETTING THE SALARY OF THE CITY CLERK: A RESOLUTION INCREASING THE SALARY OF THE CITY CLERK OF NEPTUNE BEACH.**

Motion: **TO APPROVE RESOLUTION NO. 2001-17, SETTING THE SALARY OF THE CITY CLERK.**

Moved by Crout, seconded by Pruette.

Roll Call Vote:

Ayes: 5 – Crout, Patronik, Pruette, Shimp, Brown

Noes: 0

MOTION CARRIED

Penman Road Sewer Line **AWARD CONTRACT TO INSITUFORM TO LINE SEWER LINE ON PENMAN ROAD:**
City Manager Linn recommended awarding the contract for the rehabilitation of the Penman Road sewer line to Insituform Technologies, Inc. in the amount of \$155,438.00.

Motion: **TO AWARD THE CONTRACT FOR THE PENMAN ROAD SEWER LINE TO INSITUFORM TECHNOLOGIES, INC. IN THE AMOUNT OF \$155,438.00.**

Moved by Crout, seconded by Patronik.

Roll Call Vote:

Ayes: 5 – Crout, Patronik, Pruette, Shimp, Brown

Noes: 0

MOTION CARRIED

Third Street Medians

AWARD CONTRACT TO LANDSCAPE MANAGEMENT, INC. FOR \$24,060 TO INSTALL IRRIGATION ON THIRD STREET MEDIANS: City Manager Linn recommended awarding the contract for the irrigation of the Third Street medians to Landscape Management, Inc., in the amount of \$24,060.

Motion: **TO APPROVE THE CONTRACT AWARD FOR THE IRRIGATION SYSTEM FOR THE THIRD STREET MEDIANS TO LANDSCAPE MANAGEMENT, INC. IN THE AMOUNT OF \$24,060.**

Moved by Patronik, seconded by Pruette.

Roll Call Vote:

Ayes: 5 – Crout, Patronik, Pruette, Shimp, Brown

Noes: 0

MOTION CARRIEDResolution No.
2001-18

RESOLUTION NO. 2001-18, APPOINTING BOARD MEMBERS TO THE BOARD OF APPEALS: A RESOLUTION APPOINTING SYBIL ANSBACHER & THOMAS GARZA AS ALTERNATES MEMBERS THE BOARD OF APPEALS TO SERVE A 1 YEAR TERM BEGINNING AUGUST 6, 2001, AND ENDING AUGUST 5, 2002.

Motion: **TO APPROVE RESOLUTION NO. 2001-18, APPOINTING ALTERNATE BOARD MEMBERS TO THE BOARD OF APPEALS.**

Moved by Crout, seconded by Patronik.

Roll Call Vote:

Ayes: 5– Crout, Patronik, Pruette, Shimp, Brown

Noes: 0

MOTION CARRIEDFlorida Blvd.
Water Lines

APPROVAL OF PBS&J PROPOSAL FOR DESIGN OF MAIN WATER LINE ON FLORIDA BOULEVARD AND WATER LINES IN THE BAL HARBOUR SUBDIVISION: City Manager Linn recommended approval of the design proposal of the main water line along Florida Boulevard. Mr. Linn also recommended delaying the Bal Harbour Project until Phase I A, B & C was completed and the funding had been applied for.

Motion: **TO APPROVE PBS&J PROPOSAL FOR DESIGN OF MAIN WATER LINE ON FLORIDA BOULEVARD AND WATER LINES IN THE BAL HARBOUR SUBDIVISION.**

Moved by Shimp, seconded by Crout.

Roll Call Vote:

Ayes: 5 – Crout, Patronik, Pruette, Shimp, Brown

Noes: 0

MOTION CARRIED

Adjournment

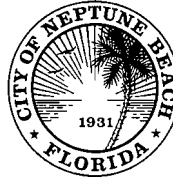
There being no further business, the meeting adjourned at 9:13 p.m.

Richard A. Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
REGULAR CITY COUNCIL MEETING
SEPTEMBER 4, 2001 AT 7:44 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 September 4, 2001, at 7:44 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

Mayor Richard A. Brown	Director of Finance Steve Ramsey
Vice Mayor Robert D. Shimp	Building Official Dan Arlington
Councilor Ronald D. Patronik	Assistant to the Building Official Piper Turner
Councilor Harriet Pruette	Assistant to the City Manager Terry Klein
City Attorney Christopher A. White	Deputy City Clerk Karla Strait
City Manager Richard A. Linn	
City Clerk Lisa Volpe, CMC	

Order Call/Pledge

Mayor Brown called the meeting to order and asked Councilor Patronik to lead the Pledge of Allegiance.

AWARDS / PRESENTATIONS / RECOGNITION OF GUESTS

Mayor Brown requested a moment of silence in memory of Councilor Crout, who passed away unexpectedly August 17, 2001.

APPROVAL OF MINUTES

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

JULY 30, 2001, BUDGET WORKSHOP MEETING
JULY 30, 2001, SPECIAL COUNCIL MEETING
AUGUST 6, 2001, REGULAR COUNCIL MEETING

Moved by Patronik, seconded by Shimp.

Roll Call Vote:

Ayes: 4 – Patronik, Pruette, Shimp, Brown
Noes: 0

MOTION CARRIED

COMMUNICATIONS AND CORRESPONDENCE

Vice Mayor Shimp saw a traffic radar system that attached to telephone poles at the Florida League of Cities Conference. They cost \$7,000 if operated with solar batteries and \$4,000 for one that needs power at the pole. He asked the city to consider buying two.

Councilor Patronik saw a computer software system to maintain records for about \$10,000 he asked the representative to contact the City Clerk.

Councilor Pruette asked Finance Director Steve Ramsey what the surplus was for the current budget. Mr. Ramsey replied the city budgeted \$275,000 last year from the reserves and \$100,000 was used.

City Manager Linn asked Steve Ramsey to include the cost of the traffic radar system in the budget.

CITY MANAGER REPORTS

City Manager Linn reported that he was in negotiations with all four of the employee unions and would need to schedule a shade meeting with the council in the next couple of weeks.

COMMENTS FROM THE PUBLIC/NONE

CONSENT AGENDA/NONE

VARIANCES

114 Palm Place
James Flynn

APPEAL OF DENIAL OF VARIANCE REQUEST FOR 114 PALM PLACE: James Flynn explained to the Council the Board of Appeals had denied his request to expand his deck. Based on the concerns of the Board Mr. Flynn had revised his plans.

Legal Advice City Attorney White advised the council could only review what was presented to the Board of Appeals and was not allowed to consider any new information.

Consensus: **TO SEND THE FLYNN VARIANCE REQUEST WITH THE REVISED PLANS BACK TO THE BOARD OF APPEALS WITHOUT ANY ADDITIONAL COST.**

ORDINANCES

Ordinance No.
2001-09

ORDINANCE NO. 2001- 09, RESPONSIBILITY FOR CODE INTERPRETATION, SECOND READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING SECTION 27-13, RESPONSIBILITY FOR INTERPRETATION OF THE CODE OF ORDINANCES AND PROVIDING AN EFFECTIVE DATE.

Mayor Brown read Ordinance No. 2001-09 by title only and opened the public hearing.

Lynda Padrta, 1113 First Street, stated her memory of the past discussions of the ordinance and it was not intended to take away from the department heads.

There being no further comments from the public, the public hearing was closed.

Motion: **TO APPROVE ORDINANCE 2001-09, RESPONSIBILITY FOR CODE INTERPRETATION ON SECOND AND FINAL READ.**

Moved by Shimp, seconded by Patronik.

Roll Call Vote:

Ayes: 2 – Pruette, Brown

Noes: 2 – Patronik, Shimp

MOTION DIES FOR LACK OF MAJORITY VOTE.Ordinance No.
2001-11

ORDINANCE NO. 2001-11, INCREASING COMPENSATION FOR THE CITY COUNCIL, SECOND READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING SECTION 2-49 COMPENSATION FOR THE CITY COUNCIL OF THE CITY OF NEPTUNE BEACH CODE OF ORDINANCE, INCREASING COMPENSATION FOR THE CITY COUNCIL AND PROVIDING AN EFFECTIVE DATE.

Mayor Brown read Ordinance No. 2001-11 by title only and opened the public hearing.

There being no comments from the public, the public hearing was closed.

Motion: TO APPROVE ORDINANCE NO. 2001-11 WITH A FRIENDLY AMENDMENT TO HAVE IT GO IN EFFECT FOR THE MAYOR OCTOBER 1, 2001, SEATS 4 & 5 TO GO INTO EFFECT OCTOBER 1, 2002, AND SEATS 2 & 3 TO GO INTO EFFECT OCTOBER 1, 2004.

Moved by Pruette.

MOTION DIES FOR LACK OF A SECOND.

Motion: TO APPROVE ORDINANCE NO. 2001-11, INCREASING COMPENSATION FOR THE COUNCIL, ON SECOND READ AND PUBLIC HEARING.

Moved by Shimp, seconded by Patronik.

Roll Call Vote:

Ayes: 3 – Patronik, Shimp, Brown

Noes: 1 – Pruette

MOTION CARRIEDOLD BUSINESSStormwater Utility
Service

AWARD CONTRACT FOR STORMWATER UTILITY SERVICE: City Manager Linn recommended awarding the contract for stormwater utility consulting services to PBS & J in the amount of \$17,200.

Motion: TO AWARD THE STORMWATER UTILITY SERVICE CONTRACT TO PBS&J IN THE AMOUNT NOT TO EXCEED \$17,200.

Moved by Patronik, seconded by Shimp.

Ayes: 4 – Patronik, Pruette, Shimp, Brown

Noes: 0

MOTION CARRIEDNEW BUSINESS/NONE

Adjournment

There being no further business, the meeting adjourned at 8:31 p.m.

Richard A. Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
WORKSHOP CITY COUNCIL MEETING
SEPTEMBER 4, 2001 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 September 4, 2001 at 6:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

Mayor Richard A. Brown
Vice Mayor Robert A. Shimp
Councilor Ronald A. Patronik
Councilor Harriet Pruette
City Manager Richard A. Linn
City Clerk Lisa Volpe, CMC
City Attorney Christopher White

Finance Director Steve Ramsey
Assistant to the City Manager Terry Klein
Building Official Dan Arlington
Assistant to the Building Official Piper Turner
Deputy City Clerk Karla Strait

Call to Order/Roll Call

The Mayor called the meeting to order at 6:00 p.m. and thanked staff for the memorial in the councilor chambers in memory of Councilor Crout who passed away suddenly on August 17, 2001.

COMMITTEE REPORTS

IBBC

ISH BRANT BEAUTIFICATION COMMITTEE: City Manager Linn reported that the Ish Brant Beautification Committee continued to work on ongoing projects such as installing the irrigation system, palm trees and wildflowers in the Third Street medians. The committee also continued working with engineers on the bike path to get the ditch piped.

CITY MANAGERS PUNCH LIST

**Jarboe Park
Improvements**

JARBOE PARK IMPROVEMENTS: City Manager Linn reported the masonry on the shelters had been completed and the next step was the roofs. The installation of the new playground equipment would start tomorrow. The jogging trail had been completed with overhead lighting fixtures installed.

**Roadway Between
Shopping Centers**

ROADWAY BETWEEN SHOPPING CENTERS: The roadway between the shopping centers was on hold because one of the owners felt that it would benefit the other shopping center.

State Revolving

STATE REVOLVING LOAN FUND GRANT: City Manager Linn reported he received a letter from the Department of Environmental Protection stating Neptune Beach was approved for a Revolving Loan Fund Grant in the amount of 3.2 million for the water improvement project east of Third Street.

PROPOSED ORDINANCES/NONE**CONTRACT/AGREEMENTS/NONE****ISSUE DEVELOPMENT**Land Development
Regulation

LAND DEVELOPMENT REGULATION – SET DATE FOR REVIEW: City Manager Linn recommended that council schedule a meeting to start the review of the Revised Land Development Regulations and asked council for a consensus on how they would like to proceed with the review.

Mayor Brown suggested holding a Special Town Hall Meeting for owners of rental properties on October 22, 2001, in order to hear comments from the public. Councilor Pruette agreed and asked each councilor to make sure they have all the pages in the LDR given to them by staff.

Vice Mayor Shimp stated the residents had input since the onset of the review and suggested that Building Official Dan Arlington stand up and go over the entire proposed Land Development Regulations at the first meeting and have a second meeting to vote on it.

Councilor Patronik concurred with Building Official Dan Arlington going over each section at a time without being interrupted by the public.

City Manager Linn stated that as a procedure the council needed to come to a consensus on the Land Development Regulations and send them to the consultant to be compiled into ordinance form. Once they were in ordinance form they would go to legal review. The legal review would compare the ordinances so there are no conflicts with state statutes. Then the ordinance would go to the city council for adoption. The public would have input at the first and second read of the ordinance. Some of the changes may require a comp plan amendment.

Vice Mayor Shimp felt that it would take too much time to have the public involved in the initial meetings and discussions. He wanted to set the first meeting as soon as possible, but felt the empty council seat should be filled first.

Councilor Pruette stated she wanted to hear from the citizens.

Councilor Patronik wanted to propose an ordinance to increase the density east of Third from 10 to 15 to protect the interest of the city.

Councilor Pruette felt that because this was so important another councilor should be appointed to fill the empty seat before moving forward.

Mayor Brown felt it was important to take the proper amount of time to review the Land Development Regulations.

Councilor Patronik felt October would be a reasonable place to start with everyone having the right documentation.

Mayor Brown felt out of respect there should be a proper period of time before filling the empty seat and it also would allow for members of the public to express their interest in the position. Mayor Brown stated the appointment should be dealt with at the regular October meeting.

Vice Mayor Shimp suggested holding a special meeting at the end of September to fill the seat. He also suggested advertising to accept applications and interviewing the candidates.

The council agreed that the position need to be advertised.

Mayor Brown asked if it was agreed to set workshops beginning in October. City Manager Linn replied that staff would be ready to hold workshop meetings by mid September.

COLA

COLA FOR POLICE RETIREES: Finance Director Steve Ramsey explained the Police Officers Retirement Fund Board had asked him to figure the cost of a 3% cost of living increase. The cost of the COLA for this year would be \$3,160. An actuary study would need to be done to recast the projections for the pension fund because it would affect the bottom line of the fund for future years. The study would cost between \$500 and \$700 and the pension board wanted the city to pay for it. Vice Mayor Shimp stated that a COLA was given to the retirees in 1998. Mayor Brown asked Mr. Ramsey to move forward with getting the study.

City Manager Evaluation

CITY MANAGER EVALUATION: Mayor Brown asked council members to share their thoughts on the City Manager's performance.

Councilor Pruette stated there was not enough information to evaluate the City Manager because the code did not describe the specific duties. She questioned what the duties of the City Manager were and wanted to address clear objectives that would be fair to the City Manager at the September meeting.

Vice Mayor Shimp thought Mr. Linn was doing a good job and asked him to continue calling him and keeping him abreast of incidents in the city.

Councilor Patronik stated he appreciated the work of the City Manager and also wanted to be informed of issues.

Mayor Brown was satisfied with the job the City Manager was doing but he wanted to hear stronger recommendations from staff at council meetings.

Councilor Pruette was concerned with the City Manager's performance. She stated she had a lot of complaints from citizens not receiving answers from the City Manager. She also felt the codes were not being enforced and didn't think he kept the council informed.

City Manager Linn stated he appreciated all the comments. Mr. Linn commented that the criteria for his evaluation were in his contract.

Mayor Brown thought that everyone would want to review the job description and place the issue on a future workshop agenda.

City Manager Linn asked if anyone knew of any code violations to bring it to his attention.

Councilor Pruette stated the city was breaking the code by allowing bushes and shrubbery to grow over the sidewalks and we could not enforce others to abide by code if we do not do it ourselves.

Public Records

PUBLIC RECORDS: Councilor Pruette felt the council was sometimes isolated from concerns of the citizens and requested all correspondences to department heads to and from citizens be given to the City Clerk and copied to the council.

Legal Opinion Mayor Brown asked City Attorney White for his opinion. City Attorney White stated that it was up to the council to decide what correspondence should be furnished to them and public record was anything received while conducting city business and was a separate issue.

Mayor Brown asked City Manager Linn to identify if it was something he felt council should be aware of and furnish it to them. Mr. Linn replied he had no problem forwarding any information to the council.

Public Comments

PUBLIC COMMENTS ON AGENDA ITEMS ONLY

Lynda Padrta, 1114 First Street, questioned what was resolved of the issues raised by citizens during the land development review and how the garage ordinance would be incorporated. Ms. Padrta was concerned that town homes were not defined in the code. Ms. Padrta did a study and reported that 31% of units east of Third Street were owner occupied and 69% were rentals. Ms. Padrta suggested having citizens do the employee evaluations through a survey.

Larry Dean, Chairman of the Police Officers Retirement Fund Board, explained that it was at the request of the city not the Board that the COLA was asked for and therefore the city should bear the cost of the actuarial study. He also stated it was a completely separate issue from union negotiations.

Tom Tankserley, 1038 Kings Road, stated the issues of the Land Development Review were controversial and was meant to clean up the language not to change Neptune Beach. Mr. Tankersley stated that the City of Neptune Beach was ran by a City Manager form of government and not city council and the council should vote based on the city managers recommendations.

Adjournment

There being no further business, the meeting adjourned at 7:33 p.m.

Richard A. Brown, Mayor

Attest:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
SPECIAL BUDGET COUNCIL MEETING
SEPTEMBER 5, 2001 AT 6:00 P.M.
CITY HALL, 116 FIRST STREET
NEPTUNE BEACH, FLORIDA

Pursuant to proper notice a Special Meeting of the City Council of the City of Neptune Beach was held September 5, 2000, at 6:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

Vice Mayor Robert D. Shimp
Councilor Ronald D. Patronik
Councilor Harriet Pruette
City Manager Richard A. Linn
City Clerk Lisa Volpe, CMC
Deputy City Clerk Karla Strait

Finance Director Steve Ramsey
Assistant to the City Manager Teresa Klein
Assistant to the Building Official Piper Turner

Absent:
Mayor Richard A. Brown

Call to Order/Roll Call

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

Finance Director Steve Ramsey informed the council on the following issues regarding the budget:

1. The raises for the council and the city clerk had been added to the budget.
2. The cost of healthcare had been adjusted by 40% to take into account rate increases although the city was still shopping.
3. The employee that was to be split between the Finance Department and the Building Department was still in the budget and needed to be decided on. This person would give Piper Turner more time to be out of the office to enforce the codes. The total cost would \$18,000.
4. The council needed to decide if they wanted to add funding for the traffic control system Vice Mayor Shimp had mentioned at the previous council meeting. That would add \$7,000 to the police budget.
5. Union negotiations were still underway and may affect the budget slightly.

Mr. Linn asked if the council wanted to include the same resolution from last year where they had to approve any spending of contingency funds.

Consensus: **TO HAVE THE RESOLUTION FOR CONTINGENCY FUNDS AT THE FINAL BUDGET HEARING**

Vice Mayor Shimp opened the public hearing.

Two citizens asked why their taxes had doubled from last year. After review from staff it was shown that since they had bought the homes within the last year the houses had been reassessed from the prior owner and that was the cause for the increase.

Vice Mayor Shimp closed the public hearing.

The council discussed adding the additional employee.
Moved by Pruette, seconded by Patronik.

Motion: TO TAKE OUT THE ADDITIONAL PERSON AND EVERYTHING THE CITY DEEMS ABLE TO TAKE OUT.

Roll Call Vote:

Ayes; 3 - Patronik, Pruette, Shimp
Noes; 0
Absent: 1 - Brown

MOTION CARRIED

The council discussed the traffic control system.

Consensus: TO USE CONTINGENCY FUNDS WHEN THE CITY BUYS THIS EQUIPMENT

The council discussed looking into scanning equipment. City Clerk Volpe stated she had already begun looking into it and would forward the information on to them when it was complete

Ordinance No. 2001-12 ORDINANCE NO. 2001-12, FIRST READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, ADOPTING FINAL MILLAGE RATES AND LEVYING AD VALOREM TAXES FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2001, AND ENDING SEPTEMBER 30, 2002; SETTING FORTH CERTAIN INFORMATION REGARDING "ROLLED-BACK RATES"; DIRECTING THE CITY MANAGER TO ADJUST THE ADOPTED MILLAGE RATES IN THE EVENT OF CHANGES IN THE ASSESSMENT ROLL AND TAXABLE VALUE; PROVIDING AN EFFECTIVE DATE.

Moved by Patronik, seconded by Pruette.

Motion: TO PASS ORDINANCE 2001-12 ON FIRST READ AND PUBLIC HEARING.

Roll Call Vote:

Ayes: 3 - Patronik, Pruette, Shimp
Noes: 0
Absent: 1 - Brown

MOTION CARRIED

Ordinance No. 2001-13 ORDINANCE NO. 2001-13, FIRST READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, ADOPTING A FINAL BUDGET AND APPROPRIATING FUNDS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2001, AND ENDING SEPTEMBER 30, 2002; PROVIDING AN EFFECTIVE DATE.

Moved by Patronik, seconded Pruette.

Motion: TO PASS ORDINANCE NO. 2001-13 ON FIRST READ AND PUBLIC HEARING WITH THE AMENDMENT.

Roll Call Vote:

Ayes: 3 - Patronik, Pruette, Shimp
Noes: 0
Absent: 1 - Brown

MOTION CARRIED

Adjournment

There being no further business, the meeting adjourned at 6:22 p.m.

Richard A. Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
SPECIAL BUDGET COUNCIL MEETING
SEPTEMBER 17, 2001 AT 6:00 P.M.
CITY HALL, 116 FIRST STREET
NEPTUNE BEACH, FLORIDA

Pursuant to proper notice a Special Meeting of the City Council of the City of Neptune Beach was held September 17, 2000, at 6:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

Mayor Richard A. Brown
Vice Mayor Robert D. Shimp
Councilor Ronald D. Patronik
Councilor Harriet Pruette
City Manager Richard A. Linn
City Clerk Lisa Volpe, CMC

Finance Director Steve Ramsey
Building Official Dan Arlington
Assistant to the City Manager Teresa Klein
Assistant to the Building Official Piper Turner
Deputy City Clerk Karla Strait

ABSENT:

City Attorney Christopher White

Call to Order/Roll Call

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

Ordinance No.
2001-12

ORDINANCE NO. 2001-12, ADOPTING FINAL MILLAGE RATES, SECOND READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, ADOPTING FINAL MILLAGE RATES AND LEVYING AD VALOREM TAXES FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2001, AND ENDING SEPTEMBER 30, 2001; SETTING FORTH CERTAIN INFORMATION REGARDING "ROLLED BACK RATES"; DIRECTING THE CITY MANAGER TO ADJUST THE ADOPTED MILLAGE RATES IN THE EVENT OF CHANGES IN THE ASSESSMENT ROLL AND TAXABLE VALUE; PROVIDING AN EFFECTIVE DATE.

Mayor Brown read the Ordinance by title only and opened the public hearing.

There being no comments from the public the public hearing was closed.

Moved by Patronik, seconded by Shimp.

Motion: **TO ADOPT ORDINANCE 2001-12 ON SECOND READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 4 – Patronik, Pruette, Shimp, Brown

Noes: 0

MOTION CARRIED

Ordinance No.
2001-13

ORDINANCE NO. 2001-13, ADOPTING A FINAL BUDGET, SECOND READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, ADOPTING A FINAL BUDGET AND APPROPRIATING FUNDS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2001, AND ENDING SEPTEMBER 30, 2001; PROVIDING AN EFFECTIVE DATE.

Mayor Brown read the Ordinance by title only and opened the public hearing.

There being no comments from the public the public hearing was closed.

Moved by Shimp, seconded by Patronik.

Motion: **TO ADOPT ORDINANCE NO. 2001-13 ON SECOND READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 4 – Patronik, Pruette, Shimp, Brown

Noes: 0

MOTION CARRIED

Resolution No.
2001-20

RESOLUTION NO. 2001-20, EXPENDITURE OF FUNDS FROM LINE ITEM NON-DEPARTMENTAL: A RESOLUTION OF THE CITY OF NEPTUNE BEACH ALLOWING EXPENDITURE OF FUNDS FROM LINE ITEM NON-DEPARTMENTAL CONTINGENCIES AND EMERGENCY ONLY WITH CITY COUNCIL APPROVAL.

Moved by Patronik, seconded by Shimp.

Motion: **TO ADOPT RESOLUTION NO. 2001-20.**

Roll Call Vote:

Ayes: 4 – Patronik, Pruette, Shimp, Brown

Noes: 0

MOTION CARRIED

Adjournment

There being no further business, the meeting adjourned at 6:07 p.m.

Richard A. Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
WORKSHOP CITY COUNCIL MEETING
SEPTEMBER 17, 2001 AT 6:08 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 September 17, 2001 at 6:08 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

Mayor Richard A. Brown
Vice Mayor Robert A. Shimp
Councilor Ronald A. Patronik
Councilor Harriet Pruette
City Manager Richard A. Linn
City Clerk Lisa Volpe, CMC

Finance Director Steve Ramsey
Building Official Dan Arlington
Assistant to the City Manager Terry Klein
Assistant to the Building Official Piper Turner
Deputy City Clerk Karla Strait

ABSENT:
City Attorney Christopher White

Call to Order/Roll Call The Mayor called the meeting to order at 6.08 p.m.

COMMITTEE REPORTS

IBBC **ISH BRANT BEAUTIFICATION COMMITTEE:** City Manager Linn reported the Ish Brant Beautification was working on the irrigation of the Third Street medians and trying to get funding for piping along Florida Boulevard.

Better Jacksonville Plan **BETTER JACKSONVILLE PLAN:** Vice Mayor Shimp stated that a member of the Beautification Committee had asked him about funding from the Better Jacksonville Plan. City Manager Linn replied Director of Public Services John Galen wanted to use the first installment of funds from the Better Jacksonville Plan to replace the Kings Road Bridge and thereafter replace the public works facility. Mr. Linn added that Mr. Galen was currently working with engineers on cost estimates. Councilor Pruette felt it would be a good idea to make a list of goals along with cost estimates on projects in which the money could be used. Director of Finance Steve Ramsey reported that the projected revenues from the Better Jacksonville Plan were \$250,000 for next fiscal year and to date since February the city had received \$121,000.

CITY MANAGERS PUNCH LIST

Jarboe Park Improvements **JARBOE PARK IMPROVEMENTS:** City Manager Linn stated the Jarboe Park Improvements were 75% completed. However the city still had some in kind work to do. He was ready to submit a reimbursement claim to the state in the amount of \$60,000. Mr. Linn encouraged council members to go out and take a look the improvements.

- Roadway Between Shopping Centers ROADWAY BETWEEN SHOPPING CENTERS: Vice Mayor Shimp suggested inviting the owners of both shopping centers to a workshop meeting to discuss constructing a roadway between the two shopping centers. City Manager Linn stated one of the owners lived in New York. Mr. Linn explained that one option would be for the city to reacquire the property that was vacated years ago when the shopping centers were built and construct the road. An engineering report completed by Smith & Gillespie identified the cost of the project to be well over \$100,000.
- Underground Containers UNDERGROUND TRASH CONTAINERS: City Manager Linn explained that BFI and Director of Public works John Galen would be meeting to decide on the location of the underground containers.
- Dune Cross-overs DUNE CROSS-OVERS: City Manager Linn reported the grant application of \$150,000 would allow for a total of 21 dune crossovers.
- Power Surge POWER SURGE AT PUBLIC SAFETY BUILDING AND CITY HALL: City Manager Linn reported that over the weekend a power pole went down causing a surge to hit both city hall and the public safety building. The Public Safety Building lost the telephone system, one computer, two fax machines, and a television set. City Hall lost the surge protector and one computer. Mr. Linn authorized purchase of a new telephone system for the Public Safety Building at an estimated cost of \$7,000, and would be following up with the insurance company and Jacksonville Beach Electric on claims.

PROPOSED ORDINANCES

- Mechanical Fees AMEND MECHANICAL PERMITTING FEES: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, AMENDING SECTION 8-182, PERMIT FEES, MECHANICAL. City Manager Linn explained our mechanical permits fees were higher than Atlantic Beach, Jacksonville Beach and Jacksonville. Building Official Dan Arlington did a comparison and recommended using the same fees as the City of Jacksonville.

Vice Mayor Shimp felt the rates should be more in line with Jacksonville Beach and Atlantic Beach rather than Jacksonville. Building Official Dan Arlington advised that he would be meeting with the building officials from Atlantic Beach and Jacksonville Beach on Thursday, September 20, 2001 and he would discuss it with them and get some feedback. Councilor Patronik felt we should also look at the cost of other permit fees. Mayor Brown recommended gathering information for discussion at a future meeting.

CONTRACT/AGREEMENTS

- Public Services Facility ARCHITECTURAL CONSULTING SERVICES – PUBLIC SERVICES FACILITY: City Manager Linn stated that the public works facility was extremely inadequate and in poor condition. Mr. Linn proposed using the "Better Jacksonville" revenue to construct a new city yard and recommended advertising for proposals for architectural services to start the process.

Councilors Shimp, Pruette, and Patronik felt the City Manager should identify the goals and cost estimates of projects the "Better Jacksonville" revenues could be used for in order to determine the priorities before making any decisions to spend the money.

City Manager Linn explained that allowing the request for proposals would not commit the city to anything at this point. It would just give us a cost estimate and would have to be approved by council.

Consensus: **TO ALLOW THE CITY MANAGER TO ADVERTISE FOR PROPOSALS FOR ARCHITECTURAL SERVICES TO CONSTRUCT A NEW CITY YARD.**

ISSUE DEVELOPMENT

Land Development
Regulation

REWRITE OF LAND DEVELOPMENT REGULATIONS – CHAPTER 27 – SET DATE FOR MEETINGS: Mayor Brown suggested a meeting be held soon after the filling of the vacant council seat to be done on October 1, 2001, at the regular council meeting and suggested the following Monday. City Manager Linn explained that council had asked Building Official Dan Arlington to prepare an outline form of the suggested changes to be reviewed. After the council review it would be sent to legal review and put in ordinance form to be adopted. However, if there were any amendments to the ordinance at the first reading it would be sent back to legal review. Mr. Linn added if the ordinance required changes to the comprehensive plan it would have to be sent to the Department of Community affairs for approval.

Consensus: **TO HOLD A MEETING TO DISCUSS THE LAND DEVELOPMENT REGULATIONS ON MONDAY, OCTOBER 8, 2001.**

Oakhurst Drive
Barriers

REQUEST OF TOM WEST TO REMOVE BARRIERS ON OAKHURST DRIVE IN SUMMERSANDS: City Manager Linn explained that Developer Tom West had requested the city provide access to his property on Oakhurst Drive from Summer Sands subdivision so he could develop the property. The city had erected a barrier across Oakhurst Drive west of the platted street, Poinciana Road and the residents of Summer Sands subdivision were concerned about through traffic and did not want the rear entrance opened. Mr. Linn added that the property owners along Poinciana Road needed to apply for a Development Order to construct the platted street in accordance with city codes. The Planning & Development Review Board would then review the application and they would make a recommendation to the council.

Consensus: **NO ACTION REQUIRED BY COUNCIL AT THIS TIME – LET THE PLANNING & DEVELOPMENT REVIEW BOARD LOOK AT IT.**

Public Comments

PUBLIC COMMENTS ON AGENDA ITEMS ONLY

Sherry Nutt, 2509 Waters Edge, was concerned about drainage on Waters Edge since the pump station and culverts were removed and asked the city for relief. Vice Mayor Shimp asked City Manager Linn to contact the City Attorney to see if the city could do anything.

Johnny Sweeny, 1125 Waters Edge, was going to buy the house he rented on Waters Edge but he was concerned about the flooding and standing water.

Ralph LaPerna, 2507 Waters Edge, stated the drainage problem developed in three different stages, 1) the city removed the pump station on Bartalone Road, raised the sewer lines and eliminated the culvert, 2) six months later the flyover came in and put up an 18' wall and, 3) JEA erected a 110' tower. Mr. LePerna added that big cranes and such were also tearing up the parking lot.

City Manager Linn stated he would report and turn the problem over to the Public Works Department.

Adjournment

There being no further business, the meeting adjourned at 8:10 p.m.

Richard A. Brown, Mayor

Attest:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
REGULAR CITY COUNCIL MEETING
OCTOBER 1, 2001 AT 7:00 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 October 1, 2001, at 7:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

Mayor Richard A. Brown	Director of Public Services John Galen
Vice Mayor Robert D. Shimp	Director of Public Safety William Brandt
Councilor Ronald D. Patronik	Director of Finance Steve Ramsey
Councilor Harriet Pruette	Building Official Dan Arlington
City Attorney Christopher A. White	Assistant to the Building Official Piper Turner
City Manager Richard A. Linn	Assistant to the City Manager Terry Klein
City Clerk Lisa Volpe, CMC	Deputy City Clerk Karla Strait
	Accountant Gina Smith

Order Call/Pledge

Mayor Brown called the meeting to order and asked Councilor Pruette to lead the Pledge of Allegiance.

AWARDS / PRESENTATIONS / RECOGNITION OF GUESTS

Employee of the Year

EMPLOYEE OF THE YEAR AWARD: Mayor Brown presented the Employee of Year award to Gina Smith. Mrs. Smith thanked everyone for allowing her the opportunity to work for the city and stated that she would miss everyone when she left in December to start her family.

Appointment
Council Seat 2

APPOINTMENT TO FILL VACANCY OF COUNCIL SEAT NUMBER TWO – CHARTER PROVISION SEC. 2.06: Mayor Brown explained that eight candidates applied for the seat that was left vacant by the death of J.W. "Buddy" Crout on August 17, 2001. One candidate, former Councilman Scott Wiley, withdrew his candidacy because he felt that the other candidates were just as qualified and wanted to give them the opportunity. Mayor Brown explained that the remaining seven candidates would be asked to come forward and briefly introduce themselves to the Council and explain why they wished to become a member of the council. Following the introduction each candidate would be asked to answer a few questions from the Council. The council would then judge each candidate on a scale of one to five points and the one having the most points would be appointed.

City Clerk Lisa Volpe called the candidates in the following random order:

Robert L. Hicks, 1449 Hopkins Creek Lane, stated that he had been a resident and property owner of Neptune Beach for 30 years. He had a degree in engineering from the Naval Academy and a master's degree in Electrical Engineering from post graduated school and an MBA from the University of North Florida. He saw the vacancy and he wanted to give it a try.

Christian Eric Pardee, 1421 Penman Road, stated that he was very sorry about the loss of Councilman Buddy Crout. He had been a resident of the beaches for over 30 years. He currently worked for the City of Jacksonville as a Building Inspection Supervisor. Mr. Pardee felt he would be a good addition to the council because he could bring a fresh start; he communicated well and would like to serve his community.

James E. Gilbert, 2132 Acacia Road, Chairman of the Code Enforcement Board, had lived in Neptune Beach for 16 years. Mr. Gilbert stated that from being involved on the Code Enforcement Board he was aware of what good council could do and what bad could do. He felt that he could serve the city because he had a family here and wanted to see the community develop in the recreation area along with other things geared toward teenagers. He also liked the quality of life in Neptune Beach. He was not happy with the circumstances of how the seat became available but he wanted to do his part to see that city business went on as usual.

Thomas A. Tankersley, 1038 Kings Road, former Neptune Beach Vice Mayor and Councilman, stated he had a bachelor's degree from the University of Maryland. He was also the Field Office Manager for General Services Administration and managed public buildings here in northern Florida. In his current position he dealt with infrastructure and other issues that Council deals with. The reason he was offering to be appointed was to help fill the 13-month void quickly because he was updated on the major issues currently facing the council. Mr. Tankersley added that Buddy Crout was a good man and a good councilman and served the city well.

Joseph G. N. Allaire, 305 Sandcastle Way, stated he had been a resident of Florida since 1983 and a resident of Neptune Beach for 4 years. He was retired from the Air Force and also retired from the civil service at Mayport where he was a Safety Manager and Administrative Officer. Mr. Allaire expressed that he did not have any experience in city government, however he was a people person, and he was concerned about the city. Mr. Allaire stated if he was not chosen he would still do what ever he could for the city.

Anthony D. Mazzola, 529 Birch Court, Member of the Planning and Development Review Board, had lived here since 1987. Mr. Mazzola stated he was an Officer in the Navy and he had the opportunity to travel and live throughout the country and he thought that Neptune Beach enjoyed the highest quality of life. He wanted to serve on the council to help protect that quality of life. Mr. Mazzola reminded the council that he ran against Buddy Crout in the election last November and lost by only 135 votes and by doing so he showed his commitment to the city. Mr. Mazzola added that his fellow candidates did not campaign and did not attend council meetings on a regular basis as he did. Mr. Mazzola concluded that he was committed to the city and the job.

John W. Weldon, Jr., 108 Oak Street, Chairman of the Planning and Development Review Board, stated that he had been in the community since 1960. He was concerned about the quality of life and the management of the small communities. He served on the Tree Preservation Board in Atlantic Beach for three years before he moved to Neptune Beach and has served on the Planning and Development Review Board for almost five years as a member and was currently the Chairman. He believed that Neptune Beach was unique and special and needed to be cherished and managed in order to prevent a change in that. He felt that he had the experience, basic skills, education and other background that would suit him for a position on the council and he would appreciate the consideration.

Mayor Brown stated that he would like each candidate's opinion on the most serious challenges facing Neptune Beach and their thoughts on how to approach and handle them.

City Clerk Lisa Volpe called the candidates in the following random order:

Thomas A. Tankersley felt that infrastructure and land development were key issues. But the biggest decision facing the council was appointing someone to fill the vacant council seat and getting through the next thirteen months. He felt council should appoint someone who would be able work with the current council because there was no time for a learning curve.

John W. Weldon had been pushing the overhaul of the Land Development Code on the Planning and Development Board for over three years. He believed that Neptune Beach was in the center of a development hurricane that was occurring across the state. If we did not armor ourselves against the change that would come, we would lose the essence of the small community and that was the single most important issue facing the council.

Christian Eric Pardee thought that the main issue was the infrastructure because water was a necessity for everyone. Mr. Pardee stated that he would like to see a community center for family activities in Neptune Beach.

Joseph G. N. Allaire, agreed with the others and stated again that he did not have any government experience but he was here willing to help and learn.

Anthony Mazzola stated as a member of the Planning and Development Review Board, he felt it was important that the Land Use Code be effective and met the needs of the citizens.

James E. Gilbert, stated that serving on the Code Enforcement Board he felt the Land Use was a very important issue. It needed a lot of consideration and should be handled delicately and properly the first time, so there were no contradicting ideas or lack of understanding for those serving on the Boards. Mr. Gilbert further stated that you could have land use all you wanted but if the infrastructure did not hold it the land use would not matter, so in his opinion he felt the infrastructure was the main concern.

Robert L. Hicks felt that the land use codes needed to be headed toward helping maintain the residential character of the city and property rights should be protected when considering the code.

Mayor Brown stated that the last round involved the candidate's thoughts on the quality of life and areas that needed to be worked on.

City Clerk Lisa Volpe called the candidates in the following order:

Thomas A. Tankersley stated that to him the quality of life was the most important thing for the citizens of Neptune Beach. He moved here because it was affordable to middle class people and he wanted to keep it affordable. He felt this could be achieved by keeping city operating expenses down and not over taxing.

Christian Eric Pardee stated that most problems facing the board were neighbor against neighbor disputes. Mr. Pardee felt that bringing the neighbors together could

enhance the quality of life.

James E. Gilbert stated that we had a good quality of life in Neptune Beach and it came from an equal balance of business and residential neighborhoods. Mr. Gilbert felt keeping the residential neighborhoods residential would be a key issue for maintaining the quality of life. Mr. Gilbert added that activities for youth would also improve the quality of life.

John W. Weldon, Jr. stated the quality of life for him was the ability to walk back and forth to places where he could eat and drink, visit with the neighbors, ride bicycles on First Street, play with his child in Jarboe Park, and live in a place that was unusual and special and deserved to be cared for and nurtured. The City of Neptune Beach could be improved and his main concern for the quality of life was to maintain the beautiful gem that we already have.

Robert L. Hicks stated for him the quality of life was public safety, you could have wonderful beaches and parks, recreation and other things, but if people did not feel safe living here they would not use those things.

Joseph G. N. Allaire stated he lived in Neptune Beach because the quality of life was great. He added that he was the neighborhood watchman and when he called the police they came out immediately.

Anthony D. Mazzola felt that communicating with citizens and keeping the government efficient would enhance the quality of life. Efficient government meant lower taxes, a great police department, and great park facilities.

Mayor Brown stated this concluded the structured questions and that he was very impressed with the candidates. Mayor Brown asked the council members if they had any questions. Councilor Pruette wanted to ask all the candidates their vision for Neptune Beach. Councilor Patronik wanted their opinion on the millage rate and budgeting. Vice Mayor Shimp wanted to ask what was most important, the land use code or the infrastructure.

City Clerk Lisa Volpe called the candidates in the following random order:

Robert L. Hicks would like to see Neptune Beach become a safe city and prominently residential, with good quality schools and facilities. Mr. Hicks felt the city should spend what it needed to spend and not a penny more and it was up to the council to decide the needs. Mr. Hicks stated that the water and sewer was the most clear and present concern that was seen everyday and effected everyone and the land use mainly effected the east of Third Street.

Anthony D. Mazzola stated that his vision for Neptune Beach was to maintain the high quality of life that we enjoyed today. The infrastructure was just below the land use code in his priority. The water issues could be dealt with right now but the land use code would impact the city for years to come. The millage rate should not dictate the budget. The budget should first be developed and would dictate the millage rate.

Joseph G. N. Allaire, stated his vision for Neptune Beach was to see it stay like it was, a small town that everyone enjoyed living in. The water was the most important issue and should be worked on first. The first thing he would look at when it came to budgeting was the city employees' salaries to make sure they were being paid a fair rate in comparison to other cities.

James E. Gilbert stated his vision for the city was having residential and business neighborhoods coincide. Infrastructure was the important issue but it also coincided with land use because when you prepare the infrastructure you have to take in the

consideration of changes that might come from land use. The budget needed to be capable of handling the needs of the city and the city services should not be cut short in order to lower taxes.

Thomas A. Tankersley felt the vision was here and may need to be improved a little but it did not get much better. It should be kept affordable with a safe and healthy environment. He also felt that infrastructure was the top issue because no one should have to boil water. The infrastructure was important but we also needed a land development code that made sense. The budget should be put together by the City Manager and the Council should safeguard it by loosening and tightening the reins.

Christian Eric Pardee stated his vision for Neptune Beach was for the children to have a safe place to live and a safe park. He would like the city government to continue as it was with the separate boards and committees. In his opinion the infrastructure was the most important issue because people need and expect it. The city should have a concrete plan in order to generate income and balance the budget.

John W. Weldon, Jr. stated his vision for the community was to remain the residential low-rise community that it was. He wanted the community to respond to growth in a smart way so as not to lose those essential elements. Infrastructure was very high on his agenda as well as land use codes. The budget should be debated as a community and meet the obligations of the city. The millage rate should be determined by those factors.

That concluded the questioning. Mayor Brown stated that all the candidates were outstanding and it would be a tough decision. Mayor Brown acknowledged that Doris Crout and her daughter were in the audience as well as Art Graham, Councilman from Jacksonville Beach.

Recess/Reconvene

Mayor Brown called for a recess at 8:25 p.m. while City Clerk Lisa Volpe tallied up the points. The meeting reconvened at 8:35 p.m.

City Clerk Lisa Volpe announced that the winner was James Gilbert. At which time Mr. Gilbert respectfully resigned as Chairman of the Code Enforcement Board and accepted the appointment.

Moved by Shimp, seconded by Patronik.

Motion: **TO APPOINT JAMES GILBERT TO FILL SEAT 2 OF THE CITY COUNCIL TO BE EFFECTIVE OCTOBER 2, 2001.**

Roll Call Vote:

Ayes: 4 – Patronik, Pruette, Shimp, Brown

Noes: 0

MOTION CARRIED

City Clerk Lisa Volpe administered the Oath of Office to James Gilbert, whereupon he would respectfully assume the duties of his appointed office effective October 2, 2001.

Mayor Brown congratulated Councilor Gilbert.

Councilor Pruette suggested to Mr. Pardee that with his background he should consider applying for the vacancy that was now on the Code Enforcement Board.

Mayor Brown restated that all the candidates were qualified and dedicated and it was rewarding to see so many people cared about the community.

Agenda Change

City Attorney White requested amending the agenda to defer the development order for 120 ½ Lemon Street to the next council meeting. He needed a chance to review documents presented by the owner's legal counsel.

Motion: **TO AMEND THE AGENDA MOVING THE DEVELOPMENT ORDER FOR 120 ½ LEMON STREET TO THE NOVEMBER COUNCIL MEETING.**

Moved by Shimp, seconded by Pruette.

APPROVED BY CONSENSUS

APPROVAL OF MINUTES

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

SEPTEMBER 4, 2001, WORKSHOP MEETING
SEPTEMBER 4, 2001, REGULAR MEETING
SEPTEMBER 5, 2001, SPECIAL BUDGET MEETING
SEPTEMBER 17, 2001, SPECIAL BUDGET MEETING
SEPTEMBER 17, 2001, WORKSHOP MEETING

Moved by Patronik, seconded by Shimp.

Roll Call Vote:

Ayes: 4 – Patronik, Pruette, Shimp, Brown

Noes: 0

MOTION CARRIED

COMMUNICATIONS AND CORRESPONDENCE

Vice Mayor Shimp thanked the candidates that applied and encouraged them to run for the council again.

Councilor Patronik also thanked the candidates.

City Clerk Lisa Volpe announced that the council agendas would now be placed on the city web site on the Thursday before the meetings.

CITY MANAGER REPORTS

Waters Edge Drive

WATERS EDGE DRIVE – DRAINAGE PROBLEM: City Manager Linn explained that he spoke with Jack Gabrielle and Mark Hersh of J.T.A. and they were aware of the drainage problem. The engineers had designed a catch basin and a pipe for the end of Bartalone to carry the water to a collection system. Mr. Linn also had contacted J.E.A. and they were going to see if they could make any correction on the marsh side.

Water & Sewer
Phase 1, 2, & 3

WORKSHOP TO ADDRESS THE WATER & SEWER PROJECT: City Manager Linn requested setting a date for a workshop meeting to address the water & sewer project Phase 1, B & C, and the stormwater utility study. Mr. Linn recommended setting the meeting for Monday, October 8, 2001, at 7:00.

Consensus: **TO SCHEDULE A MEETING TO ADDRESS THE WATER & SEWER PROJECT, PHASE 1, B & C AND THE STORMWATER UTILITY STUDY FOR MONDAY, OCTOBER 8, 2001, AT 6:00 P.M.**

Water Main Break

WATER MAIN BREAK – AUTO DIALER: City Manager Linn briefed Council on the water main break that happened early Saturday morning. The main supply line from the water tank had broken at the corner of Penman Road and Florida Boulevard. The automatic dialer notified the residents of the problem. Water samples were sent out for testing and the results should be in by Tuesday afternoon. The advisory would then be lifted and the auto dialer would notify residents.

Certificate of Achievement

CERTIFICATE OF ACHIEVEMENT FOR EXCELLENCE IN FINANCIAL REPORTING: City Manager Linn announced that he received a letter from the Government Finance Officers Association notifying him that the Comprehensive Annual Financial Report for the fiscal year ending September 30, 2000, qualified for a Certificate of Achievement for Excellence in Financial Reporting. Mr. Linn congratulated Director of Finance Steve Ramsey for continuing the achievement for the seventh year in a row.

COMMENTS FROM THE PUBLIC

Nicole Quickstad, 617 Oak Street, was concerned about the safety of the playground equipment and improvements in Jarboe Park. Council asked the City Manager to place this issue on his punch list.

David Linger, 1817 Hopkins Creek Lane, asked if the new street “Buddy Crout Lane” would change his address.

Steve Jarrett, developer for the area, responded that Hopkins Creek Lane would remain Hopkins Creek Lane and no existing homes would be affected.

Debbie McDonald, 2028 Shadow Lane, stated that the property owners on Shadow Lane had to install their own water and septic tanks and pave the road. She was concerned about the safety of the environment because of the septic tank and wanted to know when city services would be available. City Manager Linn explained there was a sewer plan for Shadow Lane in the Master Plan in Phase 2A, and was planned for five years down the road. The estimated cost was \$217,000.

CONSENT AGENDA

Ratification of Labor Agreements

RATIFICATION OF PUBLIC SAFETY DEPARTMENT LABOR COUNCIL – LABOR AGREEMENT:

RATIFICATION OF NORTHEAST FLORIDA PUBLIC EMPLOYEES’ LOCAL 630 – LABOR AGREEMENT:

Moved by Shimp, seconded by Patronik.

Motion: **TO APPROVE THE CONSENT AGENDA AS STATED.**

Roll Call Vote:

Ayes: 4 – Patronik, Pruette, Shimp, Brown

Noes: 0

MOTION CARRIED

VARIANCES/NONE

ORDINANCES/NONE

OLD BUSINESS/NONE**NEW BUSINESS**

Leeward Landing
North

APPROVAL OF THE FINAL PLAT – LEEWARD LANDING NORTH – SEC. 27-102(I): Building Official Dan Arlington stated that Steve Jarrett, the developer would like to update the council on the plat. Steve Jarrett explained that the Planning and Development Review Board forwarded this to council for approval but there was an issue about where Buddy Crout Lane would begin. Mr. Jarrett stated that the issue had been resolved today and the new plat would leave the current residents on Hopkins Creek Lane and begin Buddy Crout Lane starting with the nine new lots being developed. This item needed no action at the present time.

Development Order
410 Atlantic Blvd.

APPROVAL OF DEVELOPMENT ORDER – 410 ATLANTIC BOULEVARD – OPERATION OF AN URGENT CARE FACILITY: Karen Bowling, Celantic Company had plans to open an urgent care center at the old Miami Subs at 410 Atlantic Boulevard. They planned to open the facility in February for 365 days a year, 7 days a week, about 12 hours a day. Dirk Anderson, the architect, showed the plans to the council and explained they would be adding 1000 square feet to the south end of the property. City Manager Linn stated that the Planning and Development Review had recommended approval of the order.

Moved by Shimp, seconded by Pruette.

Motion: **TO APPROVE THE FINAL DEVELOPMENT ORDER FOR 410 ATLANTIC BOULEVARD – OPERATION OF AN URGENT CARE FACILITY.**

Roll Call Vote:

Ayes: 4 – Patronik, Pruette, Shimp, Brown

Noes: 0

MOTION CARRIED

Board Appointments

RESOLUTION NO. 2001-21, APPOINTING BOARD MEMBERS TO THE PLANNING AND DEVELOPMENT REVIEW BOARD: Resolution to appoint Tony Mazzola and Gerald Schrule as regular members of the Planning and Development Review Board and also appointing Larry Shealy and James Stahlman as alternate members.

Moved by Patronik, seconded by Pruette.

Motion: **TO APPROVE RESOLUTION 2001-21, APPOINTING BOARD MEMBERS TO THE PLANNING AND DEVELOPMENT REVIEW BOARD.**

Roll Call Vote:

Ayes: 4 – Patronik, Pruette, Shimp, Brown

Noes: 0

MOTION CARRIED

Mayor Brown thanked the new members for offering their services.

Adjournment

There being no further business, the meeting adjourned at 9:30 p.m.

Richard A. Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
WORKSHOP CITY COUNCIL MEETING
OCTOBER 8, 2001 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 October 8, 2001 at 6:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

Mayor Richard A. Brown
Vice Mayor Robert D. Shimp
Councilor James Gilbert
Councilor Ronald Patronik
Councilor Harriett Pruette
City Manager Richard A. Linn
City Clerk Lisa Volpe, CMC

Director of Finance Steve Ramsey
Director of Public Works John Galen
Building Official Dan Arlington
Assistant to the City Manager Terry Klein
Assistant to the Bldg Official Piper Turner

Absent:
City Attorney Christopher A. White

Call to Order/Roll Call

The Mayor called the meeting to order at 6:00 p.m. City Manager Linn asked Jim Miller of PBS&J to conduct his presentation.

Water Lines

Mr. Miller presented the three priority water projects which are in the planning stages. Part B of Phase I includes all of the water mains east of Third Street and north of Florida Boulevard. The Florida Boulevard Project includes the main line from the water tank to Third Street. The Bal Harbour Project includes replacement of all the water mains in the Bal Harbor subdivision. Phase I Part B has been completely designed. The survey work has been completed for the other two projects and they are now in the design stage.

Mr. Miller requested City Council to approve the preparation of a package for Florida Department of Environmental Protection approval, which would include piggybacking on a JEA project using directional drilling technology. The contractor is Molehead Construction & Boring and the amount of the contract is \$1,394,972.50. If DEP does not approve the piggyback he will then bid the project.

Mr. Miller updated the council on the lift station at Third Street and Florida Blvd. He is waiting for the bond company to get back to him on the unresponsiveness of their contractor to complete the change out of the lift station from the old to the new.

City Manager Linn commented that the financing for the Part B water projects had been secured through the state revolving loan grant. He also explained that the city was on the priority list for a Disadvantaged Small Community Grant which could be used to repay the loans. He does not expect to receive the grant until 2005.

Mr. Miller commented that the new water main from the tank on Florida Blvd will help the entire city.

City Manager Linn confirmed for Mayor Brown that some of the loops were being completed in house by the City's Public Services Department.

Vice Mayor Shimp commented that with these improvements more valves would be installed and the entire city would not have to shut down for one water break.

Mr. Miller confirmed for Councilor Gilbert that hooking up to the new lines would only leave a resident without water for one or two hours.

CONSENSUS: APPROVAL OF JIM MILLER OF PBS&J TO SUBMIT PAPER WORK TO DEP TO PIGGYBACK ON JEA CONTRACT; IF REQUEST DENIED, TO GO OUT FOR BID.

Stormwater Utility

Jim Miller of PBS&J explained that his firm used aerial photography to determine the impervious surface of each property. The properties ranged from 1400 to 6000 sq. ft. They came up with an average of 3164 sq. ft. per property. To keep it simple and to use the method used by 99% of municipalities there would be two rates, one for commercial and one for residential. The residential rate is based on the average and therefore each homeowner is given an equivalent residential unit fee. The commercial rate is the residential rate divided into how many square feet they have on the property which gives the commercial property the larger burden of the cost. This allows the city not to have to survey each residential lot, only the commercial, which would save necessary staff. In order to cover the total cost of the stormwater division, the rate would have to be \$4.45 per unit. The standard for most utilities is \$3.00 which would leave the city \$86,000 short of its budget. Some cities allow the citizens to appeal with a survey to change the amount charged. Some cities split areas into watershed areas to charge different rates and some give credits to commercial properties for retention ponds. It could be added in the building code that a homeowner has to add retention to property if they go above a certain amount of lot coverage/impervious surface area.

Vice Mayor Shimp felt that people should not have to pay equally if they do not have as much impervious surface as their neighbor. Jim Miller stated the city has the option of charging a duplex as two units.

Jim Miller clarified for Councilor Patronik that apartment complexes are treated as commercial property. There are many options as far as how and who to charge what rate. If the city has to charge everyone by their exact lot size the city would have to hire more staff.

City Manager Linn clarified that the local gas tax fund is being overspent and it is necessary to have a revenue source in order to acquire some low rate loans. John Galen, Director of Public Services, clarified for Mayor Brown that EPA is causing some pressure to have a stormwater utility.

Jim Miller clarified for Councilor Gilbert that the unit size was based on 1998 aerials. Councilor Gilbert did not feel everyone should be charged the same exact amount.

John Galen asked the City Council if they wanted a storm water utility and they could look at the specifics later.

Councilor Pruette suggested adding this to the property tax so a citizen could deduct it from their taxes.

Consensus: TO AGREE TO THE CONCEPTUAL IDEA OF A STORMWATER UTILITY AND DECIDE ON THE SPECIFICS LATER.

Recess/Reconvene

Mayor Brown called for a recess at 7:00 p.m. The meeting reconvened at 7:11 p.m.

LDR

Building Official Dan Arlington began his presentation by stating all definitions were in Article One of the new code. He was not finished with adding all of the necessary definitions but would have them complete at the next LDR meeting. He would be going over the changes he felt necessary to point out and encouraged the council to ask any questions as he went along.

Building Official Arlington pointed out that there were typos throughout the document and they would be fixed at the final review. He then began reviewing his outline.

27-7 General finding. There is no legal bearing in this section. It is a description of the general intent.

27-16 Clarifies the number of dwelling units allowed on a lot. This is the first of several additions aimed at reducing density. This deletes any fraction of a unit which could be used to increase density.

27-19 Typos throughout document. Final legal and grammatical review has yet to be done.

27-24 Further enforces setback and density guidelines.

27-24 Insert "Foot-print Note" – See Section 27-706 (Reconstruction of substantially damaged or destroyed nonconforming residential structures)

Discussion about footprint bill ensued.

Consensus: ADD NOTE WITHIN THIS SECTION THAT IF SOMEONE STAYED WITHIN THE FOOTPRINT AND THE TOTAL SQUARE FOOTAGE, THE BUILDING OFFICIAL CAN ALLOW THEM TO TOTALLY TEAR DOWN THE HOUSE.

27-36 Should read that Council approves all Planning and Development Review Board (PDRB) decisions. The last sentence should read, "As such, the Board is created to recommend land use policies to the City Council and to review and approve or deny preliminary development plans..."

27-38(a)&(b) PDRB membership guidelines were changed and changed back again. No changes for this section, in this version.

27-38(h)&(i) Sections provide for PDRB subcommittees, including Architectural Review and Historic Preservation, subject to confirmation by the City Council.

Council discussed the idea of Architectural review. Mr. Arlington stated it was in the old code and it was not required in any way.

Consensus: TO STRIKE ADDED LANGUAGE OF 38 (h) and (i).

27-39(a)(4) Should read "advisory" not "final". (Council decision)

Consensus: STRIKE ALL REFERENCES TO HISTORIC PRESERVATION OR ARCHITECTURE BOARDS

Vice Mayor Shimp objected to boards telling citizens not to do things because it was not allowed in the new code, which has not been passed yet. He asked the council to take action on this.

Consensus: FOR THE CITY CLERK AND BUILDING OFFICIAL TO WRITE A MEMO TO THE BOARDS REQUESTING THEM NOT TO ADVISE CITIZENS BASED ON ANY NEW CODE THAT HAS NOT BEEN PASSED AND HAVE THIS MEMO BE FROM THE COUNCIL.

Councilor Pruette added that it may be wise to leave in the historical preservation board for future use. The council discussed this idea. Mr. Arlington stated that the last two articles of the regulations dealt with architecture and historical preservation and could be looked into at a future date.

27-39(c) Should read "...applications for preliminary development review..."

27-39 General comment. It is not specifically stated in the Code, but since the PDRB reviews all commercial development, in effect, they have been reviewing variances for commercial development (subject to Council approval) and the Board of Appeals has been reviewing variances for residential development.

27-78 It was the intent of the PDRB for the added language in Sec. 27-5(a)(2) to have been added here. A Development Permit will expire if the development activity is not continuous, including a City building inspection at least every six (6) months.

Consensus: ADD THE ABILITY TO GET AN EXTENTION OF THE SIX (6) MONTHS TO 27-78.

ADD "CONTINUOUS" IN THE DEFINITIONS SECTION

Councilor Pruette began a discussion on Planned Unit Developments.

Consensus: TO DISCUSS STRICT PUD GUIDELINES WHEN THAT SECTION OF THE CODE IS BROUGHT FOR DISCUSSION.

27-80(1) Adds "Intensification of use" to development activities requiring development review. The use of a structure is included in the term "enlarging a nonconformity" and "enlargement of a use" has been a difficult point in several discussions. This section also includes requiring a permit for adding driveways.

Consensus: ADD "INTENSIFICATION OF USE" TO THE DEFINITIONS.

27-82 The first of the three development review processes, "Conceptual review" was eliminated; leaving Preliminary and Final Review.

Consensus: TO LEAVE IN THE CONCEPTUAL REVIEW AS AN OPTION.

27-82(b) Throughout the proposed code, fees and other charges were changed from a fixed fee to an amount established by Resolution of City Council. Also, time to complete Final Development Review was changed from eight (8) to six (6) months after Preliminary Review.

27-101 New language clarifies and re-enforces that no property, within the City limits, can be subdivided without Council approval

Council discussed what a lot of record is and how a citizen would prove it.

27-101.1(b)(3) Refers to townhouses and condos. This Section helps the City to grandfather existing townhouses and condos but no new townhouses or condos should be approved without Council approval; they do not meet the other sections of this code.

27-101.1(b)(5) This situation should never happen. Residential lots are prohibited in nonresidential districts.

Consensus: TO STRIKE SECTION 27-101(b)(5)

27-102(a) It was intended to require ten (10) copies of Preliminary Plat in this section. Section 27-107(2) should still be four (4) copies.

Consensus: TO CHANGE THE WORD "DUPLICATE" TO "TEN COPIES".

STRIKE LAST "HOWEVER, NO FINAL DEVELOPMENT PLAN APPROVALS OR ORDERS SHALL BE ISSUED UNTIL THE PLATTING PROCESS HAS BEEN COMPLETED, FIRST AND FOREMOST".

27-107(4) New language requires a survey dated within 30 days of application so that the most current information is being considered.

27-109(a)(4) New language re-enforces density controls.

27-116(b)(1) Add the word "final" as in 116(b)(2).

Consensus: TO ADD THE WORD "FINAL".

27-133(a) New language is an extension of 27-39 notations, assigning commercial variances to the PDRB.

Consensus: TO ADD "COMMERCIAL".

27-144 Staff requests the following changes:

1. The specified time of notice in both paragraphs (a) and (c) should be 15 days.
2. To ensure proper delivery of notices, staff should mail them at the applicant's expense.
3. Mailing by certified mail is a change from regular mail in existing code.
4. Notifying property owners within 150 feet vs. abutting lots and lots directly across the street is an increased requirement. Required notification can go from six to twenty properties.
5. The current cost of certified mail is \$4.00.
6. In cases when the Board does not meet or the application is not considered, the notices already advertised, mailed, and posted should be adequate for the following meeting.

Consensus: TO MAKE ALL CHANGES LISTED TO SECTION 27-144.

27-187 Apparently, the State guidelines, for amending Comprehensive Plans, change regularly. The proposed code uses the most current version of F.S. 163 and Florida Administrative Code Rule 9J-11.

Discussion ensued about how to proceed next with the Land Development Code. Councilor Pruette asked why stormwater management was deleted. Mr. Arlington stated it was repetitive from another section of the code. City Clerk stated that once the definitions and the rewording on 27-24 was complete these articles would be finished.

Adjournment

There being no further business, the meeting adjourned at 9:00p.m.

Richard A. Brown, Mayor

Attest:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
WORKSHOP CITY COUNCIL MEETING
OCTOBER 15, 2001 AT 7:00 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 October 15, 2001 at 7:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

Mayor Richard A. Brown
Vice Mayor Robert A. Shimp
Councilor Ronald A. Patronik
Councilor Harriet Pruette
City Manager Richard A. Linn
City Clerk Lisa Volpe, CMC

Director of Public Services John Galen
Finance Director Steve Ramsey

ABSENT:
City Attorney Christopher White

Call to Order/Roll Call The Mayor called the meeting to order at 7.00 p.m.

COMMITTEE REPORTS

IBBC

ISH BRANT BEAUTIFICATION COMMITTEE: City Manager Linn reported the Ish Brant Beautification Committee was working on the Third Street medians. The Public Services Department had installed the taps. The contractor was ready to start on the irrigation system but the permit had expired. A letter was sent to the Florida Department of Transportation requesting an extension of the permit. The committee was also working on installing a barricade at Seagate and First Street and had met with Jacksonville City Councilman Jerry Holland regarding the bike path.

Jarboe Park Pond

FENCING OF THE POND IN JARBOE PARK: Mayor Brown referred to a letter to the editor suggesting that the pond in Jarboe Park be fenced in for the safety of the children. City Manager Linn had not had the chance to look into fencing the pond, however he felt the cost may be prohibitive. He was not sure what safety measures it would improve because the water level was very shallow and there were problems keeping enough water in the pond for the fish to survive. Director of Public Services John Galen stated that there had not been a fence around the pond for 50 years and because one person felt it needed to be fenced in should not make it a reality. Mr. Galen added that the pond was dry most of the time. City Manager Linn felt placing a fence around the pond could give parents a false sense of security.

CITY MANAGERS PUNCH LIST

Waters Edge Drive

DRAINAGE ON WATERS EDGE DRIVE: City Manager Linn circulated a set of photos of the work that the Public Services Department had completed along Bartalome Road.

They had cleared out the culvert, redefined the swell and placed lime rock on Pine Street to elevate it, and dug a ditch beside it to channel the water. The last photograph was of the culvert pipe that J.T.A. would be installing at the end of Bartalome Road. He had spoken with the J.T.A. project manager and the contractor was scheduled to start Wednesday of this week.

Jarboe Park

JARBOE PARK IMPROVEMENTS: City Manager Linn explained that the remaining photos were of Jarboe Park. The photos showed the resurfaced tennis courts and the new playground equipment. Vice Mayor Shimp asked if a fence would be installed around the smaller children's play area. City Manager Linn responded that a plastic border would be placed around it to keep the sand in. City Manager Linn added that the playground equipment was part of the state contract and was the same equipment used all over the state and was considered safe for the different age groups. He felt a fence was not necessary around the smaller children's play area however we could revisit the issue after the improvements were completed.

Roadway between Shopping Centers

ROADWAY BETWEEN SHOPPING CENTERS: City Manager Linn had spoken with the representatives of both shopping centers and they would be meeting with him at 1:00 p.m. on the afternoon of November 19, 2001.

Bike Path

BIKE PATH ALONG PENMAN ROAD: City Manager Linn reported that Chairman of the Ish Brant Beautification Committee Dayne Etherton, himself, and a representative of the City of Jacksonville Engineering Department had met with City of Jacksonville Councilman Jerry Holland to discuss the culverts along Florida Boulevard. The City of Jacksonville had not reviewed the designs and had no knowledge of the project. Mr. Linn wrote a letter to the Department of Transportation asking them to furnish the designs to the City of Jacksonville for their review.

Naval Air Show

NAVAL AIR SHOW: Councilor Pruette asked City Manager Linn how the Air Show would affect Neptune Beach. City Manager Linn responded that Lt. Kelly had been attending the meetings and the Department of Transportation, Jacksonville Sheriff's Office and all the beaches would be cooperating in maintaining the traffic and the crowds.

PROPOSED ORDINANCES/NONE**CONTRACT/AGREEMENTS/NONE****ISSUE DEVELOPMENT****Personnel Policy**

AMENDMENT TO THE PERSONNEL POLICY: City Manager Linn explained that with the unionization of most of the City Hall employees there were only seven job titles remaining that were not covered by a union contract and required an update of the personnel policy. The revised policy included salary adjustments because they had not been adjusted in four years.

Senior Citizen Director

Vice Mayor Shimp stated that the Senior Center Director was under a grant and would only last as long as the grant would support it, therefore the position should not be included in the personnel policy. Councilor Patronik, Councilor Pruette and Mayor Brown agreed the position of Senior Citizen Director should be stricken from the personnel policy.

Deputy Finance Director

City Manager Linn stated the position of Deputy Finance Director was included in the old policy but was not currently filled. He had included it in the revised policy to give Director of Finance Steve Ramsey additional flexibility in hiring a new Accountant. Vice Mayor Shimp asked if it could be stipulated somewhere that there could not be a Deputy Finance Director and an Accountant on staff at the same time. Mr. Linn responded that

was stipulated in the budget because only one position was budgeted. Vice Mayor Shimp asked City Clerk Lisa Volpe to note that the position of Senior Center Director be stricken from the personnel policy and stipulate that there would be either a Deputy Finance Director or an Accountant and not both at the same time.

Councilor Pruette asked the City Manager if all new employees were approved by the council. Mr. Linn responded the only positions that required council approval were the Police Chief, the Finance Director, and the Public Service Director. City Manager Linn clarified that the Senior Center Director would be removed from the personnel policy and if there is a Deputy Finance Director there could not be an Accountant at the same time.

Consensus: **MOVE TO THE NOVEMBER 5, 2001, CONSENT AGENDA FOR APPROVAL IF THE CHANGES ARE MADE.**

Construction
Dumpster

REQUEST TO PLACE CONSTRUCTION DUMPSTER ON BEACH ACCESS – NORTH STREET: City Manager Linn stated the request had been withdrawn because the requester found a site on his own property to place it.

Christmas Tree
Lighting

TOWN CENTER CHRISTMAS TREE LIGHTING EVENT- DECEMBER 1, 2001- REQUEST TO CLOSE FIRST STREET: City Manager Linn explained he received a call from the Town Center Merchants requesting the city to close First Street from 12:00 p.m. on December 1, 2001, the day of the Christmas Tree Lighting for a festival. Mr. Linn added that no alcohol would be allowed.

Consensus: **APPROVED THE CLOSING OF FIRST STREET ON DECEMBER 1, 2001 FOR THE TOWN CENTER CHRISTMAS TREE LIGHTING.**

Public Comments

PUBLIC COMMENTS ON AGENDA ITEMS ONLY/NONE

Councilor Pruette announced that someone had brought her a birthday cake and invited everyone to have some refreshments.

Adjournment

There being no further business, the meeting adjourned at 7:35 p.m.

Richard A. Brown, Mayor

Attest:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
REGULAR CITY COUNCIL MEETING
NOVEMBER 5, 2001 AT 7:00 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 November 5, 2001, at 7:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

Mayor Richard A. Brown
Vice Mayor Robert D. Shimp
Councilor Ronald D. Patronik
Councilor Harriet Pruette
Councilor Jimmy Gilbert
City Attorney Christopher A. White
City Manager Richard A. Linn

City Clerk Lisa Volpe, CMC
Director of Finance Steve Ramsey
Building Official Dan Arlington
Assistant to the Building Official Piper Turner
Assistant to the City Manager Terry Klein
Deputy City Clerk Karla Strait

Order Call/Pledge

Mayor Brown called the meeting to order and asked Councilor Patronik to lead the Pledge of Allegiance.

AWARDS / PRESENTATIONS / RECOGNITION OF GUESTS

Certificates of
Appreciation

CERTIFICATE OF APPRECIATION – KIM ARMSTRONG AND LYNN COALSON FOR RECOGNITION OF COMMUNITY SPIRIT: Mayor Brown presented a Certificate of Appreciation to Kim Armstrong and Lynn Coalson for their efforts to the City in connection with the "Beaches Come Together" Remembrance Service in Town Center on September 23, 2001. The event was in memory of those who died on September 11, 2001 and for the support of our troops. This service was greatly appreciated during our nation's time of need.

IBBC / Volunteer of
the Year

PRESENTATION OF ISH BRANT BEAUTIFICATION COMMITTEE "VOLUNTEER OF THE YEAR" PLAQUE TO KARL ANDERSON: Mayor Brown and Kara Tucker presented Karl Anderson with a plaque for "Volunteer of Year" for his efforts in working with the Ish Brant Beautification Committee.

APPROVAL OF MINUTES

Motion:

TO APPROVE THE FOLLOWING MINUTES AS STATED:

OCTOBER 1, 2001, REGULAR COUNCIL MEETING
OCTOBER 8, 2001, WORKSHOP COUNCIL MEETING
OCTOBER 15, 2001, WORKSHOP COUNCIL MEETING

Moved by Patronik, seconded by Shimp.

Roll Call Vote:

Ayes: 5 – Gilbert, Patronik, Pruette, Shimp, Brown

Noes: 0

MOTION CARRIED

COMMUNICATIONS AND CORRESPONDENCE

Stormwater Utility STORMWATER UTILITY: Mayor Brown referred to correspondence received from the St. Johns River Water Management District describing cost sharing of a storm water utility. Mayor Brown asked City Manager Linn if we had the potential of sharing some cost as we developed a stormwater utility system. City Manager Linn responded that he was presently working on a grant for the formation of the stormwater utility and would continue doing so.

Watersedge
"Lots of Record" WATERSEEDGE – LOTS OF RECORD: Vice Mayor Shimp voiced concern about the residents of Watersedge Drive not having a lot of record. Under the current city code if their homes were destroyed they would not be able to rebuild without a lot of record. Vice Mayor Shimp explained that the individually owned residences were originally built as apartments and were sold separately without a city-approved lot of record. Vice Mayor Shimp requested placing the issue on the agenda for a vote to acknowledge that these homes could be rebuilt if they were destroyed.

Building Official Dan Arlington explained that the property had been replated at the time of sale but the replat had never been approved by the city.

Legal Advise City Attorney White advised that it would be best for him to prepare a legal opinion on whether or not the property fell within the footprint bill and advised Council not to consider voting on the issue as an emergency.

Vice Mayor Shimp felt it was an emergency because 21 families had bought the property with the understanding that it could be rebuilt. Vice Mayor Shimp asked the Council to vote to approve the replat allowing the property owners to have a lot of record.

For the Record Councilor Pruette stated on the record that she sided with the property owners but she felt an opinion from the City Attorney was needed in order to do what was right for the homeowners as well as the city.

Councilor Gilbert agreed the issue needed to be taken care of as soon as possible. He felt the property owners might be holding back from modifying or beautifying the area because of investment concerns.

Legal Opinion Mayor Brown asked City Attorney White what his recommendations were. City Attorney White stated: 1) if something new was to be placed on the agenda there would have to be a motion, 2) it was not an appropriate item to be brought up under communications and correspondence and, 3) it was a question of interpretation of the code and the definition of a lot of record. City Attorney White stated he would be more than happy to prepare a legal opinion as soon as possible.

Building Official Dan Arlington restated that the developer designed and built the property as apartments and later split them up and sold them individually without contacting the city. He found out about the problem a few years ago after 18 out of the 21 had already been sold.

City Manager Linn advised there were probably many lots or parcels that had been subdivided throughout the city that were not recognized as lots of record. Mr. Linn read aloud the following provisions of the current code:

1. The code's definition of a lot of record meant: a parcel of land, the deed or plat of subdivision, which had been approved by the City of Neptune Beach, of which has been recorded in the office of the Clerk of the Circuit Court of Duval County as of the effective date of this code.
2. The codes definition of the footprint bill was: reconstruction of a substantially damaged or destroyed non-conforming residential structure, notwithstanding other provisions of this ordinance on conforming residential structures which were lawfully erected on a lot of record within a residential district, may be reconstructed if it was substantially damaged or destroyed.
3. The contradictory portion of the code read: Notwithstanding provisions of paragraph (a) above it is intended that the enforcement of this part shall not unduly restrict the right to reconstruct substantially damaged or destroyed residential structures in a residential district where non conformities exist only in regards to density, yards, and lot areas.

Mr. Linn added there were sections within Chapter 27 defining how to replat property with city approval, however there were no requirements at the county or state level seeking the city's approval of subdivisions.

Mayor Brown suggested Council make a motion that they were in agreement to take steps to provide a legal structure that would take care of the problem as soon as possible.

Vice Mayor Shimp stated he felt this was an emergency situation because the owners were not able to refinance while the rates were low and suggested calling a meeting tomorrow night to vote on it.

Mayor Brown stated that if the Council took a vote and it was meaningless and not legal that it would not help the situation. Vice Mayor Shimp responded that it would show the intent of the Council.

Mayor Brown asked if the Council agreed to treat this as a resolution that they intended to provide the proper structure for the individual platting as soon as legally feasible.

Councilor Patronik also felt that the situation needed to be taken care of as soon as possible but was not comfortable voting on it until the City Attorney had reviewed it.

Legal Advice City Attorney White advised the council that passing a resolution about the Council's intentions was not an appropriate resolution. Mr. White explained a resolution is passed regarding what the Council wanted at that moment, not about the Council's intention of what it wants to do in the future because Council had the right to change its intention. Mr. White also cautioned council about making statements about prospective or future applications of the code.

Moved by Gilbert, seconded by Patronik.

Motion: **TO PREPARE A RESOLUTION THAT THE COUNCIL INTENDED TO TAKE PROPER LEGAL STEPS TO REMEDY THE OVERSIGHT THAT TOOK PLACE WHEN THE PROPERTY WAS CONVERTED FROM APARTMENTS TO INDIVIDUALLY OWNED UNITS.**

Roll Call Vote:

Ayes: 5 – Gilbert, Patronik, Pruette, Shimp, Brown
Noes: 0

MOTION CARRIEDArbor Day
Proclamation

PRESENTATION OF ARBOR DAY PLAQUE TO THE ISH BRANT BEAUTIFICATION COMMITTEE: City Clerk Lisa Volpe asked Mayor Brown to present the Arbor Day Proclamation to the Ish Brant Beautification Committee again so they could get a photo. Mayor Brown presented that Proclamation to Member of the Ish Brant Beautification Committee Kara Tucker.

CITY MANAGER REPORTS

Watersedge Drive

WATERSEDGE DRIVE – DRAINAGE PROBLEM: City Manager Linn circulated a photo of the drainage basin that was installed by J.T.A. and informed that it was working great. He had not yet been able to resolve the problem on the marsh side caused by J.E.A.

Jarboe Park
Improvements

JARBOE PARK IMPROVEMENT PROJECT: City Manager Linn circulated photos of the Jarboe Park Improvements and announced that the project was moving along and was 80 to 90% complete. Mr. Linn estimated the project to be completed within two weeks.

Fence Playground

FENCE AROUND THE SMALLER CHILDREN'S PLAYGROUND IN JARBOE PARK: Councilor Patronik questioned City Manager Linn about placing a fence around the smaller children's playground. City Manager Linn responded he would get a price on the fence.

Consensus: TO PLACE A FENCE AROUND THE SMALLER CHILDREN'S PLAY AREA IN JARBOE PARK.

COMMENTS FROM THE PUBLIC

Susan Green, 200 First Street, President of the Florida Planning & Zoning Association, invited the council to their 50th Anniversary and Conference at the Sea Turtle Hotel. Ms. Green also invited the council to the opening reception from 6:00 to 9:00 at 345 Beach Avenue. Ms. Green added that the development at 200 First Street was awarded the Outstanding Private Development Award for the entire State of Florida last year. Mr. Edward Jones would be hosting a reception from 4:00 to 7:00 p.m. on Thursday the week of the conference to recognize the building and thank the planners that were involved. Ms. Green voiced concern about Town Center stating that she would be happy to serve on a committee or task force group to help in keeping Town Center clean & beautiful and encourage development.

Leslie Karlin, 1506 Spindrift Circle West, felt that the fence around the lift station at Third Street and Florida was unattractive and asked if it could be changed to a different color. Ms. Karlin stated that opening Oakhurst Drive would directly affect the residents of Summersands and they were not in favor of opening the road. She suggested that in the future all residents be notified when issues relative to them are on the agenda.

Lynda Padrta, 1113 First Street, felt the property owners of Watersedge should consider suing the developer and the mortgage companies involved in the sales transaction because they should be held responsible for not getting the replat approved by the city. Ms. Padrta questioned how many other illegal properties existed. She opposed changing the color of the fence at Third Street

and Florida Boulevard.

Laura Patronik, 1520 Leeward Lane, asked if the handicap swings in Jarboe Park were going to be replaced. Mrs. Patronik also voiced concerned about the school crossing at Florida Boulevard and Windward Lane.

Ralph LaPerna, 2507 Watersedge Drive, stated he had faith that the city would take proper measures to correct and approve the replat of Watersedge. He felt residents should be notified if their property was not a lot of record. Mr. LaPerna also thanked the Council & City Manager for correcting the drainage problem at Watersedge.

Waters Edge
Lots of Record

A lengthy discussion ensued regarding correcting the lot of record issues at Watersedge.

City Attorney White stated regardless of Council action there was also an additional issue of whether or not the private individuals had causes of action against the title companies or the sellers for not informing them ahead of time what they were buying. He needed to know when each person bought their unit and where the footprint bill stood at that time.

Vice Mayor Shimp questioned why the city did not take any action two years ago when the Building Official found out about the problem. He suggested having staff look at each piece of property in the city so the residents could be notified if there was a problem with their property and suggested doing a one-time mass grandfathering. He recommended giving City Attorney White a time period to have his legal opinion.

City Attorney White stated he would be more than happy to accept the deadline presented by the council.

City Manager Linn stated that to ask the staff to research every individual parcel of land and when it was conveyed and subdivided, it would be an impossible task with the limited resources. City Manager Linn added one recommendation that had come forth in the past was granting a blanket as of a certain date that every parcel recorded in Duval County would be recognized in the City of Neptune Beach and any future properties subdivided without approval of the city would have no rights. Mr. Linn applauded Building Official Dan Arlington for making the property owners aware that they did not have a lot of record. City Manager Linn stated the city could also amend the code to strike the words in the footprint bill "on a lot record" and add "as of this date."

Mayor Brown stated that from the political side of the issue it would be hard to imagine the council telling someone that because of a technicality we would not allow them to rebuild their home. Mayor Brown stated it would not be realistic to think the council would do that.

City Attorney White advised that the impact on the Comprehensive Plan and the consequences of density issues needed to be considered.

Councilor Pruette asked if City Attorney White could look at the Footprint Bill to see if that would be a simpler solution. City Manager Linn felt that if words "lot of record" were taken out it would correct the problem and have less impact.

Councilor Gilbert asked if the wording was taken out did the property owners still need a lot of record as part of their mortgage papers. City Manager Linn answered that by striking the words "lot of record" they would be able to rebuild, however there would be a problem if they wanted to expand or remodel and needed a variance.

Bob Zimfer, 2525 Waters Edge Drive, asked if the property was under any potential of condemnation.

Mayor Brown had heard no suggestions of anything like that and he was committed to correcting the problem in a timely manner.

Vice Mayor Shimp stated that if there were a change in administration condemnation would be possible depending on the interpretation.

City Manager Linn stated there was a need to schedule a meeting on the Land Development Regulations.

City Attorney White was unclear if the Council wanted an opinion on if the lots qualified as lots record or if it was the Council's intention to change the language of the code to remove the phrase "lot of record" from the Footprint Bill.

City Manager Linn added that the phrase "lot of record" may be referred to in other provisions of the code and if was struck from one provision the definition still may be needed in other sections of the code.

Councilor Patronik felt it would be better served to make the Watersedge property lots of record.

Mayor Brown asked if there were any more comments from public and moved on the consent agenda.

CONSENT AGENDA

Personnel Policy

AMENDMENT TO THE PERSONNEL POLICY: The amendment to the personnel policy deleted the positions that joined the union and eliminated the authority to appoint a Deputy Finance Director at the same time the accountant position was occupied.

Moved by Shimp, seconded by Patronik.

Motion: **TO APPROVE THE CONSENT AGENDA AS STATED.**

Roll Call Vote:

Ayes: 5 – Gilbert, Patronik, Pruette, Shimp, Brown

Noes: 0

MOTION CARRIED

VARIANCES/NONE

ORDINANCES/NONE

OLD BUSINESS/NONE

NEW BUSINESS

Resolution
No. 2001-22

RESOLUTION NO. 2001-22 – APPOINTING BOARD MEMBERS TO THE CODE ENFORCEMENT BOARD AND THE BOARD OF APPEALS:

**RESOLUTION APPOINTING BOARD MEMBERS TO THE
CODE ENFORCEMENT BOARD AND THE BOARD OF
APPEALS**

RESOLVED, the City Council of the City of Neptune Beach, Florida, hereby confirms the following board appointments:

CODE ENFORCEMENT BOARD

Member	Type	Term	Begins	Ends
Bill Gunsch	Appoint Regular	3 yrs	11/05/2001	11/04/2004
Eric Pardee	Appoint Alternate	1yr	11/05/2001	11/04/2002

BOARD OF APPEALS

Member	Type	Term	Begins	Ends
Daniel Disch	Appoint Alternate	1yr	11/05/2001	11/04/2002

Moved by Shimp, seconded by Pruette.

Motion: **TO APPROVE RESOLUTION NO. 2001-22, APPOINTMENT OF BOARD MEMBERS.**

Ayes: 5 – Gilbert, Patronik, Pruette, Shimp, Brown

Noes: 0

MOTION CARRIED

Oakhurst Drive
Access

REQUEST OF TOM WEST FOR THE CITY TO PROVIDE ACCESS TO HIS PROPERTY FROM OAKHURST DRIVE: City Manager Linn announced that he had received a fax from Tom West requesting to be removed from the agenda.

Councilor Pruette questioned if this had been before the Planning & Development Review Board per the Council consensus at the September 17, 2001, Workshop Meeting. City Manager Linn stated that the applicant was adamant about taking it directly to Council and it was the decision of Council to hear it or not.

Consensus: **TO STRIKE THE OAKHURST DRIVE ACCESS FROM THE AGENDA.**

Development Order
120 ½ Lemon Street

DEVELOPMENT ORDER FOR 120 ½ LEMON STREET – HOT DOG STAND: City Manager Linn called on the applicants to present their plans.

Paul Eakin, Attorney representing Tom Whittingslow, on his petition to transform the property at 120 ½ Lemon Street from the present single-family apartment into a hot dog stand, explained the project went before the Planning & Development Board presented as a carry out restaurant and in passed 7-0 in favor. Then the Board discovered that carry out restaurants were not allowed in the Central Business District. The Planning & Development Review Board was then concerned about parking if the hot dog stand was going to be a fast food restaurant. The owner then developed a parking plan and went back before the Planning & Development Review Board. The Board had a split vote of 3-3. Mr. Eakin explained to Council the new plan provided sufficient parking including a handicap parking space and an additional space that was allocated to them by David Cole, owner of the Sea Horse Hotel, to use for as long as Mr. Cole would allow them to. Mr. Eakin added that the hot dog stand would provide a walk up type of stand for people on the beach that were not properly dressed to eat at the Ragtime or Sundog restaurants and it would help keep people at the beach.

Legal Advice City Attorney White stated Section 27-548 of the Code read: in the event the city was going to consider waiving any parking requirement the developer would have to provide a written agreement approved in form by the City Attorney assuring the continued availability of the off site parking. Mr. White stated he did not know if the parking space was assured and that was for the council to decide. Mr. White added Council could also waive the requirement.

Moved by Shimp, seconded by Pruette.

Motion: **TO APPROVE THE DEVELOPMENT ORDER FOR 120 ½ LEMON STREET.**

Roll Call Vote:

Ayes: 5 – Gilbert, Patronik, Pruette, Shimp, Brown

Noes: 0

MOTION CARRIED

Mayor Brown asked if there were any final comments.

Watersedge
Lot of Record

Vice Mayor Shimp asked again when the meeting would be held to discuss the plight of the people at Watersedge.

Mayor Brown answered when the City Attorney had the information needed a date would be set.

Vice Mayor Shimp asked City Attorney White when he would have the information.

City Attorney White answered that from what he understood Council wanted an opinion about whether they were lots of record and he would be happy to give one.

Vice Mayor Shimp stated Council should task the staff to determine if the lots needed to be grandfathered in and advertise for a meeting on Tuesday November 13, 2001 to pass an ordinance which did so.

Mayor Brown restated that he wanted to have some legal language on the issue.

City Attorney White informed that if they wanted an ordinance it would have to be prepared and advertised.

Vice Mayor Shimp questioned why a legal opinion was necessary. City Attorney White responded that whatever Council did with Watersedge would have the impact of setting a precedent.

Councilor Gilbert suggested an advertisement notifying the residents that their lots may not be legal if they were subdivided. He was opposed to grandfathering in everything explaining that some properties may be far under the proper building codes and may have major problems.

City Attorney White informed that the Footprint Bill grandfathered everything up to August 1, 1994. Everything that was there before August 1, 1994 that was non-conforming or improperly divided was protected so they may be considered lots of record under the bill.

Vice Mayor Shimp asked City Attorney if he could have an opinion by next Tuesday. Mr. White responded yes. Vice Mayor Shimp asked Mayor Brown if they could set an emergency meeting next Tuesday night.

City Attorney White advised that economic benefit or detriment to an individual citizen was not a sufficient basis to declare an emergency.

Mayor Brown stated that as soon as the Council was prepared to meet on the subject they would notify Vice Mayor Shimp.

Adjournment

There being no further business, the meeting adjourned at 9:06 p.m.

Richard A. Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



**TOWN HALL MEETING
NOVEMBER 13, 2001, 7:00 P.M.
CITY HALL, 116 FIRST STREET,
NEPTUNE BEACH, FLORIDA**

Pursuant to proper notice a Town Hall Meeting of the City Council of the City of Neptune Beach was held November 13, 2001, 7:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

The following Council members and staff were in attendance:

Vice Mayor Robert D. Shimp
Councilor Ronald D. Patronik
Councilor Jimmy Gilbert
City Manager Richard A. Linn
City Clerk Lisa Volpe, CMC
Building Official Dan Arlington

Ass't to the Building Official Piper Turner

Absent:

Mayor Dick Brown
Councilor Harriet Pruette
City Attorney Christopher White

Call to Order

The Vice Mayor called the meeting to order at 7:00 p.m.

Public Comments

Vice Mayor Shimp opened the meeting. He stated he spoke with City Attorney White and was told if anyone has a deed that is dated before August 1, 1994, their property is already grandfathered.

City Clerk Volpe read a letter from Councilor Pruette into the record:

Regrettably I am unable to attend tonight's town hall meeting due to a prior commitment. Please rest assured that your elected body is all on the same team here to resolve this issue affecting you. At the November 5, 2001 regular council meeting, we passed a resolution to take proper legal steps to remedy the oversight. The city attorney and staff are working to provide us with the information we need to resolve this as quickly as possible. This issue has been placed on the workshop next Monday November 19, 2001 for discussion.

Sincerely,

Harriet Pruette

City Manager Linn stated the Mayor had a prior commitment and was unable to attend the meeting.

Sherry Nutt, 2507 Watersedge Drive, asked if the land has not been platted how can you have a deed of record.

Building Official Arlington stated the Footprint Bill allowed for anything built without the correct procedure prior to August 1994 to be grandfathered in.

Councilor Gilbert read from the code, Division 4 Minor Replat Requirements Sec 27-105 this type of replat can be approved by the city manager. The one requirement that the city does not have is a copy of the individual survey. City Manager Linn stated that he can only approve a minor replat if it is dividing one parcel into two plats and all other requirements are met. Discussion ensued that in this case the City Council would have to approve this replat. City Manger Linn stated each parcel would have to submit the deed and apply to council to have the land subdivided. Building Official Arlington said the city had no application but a letter of intent would satisfy requirements. Councilor Gilbert stated the entire development was not built in the proper way and now we have to fix the problems as they come up.

Sherry Nutt asked if her property met zoning requirements. Building Official Arlington said they did not but as long as they have a lot of record they can rebuild under the Footprint Bill. Ms. Nutt asked how this could be corrected at the property appraiser's office.

Building Official Arlington stated that regardless of any action the properties would be nonconforming and would have to be rebuilt to today's building code. He commented that the area was in R-4 and R-5 zoning which did not agree with what was there. He also mentioned that he did not believe any of the buildings had fire walls.

Ralph LaPerna, 2507 Watersedge Drive, asked if the city manager could take care of any parcels that just need to be subdivided.

City Manager Linn stated they would still have to go before council because they do not meet other criteria such as setbacks.

John Johnson, 2521 Watersedge Drive, liked the idea that he just had to bring the survey and asked if he could expect total council support.

Council agreed there was support and Vice Mayor Shimp said he had been disappointed there was no date set at the last meeting.

Linda Bassett, 2535 Watersedge Drive, stated she worked for a mortgage company and when she closed on the property she had a letter from Dan Arlington. She asked what could be done about the pot holes since the city did not own the street.

Councilor Gilbert asked about giving the street to the city. Vice Mayor Shimp asked if there were low income grants available to help the citizens. City Manager Linn stated the income level was too high for the grant status. He stated the street in front of the apartments was owned by JEA and street behind was owned by Neptune Beach but was considered wet lands.

Christie Mattox, 2507 Watersedge Drive, stated she had a FHA bond mortgage and did not want her home condemned if it was not up to code. She asked the amount of damage that could not be rebuilt. Mr. Arlington stated it would be 50% if the city did not replat the land.

Mr. Arlington explained the letter presented by Linda Bassett in August of 1999. He stated he would not be as broad if he wrote it today. He stated the city would support the letter but would be sure the that all surveys had common property lines.

Bob Zempher, 2545 Watersedge Drive, asked what the time limit was to get the survey in and how old it could be.

Mr. Arlington stated the age of survey did not seem to matter. The city manager stated the legal description had to agree with that on the deed. Vice Mayor Shimp asked if the people

could bring the survey by next Monday. City Clerk Volpe mentioned that residents may also want to bring their deed in case it was necessary. City Manager Linn questioned the liability of the city as to who will pay for the replat, which is usually paid by the developer.

Ralph LaPerna, 2507 Watersedge Drive, asked if he would have a lot and block number when it was finished.

Discussion ensued about the city paying for the replat.

Judy Bost, 115 Walnut Street, asked if there was a difference between deed of record and lot of record? The answer was yes. What happens if the footprint goes away? This is a legal question.

Mr. LaPerna asked who would be paying for the replat. City Manager Linn stated that usually the developer would pay for the replat and city would just record it., but this is a different circumstance so it would be up to the City Council.

Mr. Arlington stated he would not write such a broad letter as he did in 1999 because of problems east of Third Street. Mr. LaPerna felt that the city should take care of the entire city at the same time. Councilor Gilbert commented every situation needed to be treated separately.

Kurt Estebanez, 2505 Watersedge Drive, asked if one unit out of four on the lot was not ready with their information would they hold up the process.

Richard Keene, 733 Bay Street, stated all information is public record including surveys and deeds.

Jane Debord, 2513 Watersedge Drive, asked if they could be legal with Duval County and illegal with Neptune Beach

City Manager stated they were not lot of records. Duval County will give a deed for any amount of land even for 2 ft by 2 ft. Mr. Arlington stated the city sets guidelines of what can be done on the land the county just gives a legal description.

Vice Mayor Shimp thanked everyone for coming.

Adjournment

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

Richard Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
WORKSHOP CITY COUNCIL MEETING
NOVEMBER 19, 2001 AT 7:00 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 November 19, 2001 at 7:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

Mayor Richard A. Brown
Vice Mayor Robert A. Shimp
Councilor Ronald A. Patronik
Councilor Harriet Pruette
Councilor James Gilbert
City Attorney Christopher White

City Manager Richard A. Linn
Deputy City Clerk Karla Strait, CMC
Assistant to the City Manager Terry Klein
Finance Director Steve Ramsey
Assistant to the Building Official Piper Turner

Call to Order/Roll Call The Mayor called the meeting to order at 7.00 p.m.

COMMITTEE REPORTS

IBBC

ISH BRANT BEAUTIFICATION COMMITTEE: City Manager Linn reported the Ish Brant Beautification Committee continued to work on the Third Street medians. The water lines for the irrigation system had been installed from the curb and the irrigation system itself would soon be installed. Second Hand Rose Nursery would be installing palm trees & planting wildflower seeds in the medians within two weeks, some hawthorns would also be added. The committee was also working on the design of the bike path and the barricade at Seagate Avenue and First Street.

CITY MANAGERS PUNCH LIST

Jarboe Park

JARBOE PARK IMPROVEMENTS: City Manager Linn reported he changed the height of the fencing around the playground area from a 3' vinyl coated chain link fence to a 4' fence for the same cost.

**Roadway between
Shopping Centers**

ROADWAY BETWEEN SHOPPING CENTERS: City Manager Linn reported he had met with the owners of the shopping centers to discuss the addition of a roadway between the shopping centers. The issue arose of traffic shortcutting Seminole Road, dodging into the shopping center, and increasing the volume of traffic in front of the stores. The owners were not interested in that they felt the roadway would not be a commercial benefit. Therefore, the city would be faced with paying for the roadway entirely less the \$20,000 commitment from Developers Diversified.

- Bike Path BIKE PATH ALONG FLORIDA BOULEVARD: Mr. Linn reported that 90% of the design had been received. The Ish Brant Beautification Committee would look at the design and give their recommendations and comments. The Mayors of the beach cities would be meeting with planners to coordinate the bike paths in connection with each other.
- Watersedge Drive WATERSEEDGE DRIVE – DRAINAGE SYSTEM: City Manager Linn reported the drainage and ditches were working fine. Mr. Linn asked to remove the item from his punch list.
- Naval Air Show NAVAL AIR SHOW: City Manager Linn stated the Sea & Sky Spectacular was very successful. There was plenty of security and law enforcement and no arrests were made.
- Jarboe Park JARBOE PARK – WATER PLANT: Mayor Brown asked City Manager Linn if something could be done about improving the shrubbery and small trees around the fence at the water plant. Mr. Linn responded if there were funds left over from the grant at the end of the project they would be put toward landscaping. Mr. Linn added that after the events of September 11, 2001, there had been talk of removing some of the vegetation around the fence. Mr. Linn had contacted a security alarm company to insure the safety of the drinking water. Mayor Brown agreed that security was a main priority.

PROPOSED ORDINANCES/NONE

CONTRACT/AGREEMENTS

- Ivy, Harris & Walls IVY, HARRIS & WALLS – COMPLETE LAND DEVELOPMENT REVIEW: City Manager Linn explained that Ivey, Harris & Walls had met their commitment to their contract with the city. However, the city still needed the firm's assistance with the final draft and legal review. Mr. Linn recommended approval of the firm's proposal for the final draft and legal review in the amount of \$3,850 plus reimbursement for expenses.

Councilor Pruette stated she was not in favor of using Ivey, Harris & Walls and felt the city should use a different firm for the legal review. City Attorney White recommended staying with Ivey, Harris & Walls stating they would have an independent review done by the law firm of Rogers, Towers & Gay.

Consensus: **FORWARD THE COMPLETION OF THE LAND DEVELOPMENT REVIEW BY IVY, HARRIS & WALLS IN, THE AMOUNT OF \$3,850 PLUS REIMBURSEMENT EXPENSES TO BE FUNDED OUT THE CONTINGENCY LINE ITEM ACCOUNT, TO THE CONSENT AGENDA ON THE DECEMBER REGULAR COUNCIL MEETING.**

ISSUE DEVELOPMENT

- Watersedge Drive WATERSEEDGE DRIVE – LOTS OF RECORD: City Attorney White suggested the best way to find out if the individual units were lots of record would be to have a title search done on each unit at the city's expense. The approximate cost would be \$2,000 and could be done in a period of two to three weeks. The title search would show if the units had been recorded prior to August 1, 1994 and in his opinion if they were recorded prior to that date they would be grandfathered in under the footprint bill. If they were not recorded prior to that date they could be addressed individually. Mr. White asked for the approval of council to do the title searches.

Consensus: **TO MOVE FORWARD WITH A TITLE SEARCH ON THE WATERSEEDGE PROPERTY AT THE CITY'S EXPENSE TO BE FUNDED OUT OF THE CONTINGENCY LINE ITEM ACCOUNT.**

Christmas Eve
Holiday

CLOSING OF CITY HALL ON CHRISTMAS EVE - MONDAY, DECEMBER 24, 2001:
Councilor Pruette suggested that since city employees were having to work a half day on Christmas Eve. Since it fell on a Monday the council should give them the opportunity to get on the road to visit relatives for the holidays by giving them the whole day off. Due to the events of September 11, there would be more people traveling by automobile.

Consensus: **TO FORWARD THE CLOSING OF CITY HALL ON MONDAY, DECEMBER 24TH TO THE REGULAR COUNCIL MEETING CONSENT AGENDA.**

Land Development
Review

SCHEDULE MEETING FOR LAND DEVELOPMENT REVIEW: City Manager Linn stated that a date needed to be set for the next Land Development Regulations Review. Mr. Linn added that Building Official Dan Arlington would be ready to cover Group I, Monday, November 26th.

Consensus: **TO HOLD THE NEXT MEETING FOR THE LAND DEVELOPMENT REGULATIONS REVIEW ON MONDAY, NOVEMBER 26TH AT 6:00 P.M.**

Public Comments

PUBLIC COMMENTS ON AGENDA ITEMS ONLY

Bob Zimpfer, 2545 Watersedge Drive, questioned if the new title search would override and preempt the current title insurance.

R. P. LaPerna, 2507 Watersedge Drive, asked why the city could not do a replat on Watersedge. Mr. LaPerna was concerned that they did not have a lot and block number. City Manager Linn responded that the City Attorney had advised him that it was not appropriate for a city to act as a developer.

Sandy Lighty, 1810 Strand, asked when a public meeting would be held about the bike path. Mr. Lighty questioned the cost of work done by Ivey, Harris & Walls.

Lynda Padrta, 1113 First Street, commended the council for taking the time to do the right thing in correcting the Watersedge problem. Ms. Padrta suggested the city adopt a standard letter for title searches making them aware of these situations.

Sherry Nutt, 2509 Watersedge Drive, did not understand what difference a title search was going to make. Councilor Gilbert explained that if the property was individually owned before August 1, 1994, it was considered a lot of record under the footprint bill.

Kristi Maddocks, 2519 Watersedge Drive, was concerned how the property could have been sold without having a lot of record.

Adjournment

There being no further business, the meeting adjourned at 8:37 p.m.

Richard A. Brown, Mayor

Attest:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
WORKSHOP CITY COUNCIL MEETING
NOVEMBER 26, 2001 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 November 26, 2001 at 6:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

Mayor Richard A. Brown
Vice Mayor Robert D. Shimp
Councilor James Gilbert
Councilor Ronald Patronik
Councilor Harriett Pruette
City Manager Richard A. Linn
City Clerk Lisa Volpe, CMC

Building Official Dan Arlington
Deputy City Clerk Karla Strait
Assistant to the City Manager Terry Klein
Assistant to the Bldg Official Piper Turner

Absent:
City Attorney Christopher A. White

Call to Order/Roll Call

The Mayor called the meeting to order at 6:00 p.m. City Manager Linn asked Building Official Dan Arlington to conduct his presentation.

Building Official Dan Arlington began his presentation by stating he submitted to council a clean copy (without strike throughs and underlines) of Group I with the corrections from the last workshop. He intended to go over the corrections and also the definitions.

Councilor Pruette asked Mr. Arlington to explain how Section 27.02 Replatting Requirements came about and who asked for any changes. Building Official Arlington pointed out there was a lot of new language put in by the consultants and approved by the Planning & Development Review Board.

Councilor Gilbert asked what the agenda for the workshop was and why the council was reviewing the same group. Building Official Arlington stated he meant to point out the changes made and explain the definitions.

Vice Mayor Shimp stated if the code said there was an application to replat then the city should provide one. He asked the Building Official to explain Section 27-109(a)(3). Building Official Arlington explained if there were a choice between plotting a street below average grade or making a lot smaller, the developer would have to make the lot smaller. He clarified this would only be for new development not for existing homes. Vice Mayor Shimp asked if the City could only make state codes more strict. Building Official Arlington stated that was true.

Councilor Pruette asked why we were reviewing something that was supposed to have been final at the last meeting and stated she had found many discrepancies. Vice Mayor

Shimp agreed if there were discrepancies we should look at them. Councilor Patronik asked about a change not made in Sec. 27-102. Building Official Arlington clarified it needed to wait until they reviewed the Footprint Bill. Councilor Pruette asked why PUD had not been taken out. She also asked why the Planning & Development Review Board had a secretary and why the mail section of variances was 15 days in some and three weeks in another. City Clerk Volpe clarified that the consensus was PUD would be looked at when the council came to that section later in the code. She also stated the secretary was from years ago when someone on the board typed the minutes, and all dates for mailing should be 15 days.

There was further discussion on any discrepancies in the code; what the council should be speaking about at this workshop; and how many times these sections needed to be reviewed.

Building Official Dan Arlington began his presentation. He stated he would be adding a notation such as:

Sec. 27-25 Nonconforming Structures - Notwithstanding the preceding Sections, certain guidelines for non conforming structures are contained in Article XVIII.

This verbiage will be added to refer people to the Footprint Bill.

Building Official Dan Arlington stated he did not add the following note to Sec. 27-24 from the last workshop:

IF SOMEONE STAYED WITHIN THE FOOTPRINT AND THE TOTAL SQUARE FOOTAGE, THE BUILDING OFFICIAL CAN ALLOW THEM TO TOTALLY TEAR DOWN THE HOUSE.

It is the exact opposite of some sections of Article XVIII Nonconforming Structures. The council should put this wording in that section and do all the changes at one time as to make the footprint more clear of their intentions.

In Sec. 27-38 he made the following changes:

1. adding 'subject to confirmation by City Council' to sections h and i for PDRB subcommittees.
2. strike all references to historic preservation or architecture boards
3. added preliminary and final to areas to make more clear which board would do what

Mr. Arlington stated the city clerk and building official wrote a memo to the boards requesting them not to advise citizens based on any new code that has not been passed. He explained why this was written to the boards and hoped it would help in the future.

Mr. Arlington stated the consensus for 27-78 had been the following:

ADD THE ABILITY TO GET AN EXTENSION OF THE SIX (6) MONTHS TO 27-78. ADD "CONTINUOUS" IN THE DEFINITIONS SECTION

He did not follow the exact verbiage of the consensus. He used the information from the new Florida Building Code, which does not allow extensions. He did put an extension in by adding Sec. 27-78 (b) (c) (d) and (e). This covers if work has been started and stopped or if it has not been started. It also adds fees for these extensions. Council discussed if commenced needed to be defined.

Consensus: **TO ACCEPT THE CHANGES MADE IN SECTION 27-78.**

Mr. Arlington reminded council that the Planned Unit Development (PUD) decision was delayed until that part of the code. It was discussed briefly.

The following consensus from the last meeting were added:

Sec. 27-80(1) **TO ADD "INTENSIFICATION OF USE" TO THE DEFINITIONS.**

Sec. 27-82 (b) **TO LEAVE IN THE CONCEPTUAL REVIEW AS AN OPTION** and change any necessary wording.

Sec. 27-101(b)(5) **TO STRIKE SECTION 27-101(b)(5)**

Sec. 27-102(a) **TO CHANGE THE WORD "DUPLICATE" TO "TEN COPIES".**

27-116(b)(1) **TO ADD THE WORD "FINAL".**

27-133(a) **TO ADD "COMMERCIAL".**

27-144 TO MAKE ALL CHANGES LISTED TO SECTION 27-144

1. The specified time of notice in both paragraphs (a) and (c) should be 15 days.
2. To ensure proper delivery of notices, staff should mail them at the applicant's expense.
3. Mailing by certified mail is a change from regular mail in existing code.
4. Notifying property owners within 150 feet vs. abutting lots and lots directly across the street is an increased requirement. Required notification can go from six to twenty properties.
5. The current cost of certified mail is \$4.00.
6. In cases when the Board does not meet or the application is not considered, the notices already advertised, mailed, and posted should be adequate for the following meeting.

Building Official Arlington then proceeded to explain the definitions section. He stated that all the definitions would be moved to Sec. 27-15.

Councilor Patronik asked about the definition of Building Elevation. It was noted that "ground or" needed to be struck not "the ground". He also questioned the definition of Clinic. Council discussed Clinic.

Consensus: **TO ADD A COMMA AFTER OPTOMETRISTS AND ADD LICENSED MESSAGE THERAPIST AFTER DENTIST AND MEDICAL BEFORE PROFESSION IN THE DEFINITION OF CLINIC.**

Mr. Arlington discussed Dwelling Unit. He changed the word "cooking" to "storage or preparation of food" and changed "Standard Building Code" to "Florida Building Code". There was much discussion on the best definition including leaving the word "cooking"; using other cities' definition; and using the word "isolated".

Consensus: **TO DO MORE RESEARCH AND COME BACK TO THE DEFINITION OF DWELLING UNIT.**

Councilor Patronik asked about the definition of density including the "gross area". There was much discussion of this. Including that the Florida Department of Community Affairs uses "gross" and the city's Comp Plan uses "gross." Councilor Pruette asked if it needed to be subdivided between residential and commercial. Mr. Arlington said it was not necessary.

Mr. Arlington explained his definition of Family limited the number of non related persons to two in any household. It was his goal to limit boarding houses and fraternity houses from being built. Discussion ensued.

Consensus: **TO LEAVE THE FAMILY DEFINITION AS MR. ARLINGTON HAD PROPOSED.**

Garage was discussed. Mr. Arlington pointed out that it included "description of second story habitable space".

Consensus: **TO DISCUSS GARAGE AT A LATER DATE.**

Mr. Arlington showed that double frontage and oceanfront lot was under "Lot". Discussion of what was a front yard and what was a back yard and what oceanfront lots should be ensued.

Consensus: **TO COME BACK TO DOUBLE FRONTAGE LOTS AT A LATER DATE.**

Councilor Pruette asked about Impervious surface. Mr. Arlington asked if swimming pools could be excluded as an impervious surface.

Consensus: **TO EXCLUDE SWIMMING POOLS AS AN IMPERVIOUS SURFACE.**

Mr. Arlington read the definition of Intensification of Use. He stated that in the definition of kitchen where is said the "and/or of cooking", the "or" should be removed to be consistent with Dwelling Unit.

Consensus: **TO COME BACK TO THE DEFINITION KITCHEN WITH DWELLING UNIT.**

Mr. Arlington read the definition of Planned Unit Development (PUD) and emphasized it still had to meet with density and zoning requirements. City Manager Linn asked stormwater to be added to this definition. PUD's were discussed.

Mr. Arlington explained that Premises and the definitions of Restaurant all related in regards to parking. Councilor Pruette brought up outdoor dining. Mr. Arlington stated outdoor dining comes later in the code but he would define it. He stated it was previously discussed as a special exception with a time limit. Outdoor dining was discussed by council. The Building Official reviewed to different definitions for carryout, fast food and interior service restaurant. He felt it was important to differentiate.

Consensus: **TO USE THE NEW DEFINITIONS FOR RESTAURANTS.**

Mr. Arlington read his definition of seat and asked that floor space be considered as a seat to determine parking. Council discussed the definition including using fire marshal occupancy and combining seats and floor space. Parking was discussed in the Town Center area including parking for Atlantic Beach establishments and a letter from Atlantic Beach about this issue.

Vice Mayor Shimp asked that parking be placed on the next workshop.

Consensus: **TO DO MORE RESEARCH ON THE DEFINITION OF SEAT.**

Mr. Arlington stated he put all the types of streets together under street. He read the definition of Townhouse. The council discussed townhouse.

Consensus: **TO CHANGE "FRONT AND REAR ACCESS" TO "TWO ACCESS"**

AND REPLACE "FIRE WALL" WITH "COMMON WALL"

Mr. Arlington pointed out that Alteration, major and minor are for historic structures only therefore he added that to the definitions. He also deleted some definitions that were defined differently twice in the code. He changed recreation vehicle to delete "400 square meet or less when measure at the largest horizontal projection".

Consensus: **TO DELETE "400 SQUARE MEET OR LESS WHEN MEASURE AT THE LARGEST HORIZONTAL PROJECTION".**

The City Manager suggested typing out all of the definitions. The Council noted the next LDR meeting would be after the holiday season to review Article IV. The Christmas Luncheon will be held on December 14, 2001. Council asked Mr. Arlington to send Article IV out as soon as possible.

Consensus: **GROUP I WOULD NOT BE DISCUSSED AGAIN. IF THE COUNCIL FOUND ANY DISCREPENCES THEY ARE TO SEND A MEMO TO THE BUILDING OFFICIAL AND HE COULD BRING THEM UP AT THE END.**

Adjournment

There being no further business, the meeting adjourned at 8:37 p.m.

Richard A. Brown, Mayor

Attest:

Lisa Volpe, CMC, City Clerk

Approved: _____



AGENDA REGULAR CITY COUNCIL MEETING
December 3, 2001, 7:00 p.m.
COUNCIL CHAMBERS, 116 FIRST STREET, NEPTUNE BEACH, FLORIDA

Pursuant to Sec. 2-28, Ordinance Code, the following is a list of matters for the regular meeting:

COUNCIL POLICY: Any citizen desiring to speak before the Council, please fill out a **SPEAKER REQUEST FORM** and give it to the City Clerk prior to the meeting. There is a limit of 5 minutes to address the Council for each speaker. A timer will signal at 4 minutes leaving 1 minute to conclude your statement.

- 1-2. CALL TO ORDER AND PLEDGE OF ALLEGIANCE
3. AWARDS / PRESENTATIONS / RECOGNITION OF GUESTS
4. APPROVAL OF MINUTES:
 - November 5, 2001, Regular
 - November 13, 2001, Town Hall
 - November 19, 2001, Workshop
 - November 26, 2001, Land Development Review Workshop
5. COMMUNICATIONS AND CORRESPONDENCE:
 - Mayor
 - City Clerk
 - Council
 - City Manager
6. CITY MANAGER REPORTS
7. COMMENTS FROM THE PUBLIC
8. CONSENT AGENDA
 - A. Extension of Consultant Services Ivey, Harris & Walls - \$3,850.00
 - B. Closing of City Business on December 24, 2001
9. VARIANCES/NONE
10. ORDINANCES/NONE
11. OLD BUSINESS/NONE
12. NEW BUSINESS:
 - A. Authorize the City Attorney to foreclose on 133-135 Cherry Street
 - B. Approve listing of sponsored events for T.V. Trust Fund FY 2001-2002
 - C. Review and authorize City Clerk to advertise bids for Phase I, B&C, Water Improvement Capital Project.
 - D. Surplus of City Vehicles
13. ADJOURN.

Respectfully submitted,

City Manager Richard A. Linn



MINUTES
WORKSHOP CITY COUNCIL MEETING
DECEMBER 17, 2001 AT 7:00 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 December 17, 2001 at 7:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

Mayor Richard A. Brown
Vice Mayor Robert A. Shimp
Councilor James Gilbert
Councilor Ronald A. Patronik
Councilor Harriet Pruette
City Attorney Christopher White
City Manager Richard A. Linn

City Clerk Lisa Volpe, CMC
Finance Director Steve Ramsey
Deputy City Clerk Karla Strait, CMC
Assistant to the City Manager Terry Klein
Assistant to the Building Official Piper Turner
Building Official Dan Arlington

Call to Order/Roll Call The Mayor called the meeting to order at 6.55 p.m.

PUBLIC HEARING

Water Facilities Plan

PUBLIC HEARING FOR THE WATER FACILITIES PLAN ON FLORIDA BLVD AND BAL HARBOR: City Manager Linn explained the Department of Environmental Protection required the city to hold a public hearing in order to include the addition of the main water line on Florida Boulevard and the mains in Bal Harbor to the previously adopted water facilities plan. Vice Mayor Shimp asked if there was a way to ease the new pressure since some people would be having problems with the pipes in their homes. Mr. Miller responded that he did not think the water pressure would increase that much.

Mayor Brown opened the public hearing.

Thomas Edwards, 1300 Florida Blvd, commented that if the pipes would be going on the north side of Florida Blvd. they had to be very careful since there were so many utilities already in the ground and there were a lot of trees. He asked when the sewer would be fixed in the area and if all homes along Florida Blvd will be hooked up to the new line.

There being no further comments. Mayor Brown closed the public hearing.

Consensus:

TO MOVE THE APPROVAL OF THE FACILITIES PLAN TO THE JANUARY CITY COUNCIL MEETING CONSENT AGENDA.

COMMITTEE REPORTS

IBBC **ISH BRANT BEAUTIFICATION COMMITTEE:** City Manager Linn reported the Ish Brant Beautification Committee had cancelled the meeting for tonight. They were working on Adopt -a- Street end and the Third Street medians. Second Hand Rose Nursery would be planting the palm trees on Third Street soon.

CITY MANAGERS PUNCH LIST

Jarboe Park **JARBOE PARK IMPROVEMENTS:** City Manager Linn reported the fence was installed and replacing the foot bridge was next. Age group signs were at the play areas. The handicap swing could not be fixed and would be replaced. The remaining grant funds would be used for landscaping.

Mechanical permit fees **MECHANICAL PERMIT FEES:** Councilor Gilbert was introducing an ordinance later on in the meeting.

Traffic light at Neptune Beach Elementary **TRAFFIC LIGHT AT NEPTUNE BEACH ELEMENTARY:** City Manager Linn reported he spoke with Fred Kyle of the City of Jacksonville Public Works Department. Mr. Kyle is still studying the traffic counts and will have more information in two weeks. Mr. Linn discussed this with Jacksonville Mayor John Delaney and he will try to nudge it along. Mayor Brown asked what the alternatives were if the light was not approved. Councilor Patronik asked if the traffic count was completed when school was in.

Vice Mayor Shimp asked if the road between the shopping centers, the bike path and the underground containers could be removed from the punchlist. Mr. Linn stated the bike path and the underground containers were still pending.

Councilor Gilbert asked about the adoption of the street end at Cherry Street and who had final authority. Mr. Linn stated he had authority and he had let the adjacent property owner adopt the street end.

Councilor Pruette asked if there were guidelines about obstructing the view at street ends. Mr. Linn stated homeowners needed city approval before they could do anything.

PROPOSED ORDINANCES

Ordinance 2002-01 Permit fees **ORDINANCE 2002-01 AMENDING SECTION 8-182, PERMIT FEES SPONSORED BY COUNCILOR GILBERT:** Councilor Gilbert explained that this ordinance was to divide the fees for certain mechanical work. The change would allow a lower permit fee for partial repairs to an air conditioning system. He felt this would encourage contractors to obtain permits, lower the cost to the consumer and be more in line with the other beach cities.

Consensus: **TO MOVE ORDINANCE 2002-01, MECHANICAL PERMITS TO THE JANUARY CITY COUNCIL MEETING FOR FIRST READ.**

CONTRACT/AGREEMENTS/NONE**ISSUE DEVELOPMENT**

Agenda Amendment Councilor Patronik asked if City Attorney White's presentation of Watersedge Drive could be discussed first.

Watersedge Drive **WATERSEDGE DRIVE – LOTS OF RECORD:** City Attorney White stated the title searches had been completed and given to him earlier in the day. He was unable to do a

written opinion but one would follow. Lots 1 through 8 and 16 through 21 were qualified as lots of record because they had been subdivided and were grandfathered in under the 1994 Footprint Bill. The remaining six lots were being researched further and would be addressed individually.

Urbanomics

PRESENTATION – COMMUNITY CENTER STUDY KEN CREVLING URBANOMICS: Ken Crevling presented the preliminary study completed by his company, Urbanomics, as to whether it is feasible to build a YMCA community center in Neptune Beach or Atlantic Beach. The study was paid for by the city of Neptune Beach, Atlantic Beach, the YMCA Foundation, and the Boselli Foundation. He did a telephone survey of 400 households; a survey among Fletcher High School and used focus groups. He stated there was support by the community for teen programs; skateboard park; using the facilities three times a week; paying a \$25- \$75 fee for membership; senior programs; and using tax dollars to help pay for the facility. Four locations were looked into: the old Pic-n-Sav, the old A&P, Jarboe Park, and Russell Park. Each location had its benefits. He would continue to send the council updates as this study become more in depth.

Red Cross

PRESENTATION COMMUNITY EARLY DEFIBRILATION - KRYSTAL WILLIAMS - RED CROSS: Krystal Williams from the Red Cross spoke on their campaign to have more defibrilators available in public buildings in order to help save the lives of heart attack victims. She demonstrated how easy they are to use. She stated that the Red Cross would be selling them and were able to do the training for everyone interested. Vice Mayor Shimp stated that the police department had already purchased some for the police cars.

Longevity Service Award

LONGEVITY SERVICE AWARDS: Finance Director Steve Ramsey explained he researched the cost of giving service pins for employees at 5, 10 15, 20 years of service. The cost would be \$4045 for the next 4 fiscal years. The council discussed the pins and other types of awards that could be given. City Manager Linn and Finance Director Ramsey were directed to ask department heads if their employees would appreciate the pins.

Flooding

FLOODING ON FIRST STREET – WAKE AREA: Councilor Pruette stated there were about three areas on First Street that severely flooded and cars were being damaged because of the water. She showed a video recorded by Lynda Padrta of the flood areas and the flowing water. The council discussed the different areas and the possible long and short term solutions. Possible solutions included temporary barricades, signs, pumps, a stormwater utility tax, a drain on Pine Street, and a better storm drainage system. City Manager Linn stated that a study had been completed in 1967 by Smith and Gillespie Engineers that would resolve the problem. This same study had been looked at in the 1980's and in the last year. Each time it was looked at it cost too much for the city and the price kept going up. If completed today it would cost about one third of a million dollars. Councilor Pruette suggested permitting for any concrete paving. Speeding on First Street was also discussed.

Consensus:

FOR THE CITY MANAGER TO LOOK AT THE ENGINEERING STUDY AND FOR PUBLIC SERVICES DIRECTOR JOHN GALEN TO COME UP WITH POSSIBLE SOLUTIONS.

Town Center Parking

TOWN CENTER PARKING: Vice Mayor Shimp discussed changing the times for parking on First Street from 7pm to 7 am to 10 pm to 7 am. This would coincide with the noise ordinance and would allow beach goers to enjoy the beach later in the evening. He also wanted the council to think about building a parking garage in the lot across from the police station. This would help the Town Center parking problem and help attract business to the Town Center area. Councilor Pruette stated if the citizens of First Street were for the change she would support it. Council discussion ensued.

Public Comments

PUBLIC COMMENTS ON AGENDA ITEMS ONLY

Lynda Padrta, 1113 First Street, thanked the Council for anything they could do to help with the flooding on First Street. She was opposed to changing the time on First Street parking. She also asked that residents be made aware weekly about water and sewer work. She expressed concern about double counted parking spaces in Town Center.

Gail Shealy, 1501 First Street, did not agree with changing the times for people to be allowed to park on First street. She also stated she would be glad to help in any way possible to alleviate some of the flooding problems on First Street.

Councilor Pruette asked the council when they put something on the agenda if they would include a memorandum so the council had some idea what would be discussed. Discussion ensued about parking on First Street.

Adjournment

There being no further business, the meeting adjourned at 9:15 p.m.

Richard A. Brown, Mayor

Attest:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
REGULAR CITY COUNCIL MEETING
JANUARY 3, 2000 AT 7:00 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 3, 2000, at 7:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

Mayor George F. Vaughn, Jr.
Vice Mayor Edward S. Jones
Councilor Ronald D. Patronik
Councilor Robert D. Shimp
Councilor Thomas A. Tankersley

City Manager Richard A. Linn
City Attorney Christopher White
Acting City Clerk Lisa Volpe
Building Official Dan Arlington
Deputy City Clerk Karla Strait

Order Call/Pledge

The Mayor called the meeting to order at 7:00 p.m. and led the Pledge of Allegiance.

AWARDS / PRESENTATIONS / RECOGNITION OF GUESTS

APPROVAL OF MINUTES

Motion: **TO APPROVE THE FOLLOWING MEETING MINUTES AS STATED:**

DECEMBER 6, 1999, REGULAR
DECEMBER 16, 1999, WORKSHOP
DECEMBER 16, 1999, TOWN HALL

Moved by Tankersley, seconded by Jones.

Roll Call Vote:

Ayes: 3 - Jones, Tankersley, Vaughn
Noes: 2 - Patronik, Shimp

MOTION CARRIED

COMMUNICATIONS AND CORRESPONDENCE

Neptune Beach Map

Councilor Tankersley stated he had received a notice in his electric bill about a map of Neptune Beach, and asked what it was about. City Manager Linn responded that a firm had approached him and asked about doing a map for the city. The company solicited advertising from local businesses, did all the work and would distribute the maps at no cost to us.

Fire Department Councilor Shimp stated that at the last council meeting he had requested that a vote be taken at the meeting tonight on the fire department issue and asked City Manager Linn to explain why it was not on the agenda. City Manager Linn answered that it was not a consensus of council to be placed on the agenda and that he was waiting for council to direct him on what step to take next.

Councilor Shimp asked for a consensus to add the fire equipment surplus and fire department issue to the agenda tonight under old or new business.

Councilor Tankersley asked about a report on recommendations that was requested by council from the City Manager.

Councilor Shimp stated that he felt he had heard enough reports and presentations on it and that it should be voted on tonight.

Amend the Agenda Moved by Shimp, seconded by Jones.

Motion: **TO ADD THE DISSOLVING OF THE FIRE DEPARTMENT AND SELLING OF FIRE EQUIPMENT TO THE AGENDA UNDER OLD BUSINESS.**

Friendly Amendment: **TO MOVE NEW BUSINESS BEFORE OLD BUSINESS.**

Roll Call Vote:

Ayes: 3 - Jones, Patronik, Shimp

Noes: 2 - Tankersley, Vaughn

MOTION CARRIED

January Workshop Meeting Due to Martin Luther King Jr. holiday being Monday January 17, 2000, Acting City Clerk Lisa Volpe asked Council if the January Workshop Meeting could be held, on Tuesday January 18, 2000.

Acting City Clerk Lisa Volpe stated that there was a request from the Building Department to hold a Special Workshop Meeting in January to discuss the Land Development Regulations.

Consensus: **TO HOLD THE JANUARY COUNCIL WORKSHOP MEETING ON TUESDAY JANUARY 18, 2000 AT 7:00 P.M. AND THE LAND DEVELOPMENT REGULATIONS WORKSHOP ON MONDAY JANUARY 31, 2000 AT 7:00 P.M.**

CITY MANAGER REPORTS

COMMENTS FROM THE PUBLIC

Public Records Request Harriet Pruette, 217 ½ Magnolia Street, asked the Mayor when her request for public records would be filled. Ms. Pruette also expressed her sympathies for Phil Wawzynski, a member on the Board of Appeals, who was in the hospital on life support.

Fire Department Johnnie Epley, 208 Driftwood, supported Councilor Shimp with his request that council vote on the fire department issue tonight and have some closure.

Phil Wawzynski Elaine Kenny, 1301 Neptune Grove Drive West, expressed her sympathies for Phil Wawzynski who served on the Board of Appeals who was very ill and asked that a letter of condolence to be sent to his family.

CONSENT AGENDA

Freedom Shine &
Media One Events

PLACEMENT OF THE FREEDOM SHRINE AND MEDIA ONE SPONSORED EVENTS:
City Manager Linn requested that these two items be voted on together. Mr. Linn further stated that the Freedom Shrine was to be installed by the Exchange Club of the Beaches and the list of Media One sponsored events were discussed at the workshop meeting and by consensus placed on the consent agenda tonight.

Moved by Jones, seconded by Patronik.

Motion: **TO APPROVE THE CONSENT AGENDA.**

Roll Call Vote:

Ayes: 5- Jones, Patronik, Shimp, Tankersley, Vaughn

Noes: 0

MOTION CARRIED

VARIANCES / NONE**ORDINANCES**

Ordinance No.
1999-17

ORDINANCE NO. 1999-17, FINAL READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, AMENDING ARTICLE III, SECTION 8-46, BUILDING AND BUILDING REGULATION, CODE OF ORDINANCES; TO ADOPT THE NATIONAL ELECTRIC CODE, 1999 EDITION AND ESTABLISHING AN EFFECTIVE DATE.

The Mayor read Ordinance No. 1999-17 by title only and opened the public hearing.

Leslie Karlin, 1506 Spindrift Circle, asked if this would apply to all city buildings. City Manager Linn answered "yes" when it came to modifications. Building Official Dan Arlington answered that it would also apply to any new buildings.

There being no further comments from the public, the public hearing was closed.

Moved by Shimp, seconded by Tankersley.

Motion: **TO ADOPT ORDINANCE NO. 1999-17, ON FINAL READ AND PUBLIC HEARING AS STATED.**

Roll Call Vote:

Ayes: 5 – Jones, Patronik, Shimp, Tankersley, Vaughn

Noes: 0

MOTION CARRIED

Ordinance 2000-01

ORDINANCE NO. 2000-01, FIRST READ. AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, ABANDONING, VACATING AND CLOSING A PORTION OF FIRST STREET BETWEEN NORTH STREET AND SOUTH STREET; AND ESTABLISHING AN EFFECTIVE DATE.

Moved by Shimp, seconded by Jones.

Motion: **TO PASS ORDINANCE 2000-01 ON FIRST READ.**

Friendly Amendment: **BECAUSE THIS ORDINANCE HAD NOT HAD A FIRST READ TO CHANGE THE NUMBER FROM 1999-18 TO NUMBER 2000-01.**

Roll Call Vote:

Ayes: 5- Jones, Patronik, Shimp, Tankersley, Vaughn

Noes: 0

MOTION CARRIED

NEW BUSINESS

Preliminary Approval
of Olson Tire

APPROVAL OF PRELIMINARY DEVELOPMENT ORDER FOR OLSON TIRE: City Manager Linn explained that the application information that was submitted to the Planning and Development Review Board was in the agenda packets for the development of an Olson Tire Company on Atlantic Boulevard. Mr. Linn added that the Planning and Development Review Board had recommended that council approve the development order with a requirement for a monument type of sign.

Laurie Tipton, the Development Coordinator with Aikenhead & Odom Inc., Consulting Engineers, was present representing Olson Tire Company and answered questions from the council.

Moved by Jones, seconded by Shimp.

Motion: **TO APPROVE THE FINAL DEVELOPMENT ORDER FOR OLSON TIRE.**

Roll Call Vote:

Ayes: 5- Jones, Patronik, Shimp, Tankersley, Vaughn

Noes: 0

MOTION CARRIED

OLD BUSINESS

Appointment of City
Clerk

APPOINTMENT OF THE CITY CLERK: City Manager Linn stated that the deadline for receiving applications for the City Clerk position was December 31, 1999 and the resumes had been forwarded to council. Mr. Linn added that the item was placed on the agenda for council consideration on how to handle the appointment.

Mayor Vaughn stated that he had glanced through the resumes that were submitted and suggested that some time be taken in the near future to go over the resumes and address them at the workshop meeting.

Vice Mayor Jones stated that he wanted to clear up the procedure in order to make a decision. He suggested asking the thirteen or so candidates to come to the workshop meeting and present themselves to council.

Councilor Tankersley stated that the other applicants had office experience but that the one person with City Clerk training was right here and he had no qualm in making a motion to appoint Lisa Volpe as City Clerk.

Moved by Tankersley, seconded by Shimp.

Motion: **TO APPOINT LISA VOLPE AS CITY CLERK AND AUTHORIZE CITY MANAGER LINN TO ADVERTISE FOR THE VACANCY IN HIS OFFICE.**

Councilor Patronik stated that Ms. Volpe had her bachelor's degree, was working on her master's degree in Public Administration and had worked at City Hall for quite a while. Councilor Patronik also stated that Ms. Volpe was currently working in the City Clerk position and had proven she could do the job and he would like to see her as the permanent city clerk.

Councilor Shimp also stated that Lisa Volpe had done an outstanding job and she knew the city.

Mayor Vaughn stated that what he was hearing told him that we should not have advertised for the position. He felt that council should go through the applications in a good faith manner.

On the Record Council Shimp stated on the record that he had gone through the applications and had come to the conclusion that Ms. Volpe was the correct person to have and that he did take it seriously. He did not see the point in wasting more time interviewing.

Mayor Vaughn stated that the plan was to get the resumes in and develop a short list and there was still the opportunity to do so.

Councilor Tankersley stated that he had read all the resumes and stood by his decision to appoint Lisa Volpe.

Councilor Patronik stated that they had hired a new City Manager and a City Attorney during his term as councilor and asked for applications and interviewed a lot of people for both positions because they didn't know who was best. However, in this case it was quite clear and he felt he would be doing the applicants a disservice by stringing them along when there was one application that stood out.

Mayor Vaughn stated that he was bothered by the statement that the other candidates didn't stand a chance and questioned the possibility of discrimination of some type.

Vice Mayor Jones stated that he supported the Mayor's position on this, although he was also a realist, and there were three people he would like to interview and Lisa Volpe was one of them.

Mayor Vaughn asked City Attorney White to comment on this as he was concerned about the way this was being pushed forward.

City Attorney White commented that the city by referendum decided that the City Clerk was going to be an appointed position by the council and that council could appoint the person in whatever reasonable fashion it deemed fit.

Roll Call Vote:

Ayes: 4 - Jones, Patronik, Shimp, Tankersley

Noes: 1 - Vaughn

On the Record Mayor Vaughn stated on the record that his no vote was not against Ms. Volpe that it was against the process.

Vice Mayor Jones asked that his comments be put on the record.

MOTION CARRIED

Recess / Reconvene Mayor Vaughn called for a recess at 8:15 p.m. and the meeting reconvened at 8:25 p.m.

Fire Department FIRE DEPARTMENT DISSOLUTION AND FIRE EQUIPMENT SURPLUS: Mayor Vaughn

Dissolution and Fire
Equipment Surplus

asked City Clerk Lisa Volpe to read back the earlier motion. City Clerk read the motion.

On the Record Councilor Tankersley stated on the record that City Manager Linn had spoken with Atlantic Beach and they were very comfortable with the fire services that were provided to them. After speaking with City Manager Linn he felt very comfortable with the fire services that were being provided to Neptune Beach. Councilor Tankersley also suggested taking the Fire Department and turning it into a Fire Safety Office.

Moved by Jones, seconded by Patronik.

Motion: **TO SURPLUS THE THREE FIRE ENGINES AND CORRESPONDING
FIRE SUPPRESSION EQUIPMENT AND DIRECT CITY MANAGER
LINN TO OBTAIN PRIOR APPROVAL FROM THE CITY COUNCIL ON
THE SPECIFIC ITEMS AND TERMS FOR SUPPLUSING ABOVE
STATED FIRE ENGINES AND EQUIPMENT.**

Roll Call Vote:

Ayes: 4 - Jones, Patronik, Shimp, Tankersley

Noes: 1 - Vaughn

MOTION CARRIED

Adjournment

There being no further business, the meeting adjourned at 9:15 p.m.

George F. Vaughn, Jr., Mayor

ATTEST:

Lisa Volpe, Acting City Clerk

Approved: _____



MINUTES
WORKSHOP CITY COUNCIL MEETING
JANUARY 18, 2000 AT 7:00 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 18, 2000 at 7:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

Mayor George F. Vaughn, Jr.
Vice Mayor Edward S. Jones
Councilor Ronald Patronik
Councilor Robert D. Shimp
Councilor Thomas A. Tankersley
City Manager Richard A. Linn
City Attorney Christopher A. White

City Clerk Lisa Volpe
Supervisor of Water Leon Smith
Lead Operator Mark Greenwood
Director of Finance John Herbst
Building Official Dan Arlington
Deputy City Clerk Karla Strait

Call to Order/Roll Call The Mayor called the meeting to order at 7:00 p.m.

COMMITTEE REPORTS

IBBC

ISH BRANT BEAUTIFICATION COMMITTEE: City Manager Linn reported that the Ish Brant Beautification Committee had met on January 3, 2000 with Jacksonville Councilors Jerry Holland and Elaine Brown. They discussed joint projects along the culvert on Florida Boulevard and were working on a grant for \$5000.00 for landscaping the medians on Third Street.

CITY MANAGERS PUNCH LIST

Roadway Between Shopping Centers

ROADWAY BETWEEN SHOPPING CENTERS: City Manager Linn stated that he had met with Ron Oehl the new owner of the K-mart shopping center. Mr. Oehl was discussing with U-Haul about the roadway.

Penman Road Bike Path

PENMAN ROAD BIKE PATH: City Manager Linn stated that he had spoken with Sally Rosier of the Florida Department of Transportation and they hired a consultant to design the bike path. Ms. Rosier stated that the contract called for a bike path from Atlantic Boulevard down Florida Boulevard across Penman Road, across Third Street to the ocean. The alternative route would be along Penman Road from Atlantic Boulevard down to Seagate Avenue. The consultant was to visit the area this week.

Wastewater Management Facilities

WASTEWATER MANAGEMENT FACILITIES: Mayor Vaughn asked City Manager Linn about the Wastewater Management Facilities. Mr. Linn answered that he didn't believe the city qualified for funding.

Short Term Rentals SHORT TERM RENTAL ISSUE: City Manager Linn announced that he received a letter from the enforcement agency for the State stating that they had no enforcement powers because the units were not five dwellings or more.

Taxi Cab Stands TAXICAB STANDS: Councilor Tankersley asked City Manager Linn if Director of Public Works John Galen had ordered the signs for the taxicab stands. City Manager Linn answered "yes" that they might have already come in.

PROPOSED ORDINANCES

Ord. No. 2000-01 ORDINANCE NO. 2000-01: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, ABANDONING, VACATING AND CLOSING A PORTION OF FIRST STREET BETWEEN NORTH STREET AND SOUTH STREET; AND ESTABLISHING AN EFFECTIVE DATE.

Consensus: **TO MOVE ORDINANCE NO. 2000-01 FORWARD TO THE REGULAR CITY COUNCIL MEETING IN FEBRUARY FOR SECOND READ.**

CONTRACT/AGREEMENTS

CDBG Project AUTHORIZATION TO SOLICIT BIDS FOR CDBG PROJECT: City Manager Linn stated that each year council is asked permission to advertise and solicit bids for the CDBG funding of sewer work. Mr. Linn requested to place this item on the consent agenda for the Regular City Council Meeting in February.

Consensus: **TO MOVE AUTHORIZATION OF BIDS FOR CDBG PROJECT FORWARD TO THE CONSENT AGENDA FOR THE REGULAR CITY COUNCIL MEETING IN FEBRUARY.**

Sliders Oyster Bar GRANDFATHERING OF PARKING SPACES AT SLIDERS OYSTER BAR: City Manager Linn reported that an agreement had been drawn up for the grandfathering of two parking spaces at Sliders Oyster Bar.

Consensus: **TO MOVE SLIDERS OYSTER BAR GRANDFATHERING OF PARKING SPACES FORWARD TO THE CONSENT AGENDA FOR THE REGULAR CITY COUNCIL MEETING IN FEBRUARY.**

ISSUE DEVELOPMENT

Risk Management Program PRESENTATION TO THE PUBLIC OF THE RISK MANAGEMENT PROGRAM REQUIRED BY THE ENVIRONMENT PROTECTION AGENCY: Supervisor of Water Leon Smith and Lead Operator Mark Greenwood gave a presentation on the City's Risk Management Program.

Revenue Enhancements PRESENTATION AND DISCUSSION OF REVENUE ENHANCEMENTS: Director of Finance John Herbst gave a presentation and shared some ideas about how to enhance city revenue.

Interlocal Agreement SUGGESTED TEXT OF AMENDMENT TO INTERLOCAL AGREEMENT TO INCLUDE FIRE PROTECTION AND ADVANCE LIFE SUPPORT RESCUE: Mayor Vaughn stated that there was a draft of a suggested agreement involving fire services to be provided by Jacksonville in the agenda packets. Mayor Vaughn asked for a consensus of the council to move forward with the agreement between the City of Neptune Beach and the City of Jacksonville. The Mayor's intent was not to reopen the interlocal agreement with City of Jacksonville.

Mayor Vaughn felt that if the City of Jacksonville was going to provide our fire protection and fire rescue services at no cost, there needed to be a specific binding agreement between the City of Neptune Beach and the City of Jacksonville. He felt this agreement would do it.

Councilor Shimp stated that he did not want to reopen the issue, he felt that if we did Jacksonville might want to raise our millage rate.

Mayor Vaughn stated that was against his best business interest to rely on an agreement between two entities that are not connected with us.

On the Record Councilor Shimp asked how many times Mayor Delaney and the Jacksonville Fire Chief had to explain that we are covered. He asked why we couldn't just say, "you know what for some reason we got a good deal". Councilor Shimp said for the last time "there was not a Fire Department" we didn't have a volunteer Fire Department, what we had were police officers coming off the street to take care of the fire services. He also stated that insurance rates would go down because Jacksonville was providing fire services and he was willing to trust Mayor John Delaney.

On the Record Councilor Shimp stated on the record that his statements were not meant to be derogatory.

Mayor Vaughn stated that he trusted what was on paper and specific language in an agreement.

Vice Mayor Jones stated that the council voted to surplus the fire equipment at the last meeting and he had based his vote on that we have the very best fire services ever based on the interlocal agreements that were place. Jones further stated that he was not in favor of reopening the issue.

Councilor Patronik asked City Attorney White if this agreement would open up negotiations.

City Attorney White responded that he could not speculate on what would happen but it would become fair game.

Councilor Patronik stated that we might be shooting ourselves in the head if we go ahead with this agreement. He thought it would be very difficult for Jacksonville to charge for fire services in the future.

Councilor Tankersley felt that we had a good working agreement. His concern was that it opened negotiations.

City Attorney White stated that he felt we had an expressed contract.

On the record Councilor Tankersley voted no because he did not feel we needed to go into another interlocal agreement.

Consensus: **NOT TO MOVE FORWARD WITH THE FIRE PROTECTION AGREEMENT.**

Recess / Reconvene The meeting recessed at 9:00 p.m. and reconvened at 9:15 p.m.

Water & Sewer
Upgrade

UPDATE OF DESIGN OF WATER AND SEWER UPGRADE: Jim Miller with PBS&J gave an update on the design of the water and sewer upgrade.

Welcome Sign

DESIGN OF THE "WELCOME TO NEPTUNE BEACH" SIGN: Three different sign designs, numbered 1, 2, and 3 were presented to the council to choose from.

Consensus: **MOVE FORWARD WITH SIGN DESIGN NUMBER 3.**

Public Comments

PUBLIC COMMENTS ON AGENDA ITEMS ONLY:

Robert West, 106 Hall Place, expressed concern about the grandfathering of parking spaces at Sliders Oyster Bar. He felt that city streets should not be grandfathered to anyone.

Harriet Pruette, 217½ Magnolia Street, commented that Mayor John Delaney had an interest in Neptune Beach because he was a resident and felt that we should trust in his word. Ms. Pruette added that Cathy Crownover, reporter for Shorelines, had done a good job on the article about city revenues.

Adjournment

There being no further business, the meeting adjourned at 10:00 p.m.

George F. Vaughn, Jr., Mayor

ATTEST:

Lisa Volpe, City Clerk

Approved: _____



**TOWN HALL MEETING
JANUARY 18, 2000
CITY HALL, 116 FIRST STREET,
NEPTUNE BEACH, FLORIDA**

Pursuant to proper notice a Town Hall Meeting of the City Council of the City of Neptune Beach was held January 18, 2000, immediately following the Workshop Meeting, in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

The following Council members and staff were in attendance:

Mayor George F. Vaughn, Jr.
Councilor Ronald D. Patronik
Councilor Robert D. Shimp
Councilor Thomas A. Tankersley
City Clerk Lisa Volpe
Deputy City Clerk Karla Strait

Absent:
Vice Mayor Edward S. Jones
City Manager Richard A. Linn

Call to Order

The Mayor called the meeting to order at 10:01 p.m.

Public Comments

There being no comments the Mayor closed the meeting

Adjournment

There being no further business, the meeting adjourned at 10:02 p.m.

George F. Vaughn, Jr., Mayor

ATTEST:

Lisa Volpe, City Clerk

Approved: _____



MINUTES
WORKSHOP CITY COUNCIL MEETING
PROPOSED LAND USE REGULATIONS
JANUARY 31, 2000 AT 7:00 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 31, 2000, at 7:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

Mayor George F. Vaughn, Jr.
Vice Mayor Edward S. Jones
Councilor Thomas A. Tankersley
Councilor Robert D. Shimp
Councilor Ronald Patronik

City Manager Richard A. Linn
Acting City Clerk Lisa Volpe
Building Official Dan Arlington
Assistant to Building Official Piper Turner

Call to Order/Roll Call

The Mayor called the meeting to order at 7:00 p.m.

Mayor Vaughn informed the audience that the meeting tonight was a workshop specifically for a presentation of the final draft comments from Ivy, Harris and Walls, to the Neptune Beach City Council and that public hearings would be held in the future.

Mayor Vaughn stated that as Neptune Beach entered the new millennium that we must continue to grow internally to sustain the quality of life and prosper, and that as a growth management tool the city's Land Use Regulations were the single most important factor in determining that quality of life.

Mayor Vaughn opened the floor to Consultants, Amy Skinner McClure and Gary Dickens with Ivey, Harris and Walls, Inc. for the presentation.

Land Use Regulations

LAND USE REGULATIONS: Amy Skinner and Gary Dickens with Ivey, Harris and Walls, Inc. gave a presentation on the Proposed Land Use Regulations.

Ms. Skinner explained that the draft of the Proposed Land Use Regulations had been broken down into these following four sections:

- 1) Land Use Section
- 2) Accessory Uses
- 3) Off Street Parking and Loading
- 4) Non-conforming lots and structures.

Ms. Skinner pointed out to the council the revisions of the Proposed Land Use Regulations since the last meeting, and gave a lengthy presentation.

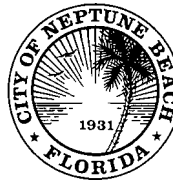
- Legal Opinion Councilor Tankersley asked City Manager Linn to ask City Attorney White for a legal opinion on all of the changes being proposed.
- City Manager Linn responded that Ivey, Harris and Walls, Inc. staff attorneys, would review the Proposed Land Development Regulations.
- Councilor Tankersley requested that City Attorney White speak with the staff attorneys for Ivey, Harris and Walls.
- Recess / Reconvene Mayor Vaughn called a recess at 9:25 p.m., and the meeting reconvened at 9:35.
- Ms. Skinner continued with the presentation.
- Consensus: **TO ADD "BEACHSIDE COMMUNITY" IN THE INTENT SECTION OF THE PURPOSED LAND DEVELOPMENT REGULATIONS.**
- Mayor Vaughn asked City Clerk Lisa Volpe to have copies of the current redline version of the Proposed Land Use Regulations available and to advertise in the paper that they would be available at no cost to any resident or property owner of Neptune Beach.
- Public Hearing
Scheduled Consensus: **TO HOLD A PUBLIC HEARING ON THE PROPOSED LAND USE REGULATIONS ON FEBRUARY 28, 2000 AT 7:00 P.M.**
- Adjournment There being no further business, the meeting adjourned at 10:12 p.m.

George F. Vaughn, Jr., Mayor

ATTEST:

Lisa Volpe, City Clerk

Approved: _____



MINUTES
REGULAR CITY COUNCIL MEETING
FEBRUARY 7, 2000 AT 7:00 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 February 7, 2000, at 7:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

Mayor George F. Vaughn, Jr.
Councilor Ronald D. Patronik
Councilor Robert D. Shimp
Councilor Thomas A. Tankersley
City Manager Richard A. Linn
City Attorney Christopher White

City Clerk Lisa Volpe
Director of Finance John Herbst
Building Official Dan Arlington
Deputy City Clerk Karla Strait

ABSENT:
Vice Mayor Edward S. Jones

Order Call/Pledge

The Mayor called the meeting to order at 7:00 p.m. and led the Pledge of Allegiance.

AWARDS / PRESENTATIONS / RECOGNITION OF GUESTS

City Manager Linn presented Director of Finance John Herbst with a Certificate of Achievement for Excellence in Financial Reporting from the Florida Government Finance Association.

Director of Finance John Herbst gave a report on the financial status of the city.

Mayor Vaughn presented Grace Wazinski with a plaque for her late husband Phil Wazinski's Outstanding Volunteer Service on the Board of Appeals.

APPROVAL OF MINUTES

Motion: **TO APPROVE THE FOLLOWING MEETING MINUTES AS STATED:**

JANUARY 3, 2000, REGULAR
JANUARY 18, 2000, WORKSHOP
JANUARY 18, 2000, TOWN HALL
JANUARY 31, 2000, WORKSHOP

Moved by Patronik, seconded by Shimp.

Mayor Vaughn recognized that there was an error on the agenda under the approval of the minutes. The January Workshop and Town Hall Meetings were typed as January 17, 2000

and were actually held on January 18, 2000.

Mayor Vaughn asked that the January 18, 2000, Workshop Minutes have the record reflect that it was never his intent or his request that the interlocal agreement be opened for negotiation. That agreement was submitted through the City Attorney and that the only thing he asked for was a straight agreement with the City of Jacksonville and Neptune Beach.

Roll Call Vote:

Ayes: 4 - Patronik, Shimp, Tankersley, Vaughn

Noes: 0

Absent: 1 - Jones

MOTION CARRIED

COMMUNICATIONS AND CORRESPONDENCE

February Workshop Meeting

City Clerk Lisa Volpe requested that due to Presidents Day falling on Monday, February 21, 2000, that the February Workshop Meeting be held on Tuesday, February 22, 2000.

Consensus: **TO HOLD THE FEBRUARY WORKSHOP MEETING ON TUESDAY, FEBRUARY 22, 2000.**

Taxi Cab Stands

Councilor Tankersley recognized that the taxicab stands were now in Town Center and thanked City Manager Linn.

CITY MANAGER REPORTS

Water Testing

WATER TESTING FOR MTBE (Methyl tert-butyl ether): City Manager Linn stated that our water supply had been tested on December 9, 1996 and there were no contaminants detected. Mr. Linn had spoken with Director of Public Works John Galen and was told that the water sample for the current three-year cycle had been sent out last week and the results would be forthcoming in about six weeks. Mr. Linn told council that he would add the issue to his punch list. Mr. Linn further stated that the Health Department felt that the risk of our water system in Neptune Beach being contaminated with this chemical was very low.

Hopkins Creek Fallout

HOPKINS CREEK OUTFALL DOT PROJECT TRAFFIC CONTROL PLAN: City Manager Linn stated he had received a letter from Sally Rosier of the Department of Transportation. One of the options being considered for the traffic control plan was to close off Penman Road and divert the traffic down Seagate Avenue over to Fifth Street, up Florida Boulevard and back to Penman Road. Mr. Linn felt this was not a workable solution for the community and drafted a letter indicating his concerns. Mr. Linn asked council if they had any objections. Mr. Linn felt that it would not be in any interest to the community and had serious reservations about the safety.

Councilor Patronik asked City Manager Linn who would be paying for the cost. City Manager Linn responded that the outfall was the responsibility of the Florida Department of Transportation and was a three or four million-dollar project.

Mayor Vaughn suggested that City Manager Linn ask the Department of Transportation, if they had to do the project, to do it during the summer when school is out.

Wastewater Facilities Grant

REQUEST FOR INCLUSION ON PRIORITY LIST FOR WASTEWATER FACILITIES GRANT REPORT: City Manager Linn explained that the grant was for disadvantaged small communities and that the deadline for the list was February 15, 2000. The funding for the grant program was from the interest of the state revolving loan fund. Neptune Beach qualified for inclusion on the list with about thirty other Florida communities. Priority would be given to communities that were experiencing a contamination or a health

problem. Mr. Linn added that we would be relatively low on the list because of this. However, Mr. Linn further explained that once your name was on the list that it would be on the list forever and that as other communities worked down we would eventually see some benefits. City Manager Linn added that if we could qualify for ten years that we could do a major portion of our sewer work from the grant.

Emergency
Management
Preparedness

EMERGENCY MANAGEMENT PREPAREDNESS ASSISTANCE TRUST FUND: City Manager Linn reported that Neptune Beach had made the list this year and was 28 out of 31 that may receive funding for emergency generators for lift stations and that the matching grant was \$23, 000.

COMMENTS FROM THE PUBLIC

Leslie Carlin, 1506 Spindrift Circle West, asked about the Wastewater Facilities Grant: if our income per capita increased could the grant be taken away. City Manager Linn responded "no".

Brad Duttera, 2026 Cherokee Drive, was concerned about taxes and the city purchasing more land instead of using it as a tax base.

Harriet Pruette, 217 ½ Magnolia Street, felt that the city needed to take care of the drainage problem that existed at the end of Atlantic Boulevard before adding an archway to Town Center. Ms. Pruette was also concerned about the Town Center Merchants not paying their fair share for the Town Center Project.

Mayor Vaughn responded to Harriet Pruettes' concerns stating that the town center merchants had committed to \$75,000 for the Town Center Project and at the last Project Oversight Committee Meeting over \$50,000 of those funds had been placed in the bank from the merchants. There was another meeting scheduled for the last week of the month for those merchants who had not participated to hopefully encourage them to come up with their portion. He was confident that the merchants would fulfill their commitment. Mayor Vaughn further stated that the drainage concern at the end of Atlantic Boulevard had been debated long before the Project Oversight Committee came along with the project and that there were no simple solutions to that problem. Mayor Vaughn added that the final design of the Archway was being drafted by the architect and would be a good addition to the project itself.

Councilor Shimp stated that he was against the archway and felt that it would look cheap. He was also concerned about the merchants not paying. The last meeting he had attended only 17 out of 64 had paid their share. He believed that the City had done everything it could for Town Center and felt that the Town Center Merchants and landowners needed to take some responsibilities and take the financial burden off the city.

For the Record Councilor Shimp stated that for the record he was out voted on the archway issue at the Project Oversight Committee Meeting.

Mayor Vaughn gave Harriet Pruette the name of Commissioner Desmond Waters of Atlantic Beach to contact for information regarding the collections of the Town Center Merchants.

Lynda Padrta, 1113 First Street, felt that the city did not need to spend money on an archway because there were other issues that needed to be addressed.

CONSENT AGENDA

CDBG Project &
Grandfather Parking
Spaces

SOLICIT BIDS FOR CDBG PROJECT & GRANDFATHER PARKING SPACES IN CONJUNCTION WITH TOWN CENTER PROJECT. These two items had been placed on the consent agenda to be voted on.

Moved by Shimp, seconded by Patronik.

Motion: **TO APPROVE THE CONSENT AGENDA.**

Roll Call Vote:

Ayes: 4 – Patronik, Shimp, Tankersley, Vaughn

Noes: 0

Absent: 1 - Jones

MOTION CARRIED

VARIANCES / NONE

ORDINANCES

Ordinance No.
2000-01

ORDINANCE NO. 2000-01, SECOND READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, ABANDONING, VACATING AND CLOSING A PORTION OF FIRST STREET BETWEEN NORTH STREET AN SOUTH STREET; AND ESTABLISHING AN EFFECTIVE DATE.

The Mayor read Ordinance No. 2000-01 by title only and opened the public hearing.

There being no public comments, the public hearing was closed.

Moved by Tankersley, seconded by Shimp.

Motion: **TO ADOPT ORDINANCE NO. 2000-01,ON FINAL READ AND PUBLIC HEARING AS STATED.**

Roll Call Vote:

Ayes: 4 – Patronik, Shimp, Tankersley, Vaughn

Noes: 0

Absent: 1 - Jones

MOTION CARRIED

Ordinance No.
1999-13

ORDINANCE NO. 1999-13, SECOND READ AND PUBLIC HEARING: AN ORDINANCE TO AMEND THE FUTURE LAND USE MAP OF THE ADOPTED COMPREHENSIVE PLAN OF THE CITY OF NEPTUNE BEACH ON APPROXIMATELY .30 ACRE PARCEL OF LAND LOCATED WEST OF POINCIANA ROAD, NORTH OF BAY ROAD, EAST OF FLORIDA BOULEVARD, AND SOUTH OF KINGS CIRCLE SOUTH FROM COMMERCIAL MEDIUM DENSITY TO MEDIUM DENSITY RESIDENTIAL; PROVIDING AN EFFECTIVE DATE.

The Mayor read Ordinance No. 1999-13 by title only, and opened the public hearing.

Leslie Carlin, asked if the city would receive more taxes if the property remained commercial.

Building Official Dan Arlington responded that it would depend on what would be built there.

There being no further comments from the public, the public hearing was closed.

Moved by Shimp, seconded by Patronik.

Motion: **TO ADOPT ORDINANCE NO. 1999-13, ON FINAL READ AND PUBLIC HEARING AS STATED.**

Roll Call Vote:

Ayes: 4 - Patronik, Shimp, Tankersley, Vaughn

Noes: 0

Absent: 1 - Jones

MOTION CARRIED

Ordinance No.
1999-14

ORDINANCE NO. 1999-14, SECOND READ AND PUBLIC HEARING: AN ORDINANCE REZONING APPROXIMATELY .30 ACRE PARCEL OF LAND LOCATED WEST OF POINCIANA ROAD, NORTH OF BAY ROAD, EAST OF FLORIDA BOULEVARD, AND SOUTH OF KINGS CIRCLE SOUTH FROM COMMERCIAL MEDIUM DENSITY TO MEDIUM DENSITY RESIDENTIAL; PROVIDING AN EFFECTIVE DATE.

The Mayor read Ordinance No. 1999-14 by title only and opened the public hearing.

There being no comments from the public, the public hearing was closed.

Moved by Patronik, seconded by Shimp.

Motion: **TO ADOPT ORDINANCE NO. 1999-14, ON FINAL READ AND PUBLIC HEARING AS STATED.**

Roll Call Vote:

Ayes: 4 – Patronik, Shimp, Tankersley, Vaughn

Noes: 0

Absent: 1 - Jones

MOTION CARRIED

OLD BUSINESS / NONE

NEW BUSINESS

Resolution No.
2000-01

RESOLUTION NO. 2000-01: RESOLUTION APPOINTING AND REAPPOINTING BOARD MEMBERS TO BOARD OF APPEALS, CODE ENFORCEMENT BOARD, PLANNING AND DEVELOPMENT REVIEW BOARD, AND POLICE OFFICERS' RETIREMENT FUND BOARD

RESOLVED, the City Council of the city of Neptune Beach, Florida, hereby confirms the following board re-appointments:

BOARD OF APPEALS

Member	Type	Term	Begins	Ends
Jay Ambler	Reappoint Alternate	1 year	2/1/2000	1/31/2001
Robert Hudson	Reappoint Alternate	1 year	2/1/2000	1/31/2000
Jim Stinekraus	Appoint Regular	3 year	2/25/2000	2/24/2001

CODE ENFORCEMENT BOARD

Member	Type	Term	Begins	Ends
Jimmy Gilbert	Reappoint Regular	3 year	09/04/1999	09/03/2002
Joseph Waddill	Reappoint Regular	3 year	12/14/1999	12/13/2002
Richard Keene	Appoint Regular	3 year	02/07/2000	02/06/2003
William Weldon	Reappoint Alternate	1 year	02/02/2000	02/01/2001

PLANNING AND DEVELOPMENT REVIEW BOARD

Member	Type	Term	Begins	Ends
Brian Greenwood	Reappoint Regular	3 year	08/05/1999	08/04/2002
Joseph Sasser	Appoint Regular	3 year	02/07/2000	02/06/2003

POLICE OFFICERS RETIREMENT FUND BOARD

Member	Type	Term	Begins	Ends
Donald Padgett	Reappoint Regular	2 year	09/02/1999	09/01/2001
Benton Rodriquez	Appoint Regular	2 year	02/07/2000	02/06/2002

Moved by Tankersley, seconded by Patronik.

Motion: **TO APPROVE RESOLUTION NO. 2000-01 AS NOTED ABOVE.**

Roll Call Vote:

Ayes: 4 – Patronik, Shimp, Tankersley, Vaughn

Noes: 0

Absent: 1 - Jones

MOTION CARRIED

Resolution No.
2000-02

RESOLUTION NO. 2000-02: RESOLUTION OF THE CITY OF NEPTUNE BEACH, FLORIDA AUTHORIZING THE CITY ATTORNEY TO REPRESENT THE CITY OF NEPTUNE BEACH IN THE CONDEMNATION PROCEEDING WITH THE JACKSONVILLE TRANSPORTATION AUTHORITY FOR THE MAYPORT FLYOVER PROJECT.

WHEREAS, it is anticipated that other lawsuits may be filed against the City of Neptune Beach, Florida by the Jacksonville Transportation Authority; and

WHEREAS, the City of Neptune Beach, Florida desires to have Christopher A. White, Esq., Neptune Beach City Attorney, represent their interests in the above-referenced litigation.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NEPTUNE BEACH, FLORIDA:

SECTION 1. That the City Council of the City of Neptune Beach, Florida hereby authorizes Christopher A. White, Esq., City Attorney, to represent their interests and act as lead attorney in the condemnation suit filed in the Duval County Circuit Court, Fourth Judicial Circuit, Case No. 99-07491-CA, Division CV-A styled as Jacksonville Transportation Authority, Petitioner, vs. A. M. Coplan, Trustee for Syrian Lebanese Star Retirement Plan; Jacksonville Electric Authority; Water=s Edge Association, Inc.; City of Neptune Beach, Tax Department and Lynwood Roberts, Tax Collector for Duval County, Respondents and any other lawsuits instituted by Jacksonville Transportation Authority against the City of Neptune Beach, Florida relating to the Mayport Flyover project.

SECTION 2. Effective Date. This resolution shall become effective upon adoption.

Moved by Tankersley, seconded by Shimp

Motion: **TO APPROVE RESOLUTION NO. 2000-02 AS NOTED ABOVE.**

Roll Call Vote:

Ayes: 4 – Patronik, Shimp, Tankersley, Vaughn

Noes: 0

Absent: 1 - Jones

MOTION CARRIED

Adjournment

There being no further business, the meeting adjourned at 7:45 p.m.

George F. Vaughn, Jr., Mayor

ATTEST:

Lisa Volpe, City Clerk

Approved: _____



MINUTES
WORKSHOP CITY COUNCIL MEETING
FEBRUARY 22, 2000 AT 7:00 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 February 22, 2000 at 7:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

Mayor George F. Vaughn, Jr.
Vice Mayor Edward S. Jones
Councilor Ronald Patronik
Councilor Robert D. Shimp
City Manager Richard A. Linn
City Attorney Christopher A. White

City Clerk Lisa Volpe
Director of Finance John Herbst
Director of Public Services John Galen

ABSENT:
Councilor Thomas A. Tankersley

Call to Order/Roll Call The Mayor called the meeting to order at 7:00 p.m.

For the Record City Clerk Lisa Volpe read into the record a message that Councilor Tankersley was out of town due to a family emergency.

COMMITTEE REPORTS

IBBC

ISH BRANT BEAUTIFICATION COMMITTEE: City Manager Linn reported that there were two items of business in the committee report. One being the culvert on Florida Boulevard and the other addressing a \$5,000 grant to beautify the medians on Third Street. Mr. Linn turned the floor over to Dayne Etherton the Chairman of the Ish Brant Beautification Committee.

Mr. Etherton informed the council that he felt the culvert project would create an easier maintenance program for the city and would also beautifying the area. He asked the council to look at a resolution that had been drafted in favor of the culvert, trees and bike path on Florida Boulevard and asked if the council had any questions.

A lengthy discussion ensued.

Consensus: **FORWARD THE RESOLUTION FOR CULVERT ALONG FLORIDA BOULEVARD TO THE REGULAR CITY COUNCIL MEETING AGENDA FOR MARCH 6, 2000.**

CITY MANAGERS PUNCH LIST

Roadway between shopping centers	<u>ROADWAY BETWEEN SHOPPING CENTERS:</u> City Manager Linn reported that he and Building Official Dan Arlington had met with representatives of U-Haul to discuss a future roadway between the K-mart and the Food Lion shopping centers. Mr. Linn added that he and Director of Public Services John Galen had met with the representatives of Smith and Gillespie and asked them to provide a proposal on the cost of the roadway. The proposal had come in and he believed that the price was under \$5,000.
Penman Road Bike Path	<u>PENMAN ROAD BIKE PATH:</u> City Manager Linn stated that the Ish Brant Beautification Committee had requested that the Jacksonville Transportation Authority include the bike path in the scope of their work on the Florida Boulevard culvert. Mr. Linn added that a meeting with a consultant hired by Jacksonville Transportation Authority would be held on February 23, 2000, to discuss any concerns.
Shuttle Bus Trolley	<u>SHUTTLE BUS TROLLEY:</u> City Manager Linn announced that the construction of the shuttle bus parking area at the K-Mart shopping center had been completed.
Naval Air Show	<u>NAVAL AIR SHOW:</u> City Manager Linn stated a meeting was planned for February 24, 2000, with Captain Furness and the City Managers of Jacksonville Beach and Atlantic Beach to discuss the Air Show.
Wastewater Management Facilities Grant	<u>WASTEWATER MANAGEMENT FACILITIES GRANT:</u> City Manager Linn reported that the city was included on the list to receive the Wastewater Management Facilities Grant.
MTBE Testing	<u>MTBE TESTING:</u> City Manager Linn stated that water samples had been sent to the lab and he was awaiting the results.
Items on City Managers Punch List	<u>KINGS ROAD BRIDGE:</u> Councilor Shimp suggested that some old issues be removed from the City Managers punch list one being the Kings Road Bridge Safety and Fishing Pier. Discussion ensued about the safety, cost of repairs and concern for the residents having to cross the bridge. It was decided to leave the item on the punch list changing the title from "Kings Road Bridge Safety and Fishing Pier" to "Kings Road Bridge".

PROPOSED ORDINANCES / NONE**CONTRACT/AGREEMENTS**

911 – Interlocal Agreement	<u>911 – INTERLOCAL AGREEMENT:</u> Mr. Linn stated that the city would be reimbursed \$66,865 in salaries and expenses for the 911 dispatchers from the 911 interlocal agreement with Duval County. Consensus: <u>FORWARD THE 911 INTERLOCAL AGREEMENT TO THE REGULAR CITY COUNCIL MEETING CONSENT AGENDA FOR MARCH 6, 2000.</u>
Bell South Easement	<u>BELL SOUTH EASEMENT REQUEST:</u> City Manager Linn stated that he had met with representatives from Bell South and their real estate agent and they had agreed to a one time payment of \$3,500 for the easement.

Consensus: **FORWARD THE BELL SOUTH EASEMENT REQUEST TO THE REGULAR CITY COUNCIL MEETING CONSENT AGENDA FOR MARCH 6, 2000.**

Emergency 1 Fire Engine

SURPLUS AND SALE OF 1985 EMERGENCY 1 FIRE ENGINE: City Manager Linn informed the council that he had received a letter from Crescent City proposing to purchase the 1985 emergency 1 fire engine. Mr. Linn added that the proposal was for a total of \$20,000, paying \$5,000 down and the remaining \$15,000 when they passed a new budget on October 1, 2000.

Consensus: **FORWARD EMERGENCY 1 FIRE ENGINE TO THE REGULAR CITY COUNCIL MEETING AGENDA FOR MARCH 6, 2000.**

ISSUE DEVELOPMENT

Misuse of Public Funds

MISUSE OF PUBLIC FUNDS: Mayor Vaughn felt that the city had misused funds by performing the construction of curbs adjacent to the Ed Jones development. He felt that the developer had torn out the curbs during the construction of the building and should be responsible for the replacement.

Discussion ensued.

City Manager Linn stated that the city did put in the curb, it was on the city right of way, and it was the only section between Third Street and the ocean that was not curbed and had not been curbed for a long time. Mr. Linn added that the city was required by the St. Johns River Water Management District to control storm water and part of that requirement was installing curbing. Mr. Linn further stated that putting in the curbing was a normal course of city business.

Mosquito Control Aircraft

PERMISSION FOR MOSQUITO CONTROL AIRCRAFT: City Manager Linn stated that he had received an annual request from Mosquito Control requesting that council write a letter allowing them to fly an airplane over the city for the treatment of mosquitoes.

Consensus: **FORWARD THE MOSQUITO CONTROL AIRCRAFT TO THE REGULAR CITY COUNCIL MEETING CONSENT AGENDA FOR MARCH 6, 2000.**

Financial Status Report

FINANCIAL STATUS REPORT: Director of Finance John Herbst gave a financial status report indicating that the city was in a sound financial state.

Mail Handling Procedures

DISCUSSION OF MAIL HANDLING PROCEDURES: Mayor Vaughn wanted to read a memo that he had written to City Clerk Lisa Volpe regarding the opening of a letter that was addressed to him.

Vice Mayor Jones stated that it was not required for the Mayor to read the letter that could submit it for the record.

Mayor Vaughn stated that he was going to read the memo into the record.

Vice Mayor Jones made a motion to prevent the mayor from reading the memo into the record.

Consensus: **TO PREVENT THE MAYOR FROM READING A MEMO FOR THE RECORD.**

Mayor Vaughn agreed not to read the memo into the record and explained that a letter addressed to him had been delivered to city hall and was opened by the City Clerk because a member of press asked to see it. He felt that no one other than himself should open his mail.

For the Record Mayor Vaughn stated for the record that the City Clerk would have the original envelope and letter back tonight.

City Clerk Lisa Volpe explained that when the member of the press asked her to open the letter and copy it for them that she did not foresee a major problem. Ms. Volpe apologized to the Mayor and said that it would not happen again.

Flooding end of
Atlantic Blvd.

FLOODING OF ATLANTIC BOULEVARD BETWEEN FIRST STREET AND THE OCEAN: City Manager Linn suggested two possible solutions for the flooding problem at the end of Atlantic Boulevard and the ocean. One was to build a ramp or a crossover adjacent to the lifeguard building that would allow access to the beach when the area was flooded. The other was to find a place to pump the water and install pump stations.

Councilor Shimp asked if a handicap walkway could be installed next to the lifeguard station during times of flooding.

Mayor Vaughn stated that he would like to see all the cities come together and work in a committee format on an ongoing basis to develop a solution.

City Manager Linn stated that he would meet with the City Manager of Atlantic Beach and discuss a solution.

Vice Mayor Jones and Councilor Patronik felt that the Town Center Project Oversight Committee should have handled the issue.

Public Comments

PUBLIC COMMENTS ON AGENDA ITEMS ONLY:

Harriet Pruette, 217 ½ Magnolia Street, felt that the flooding at the end of Atlantic Boulevard needed to be addressed. Ms. Pruette also felt that it was a misuse of public funds to have to redo the curbing in Town Center because it was done right the first time. Ms. Pruette also felt that Mayor Vaughn could have handled the issue of mail handling directly with the City Clerk.

Elaine Kenny, 1301 Neptune Grove Drive West, stated her concern about the flooding on Atlantic Boulevard at the ocean. Ms. Kenny also felt that City Clerk Lisa Volpe had been put in an awkward position.

Adjournment

There being no further business, the meeting adjourned at 8:45 p.m.

George F. Vaughn, Jr., Mayor

Attest:

Lisa Volpe, City Clerk

Approved: _____



**MINUTES
TOWN HALL MEETING
FEBRUARY 22, 2000 AT 8:50 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 February 22, 2000 at 8:50 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

Mayor George F. Vaughn, Jr.
Vice Mayor Edward S. Jones
Councilor Ronald Patronik
Councilor Robert D. Shimp
City Manager Richard A. Linn
City Attorney Christopher A. White

City Clerk Lisa Volpe
Director of Finance John Herbst
Director of Public Services John Galen

ABSENT:
Councilor Thomas A. Tankersley

Call to Order/Roll Call The Mayor called the meeting to order at 8:50 p.m.

Public Comments

Elaine Kenny, 1301 Neptune Grove Drive West, reported that she was in the process of putting the Sunday in the Park event together and it would be held on April 16, 2000.

Harriet Pruette, 217 ½ Magnolia Street, felt that some documents were missing from the disks she had requested from the Mayor's personal home computer.

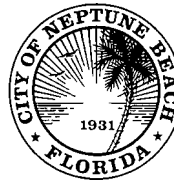
Adjournment There being no further business, the meeting adjourned at 8:55 p.m.

George F. Vaughn, Jr., Mayor

ATTEST:

Lisa Volpe, City Clerk

Approved:



MINUTES
REGULAR CITY COUNCIL MEETING
MARCH 6, 2000 AT 7:00 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 March 6, 2000, at 7:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

Mayor George F. Vaughn, Jr.
Vice Mayor Edward S. Jones
Councilor Ronald D. Patronik
Councilor Robert D. Shimp
Councilor Thomas A. Tankersley
City Attorney Christopher White

City Manager Richard A. Linn
City Clerk Lisa Volpe
Deputy City Clerk Karla Strait
Director of Finance John Herbst
Building Official Dan Arlington

Order Call/Pledge

The Mayor called the meeting to order at 7:00 p.m. and led the Pledge of Allegiance.

AWARDS / PRESENTATIONS / RECOGNITION OF GUESTS / NONE

APPROVAL OF MINUTES

Motion: **TO APPROVE THE FOLLOWING MEETING MINUTES AS STATED:**

FEBRUARY 7, 2000, REGULAR
FEBRUARY 22, 2000, WORKSHOP
FEBRUARY 22, 2000, TOWN HALL
FEBRUARY 28, 2000, WORKSHOP

Moved by Patronik, seconded by Tankersley.

Roll Call Vote:

Ayes: 5 – Jones, Patronik, Shimp, Tankersley, Vaughn
Noes: 0

MOTION CARRIED

COMMUNICATIONS AND CORRESPONDENCE

Councilor Shimp suggested adding the issues of tax cuts for senior citizens and Media Ones installation of boxes and above ground cables to the March 20, 2000 Workshop Meeting Agenda.

Councilor Patronik extended congratulations to City Clerk Lisa Volpe for being awarded the Certified Municipal Clerk designation.

CITY MANAGER REPORTS

Water Test Results WATER TEST RESULTS FOR MTBE (Methyl *tert*-butyl ether): City Manager Linn stated that the sample water test results showed that less than .5 ug/1 was present. The detectable level for this compound is .5ug/1 and therefore could not be detected.

Bike Path PROPOSED BIKE PATH MEETING FOR FLORIDA BOULEVARD BIKE PATH: City Manager Linn stated he and Mayor Vaughn had met with the consultant hired by Jacksonville Transportation Authority and Sally Rosier with the Department of Transportation to discuss the bike path project. Mr. Linn asked for direction from the council.

Moved by Shimp, seconded by Tankersley.

Motion: **FORM A BICYCLE COMMITTEE OF INTERESTED CITIZENS THAT LIVE IN THE AREA AND LET THEM HELP TO DECIDE THE PLAN.**

For the Record Councilor Shimp stated for the record that he did not know how many people in the audience were for or against the bike path.

MOTION WITHDRAWN

Councilor Shimp withdrew the motion with the understanding that concerned citizens contact Council Members and attend the workshop meeting.

Consensus: **TO MOVE THE FLORIDA BOULEVARD BIKE PATH TO THE MARCH 20, 2000 WORKSHOP MEETING, INVITE THE DESIGN CONSULTANT AND PLACE FIRST OR AS CLOSE AS POSSIBLE ON THE AGENDA.**

Land Development Regulations FUTURE CONSIDERATIONS OF PROPOSED LAND DEVELOPMENT REGULATIONS: City Manager Linn reported that correspondence had been received from Amy Skinner of Ivey, Harris and Walls addressing group one of the Land Development Regulations asking for council decision on the following changes:

- 1) The language regarding the pre-application conference should be changed to suggest it for development proposals, but not require it.
- 2) Instead of requiring a new survey up-front in the development process. A survey could be submitted with the development application.
- 3) The administrative assistant position should be designated as the secretary for the boards.

City Manager Linn gave his opinions on the above issues.

Remaining issues from the first group:

- 1) Will the City Council automatically review final development plans as a part of the normal development review process?
- 2) Should the Planning and Development Review Board and the Board of Appeals be combined?
- 3) Should a procedure be established to formally notify the City of Atlantic Beach of development actions in the Central Business District area of Neptune Beach?

City Manager Linn gave his recommendations on the above issues.

Discussion ensued.

Consensus: ADVERTISE AND SCHEDULE THE FIRST OF SEVERAL SPECIAL WORKSHOP MEETINGS TO BEGIN REVIEW OF CHAPTER 27 ON MARCH 27, 2000, STARTING AT 7:00 AND ENDING AT 9:30. ADVERTISING THE SUBJECTS TO BE DISCUSSED ON THE GROUP TWO, LAND USE REGULATIONS CONSULTANTS RECOMMENDATIONS. WITH OTHER WORKSHOPS TO BE SCHEDULED AT A LATER DATE. ALSO INCLUDE IN THE ADVERTISEMENT THAT EVERY ATTEMPT WILL BE MADE TO COVER THOSE SUBJECT ITEMS. HOWEVER, GIVEN THE TIME RESTRAINT THERE IS A POSSIBILITY THAT THEY MAY NOT BE AND IF THEY ARE NOT THEY WILL BE COVERED AT A FOLLOWING WORKSHOP. SCHEDULE THE NEXT WORKSHOP TO BE HELD ON APRIL 10, 2000 ALSO FROM 7:00 TO 9:30 WITH SAME STIPULATIONS.

COMMENTS FROM THE PUBLIC

Michael Jumber, 800 Florida Boulevard, opposed any improvements as far as a bike path east of Penman Road.

William McCants, 1126 Hagler Drive, shared Mr. Jumber's views opposing the bike path and was concerned about trees.

Joseph Sasser, 1020 Florida Boulevard, opposed the bike path stating that a bigger sidewalk or bike path would bring more trash to the area and large oak trees would have to be removed.

Ish Brant, 1201 Penman Road, endorsed what the citizens previously stated and added a double dose.

Shirley Myers, 1001 Florida Boulevard, strongly opposed the construction of a proposed bike path on the north side of Florida Boulevard stating that it would be hazardous and felt that the current sidewalk was sufficient for both pedestrians and bicycles.

Jim Myers, 1001 Florida Boulevard, concurred with his wife.

Chris Rasche, 232 Florida Boulevard, felt that adding ten feet of asphalt one mile long would not be an aesthetic contribution to the city and was concerned about maintenance of the project and the canopy of trees.

Linda Oberdorfer, 232 Florida Boulevard, agreed with the others and urged council not to extend the bike path east of Penman Road.

Dan Disch, 224 Florida Boulevard, opposed to bike path east of Penman Road and stated there was no need for one because it was already bicycle friendly.

Faith Ingalls, 223 Florida Boulevard, opposed the bike path and felt that Florida Boulevard east of Third Street was a bike path.

Tom Brown, 220 Florida Boulevard, opposed the bike path stating that he moved to the beach for the quality of life and did not want to have it disturbed.

Johnnie Epley, 288 Driftwood, opposed to the noise that the proposed Olson Tire development on Atlantic Boulevard would cause with the bays facing Lemon

Street.

Mike Valdovinos, 212 Bowles Street, was very concerned about the prospect of having a 27 foot recreational boat parked adjacent to his property. He felt it would be an eyesore and decrease property values.

Fred DeSapio, 114 19th Avenue North, felt that the current code should be used as a starting point not the consultant's draft.

Mary Truta, 701 Valley Forge Road North, expressed concern about the enforcement of the code.

Harriet Pruette, 217 ½ Magnolia Street, suggested covering the ditches on Florida Boulevard and opposed a bike path east of Penman Road.

Edie Alcorn, 317 Oceanwood Drive, complained about noise that would come from Olson Tire.

Recess / Reconvene The meeting recessed at 8:40 p.m. and reconvened at 8:55 p.m.

CONSENT AGENDA

911 Agreement 911 INTERLOCAL AGREEMENT: Routine annual agreement for the City of Jacksonville to provide funding to Neptune Beach for salaries and other expenses for 911 call takers.

Bell South Easement BELL SOUTH EASEMENT: A proposed Bell South easement at the water tower on Florida Boulevard.

Mosquito Flights MOSQUITO CONTROL AIRCRAFT FLIGHT: Grant permission for Duval County to fly over the City for mosquito control.

Moved by Jones, seconded by Tankersley.

Motion: **TO APPROVE THE ABOVE CONSENT AGENDA.**

Roll Call Vote:

Ayes: 5 – Jones, Patronik, Shimp, Tankersley, Vaughn

Noes: 0

MOTION CARRIED

VARIANCES / NONE

ORDINANCES/NONE

OLD BUSINESS

Olsen Tire PLANS SUBMITTED FOR PERMITTING AND DEVELOPMENT REVIEW DIFFER: City Manager Linn reported that Building Official Dan Arlington had brought to his attention that the plans that had been approved for the Olsen Tire development were not in agreement with the plans submitted for permitting.

Moved by Jones, seconded by Shimp.

Motion: **TO APPROVE THE OLSEN TIRE DEVELOPMENT AS RE-SUBMITTED WITH THE PROVISION THAT AN EIGHT FOOT SOUND BARRIER WALL BE BUILT ON THE SOUTH SIDE OF THE PROPERTY AND**

**PROPER LANDSCAPING TO BE ON THE SOUTH SIDE OF THE
SOUND BARRIER WHICH WOULD INCLUDE TREES.**

Council discussed that the wall should be masonry, stucco, painted and trimmed.

Friendly Amendment: **A DECIBEL READING TO BE NO HIGHER THAN 61 ON THE
SOUTHSIDE OF THE BARRIER WALL WHERE THE RESIDENTIAL
PROPERTY BEGINS.**

Roll Call Vote:

Ayes: 4 – Jones, Shimp, Tankersley, Vaughn

Noes: 1 - Patronik

MOTION CARRIED

NEW BUSINESS

Sale of Fire Truck **APPROVAL OF SALE OF 1985 FIRE TRUCK:** City Manager Linn stated that he had received a proposal from the City of Crescent City to purchase our 1985 Emergency One Fire Truck for a total cost of \$20,000. The terms of sale being they would pay \$5,000 at the time of delivery and \$15,000 after October 1, 2000.

Moved by Patronik, seconded by Shimp.

Motion: **TO APPROVE THE SALE OF 1985 EMERGENCY ONE FIRE TRUCK
TO THE CITY OF CRESCENT CITY FOR THE SUM OF \$20,000. \$5,000
TO BE PAID AT THE TIME OF DELIVERY AND THE BALANCE OF
\$15,000 TO BE PAID ON OR BEFORE NOVEMBER 1, 2000.**

On the Record Mayor Vaughn stated on the record that he wanted to make sure that everyone on the council understood that he still opposed the sale of the equipment and had opposed the dissolution of fire services no matter what level of services they were. He was concerned that the community would soon question the level of municipal services provided to the community.

Roll Call Vote:

Ayes: 4 – Jones, Patronik, Shimp, Tankersley

Noes: 1 – Vaughn

MOTION CARRIED

Resolution No. **RESOLUTION NO. 2000-03:** RESOLUTION OF THE CITY OF NEPTUNE BEACH, 2000-03 FLORIDA SUPPORTING THE INSTALLATION OF A CULVERT PIPE ALONG FLORIDA BOULEVARD.

WHEREAS, the Jacksonville Transportation Authority (JTA) has proposed to construct a bike path adjacent to Florida Boulevard and Penman Road within Neptune Beach; and

WHEREAS, the JTA has contracted a consultant to design this bike path; and

WHEREAS, the Ish Brant Beautification Committee has researched and has been seeking support for the City of Jacksonville to install a culvert along Florida Boulevard to reduce safety hazards and health hazards by reducing the mosquito breeding in the water which stagnates in the open drainage ditch; and

WHEREAS, a culvert pipe could provide an area where landscaping could be planted to reduce noise pollution into adjacent residential areas of Neptune Beach;

NOW, THEREFORE, Be it resolved by the City Council of the City of Neptune Beach, Florida that the City Council strongly encourages the Jacksonville Transportation Authority to include the construction of a culvert pipe along Florida Boulevard in the scope of work for the design of the proposed bike path.

This Resolution adopted by the City Council of Neptune Beach, Florida, at the Regular Council Meeting held March 6, 2000.

Moved by Jones, seconded by Shimp.

Motion: **TO APPROVE RESOLUTION NO. 2000-03 AS NOTED ABOVE.**

MOTION WITHDRAWN

Consensus: **FORWARD RESOLUTION NO. 2000-03 TO THE MARCH 20, 2000 WORKSHOP MEETING.**

Resolution No.
2000-04

RESOLUTION NO. 2000-04: A RESOLUTION OF THE CITY OF NEPTUNE BEACH IN SUPPORT OF THE U.S. NAVY PRESENTING THEIR ANNUAL AIR SHOW AT NAVAL AIR STATION MAYPORT IN THE FALL OF 2001 AND THEREAFTER ROTATING SHOWS BETWEEN NAVAL AIR STATION JACKSONVILLE AND NAVAL STATION MAYPORT.

WHEREAS, A Navy Air Show has been held at the Beaches in the past and was very well received by the Beach communities; and

WHEREAS, the Navy Air Show is a family oriented activity that would provide residents and visitors a first rate show featuring the Blue Angels; and

WHEREAS, Neptune Beach supports their Navy neighbors and would enjoy the opportunity to partner with the Navy in hosting the annual air show.

NOW THERE BE IT RESOLVED THAT:

SECTION 1. The City of Neptune Beach encourages the Navy to bring their annual air show to Naval Station Mayport and Naval Air Station Jacksonville.

SECTION 2. The City of Neptune Beach further encourages that future shows rotate between Naval Station Mayport and Naval Air Station Jacksonville.

SECTION 3. This resolution shall take effect upon its passage and publication as required by law.

This Resolution adopted by the City Council at the regular meeting held March 6, 2000.

Moved by Jones, seconded by Patronik.

Motion: **TO APPROVE RESOLUTION NO. 2000-04 AS NOTED ABOVE.**

Ayes: 5 – Jones, Patronik, Shimp, Tankersley, Vaughn
Noes: 0

MOTION CARRIED

Adjournment

There being no further business, the meeting adjourned at 10:00 p.m.

George F. Vaughn, Jr., Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
WORKSHOP CITY COUNCIL MEETING
MARCH 20, 2000 AT 7:00 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 March 20, 2000 at 7:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

Mayor George F. Vaughn, Jr.
Vice Mayor Edward S. Jones
Councilor Ronald Patronik
Councilor Robert D. Shimp
Councilor Thomas A. Tankersley
City Manager Richard A. Linn

City Clerk Lisa Volpe, CMC
Director of Finance John Herbst
Assistant to the City Manager Terry Klein

ABSENT:
City Attorney Christopher A. White

Call to Order/Roll Call

The Mayor called the meeting to order at 7:00 p.m.

City Manager Linn asked that item 4a, additional homestead exemption for limited income senior citizens be moved to the first item on the agenda. Councilman Jerry Holland of the City of Jacksonville and Paul Harrison of the Council of Elder Affairs were present to speak about the subject.

Consensus: TO MOVE ITEM 4A, PROPOSED ORDINANCE TO PROVIDE AN ADDITIONAL EXEMPTION OF \$25,000 FOR LIMITED INCOME RESIDENTS AGED 65 OR OLDER, TO THE FIRST ITEM ON THE AGENDA.

**Ordinance Tax
Exemption**

PROPOSED ORDINANCE TO PROVIDE AN ADDITIONAL EXEMPTION OF \$25,000 FOR LIMITED INCOME RESIDENTS AGED 65 OR OLDER: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, AMENDING CHAPTER 21, TAXATION, OF THE CODE OF ORDINANCES OF THE CITY OF NEPTUNE BEACH, BY ADDING ARTICLE VI, ADDITIONAL HOMESTEAD EXEMPTION FOR PERSONS SIXTY-FIVE (65) AND OLDER AND PROVIDING AN EFFECTIVE DATE.

Councilman Jerry Holland of the City of Jacksonville affirmed that the City of Jacksonville had passed an ordinance exempting an additional \$25,000 for elderly people with an adjusted gross income of \$20,000 or less. Councilman Holland advised that if the City of Neptune Beach was to passed a similar ordinance only \$2000 per year would be lost in taxes. Councilman Holland further stated that Duval County would take care of the administrative work.

Councilor Shimp agreed to sponsor the tax exemption ordinance.

Consensus: **TO FORWARD THE PURPOSED ORDINANCE TO PROVIDE AN ADDITIONAL EXEMPTION OF \$25,000 FOR LIMITED INCOME RESIDENTS AGED 65 OR OLDER TO THE APRIL REGULAR CITY COUNCIL MEETING FOR FIRST READ.**

COMMITTEE REPORTS

IBBC

ISH BRANT BEAUTIFICATION COMMITTEE UPDATE: City Manager Linn reported that the Ish Brant Beautification Committee was scheduled to meet at 8:00 tonight and their agenda included the landscaping of medians on Third Street.

CITY MANAGERS PUNCH LIST

New Assistant to the City Manager

NEW ASSISTANT TO THE CITY MANAGER: City Manager Linn introduced his new assistant Terry Klein to the Council.

Northeast Florida League of Cities

NORTHEAST FLORIDA LEAGUE OF CITIES: City Manager Linn announced that the Northeast Florida League of Cities would be coming to Neptune Beach on May 18, 2000.

Kings Road Bridge

KINGS ROAD BRIDGE: City Manager Linn explained that he had changed the wording on his punch list from repairing to replacing the Kings Road Bridge.

Bike Path

PROPOSED BIKE PATH ON PENMAN ROAD: City Manager Linn stated that a consultant from the Florida Department of Transportation was present to speak about the proposed bike path on Penman Road.

Naval Air Show

NAVY AIR SHOW: City Manager Linn advised that a meeting would be held for the Naval Air Show on May 23, 2000 at Mayport.

PROPOSED ORDINANCES

Ordinance Tele-communications tax

PROPOSED ORDINANCE TO MODIFY THE TELE-COMMUNICATIONS TAX STRUCTURE: AN ORDINANCE LEVYING AND IMPOSING A TELECOMMUNICATION SERVICE PUBLIC SERVICE TAX FOR THE INCORPORATED AREA OF NEPTUNE BEACH, FLORIDA, AS AUTHORIZED BY CHAPTER 166.231 (9)(A)(2), FLORIDA STATUTES; TO REPEAL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; AND TO CREATE AN EFFECTIVE DATE.

Finance Director John Herbst stated that two types of public service taxes were available on telecommunications and the city currently had what was referred to as the 10 percent option. Herbst explained that the 10 percent option provided a 10 percent tax on land lines for local telephone service only and the other option available was a 7 percent tax on all telecommunications including beepers, pagers, cellular phones and any other items in the telecommunications field. Herbst recommended replacing the current 10 percent option with the 7 percent option advising that it would increase revenue by at least 50 percent.

Vice Mayor Jones agreed to sponsor the tele-communications ordinance.

Consensus: **TO FORWARD PROPOSED ORDINANCE TO MODIFY THE TELE-COMMUNICATION TAX STRUCTURE TO THE APRIL REGULAR CITY COUNCIL MEETING FOR FIRST READ.**

CONTRACT/AGREEMENTSWater and Sewer
Project

APPROVAL FOR BIDS ON UTILITY IMPROVEMENT PROGRAM PHASE 1 WATER AND SEWER PART A: City Manager Linn reported that Post, Buckley, Schuh and Jernigan had introduced the drawings for phase 1a of the water and sewer project. Mr. Linn explained that the project involved a new lift station on the west corner of Third Street and Florida Boulevard and asked the Council for approval to advertise for bids on the project.

Jim Miller with Post, Buckley, Schuh & Jernigan answered a few questions from the Council.

Consensus: **TO FORWARD APPROVAL FOR BIDS ON UTILITY IMPROVEMENT PROGRAM PHASE 1 WATER AND SEWER PART A TO THE APRIL REGULAR CITY COUNCIL MEETING.**

ISSUE DEVELOPMENT

Bike Path

FLORIDA BOULEVARD AND PENMAN ROAD BIKE PATH AND RESOLUTION 2000-03 SUPPORTING THE INSTALLATION OF A CULVERT PIPE ALONG FLORIDA BOULEVARD: City Manager Linn explained to the community how the project came about and introduced Joe Montalto, the design consultant with Lochrane Engineers.

Joe Montalto explained the design process stating that first he would locate all existing features in the pathway of the proposed bike path along the north side of Florida Boulevard beginning at First Street and running to Atlantic Boulevard. Then he would prepare a preliminary layout for the bike path involving a minimal amount of object removal by placing the bike path within the existing features. After the preliminary design was complete he would then present it to the public to obtain comments and opinions and incorporate the public comments and opinions into the final design. Then he would prepare the final plans for construction.

Joe Montalto answered questions from the council and a lengthy discussion ensued.

Councilor Tankersley agreed to sponsor Resolution 2000-03

Consensus: **TO FORWARD RESOLUTION 2000-03 SUPPORTING THE INSTALLATION OF A CULVERT PIPE ALONG FLORIDA BOULEVARD TO THE APRIL REGULAR CITY COUNCIL MEETING.**

Media One Broadband

INSTALLATION OF CABLE BOXES BY MEDIA ONE: City Manager Linn stated that he had received comments from concerned residents regarding the placement of the Media One cable boxes and he had invited Anne Murphy to the meeting to address the concerns.

Broadband Construction Manager Greg McAnany explained that it was not always possible to place the cable boxes in a common area or in a median strip because they were required to place them within a certain distance of the electrical transformers. Mr. McAnany further explained that he would take whatever steps necessary to help make the boxes aesthetically pleasing.

Mr. McAnany and Anne Murphy answered questions from the council and a lengthy discussion ensued.

Consensus: **DIRECT THE CITY MANAGER TO INSPECT THE WORK DONE BY MEDIA ONE.**

Consensus: **FORWARD CABLE FRANCHISE AGREEMENT WITH MEDIA ONE TO THE APRIL CITY COUNCIL WORKSHOP MEETING.**

USS Roosevelt

COMMISSIONING OF THE USS ROOSEVELT A NEW GUIDED MISSILE DESTROYER AT MAYPORT NAVAL AIR STATION: Mayor Vaughn stated that a letter had been received from the Chairman of the Invocation Committee for the commissioning of the USS Roosevelt on October 14, 2000 at the Mayport Naval Air Station. Mayor Vaughn added that the Mayport Chapter of the Navy League of the United States was asking the beach communities to participate in the commissioning and provide a donation of \$1,000.00. Mayor Vaughn recommended moving forward with participation and donation.

Consensus: **TO HAVE CITY MANAGER LINN GET MORE INFORMATION CONCERNING THE COMMISSIONING OF THE USS ROOSEVELT AND REPORT THE INFORMATION RECEIVED ON HIS PUNCHLIST.**

Public Comments

PUBLIC COMMENTS ON AGENDA ITEMS ONLY:

Harriet Clark Sasser, 1020 Florida Boulevard, presented a petition to the Council signed by 318 people in opposition of the proposed bike path east of Penman Road.

Sam Lloyd, 223 Florida Boulevard, felt there was no reasoning for a bike path and that it would destroy the neighborhood.

Chris Rasche, 232 Florida Boulevard, felt that the proposed bike path would not be an improvement for the city.

William McCants, 1126 Hagler Drive, felt that government was not listening to the public on the proposed bike path issue and expressed concerned about the cable boxes.

Jim Myers, 1001 Florida Boulevard, felt that no one used sidewalks for riding bikes.

Shirley Myers, 1001 Florida Boulevard, was upset that the design consultant did not mention the fourteen driveways that people would be backing out of on the bike path between First Street and Third Street. Ms. Myers suggested a bike lane instead of a bike path.

Dan Disch, 224 Florida Boulevard, felt that the constituents had made it clear that they were against the proposed bike path.

Lynda Padrta, 1113 First Street, hoped that council would listen to the people opposing the bike path and thought Media One was not interested in compromising with Neptune Beach.

Harriet Pruette, 2171/2 Magnolia Street, opposed the proposed bike path and felt that council should vote no on it. Ms. Pruette also expressed concern about Media Ones contract and thought the city should renegotiate.

Elaine Kenny, 1301 Neptune Grove Drive West, stated that she had a hard time getting out of her driveway on Florida Boulevard without the addition of a bike path.

John Kowkabany, 110 Palm Place, felt that the overwhelming response from the citizens at the last council meeting should have been enough to put an end to the proposed bike path project and thought that Media One was making a fool of the city.

Adjournment

There being no further business, the meeting adjourned at 9:37p.m.

Attest:

George F. Vaughn, Jr., Mayor

Lisa Volpe, CMC, City Clerk

Approved: _____



**MINUTES
TOWN HALL MEETING
MARCH 20, 2000 AT 9:40 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 March 20, 2000 at 9:40 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

Mayor George F. Vaughn, Jr.
Vice Mayor Edward S. Jones
Councilor Ronald Patronik
Councilor Robert D. Shimp
Councilor Thomas A. Tankersley
City Manager Richard A. Linn

City Clerk Lisa Volpe, CMC
Ass't to the City Manager Terry Klein

ABSENT:
City Attorney Christopher A. White

Call to Order/Roll Call The Mayor called the meeting to order at 9:40 p.m.

Public Comments There being no comments the Mayor closed the meeting.

Adjournment There being no further business, the meeting adjourned at 9:41 p.m.

George F. Vaughn, Jr., Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved:



MINUTES
WORKSHOP CITY COUNCIL MEETING
PROPOSED LAND USE REGULATIONS
MARCH 27, 2000 AT 7:00 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 March 27, 2000, at 7:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

Mayor George F. Vaughn, Jr.
Vice Mayor Edward S. Jones
Councilor Thomas A. Tankersley
Councilor Robert D. Shimp
City Manager Richard A. Linn
Assistant to the City Manager Terry Klein

City Clerk Lisa Volpe, CMC
Building Official Dan Arlington
Assistant to Building Official Piper Turner
Member PDRB, Brian Greenwood
Member PDRB, John Weldon

Absent:
Councilor Ronald Patronik
City Attorney Christopher White

Call to Order/Roll Call The Mayor called the meeting to order at 7:00 p.m.

Mayor Vaughn explained that the meeting was a continuation of the review of the Proposed Land Use Regulations.

Councilor Shimp suggested setting a time for comments from the public.

Consensus: **TO STOP AT THE END OF ARTICLE IV TO HEAR COMMENTS FROM THE PUBLIC.**

Group Two Article IV, Land Use Mayor Vaughn read each Section aloud and asked that any concerns or recommendations be addressed at the end of each section.

Section 27-211 **ARTICLE IV, LAND USE SECTION 27-211, RESERVED.**

There was no discussion and no recommended changes to Section 27-211.

Section 27-212 **ARTICLE IV, LAND USE SECTION 27-212, GENERALLY.**

There was no discussion and no recommended changes to Section 27-212.

Section 27-213 **ARTICLE IV, LAND USE SECTION 27-213, APPLICABILITY.**

There was no discussion and no recommended changes to Section 27-213.

- Section 27-214 ARTICLE IV, LAND USE SECTION 27-214, FINDINGS OF FACT.
- There was no discussion and no recommended changes to Section 27-214.
- Section 27-215 ARTICLE IV, LAND USE, SECTION 27-215, PURPOSE AND INTENT.
- Councilor Jones announced that it was Amy Skinners understanding that council agreed that access to beachside communities should be emphasized in the introductory intent section.
- City Manager Linn read the following definition of a building as stated in Article I:
- A building means any structure either temporary or permanent having a roof impervious to weather and use or built for the shelter or enclosure of persons, animals, cattle or property of any kind. This definition shall include tent, awnings, cabanas and vehicles situated on private property and serving in any way the function of a building. It does not include screen enclosures, not having a roof impervious to weather.
- There were no recommended changes to Section 27-215.
- Section 27-216 ARTICLE VI, LAND USE, SECTION 27-216: DEFINITIONS: The definitions are found in article I.
- It was agreed that the definitions be italicized throughout the text of the Land Development Regulations.
- Section 27-217 ARTICLE VI, LAND USE, SECTION 27-217, ZONING MAP.
- There was no discussion and no recommended changes on Section 27-217
- Section 27-218 ARTICLE IV, LAND USE, SECTION 27-218, AMENDMENTS TO ZONING MAP.
- There was no discussion and no recommended changes on Section 27-218.
- Section 27-219 ARTICLE IV, LAND USE, SECTION 27-219, INTERPRETATION OF ZONING DISTRICT BOUNDARIES.
- Discussion ensued but there was no recommended changes to Section 27-219.
- Section 27-220 ARTICLE IV, LAND USE, SECTION 27-220, DIVISION OF LOT OF RECORD BY DISTRICT BOUNDARY.
- There was no discussion and no recommended changes to Section 27-220.
- Section 27-221 ARTICLE IV, LAND USE, SECTION 27-221, ZONING DISTRICTS ESTABLISHED.
- Vice Mayor Jones recommended that oceanfront lots have there own zoning category of R-4a.
- Section 27-222: Part 1 ARTICLE IV, LAND USE, SECTION 27-222, PURPOSE AND INTENT OF ZONING DISTRICTS, PART 1, THE DESIGN GOALS FOR NEW CONSTRUCTION OR IMPROVEMENTS.

Discussion ensued but there was no recommended changes to Section 27-222, Part 1.

Section 27-222: Part 2 ARTICLE IV, LAND USE, SECTION 27-222, PURPOSE AND INTENT OF ZONING DISTRICTS, PART 2, THE DESIGN OBJECTIVES FOR NEW CONSTRUCTION OR IMPROVEMENTS.

Discussion ensued about changing the word "should" in the sentence in part b "Designs which conflict with the use and enjoyment of any property should be avoided." And who would be responsible for the plan review of new construction.

There was no consensus from council and Section 27-222, Part 2 remained in question.

Section 27-222, Part 3 ARTICLE IV, LAND USE, SECTION 27-222, PURPOSE AND INTENT OF ZONING DISTRICTS, PART 3, RESIDENTIAL ZONING R-1, R-2, AND R-3.

There was no discussion and no recommended changes on Section 27-222, Part 3.

Section 27-222, Part 4 ARTICLE IV, LAND USE, SECTION 27-222, PURPOSE AND INTENT OF ZONING DISTRICTS, PART 4, RESIDENTIAL ZONING R-4.

Discussion ensued over changing 10 to 15 units per acre.

City Council asked Building Official Dan Arlington to provide information on the specific density east of Third Street block by block for the April 10, 2000, Land Development Regulations Workshop Meeting.

There was no consensus from council and Section 27-222, Part 4 remained in question.

Recess/Reconvene Mayor Vaughn called a recess at 8:50 p.m. and the meeting reconvened at 9:00 p.m. to hear Public Comments.

Public Comments Mary Truta, 701 Valley Forge Road North, stated concerned about development.

Bill Lewis, 133/35 Cherokee Drive, was concerned about the property value difference between duplexes and single family homes and felt that single family homes were more valuable.

Robert West, 106 Hall Place, expressed concern about Section 27-227 (e) outdoor seating and serving of alcohol.

Fred Desapio, 114 19th Avenue North, suggested getting a count of electric meters to determine the density east of Third Street.

Steve Hould, 111 Walnut Street, felt that the way to gain control over future development was to go forward with the Proposed Land Development Regulations.

Harriet Pruett, 217 ½ Magnolia Street, felt that east of Third Street should not be zoned R-4 and should be different from the area west of Third Street.

Linda Padrta, 1113 First Street, felt R-4 zoning was not appropriate east of Third Street.

Kurt Cobb, 112 Orange Street, 219 Midway, 217 Midway, 215 Midway, 114 Cherry Street, 125 Yucka, Unit 1, 2 and 3, felt it would be a great task for the Building Department to try to figure out what units were legal east of Third Street.

Rae Brady, Laura Street, was concerned about determining density and preserving trees.

Michael Adams, 320 First Street, felt that the density problem did not have anything to do with changing the code.

Brian Greenwood, 220 Myrtle Street, a member of the Planning and Development Review Board, clarified his opinion of a patio home and a duplex.

Adjournment

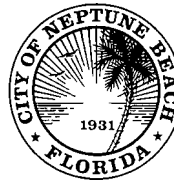
There being no further business, the meeting adjourned at 9:30 p.m.

George F. Vaughn, Jr., Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
REGULAR CITY COUNCIL MEETING
APRIL 3, 2000 AT 7:00 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 April 3, 2000, at 7:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

Mayor George F. Vaughn, Jr.
Vice Mayor Edward S. Jones
Councilor Ronald D. Patronik
Councilor Robert D. Shimp
Councilor Thomas A. Tankersley
City Attorney Christopher White

City Manager Richard A. Linn
Assistant to the City Manager Terry Klein
City Clerk Lisa Volpe, CMC
Deputy City Clerk Karla Strait
Building Official Dan Arlington
Assistant to the Building Official Piper Turner

Order Call/Pledge

The Mayor called the meeting to order at 7:00 p.m. and led the Pledge of Allegiance.

Agenda Change

City Attorney Christopher White requested an amendment to the agenda under new business adding item 12 (g) to ask for council's consent to hire the law firm of Bedell, Dittmar, DeVault, Pillans and Cox, to assist the city relating to a recent grand jury subpoena.

Consensus: **TO AMEND THE AGENDA FOR THE APRIL 3, 2000, REGULAR CITY COUNCIL MEETING ADDING ITEM NUMBER 12 G TO REQUEST PERMISSION FROM COUNCIL TO HIRE THE LAW FIRM OF BEDELL, DITTMAR, DEVAULT, PILLANS AND COXE TO ASSIST THE CITY RELATING TO THE GRAND JURY SUBPOENA.**

Agenda Change

City Manager Linn requested an amendment to the agenda to delete item number 12 (a) Media One Franchise Agreement due to the absence of the Finance Director John Herbst.

Consensus: **TO AMEND THE AGENDA FOR THE APRIL 3, 2000, REGULAR CITY COUNCIL MEETING DELETING ITEM NUMBER 12 A, MEDIA ONE FRANCHISE AGREEMENT DUE TO THE ABSENCE OF THE FINANCE DIRECTOR JOHN HERBST.**

AWARDS / PRESENTATIONS / RECOGNITION OF GUESTS / NONE

APPROVAL OF MINUTES

Motion: **TO APPROVE THE FOLLOWING MEETING MINUTES AS STATED:**

MARCH 6, 2000, REGULAR
MARCH 20, 2000, WORKSHOP
MARCH 20, 2000, TOWN HALL
MARCH 27, 2000, WORKSHOP

Moved by Patronik, seconded by Shimp.

Roll Call Vote:

Ayes: 5 – Jones, Patronik, Shimp, Tankersley, Vaughn
Noes: 0

MOTION CARRIED

COMMUNICATIONS AND CORRESPONDENCE

J.E.A. Councilor Shimp announced that he had received a phone call from John Jolly with Jacksonville Electric Authority stating that Jacksonville Electric Authority was interested in purchasing the water and sewer in Neptune Beach and requested advertising and placing this subject on the April 17, 2000, Workshop Meeting.

Jacksonville Day in Tallahassee Councilor Tankersley reported that he and Councilor Shimp attended Jacksonville Day in Tallahassee. Councilor Tankersley added that other issues discussed included a half cent county sales tax increase, doing away with the intangible tax and part of the cigarette tax, proceeding with projects to relieve traffic congestion on Atlantic Blvd., and a home rule issue which might allow Jacksonville to be the authority over our Comprehensive Plan instead of Tallahassee.

CITY MANAGER REPORTS

Water State Revolving Fund **DEPARTMENT OF ENVIRONMENTAL PROTECTION LETTER ON INCLUSION-WATER STATE REVOLVING FUND:** City Manager Linn reported that he had received a letter from the Department of Environmental Protection. The letter stated that the city was on the inclusion list for loan funding for the water portion of the Infrastructure Capital Project.

COMMENTS FROM THE PUBLIC

Elizabeth Hughes, 2229 Marsh Point Road, favored the extra \$25,000 tax exception for people aged 65 and over and the proposed bike path along Florida Boulevard. Ms. Hughes hoped that council would consider letting Jacksonville Electric Authority take over the water and sewer.

John Weldon, 108 Oak Street, on behalf of the Central Business District, asked council if they would be interested in sponsoring an ordinance to establish a produce market on Saturdays from 7:30 a.m. to 11:30 a.m. at the south end of the new Town Center development.

Harriet Pruette, 217 ½ Magnolia Street, felt that Media One should comply with their franchise agreement and be held accountable.

Agenda Change Mayor Vaughn requested an agenda change to include the discussion of the Media One

franchise agreement in response to Harriet Pruette's comments.

Councilor Shimp responded that he had called California and had been informed that Media One could not place the cable boxes underground because it would not be cost effective.

Councilor Patronik felt that the issue was that Media One was not complying with their contract and asked City Attorney Christopher White for an opinion.

City Attorney White responded that the original contract was with Continental Cable and that the equipment that had been installed by Continental Cable differed from what Media One was currently installing. Mr. White added that because the city and the populous knew that the equipment had been placed above the ground, regardless of the original contract, it could constitute a course of dealing that might modify the terms of the original contract in the event of an argument.

Councilor Tankersley pointed out that the contract was for cable television and not for all the other services that they were installing equipment for and felt that we could use that as leverage.

Lee McDonald, 1140 Florida Boulevard, stated that he had two floods in his home caused by Media One and was concerned about Media One creating future problems with the sewer.

Virginia Smith, 553 Davis Street, read the design objectives from the Proposed Land Development concerning trees and was concerned about the trees being cut down for the purpose of the proposed bike path along Florida Boulevard.

CONSENT AGENDA

Water and Sewer
Project

APPROVAL FOR BIDS ON UTILITY IMPROVEMENT PROGRAM PHASE 1 WATER AND SEWER PART A: City Manager Linn requested authorization to allow the City Clerk to advertise for construction bids for Phase 1-A.

Moved by Patronik, seconded by Tankersley.

Motion: **TO APPROVE THE SOLICITATION OF BIDS FOR THE UTILITY IMPROVEMENT PROGRAM PHASE 1 WATER AND SEWER PART A.**

Roll Call Vote:

Ayes: 4 – Jones, Patronik, Tankersley, Vaughn
Noes: 0
Absent: 1 - Shimp

MOTION CARRIED

VARIANCES / NONE

ORDINANCES

Ordinance 2000-02

ORDINANCE NO. 2000-02, FIRST READ: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, AMENDING CHAPTER 21, TAXATION, OF THE CODE OF ORDINANCES OF THE CITY OF NEPTUNE BEACH, BY ADDING ARTICLE VI, ADDITIONAL HOMESTEAD EXEMPTION FOR PERSONS SIXTY-FIVE AND OLDER AND PROVIDING AN EFFECTIVE DATE.

Moved by Jones, seconded by Shimp.

Motion: **TO PASS ORDINANCE NO. 2000-02 ON FIRST READ, ADDING AN ADDITIONAL HOMESTEAD EXEMPTION FOR PERSONS AGED 65 AND OLDER.**

Roll Call Vote:

Ayes: 5- Jones, Patronik, Shimp, Tankersley, Vaughn

Noes: 0

MOTION CARRIED

Ordinance 2000-03

ORDINANCE NO. 2000-03, FIRST READ: AN ORDINANCE LEVYING AND IMPOSING A TELECOMMUNICATION SERVICE PUBLIC SERVICE TAX FOR THE INCORPORATED AREA OF NEPTUNE BEACH, FLORIDA, AS AUTHORIZED BY CHAPTER 166.231 (9) (a) (2), FLORIDA STATUTES: TO REPEAL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH: DELETING OLD SECTION 106 THROUGH SECTION 108 AND ADDING NEW SECTION 106 THROUGH SECTION 117; AND TO CREATE AN EFFECTIVE DATE.

Moved by Jones, seconded by Tankersley.

Motion: **MOTION TO PASS ORDINANCE 2000-03, ON FIRST READ LEVYING AND IMPOSING A TELE COMMUNICATION SERVICE PUBLIC SERVICE TAX.**

Roll Call Vote:

Ayes: 4- Jones, Patronik, Shimp, Tankersley

Noes: 1 - Vaughn

MOTION CARRIED

OLD BUSINESS/NONE

NEW BUSINESS

Media One Franchise Agreement **MEDIA ONE FRANCHISE AGREEMENT:** Mr. Linn had requested at the beginning of the meeting that this item be deleted from the agenda due to the absence of Finance Director John Herbst.

Sale of 1975 Fire Truck **CONSIDERATION OF AN OFFER TO TRADE THE 1975 FIRE TRUCK TO FIRST COAST TECHNICAL INSTITUTE FOR \$3,000 TOWARD USAGE FEES:** City Manager Linn stated the First Coast Technical Institute had proposed a \$3,000 credit, for fees and services used by Public Safety in exchange for the 1975 Fire Truck.

Moved by Jones, seconded by Tankersley.

Motion: **TO TRADE THE 1975 FIRE TRUCK TO THE FIRST COAST TECHNICAL INSTITUTE FOR \$3,000 CREDIT OF USAGE FEES.**

Roll Call Vote:

Ayes: 0

Noes: 5 – Patronik, Shimp, Tankersley, Jones, Vaughn

MOTION NOT CARRIED

Sale of 1978 Fire Truck **FIRE TRUCK TO PALM VALLEY:** City Manager Linn recommended approval of donating and transferring the ownership of the Fire Truck to the Palm Valley Volunteer Fire

Department.

Moved by Shimp, seconded by Tankersley.

Motion: **TO APPROVE THE DONATION AND TRANSFER OF OWNERSHIP OF THE FIRE TRUCK TO THE PALM VALLEY VOLUNTEER FIRE DEPARTMENT.**

Roll Call Vote:

Ayes: 3 – Jones, Patronik, Shimp

Noes: 2 – Tankersley, Vaughn

MOTION CARRIED

Little Red School House

APPROVAL OF SPECIAL EXCEPTION FOR THE LITTLE RED SCHOOL HOUSE: City Manager Linn requested approval of a special exception for the Little Red School House as recommended by the Planning and Development Review Board.

Moved by Tankersley, seconded by Shimp.

Motion: **TO APPROVE THE SPECIAL EXCEPTION FOR THE LITTLE RED SCHOOL HOUSE AS RECOMMENDED BY THE PLANNING AND DEVELOPMENT REVIEW BOARD.**

Roll Call Vote:

Ayes: 5 – Jones, Patronik, Shimp, Tankersley, Vaughn

Noes: 0

MOTION CARRIED

Surplus Equipment

AUTHORIZATION OF CITY MANAGER TO DISPOSE OF SURPLUS EQUIPMENT THROUGH AUCTION AND/OR SEALED BID: City Manager Linn recommended the disposal of surplus equipment through auction and/or sealed bids.

Moved by Tankersley, seconded by Patronik.

Motion: **TO APPROVE THE CITY MANAGER TO DISPOSE OF SURPLUS EQUIPMENT THROUGH AUCTION AND/OR SEALED BID NOT INCLUDING THE THREE POLICE VEHICLES THAT WERE LISTED.**

Roll Call Vote:

Ayes: 5 – Jones, Patronik, Shimp, Tankersley, Vaughn

Noes: 0

MOTION CARRIED

Resolution No.
2000-05

RESOLUTION NO. 2000-05: A RESOLUTION APPOINTING AND REAPPOINTING BOARD MEMBERS TO THE BOARD OF APPEALS AND THE CODE ENFORCEMENT BOARD.

Moved by Tankersley, seconded by Patronik.

Motion: **TO APPROVE RESOLUTION NO. 2000-05 APPOINTING AND REAPPOINTING BOARD MEMBERS TO THE BOARD OF APPEALS AND THE CODE ENFORCEMENT BOARD.**

Roll Call Vote:

Ayes: 5 – Jones, Patronik, Shimp, Tankersley, Vaughn

Noes: 0

MOTION CARRIED

Grand Jury Subpoena **GRAND JURY SUBPOENA:** City Attorney Christopher White requested that council hire the outside law firm of Bedell, Dittmar, DeVault, Pillans, and Coxé to assist the city in dealing with the Grand Jury Subpoena and matters relating thereto.

Moved by Jones, seconded by Patronik.

Motion: **TO EMPLOY THE BEDELL, DITTMAR, DEVAULT, PILLANS, AND COXE LAW FIRM TO ASSIST THE CITY IN DEALING WITH THE GRAND JURY SUBPOENA AND MATTERS RELATING THERETO.**

Roll Call Vote:

Ayes: 5 – Jones, Patronik, Shimp, Tankersley, Vaughn

Noes: 0

MOTION CARRIED

Adjournment

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

George F. Vaughn, Jr., Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
WORKSHOP CITY COUNCIL MEETING
PROPOSED LAND USE REGULATIONS
APRIL 10, 2000 AT 7:00 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 10, 2000, at 7:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

Mayor George F. Vaughn, Jr.
Vice Mayor Edward S. Jones
Councilor Ronald Patronik
Councilor Thomas A. Tankersley
Councilor Robert D. Shimp
City Manager Richard A. Linn
Assistant to the City Manager Terry Klein

City Clerk Lisa Volpe, CMC
Deputy City Clerk Karla Strait
Building Official Dan Arlington
Assistant to Building Official Piper Turner
Member PDRB, Brian Greenwood
Member PDRB, John Weldon

Absent:
City Attorney Christopher White

Call to Order/Roll Call The Mayor called the meeting to order at 7:00 p.m.

Mayor Vaughn explained that the meeting was a continuation of the review of the Proposed Land Use Regulations and would pick up where we left off with Section 27-222 Part 4.

Group Two Article IV, Land Use Mayor Vaughn read each Section aloud and asked that any concerns or recommendations be addressed at the end of each section.

Section 27-222 Part 4 ARTICLE IV, LAND USE SECTION 27-222, PURPOSE AND INTENT OF ZONING DISTRICTS, PART 4, RESIDENTIAL ZONING R-4.

Building Official Dan Arlington was asked to provide information on the specific density east of Third Street and reported that he had counted 1181 dwellings averaging about 13 units per acre.

Council discussed changing the density east of Third Street from not exceeding 10 dwelling units per acre from not exceeding 15 units per acre to reflect what was currently in the field.

There was no consensus from council and Section 27-222, Part 4 remained in question.

Section 27-222 Part 5 ARTICLE IV, LAND USE SECTION 27-222, PURPOSE AND INTENT OF ZONING DISTRICTS, PART 5, RESIDENTIAL ZONING R-5.

Discussion ensued over density.

Consensus: CITY MANAGER TO GET A LEGAL OPINION FROM THE CITY ATTORNEY AND THE ATTORNEY HIRED BY THE CONSULTANT CONCERNING DENSITY IN REGARD TO SECTION 27-222, PARTS 4 AND 5 BEFORE MAKING A FINAL DECISION.

Consensus: TO HAVE BUILDING OFFICIAL DAN ARLINGTON PROVIDE A SPECIFIC DENSITY IN R-5.

Section 27-222 Part 6 ARTICLE IV, LAND USE SECTION 27-222, PURPOSE AND INTENT OF ZONING DISTRICTS, PART 6, COMMERCIAL C-1.

Discussion ensued about difference between the word's "several" and "one or more". There were no recommended changes to Section 27-222, Part 6.

Section 27-222 Part 7 ARTICLE IV, LAND USE SECTION 27-222, PURPOSE AND INTENT OF ZONING DISTRICTS, PART 7, COMMERCIAL C-2.

There was no discussion and no recommended changes to Section 27-222, Part 7.

Section 27-222 Part 8 ARTICLE IV, LAND USE, SECTION 27-222, PURPOSE AND INTENT OF ZONING DISTRICTS, PART 8, COMMERCIAL C-3.

There was no discussion and no recommended changes to Section 27-222, Part 8.

Consensus: ALL IN FAVOR OF SECTION 27-222, PARTS 6, 7 & 8, C-1, C-2, AND C-3.

Section 27-222 Part 9 ARTICLE VI, LAND USE, SECTION 27-222, PURPOSE AND INTENT OF ZONING DISTRICTS, PART 9, CENTRAL BUSINESS DISTRICT.

There was no discussion and no recommended changes to Section 27-222, Part 9.

Consensus: ALL IN FAVOR OF SECTION 27-222, PART 9, CENTRAL BUSINESS DISTRICT.

Section 27-222 Part 10 ARTICLE VI, LAND USE, SECTION 27-222, PURPOSE AND INTENT OF ZONING DISTRICTS, PART 10, CONSERVATION.

There was no discussion and no recommended changes on Section 27-222, Part 10.

Section 27-223 ARTICLE IV, LAND USE, SECTION 27-223, REGULATIONS TO APPLY UNIFORMLY THROUGHOUT ZONING DISTRICT.

There was no discussion and no recommended changes on Section 27-223.

Section 27-224 ARTICLE IV, LAND USE, SECTION 27-224, SPECIAL FLOOD HAZARD DISTRICT, SHALLOW FLOODING DISTRICT, AND COASTAL HIGH HAZARD DISTRICT ESTABLISHED.

There was no discussion and no recommended changes on Section 27-224.

Section 27-225 Part 1 ARTICLE IV, LAND USE, SECTION 27-225, USES EXPRESSLY PROHIBITED WITHIN ZONING DISTRICTS. PART 1, R-1, R-2, R-3, R-4 AND R-5 DISTRICTS.

Discussion ensued about the wording "other non-residential uses that are consistent with the residential character of the district". There were no recommended changes to Section 27-225.

Section 27-225 Part 2 ARTICLE IV, LAND USE, SECTION 27-225, USES EXPRESSLY PROHIBITED WITHIN ZONING DISTRICTS, PART 2, C-1, C-2, C-3 AND CBD DISTRICT: MINI WAREHOUSES, GAS STATIONS AND DRIVE-IN RESTAURANTS.

Discussion ensued about the Shell Gas Station on the corner of Penman Road and Atlantic Boulevard.

Consensus: **TO ALLOW GAS STATIONS BY SPECIAL EXCEPTION IN DISTRICT C-3 ON ATLANTIC BOULEVARD.**

Section 27-225 Part 3 ARTICLE IV, LAND USE, SECTION 27-225, USES EXPRESSLY PROHIBITED WITHIN ZONING DISTRICTS, PART 3, C-1, C-2, AND C-3: RESIDENTIAL DWELLINGS.

Discussion ensued but there was no recommended changes to Section 27-222, Part 1.

Section 27-226: Part A, B, C & D ARTICLE IV, LAND USE, SECTION 27-226, PART (A), (B), (C), AND (D), ALLOWABLE USES WITHIN ZONING DISTRICTS.

Discussion ensued about the wording in Part (a) regarding the words "interpreted by the City Manager or designee".

Vice-Mayor Jones read Table 27-226-1 aloud.

Consensus: **TO MAKE THE FOLLOWING CHANGES TO TABLE 27-226-1:**

- 1. ELIMINATE BED AND BREAKFAST IN CBD.**
- 2. ELIMINATE DRY CLEANERS IN CBD.**
- 3. PERMIT GAS STATION'S IN C-3 BY SPECIAL EXCEPTION ONLY.**
- 4. PERMIT POST OFFICE IN C-3 AND AS SPECIAL EXCEPTION ONLY IN CBD.**
- 5. PERMIT PUBLIC PARKS AND RECREATION AREAS IN R-4.**

Section 27-227 Part 1 ARTICLE IV, LAND USE, SECTION 27-227, SPECIAL RESTRICTIONS AND CONDITIONS ON ALLOWABLE USES WITHIN ZONING DISTRICTS PART 1, TWO FAMILY RESIDENCES.

Discussion ensued about subdividing lots. There were no recommended changes on Section 27-227, Part (1) Subsection (a) (b) or (c).

Section 27-227, Part 2 ARTICLE IV, LAND USE, SECTION 27-227, SPECIAL RESTRICTIONS AND CONDITIONS ON ALLOWABLE USES WITHIN ZONING DISTRICTS PART 2, CHILD DAY CARE.

There was no discussion and no recommended changes to Section 27-227, Part 2 (a) or (b).

Section 27-227, Part 3 ARTICLE IV, LAND USE, SECTION 27-227, SPECIAL RESTRICTIONS AND CONDITIONS ON ALLOWABLE USES WITHIN ZONING DISTRICTS PART 3, FAST

FOOD RESTAURANTS.

There was no discussion on Section 27-227, Part 3 (a) or (b) and no recommended changes to Section 27-227, Part 3 (a), (b) or (c).

Discussion ensued on Section 27-227, Part 3, (c) about drive through windows being located on the rear of the building.

Consensus: **HAVE THE CONSULTANT TO WRITE IT BETTER.**

Section 27-227, Part 4

ARTICLE IV, LAND USE, SECTION 27-227, SPECIAL RESTRICTIONS AND CONDITIONS ON ALLOWABLE USES WITHIN ZONING DISTRICTS PART 4, INTERIOR SERVICE RESTAURANTS.

There was no discussion on Section 27-227, Part 4, (a), (b), (c) or (d).

Discussion ensued on Section 27-227, Part 4, (e) and (f) over outdoor seating.

Consensus: **LANGUAGE AFTER THE WORD SEATING TO READ OUTDOOR SEATING SHALL BE PERMITTED ONLY AS A SPECIAL EXCEPTION AND BE RENEWED EVERY YEAR AND SHALL BE PROVIDED IN A CONTROLLED AREA ATTACHED TO THE MAIN INTERIOR SERVICE AREA AND CAN BE REVOKED BY CITY COUNCIL. ALSO DO AWAY WITH SECTION F AND INCLUDE THAT LANGUAGE IN SECTION E SEATING SHALL ALSO BE SITUATED IN A MANNER THAT ALLOWS FOR UNIMPEDED PEDESTRIAN ACCESS ALONG ADJACENT SIDEWALKS OR PEDESTRIAN WAYS.**

Mayor Vaughn asked for a verbatim of Section 27-227, Part 4, be given to the consultant for recommendations.

Public Comments

Harriet Pruette, 217 ½ Magnolia Street, felt that the businesses in Neptune Beach should be competitive with those in Atlantic Beach. Ms. Pruette felt that the current ordinances needed to be enforced.

Linda Padrta, 1113 First Street, opposed raising the density east of Third Street and favored restaurants having outdoor seating.

Fred DeSapio, 114 19th Avenue, voiced concerns about the density east of Third Street and also felt that non-residential uses permitted in a residential zone and interpretations of the permitted uses should be reserved to the city council.

Robert West, 106 Hall Place, was concerned about the noise ordinance and favored outdoor seating for restaurants to be renewed annually.

John Kowkabany, 110 Palm Place, felt that the existing code should be revised and suggested that outdoor seating have a sunset provision and be renewable annually providing there had been no complaints. Mr. Kowkabany felt we should distinguish the illegal non-conformities east of Third Street from the legal non-conformities.

Dan Arlington suggested adding to Section 27-224 the definition of an additional flooding district to two-x zones. These zones are usually non-flood zones but the gray x zone can possibly flood up to a foot.

Upcoming Meetings Councilor Tankersley suggested scheduling the next workshop meetings on the Proposed Land Development Review.

Consensus: **TO SCHEDULE MEETINGS FOR THE PROPOSED LAND DEVELOPMENT REVIEW FOR APRIL 24, 2000, AND MAY 8, 2000, TO BEGIN AT 7:00 P.M.**

Adjournment There being no further business, the meeting adjourned at 9:35 p.m.

George F. Vaughn, Jr., Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
WORKSHOP CITY COUNCIL MEETING
APRIL 17, 2000 AT 7:00 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 17, 2000 at 7:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

Mayor George F. Vaughn, Jr.	City Clerk Lisa Volpe, CMC
Vice Mayor Edward S. Jones	Deputy City Clerk Karla Strait
Councilor Ronald Patronik	Director of Finance John Herbst
Councilor Robert D. Shimp	Assistant to the Building Official Piper Turner
Councilor Thomas A. Tankersley	ABSENT:
City Manager Richard A. Linn	City Attorney Christopher A. White

Call to Order/Roll Call The Mayor called the meeting to order at 7:00 p.m.

COMMITTEE REPORTS

IBBC **ISH BRANT BEAUTIFICATION COMMITTEE UPDATE:** City Manager Linn reported that the Ish Brant Beautification Committee had chosen a yard of the month, received plans for the medians on Third Street and held working meetings in the Butterfly Garden.

CITY MANAGERS PUNCH LIST

Roadway Between Shopping Centers **ROADWAY BETWEEN SHOPPING CENTERS:** City Manager Linn announced that the road way between the shopping centers was in negotiations with Smith and Gillespie on a proposal for engineering.

Bike Path **BIKE PATH FLORIDA BOULEVARD AND PENMAN ROAD:** Mr. Linn explained that he had spoken with Sally Roiser with the Department of Transportation and requested a rough sketch from the consultant outlining the plan for the proposed bike path.

Naval Air Show **NAVAL AIR SHOW:** City Manager Linn announced that the Naval Air Show had been named "The First Coast Air and Sea Spectacular" and was scheduled for November of 2001, but it still needed approval from the military.

Disadvantaged Small Community Grant **DISADVANTAGED SMALL COMMUNITY GRANT:** City Manager Linn reported that he was concerned over state legislation's attempt to dissolve the Disadvantaged Small Community Grant. Mr. Linn felt that was our best opportunity to receive grant money for the capital project of the infrastructure and asked council to express their displeasure.

PROPOSED ORDINANCES/NONE**CONTRACT/AGREEMENTS**

Duval Beaches
Regional Sewer

AMENDMENT TO INTERLOCAL AGREEMENT CREATING THE DUVAL BEACHES REGIONAL SEWER AUTHORITY: City Manager Linn explained that Neptune Beach was an equal partner, in a "Joint Effluent Outfall Interlocal Agreement", with Jacksonville Beach and Atlantic Beach, that created the "Duval Beaches Regional Sewer Utility", dated August 16, 1984. Mr. Linn stated that the agreement needed to be amended due to an increase in plant capacity.

Consensus: **FORWARD THE AMENDMENT TO THE JOINT EFFLUENT OUTFALL INTERLOCAL AGREEMENT TO THE MAY 1, 2000, REGULAR COUNCIL MEETING CONSENT AGENDA.**

Commercial Waste
Disposal Units

PILOT PROJECT FOR COMMERCIAL WASTE DISPOSAL UNITS: City Manager Linn explained that the city had problems with odor, vectors and unsightliness with the commercial garbage containers provided by BFI. Mr. Linn recommended a 12 month pilot project to include seven new units that would be installed underground in the Central Business District and after 12 months assessing the feasibility of phasing in the new style containers citywide.

Consensus: **MOVE THE PILOT PROJECT FOR COMMERCIAL WASTE DISPOSAL UNITS FORWARD TO THE CONSENT AGENDA HAVING THE CITY MANAGER WORK IN THAT THE PRO RATA SHARE ON THE COST WOULD BE BORNE BY THE BUSINESSES.**

ISSUE DEVELOPMENT

Water/Wastewater
Alternatives

DISCUSSION OF WATER/WASTEWATER ALTERNATIVES: John Jolly, CPA and Steven Emery, CPA of Jacksonville Electric Authority gave a presentation on the possibility of purchasing our water and sewer utility.

Consensus: **TO ALLOW JACKSONVILLE ELECTRIC AUTHORITY TO DO A FACT FINDING STUDY TO DETERMINE IF THE PURCHASE OF THE WATER AND SEWER UTILITY WOULD BE BENEFICIAL TO BOTH JACKSONVILLE ELECTRIC AUTHORITY AND THE CITY OF NEPTUNE BEACH**

Town Center Traffic
Light

TOWN CENTER TRAFFIC LIGHT AT THE CORNER OF ATLANTIC BOULEVARD AND FIRST STREET: City Manager Linn asked council to consider the need for replacing the suspended traffic control signal at the intersection of First Street and Atlantic Boulevard with post mounted signals.

Consensus: **TO SUPPORT THE POST MOUNTED TRAFFIC SIGNALS PROVIDED THAT THE CITY OF NEPTUNE BEACH DID NOT PAY FOR THEM.**

Summer Sands Traffic
Light

TRAFFIC LIGHT AT ATLANTIC BOULEVARD AND BRANT DRIVE ENTRANCE INTO SUMMER SANDS SUBDIVISION: Mayor Vaughn announced that he had received a letter from the Board of Directors of Summer Sands Homeowners Association requesting that council reconsider support for a traffic light at the entrance to the Summer Sands Subdivision. Mayor Vaughn stated that he had prepared a Resolution in support of the traffic light and asked the council to endorse it.

Consensus: **FORWARD THE RESOLUTION SUPPORTING A TRAFFIC LIGHT AT THE ENTRANCE TO THE SUMMER SANDS SUBDIVISION TO THE MAY 1, 2000, REGULAR CITY COUNCIL MEETING FOR RATIFICATION.**

Public Comments

PUBLIC COMMENTS ON AGENDA ITEMS ONLY

Lehman L. McDonald, 1140 Florida Boulevard, expressed concern about the aging infrastructure of the public utilities. Mr. McDonald stated that a Media One employee told him that the city had agreed to share the cost of repairs for damages done to utilities because the city could not provide accurate maps for utility lines. Mr. McDonald asked if this statement was true.

Mayor Vaughn asked Mr. Linn if he would like to respond.

City Manager Linn responded that no one had made any commitment to Media One for sharing anything and that there was no such agreement. Mr. Linn added that Media One was paying 100% of all damages.

Lehman L. McDonald questioned where the detail maps for public utilities were located.

City Manager Linn responded that the city did not have maps for some areas of the community that were built back in the 20's and 30's.

Lehman L. McDonald asked Council to look into the cities non-department head employee's salaries to find out if they were equal to other city employees while they were renegotiating the City Manager's contract.

Michael P. Aston, 1523 Summer Sands Drive, thanked Council for their efforts to install a traffic light at the entrance to the Summer Sands subdivision.

Harriet Pruette, 2171/2 Magnolia Street, thanked council for their efforts to install a traffic light at the entrance to Summer Sands subdivision and commented on the investigation of the Sewer Plant and the possible J.E.A. takeover. Ms. Pruette questioned the proposal of the pilot program for waste.

Adjournment

There being no further business, the meeting adjourned at 8:40p.m.

Attest:

George F. Vaughn, Jr., Mayor

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
WORKSHOP CITY COUNCIL MEETING
PROPOSED LAND USE REGULATIONS
APRIL 24, 2000 AT 7:00 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 24, 2000, at 7:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

Mayor George F. Vaughn, Jr.
Vice Mayor Edward S. Jones
Councilor Ronald Patronik
Councilor Thomas A. Tankersley
Councilor Robert D. Shimp
City Manager Richard A. Linn
Assistant to the City Manager Terry Klein

City Clerk Lisa Volpe, CMC
Deputy City Clerk Karla Strait
Building Official Dan Arlington
Assistant to Building Official Piper Turner
Member PDRB, Brian Greenwood
Member PDRB, John Weldon

Absent:
City Attorney Christopher White

Call to Order/Roll Call The Mayor called the meeting to order at 7:00 p.m.

Mayor Vaughn explained that the meeting was a continuation of the review of the Proposed Land Use Regulations and would pick up where we left off with Section 27-227 Part 5.

Group Two Article IV, Land Use Mayor Vaughn read each section aloud and asked that any concerns or recommendations be addressed at the end of each section.

Section 27-222 Councilor Shimp asked permission of council to readdress Section 27-222, Purpose of intent of zoning districts, part 9, The Central Business District zoning district is intended to a mix of commercial uses and compatible residential uses that will encourage an urban intensive, pedestrian oriented neighborhood ambiance. Councilor Shimp strongly urged that residential uses of condominiums be denied in the Central Business District.

A lengthy discussion ensued. There was no consensus from council and Section 27-222 remained it question to be re-addressed at a later date.

Section 27-227 Part 5 ARTICLE IV, LAND USE SECTION 27-227, SPECIAL RESTRICTIONS AND CONDITIONS ON ALLOWABLE USES WITHIN ZONING DISTRICTS PART 5, RETAIL, GENERAL.

There was a question regarding " primarily enclosed building". John Weldon explained that that wording was put in because K-mart and Scotty's and some of the other tenants

were exhibiting wares outside in the front of the stores and the Planning and Development Review Board wanted to include that. But that it also prohibited individuals from going out and selling things on the streets in the open area.

Mayor Vaughn recommended submitting this section back to the consultant for clarification.

Section 27-227 Part 6 ARTICLE IV, LAND USE SECTION 27-227, SPECIAL RESTRICTIONS AND CONDITIONS ON ALLOWABLE USES WITHIN ZONING DISTRICTS PART 6, ADULT ENTERTAINMENT AND SERVICE.

Discussion ensued regarding the definition of Adult Entertainment and Vixen's.

City Manager Linn explained that this section included adult bookstores and adult motion picture theater's only and nude and semi-nude dancing would be discussed in Chapter 4 Section 26 under nude entertainment.

It was recommended to receive legal advice upon the sale of Vixens and having the Consultant add the definition of adult entertainment and service.

There was no consensus from council and Section 27-227, Part 6 remained in question to be revisited if not covered in subsequent parts of the code.

Section 27-227 Part 7 ARTICLE IV, LAND USE SECTION 27-227, SPECIAL RESTRICTIONS AND CONDITIONS ON ALLOWABLE USES WITHIN ZONING DISTRICTS PART 7, DRY CLEANER.

There was no discussion and no recommended changes to Section 27-227, Part 7.

Section 27-227 Part 8 ARTICLE IV, LAND USE SECTION 27-227, SPECIAL RESTRICTIONS AND CONDITIONS ON ALLOWABLE USES WITHIN ZONING DISTRICTS PART 8, PARKING LOT.

There was no discussion and no recommended changes to Section 27-227, Part 8.

Section 27-227 Part 9 ARTICLE IV, LAND USE, SECTION 27-22, SPECIAL RESTRICTIONS AND CONDITIONS ON ALLOWABLE USES WITHIN ZONING DISTRICTS, PART 9, FIRE STATION.

There was no discussion and no recommended changes to Section 27-227, Part 9.

Section 27-227 Part 10 ARTICLE VI, LAND USE, SECTION 27-22, SPECIAL RESTRICTIONS AND CONDITIONS ON ALLOWABLE USES WITHIN ZONING DISTRICTS, PART 10, POLICE STATION.

There was no discussion and no recommended changes to Section 27-227, Part 10.

Section 27-227 Part 11 ARTICLE VI, LAND USE, SECTION 27-22, SPECIAL RESTRICTIONS AND CONDITIONS ON ALLOWABLE USES WITHIN ZONING DISTRICTS, PART 11, AMBULANCE SERVICE.

There was no discussion and no recommended changes to Section 27-227, Part 11.

Section 27-227 Part 12 ARTICLE IV, LAND USE, SECTION 27-227, SPECIAL RESTRICTIONS AND CONDITIONS ON ALLOWABLE USES WITHIN ZONING DISTRICTS, PART 12, POST OFFICE.

The definition of Post Office was questioned relating to a drug store type service that may be welcomed.

Define Post Office.

Section 27-227
Part 13

ARTICLE IV, LAND USE, SECTION 27-227, SPECIAL RESTRICTIONS AND CONDITIONS ON ALLOWABLE USES WITHIN ZONING DISTRICTS, PART 13, CULTURAL, RELIGIOUS, PHILANTHROPIC, SOCIAL AND FRATERNAL.

Discussion ensued regarding grandfathering of the F.O.P. Lodge on Forest Street, the church on the Ocean and the church on Davis Street.

There was no discussion and no recommended changes to Section 27-227, Part 13.

Section 27-227
Part 14

ARTICLE IV, LAND USE, SECTION 27-227, SPECIAL RESTRICTIONS AND CONDITIONS ON ALLOWABLE USES WITHIN ZONING DISTRICTS, PART 14, RADIO AND TELEVISION BROADCASTING.

There was no discussion and no recommended changes to Section 27-227, Part 14.

Section 27-228

ARTICLE IV, LAND USE, SECTION 27-228, USES PERMITTED BY SPECIAL EXCEPTION.

Consensus: **CHANGE WORDING FROM "PLANNING AND DEVELOPMENT REVIEW BOARD" TO "COUNCIL" MAY PERMIT THOSE USES, AS LISTED IN TABLE 27-226-1 THAT REQUIRE A SPECIAL EXCEPTION PERMIT ACCORDING TO THE PROCEDURES AND CONDITIONS OUTLINED IN ARTICLE III OF THE CODE.**

Section 27-229

ARTICLE IV, LAND USE, SECTION 27-229, MINIMUM LOT AREA REQUIREMENTS.

Discussion ensued regarding density and the smaller lot area requirements. Dan Arlington explained that the lots were not big enough for the 6000 square foot requirements.

Member of the Planning and Development Review Board, John Weldon was asked to explain why they wanted to change the minimum lot area requirements.

Mr. Weldon stated that the board had a lot of pressure from the land owners in the R-4 district to preserve their property rights and had not intended to increase density.

Councilor Tankersley suggested tabling Sections 27-230, 27-231(a), (b)(1), (b)(2), (b)(3), (b)(4), and (b)(5), 27-232 and 27-233 that referred to table 27-229-1 until a legal opinion had been received.

Section 27-229 was tabled to a later date.

Section 27-230

ARTICLE IV, LAND USE, SECTION 27-230, MINIMUM LOT WIDTH REQUIREMENTS.

Section 27-230 was tabled to a later date.

Section 27-231

ARTICLE IV, LAND USE, SECTION 27-231, FRONT YARD SETBACK REQUIREMENTS.

Section 27-231 (a) was tabled to a later date.

Vice Mayor Jones requested review of Section 27-231(b).

Discussion of Section 27-231(b)(1) ensued regarding the footprint bill.

Consensus: **TO RECEIVE A LEGAL OPINION REGARDING THE FOOTPRINT BILL.**

Vice Mayor Jones felt that Section 27-231(b)(2) oceanfront lots should be addressed as an overlay.

There was no discussion and no recommended changes on Section 27-231(b)(3)

Vice Mayor Jones felt that Section 27-231(b)(4) oceanfront lots should be addressed as an overlay.

Discussion of Section 27-231(b)(5) ensued regarding the wording at the end of the section "ten feet from the from the front face of the principal building. It was agreed to insert the word "back" after "ten feet" making the sentence read "ten feet back from the front face of the principal building.

Section 27-232 ARTICLE IV, LAND USE, SECTION 27-232, SIDE YARD SETBACK REQUIREMENTS.

Section 27-232 was tabled to a later date.

Section 27-233 ARTICLE IV, LAND USE, SECTION 27-233, REAR YARD SETBACK REQUIREMENTS.

Section 27-233 was tabled to a later date.

Section 27-234 ARTICLE IV, LAND USE, SECTION 27-234, MEASUREMENT OF MINIMUM REQUIRED YARD SETBACK.

There was no discussion and no recommended changes to Section 27-234.

Section 27-235 ARTICLE IV, LAND USE, SECTION 27-235, USE OF FRONT, SIDE, AND REAR YARDS

There was no discussion and no recommended changes to Section 27-235.

Section 27-236 ARTICLE IV, LAND USE, SECTION 27-236, MULTIPLE USE OF REQUIRED YARDS PROHIBITED.

There was no discussion and no recommended changes to Section 27-236.

Section 27-237 ARTICLE IV, LAND USE, SECTION 27-237, BUILDING AREA REQUIREMENTS.

There was no discussion and no recommended changes to Section 27-237(a)(b) or (c).

Discussion of Section 27-237(d) ensued regarding changing the square footage of the gross floor area in R-4 zone from 1100 square feet to 800 square feet.

There was no discussion and no recommended changes to Section 27-237(e)(f)(g)(h) and (I).

Section 27-238 ARTICLE IV, LAND USE, SECTION 27-238, MAXIMUM LOT COVERAGE.

Section 27-238 was tabled to a later date.

Section 27-239 ARTICLE IV, LAND USE, SECTION 27-239, BUILDING HEIGHT LIMITATIONS.

Section 27-239 was tabled to a later date.

Section 27-240 ARTICLE IV, LAND USE, SECTION 27-240, BUILDING ELEVATION.

Discussion ensued about the twelve inches in the commercial districts. Building Official Dan Arlington explained that FEMA had guidelines and the higher we make them the more points we received.

Public Comments Rae Brady, was concerned about non-conformity and felt there was a problem with past, present and future intent.

Mary Truta, 701 Valley Forge Road North, expressed concerned about section 27-335, parking of recreational and commercial vehicles.

Harriet Pruette, 217 ½ Magnolia Street, felt that there was a lot of confusion over the Proposed Land Development Regulations.

Jo Anne Waddill, 115 Oleander Street, recommended including "except as provided in Article" when necessary and was also concerned about the footprint bill and the PUD.

Lynda Padrta, 1113 First Street, felt that if the footprint bill would not work that the whole Proposed Land Development Regulations was of no use to people east of Third Street. Ms. Padrta was also concerned about the density.

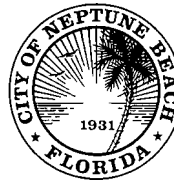
Adjournment There being no further business, the meeting adjourned at 9:48 p.m.

George F. Vaughn, Jr., Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
REGULAR CITY COUNCIL MEETING
MAY 1, 2000 AT 7:00 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 May 1, 2000, at 7:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

Mayor George F. Vaughn, Jr.
Vice Mayor Edward S. Jones
Councilor Ronald D. Patronik
Councilor Robert D. Shimp
Councilor Thomas A. Tankersley
City Attorney Christopher White

City Manager Richard A. Linn
Assistant to the City Manager Terry Klein
City Clerk Lisa Volpe, CMC
Deputy City Clerk Karla Strait
Building Official Dan Arlington

Order Call/Pledge

The Mayor called the meeting to order at 7:00 p.m. and led the Pledge of Allegiance.

AWARDS / PRESENTATIONS / RECOGNITION OF GUESTS

Teacher of the Year

Mayor Vaughn presented Gloria Dean with a Resolution honoring her as teacher of the year.

School-Related
Employee of the Year

Mayor Vaughn presented Holly Brumbley with a Resolution honoring her as School – Related Employee of the Year.

APPROVAL OF MINUTES

Motion:

TO APPROVE THE FOLLOWING MEETING MINUTES AS STATED:

APRIL 3, 2000, REGULAR CITY COUNCIL MEETING
APRIL 10, 2000, WORKSHOP-LAND DEVELOPMENT
APRIL 17, 2000, WORKSHOP CITY COUNCIL MEETING
APRIL 17, 2000, TOWN HALL MEETING
APRIL 24, 2000, WORKSHOP-LAND DEVELOPMENT

Moved by Patronik, seconded by Tankersley.

Roll Call Vote:

Ayes: 5 - Jones, Patronik, Tankersley, Shimp, Vaughn
Noes: 0

MOTION CARRIED

COMMUNICATIONS AND CORRESPONDENCE

City Clerk City Clerk Lisa Volpe announced that she would be attending the annual Florida Association of City Clerk's Conference in Tampa and therefore would be absent for the May 15, 2000, Workshop Council Meeting adding that Deputy City Clerk Karla Strait would be present during her absence.

CITY MANAGER REPORTS

Sunday in the Park City Manager Linn reported that Sunday in the Park was a successful event however because Finance Director John Herbst was on vacation he had not received a financial statement but it looked like the event generated \$800-\$1000 in net proceeds. Mr. Linn thanked Elaine Kenny, the volunteers and the councilmen.

Easter Egg Hunt City Manager Linn announced that the Mayors Annual Easter Egg Hunt was a huge success with about 2500 people attending and thanked the Mayor, his committee and volunteers and those who donated.

Mayor Vaughn added that the delay with the fire truck seemed to be the only problem however it was handled well. Mayor Vaughn also stated that of the 2500 people that enjoyed the event 713 were children ranging in age from two to eight.

Surplus Auction City Manager Linn reported that the gross proceeds from the sale of surplus equipment were \$5149 .00.

COMMENTS FROM THE PUBLIC

Harriet Pruette, 217 ½ Magnolia Street, requested that the review of the Proposed Land Development Regulations be stopped and asked council to make a motion to stop it. Ms. Pruette also opposed putting an archway in Town Center.

Buddy Crout, 1074 Kings Road, felt that no one understood the Proposed Land Use Regulations and that it had gotten out of hand. He requested that the review process be delayed.

Edie Alcorn, 317 Oceanwood Drive, stated that she had a problem with lighting already and opposed the upgrading of lighting that Food Lion was proposing.

Virginia Smith, 553 Davis Street, was concerned about preserving property.

Bill Lewis, 133 Cherry Street, spoke to council about a code enforcement case against his property stating it would cost the city a lot of money to fight the case because he would continue appealing it.

Debra Patterson, 201 Cherry Street, complained about construction going on during the weekends and late at night and asked when the speed bump would be put back on Cherry Street.

Elaine Kenny, 1301 Neptune Grove Drive West, thanked everyone who participated in Sunday in the Park and felt that surplus funds from the event could be used to restore a fire truck. Ms. Kenny proposed that the city purchase a painting that Perry Russell had done of the new lifeguard station.

Michael Adams, 320 First Street, felt that the Proposed Land Development Regulations imposed on homeowner property rights and the brakes should be put on the review.

CONSENT AGENDA

Sewer Outfall

Pilot Project

APPROVAL OF AMENDMENT TO THE JOINT EFFLUENT SEWER OUTFALL AND THE PILOT PROJECT FOR COMMERCIAL WASTE DISPOSAL UNITS: Mayor Vaughn entertained a motion.

Moved by Tankersley, seconded by Shimp.

Motion: **TO APPROVE THE CONSENT AGENDA.**

Roll Call Vote:

Ayes: 5 - Jones, Patronik, Tankersley, Shimp, Vaughn

Noes: 0

MOTION CARRIED

VARIANCES / NONE**ORDINANCES**

Ordinance No.
2000-02

ORDINANCE NO. 2000-02, SECOND READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, AMENDING CHAPTER 21, TAXATION, OF THE CODE OF ORDINANCES OF THE CITY OF NEPTUNE BEACH, BY ADDING ARTICLE VI, ADDITIONAL HOMESTEAD EXEMPTION FOR PERSONS SIXTY-FIVE AND OLDER AND PROVIDING AN EFFECTIVE DATE. SPONSOR: COUNCILOR SHIMP.

The Mayor read Ordinance 2000-02 by title only and opened the public hearing. There being no public comments, the Mayor closed the public hearing.

Moved by Shimp, seconded by Jones.

Motion: **TO ADOPT ORDINANCE NO. 2000-02 ON SECOND AND FINAL READ.**

Roll Call Vote:

Ayes: 5 - Jones, Patronik, Tankersley, Shimp, Vaughn

Noes: 0

MOTION CARRIED

Ordinance 2000-03

ORDINANCE NO. 2000-03, SECOND READ AND PUBLIC HEARING: AN ORDINANCE LEVYING AND IMPOSING A TELECOMMUNICATION SERVICE PUBLIC SERVICE TAX FOR THE INCORPORATED AREA OF NEPTUNE BEACH, FLORIDA, AS AUTHORIZED BY CHAPTER 166.231 (9) (a) (2), FLORIDA STATUTES: TO REPEAL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith: DELETING OLD SECTION 106 THROUGH SECTION 108 AND ADDING NEW SECTION 106 THROUGH SECTION 117; AND TO CREATE AN EFFECTIVE DATE.

The Mayor read the Ordinance No. 2000-03 by title only and opened the public hearing. There being no public comments, the Mayor closed the public hearing.

Moved by Jones, seconded by Shimp.

Motion: **TO ADOPT ORDINANCE NO. 2000-03 ON SECOND AND FINAL READ.**

Roll Call Vote:

Ayes: 4 - Jones, Patronik, Tankersley, Shimp

Noes: 1 - Vaughn

MOTION CARRIEDOLD BUSINESS

Agenda Change

Councilor Shimp asked permission of the council to bring up an issue of old business.

Consensus: **TO ALLOW COUNCILOR SHIMP TO BRING UP AN ISSUE UNDER OLD BUSINESS.**Land Development
Regulations

Councilor Shimp stated that he felt council should table the review of the Proposed Land Development Regulations. Councilor Shimp added that the people he had spoken with that lived east of Third Street were opposed to changing the regulations and the people that he had spoken with that lived west of Third Street were not concerned because it did not effect them. Councilor Shimp asked for a call to vote on tabling the issue.

A lengthy discussion ensued.

For the Record Vice Mayor Jones stated on the record that council had authorized expenditures in excess of \$40,000 and he felt it would be entirely inappropriate to vote on an issue of this matter because procedure of due process would be violated and the citizens would be outraged. He did not agree with the issue not being placed on the agenda therefore no notice was given to the public.

For the Record Councilor Shimp stated on the record that his friends were the citizens of Neptune Beach that were telling him that they were opposed to the changes. Councilor Shimp added that the changes would ~~also hurt~~ benefit him because he owned a big lot with the possibility of additions. Councilor Shimp also felt that if the matter was tabled it would give the citizens more time to contact the council with their concerns and decide if they wanted the issue brought back up on the table.

For the Record Mayor Vaughn stated on the record that it was totally out of order to place an issue of such significance on the agenda and call for a vote without public notice. Mayor Vaughn further stated that the process could not possibly move any slower and that the average time a consultant spent on an issue of this magnitude was four and a half months. Mayor Vaughn stated it would be a waste of money and asked the councilors that were considering tabling the issue to seriously reconsider what they were doing.

City Manager Linn was concerned about legal issues regarding the contract with the consultants.

Moved by Shimp seconded by Tankersley.

Motion: **TO TABLE THE LAND DEVELOPMENT ORDINANCE.**

Roll Call Vote:

Ayes: 3 - Patronik, Shimp, Tankersley

Noes: 2 - Jones, Vaughn

MOTION CARRIED

NEW BUSINESS

Agenda Change City Manager Linn asked to amend the agenda moving items 12 D, E and F before A, B and C because the representatives were present and had been waiting.

CONSENSUS: **TO MOVE ITEMS 12 D, E AND F BEFORE ITEM 12 A.**

Special Exception Christ United Methodist Church **CONSIDERATION OF SPECIAL EXCEPTION AND DEVELOPMENT ORDER FOR CHRIST UNITED METHODIST CHURCH TO ESTABLISH A PRIVATE SCHOOL:** City Manager Linn recommended approval of the development order.

Ryan and Susan Harper were present on behalf of Christ United Methodist Church and Mr. Harper explained that the special exception request was for an addition of a private school for children with special needs.

Moved by Jones, seconded by Shimp.

Motion: **TO GRANT THE SPECIAL EXCEPTION AND APPROVE THE DEVELOPMENT ORDER FOR CHRIST UNITED METHODIST CHURCH TO ESTABLISH A PRIVATE SCHOOL AS STATED IN THE APPLICATION.**

Roll Call Vote:

Ayes: 5 - Jones, Patronik, Tankersley, Shimp, Vaughn

Noes: 0

MOTION CARRIED

Development Order First Interstate Developers **CONSIDERATION OF A DEVELOPMENT ORDER FOR FIRST INTERSTATE DEVELOPERS TO INSTALL 4000 WATT PARKING LIGHT FIXTURES:** City Manager Linn recommended denial of this development order to install 4000 watt parking lot lights at Food Lion.

George Bull, representative and architect for Food Lion stated that Food Lion would like to upgrade the parking lot lights from 1600 watt to 4000 watt explaining that this was one of Food Lion's standard requirements.

Moved by Tankersley, seconded by Patronik.

Motion: **DENY THE APPROVAL OF THE DEVELOPMENT ORDER AS STATED.**

Roll Call Vote:

Ayes: 5 - Jones, Patronik, Tankersley, Shimp, Vaughn

Noes: 0

MOTION CARRIED

K-Mart Sidewalk
Shade System

CONSIDERATION OF A DEVELOPMENT ORDER FOR TM REALTY A.K.A. K-MART TO INSTALL A SIDEWALK SHADE SYSTEM: City Manager Linn stated that the Planning and Development Review Board recommended approval of the development order with specifications.

Frank Gabeletto, Senior Project Manager for Kmart Corporation explained that K-Mart would like to install a sidewalk shade system to protect the plants and flowers that were being displayed on the sidewalk. Mr. Gabeletto added that the system was from the Martha Stewart line, that the colors would match the store and would be 100 feet long running from the left of the facade line east toward the automotive shop but not all the way to the corner.

Moved by Jones, seconded by Patronik.

Motion: **TO APPROVE THE DEVELOPMENT ORDER FOR TM REALTY A.K.A. K-MART TO INSTALL A SIDEWALK SHADE SYSTEM PER APPLICATION.**

Roll Call Vote:

Ayes: 5 - Jones, Patronik, Tankersley, Shimp, Vaughn

Noes: 0

MOTION CARRIED

Lewis v. Neptune
Beach

AUTHORIZE CITY ATTORNEY WHITE TO SERVE AS LEAD ATTORNEY IN THE MATTER OF LEWIS VS. THE CITY OF NEPTUNE BEACH, FLORIDA, CODE ENFORCEMENT BOARD: City Attorney Christopher White informed the council that the case was in litigation and it would be inappropriate to discuss it.

Moved by Jones, seconded by Patronik.

Motion: **TO AUTHORIZE CITY ATTORNEY WHITE TO SERVE AS LEAD ATTORNEY IN THE MATTER OF LEWIS VS. THE CITY OF NEPTUNE BEACH, FLORIDA, CODE ENFORCEMENT BOARD.**

Roll Call Vote:

Ayes: 5 - Jones, Patronik, Tankersley, Shimp, Vaughn

Noes: 0

Dancing in the Streets

WAIVE THE ENFORCEMENT OF THE OPEN CONTAINER ORDINANCE FOR "DANCING IN THE STREET" MAY 20, 2000: Mayor Vaughn entertained a motion.

Moved by Jones, seconded by Shimp.

Motion: **TO WAIVE THE ENFORCEMENT OF THE OPEN CONTAINER ORDINANCE FOR DANCING IN THE STREETS MAY 20, 2000, FROM 11:00 A.M. TO 10:00 P.M.**

Roll Call Vote:

Ayes: 5 - Jones, Patronik, Tankersley, Shimp, Vaughn

Noes: 0

MOTION CARRIED

Traffic Signal
Summer Sands

RESOLUTION OF SUPPORT FOR THE INSTALLATION OF A TRAFFIC CONTROL SIGNAL AT BRANT BOULEVARD AND ATLANTIC BOULEVARD: Mayor Vaughn explained that the Resolution was discussed at the last Workshop Meeting and entertained a motion.

Moved by Patronik, seconded by Shimp.

Motion: **TO APPROVE THE RESOLUTION FOR SUPPORT OF THE INSTALLATION OF A TRAFFIC SIGNAL AT BRANT BOULEVARD AND ATLANTIC BOULEVARD.**

Roll Call Vote:

Ayes: 5 - Jones, Patronik, Tankersley, Shimp, Vaughn

Noes: 0

MOTION CARRIED

Resolution No.
2000-09

RESOLUTION NO. 2000-09 ON DELAYING CONGRESSIONAL ACTION ON INTERNET TAX MORATORIUM: Mayor Vaughn explained that this was a resolution similar to the one that the City of Atlantic Beach had passed that expressed a position of the council on the congressional internet tax moratorium.

Moved by Tankersley, seconded by Shimp.

Motion: **TO APPROVE RESOLUTION NO. 2000-09 AS STATED.**

Roll Call Vote:

Ayes: 5 - Jones, Patronik, Tankersley, Shimp, Vaughn

Noes: 0

MOTION CARRIED

Town Center Project

REVIEW FINAL OPTIONS / ARCHWAY FEATURE ELEMENT OF THE TOWN CENTER PROJECT: Mayor Vaughn presented council with a list of final site amenity options for the Town Center Project, with their approximate costs. Mayor Vaughn asked each councilor to consider the options and prioritize them explaining that he would present their recommendations at the Project Oversight Committee Meeting to be held on May 11, 2000.

Benches, receptacles and bike racks were the number one priority for Councilors Patronik, Shimp and Tankersley and Vice Mayor Jones.

The removal of the existing traffic signal was the fourth priority for Councilors Tankersley and Patronik and the fifth choice for Vice Mayor Jones.

Refurbishing the existing landscaping was the second priority for Councilors Patronik, Tankersley and Shimp and the fifth choice for Vice Mayor Jones.

The "second" block of Ocean Boulevard was the third priority for Councilors Patronik, Tankersley and Shimp and the second choice for Vice Mayor Jones.

The archway feature was the fifth priority for Councilors Patronik and Tankersley and Vice Mayor Jones

Councilor Shimp was not in favor of the archway feature or removing the existing traffic signal.

Mayor Vaughn did not give his opinion.

Resolution 2000-07
and 2000-08

RESOLUTION 2000-07 HONORING GLORIA DEAN AS TEACHER OF THE YEAR AND
RESOLUTION 2000-08 HONORING HOLLY BRUMBLEY AS SCHOOL RELATED
EMPLOYEE OF THE YEAR: Mayor Vaughn entertained a motion to approve Resolutions
2000-07 and 2000-08 jointly.

Moved by Tankersley seconded by Shimp.

Motion: **TO APPROVE RESOLUTIONS 2000-07 AND 2000-08.**

Roll Call Vote:

Ayes: 5- Jones, Patronik, Shimp, Tankersley, Vaughn

Noes: 0

MOTION CARRIED

Adjournment

There being no further business, the meeting adjourned at 8:45 p.m.

George F. Vaughn, Jr., Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



**MINUTES
TOWN HALL MEETING
MAY 15, 2000 AT 9:40 P.M.
CITY HALL, 116 FIRST STREET
NEPTUNE BEACH, FLORIDA**

Pursuant to proper notice a Town Hall Meeting of the City Council of the City of Neptune Beach was held May 15, 2000 at 9:40 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

Mayor George F. Vaughn, Jr.
Vice Mayor Edward S. Jones
Councilor Robert D. Shimp
Councilor Thomas A. Tankersley
City Manager Richard A. Linn
Deputy City Clerk Karla Strait

Assistant to the Building Official Piper Turner
Assistant to the City Manager Terry Klein

ABSENT:

Councilor Ronald Patronik
City Clerk Lisa Volpe, CMC
City Attorney Christopher A. White

Call to Order/Roll Call

The Mayor called the meeting to order at 9:40 p.m.

Public Comments

Linda Padrta, 1113 First Street, commended the city on the new web page.

Harriet Pruette, 217 ½ Magnolia Street, stated she was very proud of her government and felt that the tabling of the review of the Proposed Land Use Regulations generated more public interest.

Pat Lynch, 700 Valley Forge Road East, felt that recreational vehicles, commercial vehicles and boats parked in driveways were unsafe and unsightly.

Ron Powell, 1830 Nightfall Drive, was concerned about the ingress and egress off the Kings Road Bridge due to new development in Jacksonville Beach.

Discussion ensued about construction and replacement on the Kings Road Bridge.

Harriet Pruette, 217 ½ Magnolia Street, asked what the consensus was concerning the bike path on Florida Boulevard.

Discussion ensued about the bike path and installation of culvert on Florida Boulevard.

Councilor Tankersley requested a verbatim of the discussion about the bike path.

Adjournment

There being no further business, the meeting adjourned at 10:05 p.m.

George F. Vaughn, Jr., Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
WORKSHOP CITY COUNCIL MEETING
MAY 15, 2000 AT 7:00 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 May 15, 2000 at 7:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

Mayor George F. Vaughn, Jr.	Assistant to the Building Official Piper Turner
Vice Mayor Edward S. Jones	Assistant to the City Manager Terry Klein
Councilor Robert D. Shimp	
Councilor Thomas A. Tankersley	ABSENT:
City Manager Richard A. Linn	Councilor Ronald Patronik
Deputy City Clerk Karla Strait	City Attorney Christopher A. White
Director of Finance John Herbst	City Clerk Lisa Volpe, CMC

Call to Order/Roll Call The Mayor called the meeting to order at 7:00 p.m.

COMMITTEE REPORTS

IBBC

ISH BRANT BEAUTIFICATION COMMITTEE UPDATE: City Manager Linn reported that the Ish Brant Beautification Committee was working on the plans for the median improvements on Third Street to send to the Department of Transportation for approval. Mr. Linn added they were also working on improvements for Florida Boulevard.

CITY MANAGERS PUNCH LIST

Kings Road Bridge

KINGS ROAD BRIDGE REPLACEMENT: City Manager Linn reported that he had spoken with Mayor John Meserve, the beaches representative for the Metropolitan Planning Organization, to seek funding for a preliminary study of the Kings Road Bridge replacement.

Roadway Between Shopping Centers

ROADWAY BETWEEN SHOPPING CENTERS: City Manager Linn announced that a purchase authorization had been prepared for Smith and Gillespie to do the fieldwork, survey and cost estimate for the roadway between the shopping centers.

Bike Path

BIKE PATH FLORIDA BOULEVARD AND PENMAN ROAD: Councilor Shimp asked City Manager Linn what was happening with the Bike Path.

Mr. Linn explained that the consultant was working on a sketch of the bike path and he expected it this week.

Councilor Shimp stated that he thought council had a consensus that the bike path would not run east of Penman Road and asked the City Clerk's office to research the issue from the minutes and place it on the Regular City Council Meeting in June.

PROPOSED ORDINANCES

Farmer's Market **FARMER'S MARKET PROPOSED ORDINANCE: AN ORDINANCE ALLOWING FOR OUTDOOR SALES IN CONJUNCTION WITH A FARMER'S MARKET.**

Consensus: **HAVE CITY ATTORNEY CHRISTOPHER WHITE REVIEW THE PROPOSED ORDINANCE AND FORWARD TO THE JUNE REGULAR CITY COUNCIL MEETING.**

CONTRACT/AGREEMENTS

City Manager
Renegotiations **RENEGOTIATIONS OF CITY MANAGERS EMPLOYMENT CONTRACT:** City Manager Linn asked to be excused from the meeting during the discussion. Mayor Vaughn excused City Manager Linn. Vice Mayor Jones explained that the City Managers' contract would expire on July 8, 2000 and he had requested the council to review it and change some terms.

Consensus: **RENEW THE CITY MANAGERS CONTRACT FOR 3 YEARS WITH A 5% INCREASE PER YEAR AND 3 MONTHS SEVERANCE PAY AND ASK THE CITY ATTORNEY TO REVIEW ALL LANGUAGE OF THE CONTRACT MAKING SURE THAT IT WAS IN THE CITY'S BEST INTEREST.**

Land Use Code **LAND USE CODE CONTRACT WITH IVEY, HARRIS AND WALLS:** Vice Mayor Jones felt that since discussion of the Land Use Code had been tabled that a decision needed to be made about the contract that the city had with Ivey, Harris and Walls.

Consensus: **TO PLACE THE LAND USE CODE ON THE JUNE REGULAR CITY COUNCIL MEETING TO VOTE ON CONTINUING THE DISCUSSION OF THE LAND USE CODE REVISIONS.**

ISSUE DEVELOPMENT

Animal Control **ANIMAL CONTROL CITATIONS:** Councilor Shimp explained that he had written a memo to the City Manager requesting copies of the citations from animal control officers from last September and had not received them.

City Manager Linn felt that Councilor Shimp needed a consensus of council due to the amount of records that were requested and the cost involved.

Consensus: **REQUEST THE CITY MANAGER TO PRODUCE THE ANIMAL CONTROL CITATIONS COUNCILOR SHIMP HAD REQUESTED.**

City Manager Linn requested that council establish a procedure for future record requests.

Recess/Reconvene Mayor Vaughn called for a recess at 8:20 and the meeting reconvened at 8:30.

Special Events Committee	<u>SPECIAL EVENTS COMMITTEE</u> : Councilor Shimp explained that he had several names of residents that were interested in serving on a Special Events Committee and asked permission of council to give the names to the City Clerks office.
Right of way	<u>RIGHT OF WAY ON FLORIDA BOULEVARD EAST OF THIRD STREET</u> : Councilor Shimp requested that a right of way be given to the property owners on Florida Boulevard east of Third Street. City Manager Linn responded that he would discuss the issue at an upcoming staff meeting and have the City Attorney review it.
USS Roosevelt	<u>COMMISSIONING OF THE USS ROOSEVELT</u> : Ed Parpart and Larry Pecket, Members of the Navy League of Mayport Council, asked council for financial support in the amount of \$500.00 for the commissioning of the USS Roosevelt on October 14, 2000. Consensus: <u>FORWARD TO THE CONSENT AGENDA FOR THE JUNE REGULAR CITY COUNCIL MEETING.</u>
Department of Justice Grant	<u>DISCUSSION OF DEPARTMENT OF JUSTICE GRANT</u> : Public Safety Director Chief Brandt briefed council on the Department of Justice Grant, explaining it would be used for school protection and crime prevention. Consensus: <u>FORWARD TO THE CONSENT AGENDA FOR THE JUNE REGULAR CITY COUNCIL MEETING.</u>
Public Comments	<u>PUBLIC COMMENTS ON AGENDA ITEMS ONLY</u> John Ster, 1031 Marvone Lane, questioned why council tabled the review of the Proposed Land Development Regulations and recommended reconsideration of the review. Kirk Cobb, 112 Orange Street, opposed the proposed farmer's market and felt that there would be a problem with parking, vendors and visitors. Mr. Cobb also felt that the vendors should be required to have licenses stating that the other merchants in the area had to have one. Mr. Cobb supported Councilor Shimp on the animal control issue. Mr. Cobb stated that a few years ago the City Attorney said it was against the law for the city to give away property. Judy Bost, 115 Walnut Street, asked council to reconsider the review of the Proposed Land Use Regulations. Harriet Pruette, 217 ½ Magnolia Street, felt that no one should be denied access to public records. Linda Padrta, 1113 First Street, asked council for assistance in obtaining a public record request. Thad Mosesey, 219, 221, 223, 225 Orange Street, opposed the location of the proposed farmer's market due to parking, and blocking of First Street. Pat Lynch, 700 Valley Forge Road East, urged council to resume the review of the Proposed Land Development Regulations and felt that the area designated for the farmer's market was not appropriate. Tom Gelsh, 631 Beach Avenue, owner of Cobalt Moon on First Street, felt that a farmer's market would be a positive feature for Neptune Beach adding to the quality of life.

John Weber, Animal Control Officer, explained that if the citizens did not become involved that the problems would not be solved. Mr. Weber added that in order for him to issue a citation he would actually have to witness the animal going to the bathroom. Mr. Weber encouraged the citizens to become involved by filling out affidavits.

Steve Hould, 111 Walnut Street, felt the method of tabling the Proposed Land Use Regulations was brought up inappropriately under old business with no notice given to the public and felt it was disrespectful to everyone in the community. Mr. Hould strongly encouraged council to continue the review of the Proposed Land Use Regulations.

John Weldon, 108 Oak Street, explained that the idea of the farmer's market was to use a time period when very little was going on in the Central Business District and there was little demand for parking. Mr. Weldon felt that a farmer's market would create a community event that provided services that were otherwise not available in the area, including topical fruits, organic produce and fresh flowers. Mr. Weldon added that they were not committed to holding it in the street and could utilize one of the parking lots.

Adjournment

There being no further business, the meeting adjourned at: 9:30 p.m.

Attest:

George F. Vaughn, Jr., Mayor

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
REGULAR CITY COUNCIL MEETING
JUNE 5, 2000 AT 7:00 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 June 5, 2000, at 7:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

Mayor George F. Vaughn, Jr.
Vice Mayor Edward S. Jones
Councilor Ronald D. Patronik
Councilor Robert D. Shimp
Councilor Thomas A. Tankersley
City Attorney Christopher White
City Manager Richard A. Linn

Assistant to the City Manager Terry Klein
City Clerk Lisa Volpe, CMC
Building Official Dan Arlington
Ass't to the Building Official Piper Turner
Dir. of Public Safety William Brandt
Dir. of Public Services John Galen
Finance Director John Herbst

Order Call/Pledge

The Mayor called the meeting to order at 7:00 p.m. and led the Pledge of Allegiance.

Mayor Vaughn acknowledged Jacksonville District 3 City Councilman Jerry Holland.

AWARDS / PRESENTATIONS / RECOGNITION OF GUESTS

Freedom Shrine

Russ Litchfield of The Jacksonville Beaches Exchange Club, presented the Freedom Shrine on the west wall of the Council Chambers. The shrine is to remind citizens of the dedication to freedom of our forefathers. The shrine is dedicated to Ron Egan. Nitesh Paryani, a student from Bowles School, gave a speech on patriotism.

VFW Presentation

The Mayor postponed due to no one being there from the VFW.

Candy Sullivan

Mayor Vaughn read a letter of appreciation for Ms. Sullivan's hard work throughout the years in organizing the Mayor's Annual Easter Egg Hunt.

Bruce Rehmer

Mayor Vaughn presented Bruce Rehmer with a proclamation commending his volunteer work in the last 25 years.

APPROVAL OF MINUTES

Motion:

TO APPROVE THE FOLLOWING MEETING MINUTES:

MAY 1, 2000, REGULAR CITY COUNCIL MEETING
MAY 15, 2000, WORKSHOP CITY COUNCIL MEETING
MAY 15, 2000, TOWN HALL MEETING

Councilor Tankersley pointed out on page 4 of May 1, 2000 Regular City Council meeting minutes, it should read "Councilor Shimp added that the changes would ~~also hurt~~ benefit him because he owned a big lot with the possibility of additions." He also stated that on page 2 of May 15, 2000 Workshop meeting, it should be land use code contract not land use code to be on June Regular City Council meeting. The City Clerk would relisten to tape to clarify.

Vice Mayor Jones added that it should be procedural not procedure on page 4 of May 1, 2000 Regular City Council Meeting minutes. He also added that "he did not agree with the issue not being placed on the agenda therefore no notice was given to the public."

Moved by Patronik, seconded by Tankersley.

Roll Call Vote:

Ayes: 5 - Jones, Patronik, Tankersley, Shimp, Vaughn

Noes: 0

MOTION CARRIED

COMMUNICATIONS AND CORRESPONDENCE/NONE

CITY MANAGER REPORTS

Bids for Phase 1-A
Master Utility Capital
Project

City Manager Linn asked if this item could be moved to 12I so that it could be voted on as an action item.

Moved by Shimp seconded by Patronik

Motion: **MOTION TO AMEND THE AGENDA TO PLACE BIDS FOR PHASE 1-A MASTER UTILITY CAPITAL PROJECT TO NEW BUSINESS ITEM 12I**

Roll Call Vote:

Ayes: 5- Jones, Patronik, Shimp, Tankersley, Vaughn

Noes: 0

MOTION CARRIED

Lifeguard Truck

City Manager Linn announced that the eight year old lifeguard truck broke in half due to exposure to salt and sand. A new used truck was bought with convention development tax money for \$8500.

Hurricane Floyd

City Manager Linn reported that more money than was allotted was reimbursed by FEMA for Hurricane Floyd therefore some money would be returned to the state.

COMMENTS FROM THE PUBLIC

Michael Adams, 320 First Street, felt that the Proposed Land Development Regulations imposed on homeowner property rights and should not be put back in review.

Mary Truta, 701 Valley Forge Road N., was in favor of continuing to review the code.

Fred DeSapio, 114 19th Ave N., wanted the LDR to remain tabled.

Brian Greenwood, 222 Myrtle Street, favored restarting the LDR even if it meant reworking

the changes.

Steve Jarrett, 210 South Street, wanted to restart the LDR revisions.

Fred St. Clair, 627 Cherry Street, complained about the lights in the Kmart parking lot. City Manager Linn assured him the shopping center would be shielding the lights.

Bruce Rehmer, 804 McCollum Circle, asked the council to demand a written apology to him from Finance Director John Herbst over the Easter Egg Hunt.

Mark Bradsford/Miler Norton, 401 Margaret Street, stated they are restoring a 1945 fire truck like the one they used as junior fire fighters in Neptune Beach. The truck will be available to Neptune Beach for special events at no charge.

Renee Faure, 600 Second Street, was in favor of the farmer's market and the LDR revisions and hated the idea of tabling the revisions.

Kirk Cobb, 112 Orange Street, would like the farmers market in a different location than directly on First Street and opposed the LDR revisions which hurt people's property rights.

John Weldon, 108 Oak Street, was in favor of the farmer's market but wanted volunteer citizens to be in charge of permitting not the city manager. Hopkins Creek area subdivision has agreed to a 25 feet buffer zone which is a really good thing and the cul-de-sac is smaller to save some trees.

Harriet Sasser, 1020 Florida Blvd., did not like the bike path past Penman Road.

Joseph Sasser, 1020 Florida Blvd, did not like the bike path past Penman Road. It would bring more traffic into the community.

William McCants, 1126 Hagler Drive, stated he did not want the bike path past Penman Road so the trees would not be damaged.

Anne Olsen, 1101 Hagler Drive W., was opposed to the bike path and from her experience there is not enough bike traffic to require a path.

Chris Rasche, 232 Florida Blvd, was opposed to the bike path and upset that sketches were not shown to the public. She protested the process of not being able to speak when the issue came up.

Dan Dische, 224 Florida Blvd., did not favor the bike path past Penman Road and asked the money be spent on something else.

Leslie Karlin, 1506 Spindrift Circle W., liked the farmer's market but thought it needed a larger area therefore asked that not a lot of money be invested until it was viable. She does not want a bike path.

CONSENT AGENDA

USS Roosevelt
DOJ Grant

**APPROVAL OF SUPPORT OF USS ROOSEVELT AND DEPARTMENT OF JUSTICE
GRANT ACCEPTANCE:** Mayor Vaughn entertained a motion.

Moved by Jones, seconded by Shimp.

Motion: **TO APPROVE THE CONSENT AGENDA.**

Roll Call Vote:

Ayes: 5 - Jones, Patronik, Tankersley, Shimp, Vaughn
Noes: 0

MOTION CARRIED

Interlocal agreement
1/2 sales tax

INTERLOCAL AGREEMENT 1/2 CENT SALES TAX: Mayor Vaughn introduced City of Jacksonville Mayor John Delaney. City Manager Linn asked the council to amend the agenda so that Mayor Delaney could speak on the half cent sales tax and it could be voted on.

Consensus: **TO AMEND AGENDA AND ALLOW MAYOR DELANEY TO SPEAK ON THE 1/2 CENT SALES TAX.**

Mayor John Delaney of the City of Jacksonville spoke about the Better Jacksonville Plan. He stated that the proposed countywide 1/2 cent sales tax would pay for new roads, a new courthouse, arena, downtown library and beaches library branch renovation, and baseball park. The interlocal agreement would give Neptune Beach its share which would be approximately \$300,000 in the first year.

Consensus: **TO VOTE ON THE INTERLOCAL AGREEMENT TONIGHT.**

Moved by Tankersley seconded by Shimp.

Motion: **MOVE TO APPROVE THE INTERLOCAL AGREEMENT HALF CENT SALES TAX AS STATED**

Roll Call Vote:

Ayes: 5- Jones, Patronik, Shimp, Tankersley, Vaughn
Noes: 0

MOTION CARRIED

VARIANCES / NONE

ORDINANCES

Ordinance No.
2000-04

ORDINANCE 2000-04 FIRST READ: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 17 OF THE CODE OF ORDINANCES OF NEPTUNE BEACH TO INCLUDE THE NEW ARTICLE III AND SECTIONS THEREUNDER; ESTABLISHING THE REGULATION OF OPEN AIR MARKETS AND SALES IN THE CITY OF NEPTUNE BEACH; AND ESTABLISHING AN EFFECTIVE DATE. SPONSORED BY MAYOR VAUGHN.

The Mayor read Ordinance 2000-04 by title only. Discussion ensued about possible changes including putting permitting under the Planning and Development Review Board and/or council and having it state in all business districts not just the CBD. Discussion over whether or not it would be done on public or private property. The City Attorney was instructed to make recommended changes for the workshop and for the Planning and Development Review Board to review the ordinance before the June Workshop.

Moved by Tankersley, seconded by Shimp.

Motion: **TO ADOPT ORDINANCE NO. 2000-04 ON FIRST READ.**

Roll Call Vote:

Ayes: 5 - Jones, Patronik, Tankersley, Shimp, Vaughn
Noes: 0

MOTION CARRIED

Ordinance 2000-05

ORDINANCE 2000-05 FIRST READ; AN ORDINANCE OF THE CITY OF NEPTUNE BEACH AMENDING AND RESTATING THE CITY OF NEPTUNE BEACH POLICE OFFICERS' AND FIREFIGHTERS' RETIREMENT SYSTEM AS ADOPTED PURSUANT TO ORDINANCE NO. 1997-10, AS SUBSEQUENTLY AMENDED, TO TERMINATE THE PLAN AS TO FIREFIGHTERS AND REMOVE FIREFIGHTERS FROM THE EXISTING RETIRMENT PLAN, AND REPEALING ORDINANCE NO. 80, LEVYING AN EXCISE TAX ON FIRE INSURANCE PROVIDING FOR DEFINITIONS, PROVIDING FOR MEMBERSHIP; PROVIDING FOR A BOARD OF TRUSTEES; PROVIDING FOR FINANCES AND FUND MANAGEMENT; PROVIDING FOR CONTRIBUTIONS; PROVIDING FOR BENEFIT AMOUNTS AND ELIGIBILITY; PROVIDING FOR PRE-RETIREMENT DEATH BENEFITS; PROVIDING FOR DISABILITY BENEFITS; PROVIDING FOR VESTING OF BENEFITS; PROVIDING OPTIONAL FORMS OF BENEFITS; PROVIDING FOR BENEFICIARIES; PROVIDING CLAIMS PROCEDURES; PROVIDING FOR REPORTS TO THE DIVISION OF RETIREMENT; PROVIDING FOR A ROSTER OF RETIREES; PROVIDING FOR A MAXIMUM PENSION LIMITATION; PROVIDING MISCELLANEOUS PROVISION; PROVIDING FOR REPEAL OR TERMINATION OF THE SYSTEM; PROVIDING FOR EXEMPTION FROM, EXECUTION AND NON ASSIGNABILITY; PROVIDING FOR PENSION VALIDITY; PROVIDING FOR FORFEITURE OF PENSION UNDER CERTAIN CIRCUMSTANCE; PROVIDING FOR CONVICTION AND FORFEITURE, FALSE, MISLEADING OR FRAUDULENT STATEMENT; PROVIDING FOR INDEMNIFICATION AND DEFENSE OF CLAIMS; PROVIDING FOR DIRECT TRANSFERS OF ELIGIBLE ROLLOVER DISTRIBUTIONS; PROVIDING FOR THE PURCHASE OF CREDITED SERVICE FOR ABSENCES PURSUANT TO THE FAMILY AND MEDICAL LEAVE ACT; PROVIDING FOR PURCHASE OF CREDIT FOR MILITARY SERVICE PRIOR TO EMPLOYMENT; PROVIDING FOR THE PURCHASE OF CREDITED SERVICE FOR PRIOR POLICE SERVICE; PROVIDING FOR A DEFERRED RETIREMENT OPTION PLAN; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING AN EFFECTIVE DATE. SPONSORED BY COUNCILOR TANKERSLEY

The Mayor read the Ordinance No. 2000-05 by title only.

Moved by Jones, seconded by Shimp.

Motion: **TO ADOPT ORDINANCE NO. 2000-05 ON FIRST READ.**

Roll Call Vote:

Ayes: 5 - Jones, Patronik, Tankersley, Shimp, Vaughn
Noes: 0

MOTION CARRIED

Recess/Reconvene

Mayor Vaughn called for a recess at 9:00 P.M. and the meeting reconvened at 9:10 P.M.

OLD BUSINESS

Bike Path

JTA BIKE PATH PROJECT -REVIEW/APPROVE/MODIFY/REJECT DESIGN SKETCH:
City Manager Linn introduced the sketch submitted by Lockhart and Associates. He suggested that instead of the bike path being carried down Florida Blvd have it go south on Penman Road to Seagate Avenue. The Council discussed alternatives and decided to bring the idea of the bike path going down Penman Road to a workshop.

Moved by Tankersley seconded by Shimp.

Motion: **TO ELIMINATE THE PORTION EAST OF CAMILLA TERRACE AND ALLOW THE PROJECT TO BE FOR BEAUTIFICATION AND TO REMOVE THE OPEN DITCH AND REPLACE IT WITH A CLUVERT.**

Roll Call Vote:

Ayes: 5- Jones, Patronik, Shimp, Tankersley, Vaughn

Noes: 0

MOTION CARRIED

Land Development
Regulations

RECONVENE LAND DEVELOPMENT REVISION CONSIDERATION Councilor Tankersley explained that he wanted to reconvene the LDR with his changes. He read his letter of June 1, 2000 into the minutes (attached). The council discussed whether or not to proceed with the revisions.

Moved by Tankersley seconded by Shimp

Motion: **START WITH ARTICLE THIRTEEN AND MOVE ON WITH THE LAND DEVELOPMENT REGULATIONS AND INCLUDE COUNCILOR TANKERSLEY'S CHANGES IN WHAT HAS ALREADY BEEN DISCUSSED.**

For the Record Councilor Tankersley stated for the record that as part of his motion the parts of the code with his revisions will be reviewed by council.

For the Record Councilor Shimp would like to see the meeting conducted differently than the way they have been.

Roll Call Vote:

Ayes: 5 - Jones, Patronik, Shimp, Tankersley, Vaughn

Noes: 0

MOTION CARRIED

NEW BUSINESS

Photo Copy Invoice

APPROVAL OF PHOTOCOPY INVOICE IN EXCESS OF \$10,000: City Manager Linn asked that the council approve the bill for photocopying subpoena documents that was in excess of \$10,000 even after shopping.

Moved by Jones seconded by Patronik.

Motion: **MOTION TO APPROVE THE INVOICE.**

Roll Call Vote:

Ayes: 5- Jones, Patronik, Shimp, Tankersley, Vaughn

Noes: 0

Motion Carried

Personnel Policy

PERSONNEL POLICY CHANGE TO REFLECT CHANGES IN DEFINED BENEFIT PLAN City Manager Linn explained that the personnel policy still states the city has a defined benefit plan instead of the defined contribution plan that the city actually has.

Moved by Jones, seconded by Patronik

Motion: **TO APPROVE THE CHANGES IN THE PERSONNEL POLICY AS STATED IN THE AGENDA.**

Roll Call Vote:

Ayes: 5 - Jones, Patronik, Tankersley, Shimp, Vaughn

Noes: 0

MOTION CARRIED

Ultster Peace Project **ULTSTER PEACE PROJECT:** The mayor stated he put this item on the agenda at the request of Bruce Rehmer who was not present. It is a request to donate funds to children from Ireland who would like to visit the United States. There was no motion made.

City Government **CITY GOVERNMENT ROLE OF CITY COUNCILORS AND MAYOR -** Councilor Shimp stated that this was an idea some elderly citizens brought to him for each member of council to be a liaison for a particular department. Mayor Vaughn - City Manager; Councilor Shimp - Police Department; Vice Mayor Jones - Building; Councilor Patronik - Finance and Councilor Tankersley - Public Works

Consensus: **TO DISCUSS THIS ISSUE AT THE JULY WORKSHOP**

Little Red School House **DEVELOPMENT ORDER APPROVAL LITTLE RED SCHOOL HOUSE:** Linda Perschel, 1865 Nightfall Drive, and Dee Wagner, 1201 Kings Road, explained that they planned on opening a middle school with approximately 30 students in a duplex they recently purchased next to the established school.

Moved by Tankersley, seconded by Shimp.

Motion: **TO APPROVE THE DEVELOPMENT ORDER AS STATED.**

Roll Call Vote:

Ayes: 5 - Jones, Patronik, Tankersley, Shimp, Vaughn

Noes: 0

MOTION CARRIED

D. Lee Ross et al **SUBDIVISION APPROVAL D. LEE ROSS ET AL:** City Manager Linn introduced Steve Jarrett who represented the developer. Discussion included the 38 foot cul-de-sac; the retention pond that will be owned and maintained by the homeowners association and the street which will be a public road maintained by the city.

Moved by Jones, seconded by Shimp.

Motion: **TO APPROVE THE FINAL DEVELOPMENT ORDER CONTINGENT ON PERMITS OF THE ST JOHN'S RIVER WATER MANAGEMENT DISTRICT AS STATED WITH CONTINGENCIES.**

Roll Call Vote:

Ayes: 5 - Jones, Patronik, Tankersley, Shimp, Vaughn

Noes: 0

MOTION CARRIED

Beaches Family Trust SUBDIVISION APPROVAL BEACHES FAMILY TRUST: City Manager Linn introduced Steve Jarrett who represents the developer. Discussion included the 30 foot cul-de-sac to save two very old trees. Mr Jarrett stated he would try to get the cul-de-sac as large as possible without damaging the trees. There will be a buffer zone.

Moved by Jones, seconded by Shimp.

Motion: **TO APPROVE THE FINAL DEVELOPMENT ORDER FOR THE BEACHES FAMILY TRUST.**

Roll Call Vote:

Ayes: 5 - Jones, Patronik, Tankersley, Shimp, Vaughn

Noes: 0

MOTION CARRIED

Master Utility Plan Resolution 2000-10 BID FOR PHASE 1-A MASTER UTILITY CAPITAL PROJECT: City Manager Linn stated that this was an approval for a contract with Harcon Enterprises for Phase 1 Water and Sewer Improvements Part A for \$907,065 with 20% contingency; Jim Miller of PBSJ answered questions.

Moved by Patronik seconded by Shimp.

Motion: **TO APPROVE RESOLUTION 2000-10 FOR PHASE 1-A MASTER UTILITY CAPITAL PROJECT**

Roll Call Vote:

Ayes: 5- Jones, Patronik, Shimp, Tankersley, Vaughn

Noes: 0

MOTION CARRIED

LDR Council set June 26, 2000 as the next Land Development Regulations Workshop.

Adjournment There being no further business, the meeting adjourned at 11:00 p.m.

George F. Vaughn, Jr., Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
SPECIAL CITY COUNCIL MEETING
JUNE 19, 2000 AT 7:00 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 19, 2000 at 7:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

Vice Mayor Edward S. Jones
Councilor Ronald Patronik
City Manager Richard A. Linn
City Attorney Christopher White
City Clerk Lisa Volpe, CMC
Deputy City Clerk Karla Strait
Director of Finance John Herbst

Building Official Daniel Arlington
Assistant to the City Manager Terry Klein

ABSENT:

Mayor George F. Vaughn, Jr.
Councilor Robert D. Shimp
Councilor Thomas A. Tankersley

Call to Order/Roll Call Vice Mayor Jones cancelled the meeting due to a lack of a quorum at 7:15 p.m.

Attest:

George F. Vaughn, Jr., Mayor

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
WORKSHOP CITY COUNCIL MEETING
JUNE 19, 2000 AT 7:00 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 19, 2000 at 7:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

Vice Mayor Edward S. Jones
Councilor Ronald Patronik
City Manager Richard A. Linn
City Attorney Christopher White
City Clerk Lisa Volpe, CMC
Deputy City Clerk Karla Strait
Director of Finance John Herbst

Building Official Daniel Arlington
Assistant to the City Manager Terry Klein

ABSENT:

Mayor George F. Vaughn, Jr.
Councilor Robert D. Shimp
Councilor Thomas A. Tankersley

Call to Order/Roll Call Vice Mayor Jones cancelled the meeting due to a lack of a quorum at 7:15 p.m.

Attest:

George F. Vaughn, Jr., Mayor

Lisa Volpe, CMC, City Clerk

Approved: _____



**MINUTES
TOWN HALL MEETING
JUNE 19, 2000 AT 7:00 P.M.
CITY HALL, 116 FIRST STREET
NEPTUNE BEACH, FLORIDA**

Pursuant to proper notice a Town Hall Meeting of the City Council of the City of Neptune Beach was held June 19, 2000 at 7:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

Vice Mayor Edward S. Jones
Councilor Ronald Patronik
City Manager Richard A. Linn
City Attorney Christopher White
City Clerk Lisa Volpe, CMC
Deputy City Clerk Karla Strait
Director of Finance John Herbst

Building Official Daniel Arlington
Assistant to the City Manager Terry Klein

ABSENT;
Mayor George F. Vaughn, Jr.
Councilor Robert D. Shimp
Councilor Thomas A. Tankersley

Call to Order/Roll Call Vice Mayor Jones cancelled the meeting due to lack of a quorum at 7:15 p.m.

George F. Vaughn, Jr., Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
WORKSHOP CITY COUNCIL MEETING
PROPOSED LAND USE REGULATIONS
JUNE 26, 2000 AT 7:00 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 26, 2000, at 7:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

Mayor George F. Vaughn, Jr.
Vice Mayor Edward S. Jones
Councilor Ronald Patronik
City Clerk Lisa Volpe, CMC
Building Official Dan Arlington
Assistant to the City Manager Terry Klein
Assistant to Building Official Piper Turner

Member PDRB, John Weldon

Absent:

Councilor Robert Shimp
Councilor Thomas Tankersley
City Manager Richard A. Linn
City Attorney Christopher White

Call to Order/Roll Call

The Mayor called the meeting to order at 7:11 p.m.

Mayor Vaughn explained that the meeting was a continuation of the review of the Proposed Land Use Regulations with the changes that were submitted by Councilor Tankersley. City Clerk Lisa Volpe explained that the council left off at Section 27-240 at the April 24, 2000 Workshop meeting

**Group Two Article IV,
Land Use**

Mayor Vaughn introduced each section and asked that any concerns or recommendations be addressed.

Section 27-240

ARTICLE IV, LAND USE SECTION 27-240, BUILDING ELEVATION.

Vice Mayor Jones questioned why the Building Elevation was changed from 6 to 12 inches for commercial districts. Assistant to the Building Official Piper Turner said it would give the City of Neptune Beach points with FEMA which would lower citywide flood insurance rates.

Section 27-241

ARTICLE IV, LAND USE SECTION 27-241, BUFFER AREAS ADJACENT TO RESIDENTIAL DISTRICTS.

There was no discussion and no recommended changes to Section 27-241.

Section 27-242

ARTICLE IV, LAND USE SECTION 27-242, OPEN SPACE REQUIRMENTS.

There was no discussion and no recommended changes to Section 27-242.

Section 27-243 ARTICLE IV, LAND USE SECTION 27-243, PLANNED UNIT DEVELOPMENT.

There was discussion on section (j) about PUD on the oceanfront that was deleted. Council agreed that it should stay deleted. Building Official Arlington stated it should also be addressed on the Comprehensive Plan. There was also discussion on the change "with council approval" that Councilor Tankersley submitted in Section f. The consultants need to reword "with council approval".

ARTICLE V ARTICLE V, ACCESSORY STRUCTURES AND USES

Section 27-321 ARTICLE V, ACCESSORY STRUCTURES AND USES, SECTION 27-321, INTENT.

There was no discussion and no recommended changes to Section 27-321.

Section 27-322 ARTICLE V, ACCESSORY STRUCTURES AND USES, SECTION 27-322, GENERALLY.

There was no discussion and no recommended changes to Section 27-322.

Section 27-323 ARTICLE V, ACCESSORY STRUCTURES AND USES, SECTION 27-323, APPLICABILITY.

There was no discussion and no recommended changes to Section 27-323.

Section 27-324 ARTICLE V, ACCESSORY STRUCTURES AND USES, SECTION 27-324, DEFINITIONS.

There was no discussion and no recommended changes to Section 27-324.

Section 27-325 ARTICLE V, ACCESSORY STRUCTURES AND USE, SECTION 27-325, GENERAL STANDARDS AND REQUIREMENTS.

Section 27-325 (4): Discussion ensued regarding accessory buildings on blocks being thought of as impervious surface; Building Official Arlington explained that FAR (floor area ratio) meant permanent buildings could not exceed more than 65% of the total lot size. This does not effect the footprint bill at all. The FAR was discussed but not changed.

Section 27-325 (6): Accessory uses shall not involve operations or structures not in keeping with the character of the district where located. Building Official Arlington explained it was to stop business such as construction from running a business out of an accessory building.

Section 27-326 ARTICLE V, ACCESSORY STRUCTURES AND USE, SECTION 27-326, RADIO AND TELEVISION ANTENNAE.

There was no discussion and no recommended changes to Section 27-326

Section 27-327 ARTICLE V, ACCESSORY STRUCTURES AND USE, SECTION 27-327, SATELLITE DISH ANTENNAE.

Section 27-327(11): There was discussion on Councilor Tankersley's addition of the word "principle" public right of way, so that people on corner lots could have the opportunity to have a satellite dish. The consultant needs to define "principle".

- Section 27-239 (b)(4) ARTICLE IV, LAND USE, SECTION 27-239(b)(4): The Mayor asked to back up to this section concerning height restrictions: "No exception shall exceed forty feet in height." John Weldon explained that this was added so that no parapet wall for utilities could exceed five feet above the 35 feet height limit.
- Section 27-328 ARTICLE V, ACCESSORY STRUCTURES AND USE, SECTION 27-328, ACCESSORY BUILDINGS.
- Discussion ensued regarding multiple frontage lots and oceanfront lots. Vice Mayor Jones had concerns over where the air conditioning unit would go on an oceanfront lot. Vice Mayor Jones recommended that oceanfront lots be addressed and treated as a separate item.
- Chairman of the Planning and Development Review Board, John Weldon requested that Vice Mayor Jones present all of his concerns for oceanfront lots so that they could be addressed if they had not been already.
- Mayor Vaughn asked the consultants to submit a definition for oceanfront lots.
- Vice Mayor Jones felt that garage apartments should be allowed by special exception. Dan Arlington pointed out that garage apartments that were not on double frontage lots would not have access to a road.
- Section 27-235 (b) ARTICLE IV LAND USE SECTION 27-235 (1): The mayor asked to back up to this section and have "run off problems" defined due to Councilor Tankersley's change. John Weldon explained it was water run off from the roof on homes that were very close to the setback line. Consultants to define run off and give examples.
- Section 27-329 ARTICLE V, ACCESSORY STRUCTURES AND USE, SECTION 27-329, SWIMMING POOLS, POOL ENCLURES, HOT TUBS, AND SIMILAR STRUCTURES.
- Section 27-329 (1) Vice Mayor Jones felt that oceanfront lots needed to be defined in order to decide where pools can be on oceanfront lot. Dan Arlington mentioned the problem with the last phrase "located on either side of the main building." And what it would mean to oceanfront property.
- Section 27-330 ARTICLE V, ACCESSORY STRUCTURES AND USE, SECTION 27-330, FENCES, WALLS, AND HEDGES.
- Discussion of Section 27-330(a)(3) ensued regarding different types of fencing and the amount of privacy. Councilor Tankersley's change of "four feet or less in height" for solid fencing was also discussed.
- John Weldon felt that Councilor Tankersley wanted people to have privacy in their backyard and not allow house to have solid fences and form a tunnel through some alleys that could be a fire hazard.
- Mayor Vaughn asked Building Official Dan Arlington to develop better language for the fence privacy issue.
- Discussion of "discouraging" chain link fences. John Weldon explained the Planning and Development Review Board did not think it was viable to ban them although they would rather not have them.
- Section 27-330(a)(7): Vice Mayor Jones pointed out the inconsistency of the language

"ocean side of ocean front lots" instead of calling them double frontage lots. Discussion ensued on ocean front lots. Building Official Arlington suggested adding a paragraph explaining oceanfront lots. Vice Mayor Jones suggested adding definition for ocean front lots.

Consensus: **TO PLACE A DEFINITION OF OCEANFRONT LOTS.**

Section 27-331

ARTICLE V, ACCESSORY STRUCTURES AND USE, SECTION 27-331, RESERVED ATTACHED PATIOS AND DECKS.

Council discussed allowing observation decks by special exception as a part of an architectural design. Residents would be required to make a request to the Planning and Development Review Board who only see commercial development. Vice Mayor Jones requested that the consultants use pictures to describe this.

Consensus: **TO ALLOW OBSERVATION DECKS BY SPECIAL EXCEPTION.**

Section 27-332

ARTICLE V, ACCESSORY STRUCTURES AND USE, SECTION 27-332, HOME OCCUPATIONS.

There was no discussion and no recommended changes to Section 27-332

Section 27-333

ARTICLE V, ACCESSORY STRUCTURES AND USE, SECTION 27-333, HOUSEHOLD PETS.

There was discussion about Councilor Tankersley's request to delete this entire section. John Weldon explained that it was deleted in order not to impede the revision of the entire Land Development code. Vice Mayor Jones suggested this section be moved to the nuisance ordinance. Dan Arlington recommended it be made part of the animal ordinance.

Consensus: **TO ASK THE CITY ATTORNEY TO MOVE THIS SECTION TO EITHER THE NUISANCE OR ANIMAL ORDINANCE AND BRING BACK A DRAFT. VICE MAYOR JONES AGREED TO SPONSOR.**

Section 27-334

ARTICLE V, ACCESSORY STRUCTURES AND USE, SECTION 27-334, ERECTION OF MORE THAN ONE MAIN USE STRUCTURE ON A LOT.

There was discussion about what constituted two structures on a lot. Building Official Arlington commented on how it could be possible and how it is a fire hazard. The council discussed Councilor Tankersley's recommendation to delete this section.

Consensus: **TO LEAVE THIS SECTION IN THE CODE.**

Section 27-335

ARTICLE V, ACCESSORY STRUCTURES AND USE, SECTION 27- 335, PARKING, STORAGE OR USE OF MAJOR RECREATIONAL EQUIPMENT OR BOATS.

There was discussion about Councilor's Tankersley recommendation to delete this section. Vice Mayor Jones suggested it be moved to the nuisance ordinance or traffic ordinance. The mayor wanted to go on record stating he strongly supported of this RV issue.

Consensus: **TO ASK THE CITY ATTORNEY TO MOVE THIS SECTION TO EITHER THE NUISANCE OR TRAFFIC ORDINANCE AND BRING BACK A DRAFT, ALSO TO INCLUDE SECTION 27-336. VICE MAYOR JONES AGREED TO SPONSOR.**

Section 27-336 ARTICLE V, ACCESSORY STRUCTURES AND USE, SECTION 27-336, PARKING OF HEAVY COMMERCIAL VEHICLES IN RESIDENTIAL DISTRICTS.

This section was included the previous consensus.

Section 27-337 ARTICLE V, ACCESSORY STRUCTURES AND USE, SECTION 27-337, USE OF RESIDENTIALLY ZONES PROPERTY FOR ACCESS

John Weldon explained this was a recommendation from the consultant. No changes were made to this section.

Section 27-338 ARTICLE V, ACCESSORY STRUCTURES AND USE, SECTION 27-338, ATTACHED DUPLEX OR MULTIFAMILY UNITS.

Dan Arlington explained that this legalized town houses and Summer Sands subdivision. John Weldon stated that this also dealt with unwanted condominiums. Dan Arlington said it would be difficult to stop condominiums completely. Discussion ensued about condominiums.

Consensus: **TO DISCOURAGE CONDOMINIUMS AS MUCH AS POSSIBLE AND ASK THE CONSULTANTS TO BE SURE OUR CODE DOES DISCOURAGE.**

Mayor Vaughn stated the Building Official Dan Arlington had given him a list of policies of the Building Department. Mayor Vaughn had suggested that as many of these as possible be inserted into the code so that Mr. Arlington has more standing. Mr. Arlington was told to work with the city attorney. Mr. Arlington stated he would distribute his policies to the rest of the council.

Section 27-339, 340 ARTICLE V, ACCESORY STRUCTURES AND USE, SECTION 27-339, 340, RESERVED.

There was no discussion and no recommended changes on Section 27-339,340.

ARTICLE XIII ARTICLE XIII, OFF-STREET PARKING AND LOADING.

Section 27-540 (b) ARTICLE XIII, OFF-STREET PARKING AND LOADING, SECTION 27-540(b).

City Clerk Volpe stated that Councilor Tankersley had sent out a memo about this section. Vice Mayor Jones stated that the memo requested that the first subject needed to be decided on was section 27-540(b) concerning reducing parking requirements for Central Business District to be reduced by 50%. Discussion ensued about the amount of parking needed. Mayor Vaughn requested that the current amount of parking is counted and the amount that is supposed to actually have relative to the amount of businesses. Chairman of the Planning and Development Review Board, John Weldon stated the intent was to clear up an inconsistency in the code and not to inflict suburban parking standard in a pedestrian/business district. The count requested from the Building Department should be off street parking and on street parking.

Section 27-229

ARTICLE IV, LAND USE, SECTION 27-229, MINIMUM LOT AREA REQUIREMENTS.

Council discussed Councilor Tankersley's request to use the number of old code. Chairman of the Planning and Development Review Board, John Weldon stated that the board had relied on the consultants to come up with the numbers and was not quite sure why Councilor Tankersley made the recommendations that he did. Mayor Vaughn asked Piper Turner to ask Councilor Tankersley why he changed the numbers on set backs.

The council discussed 5/12 pitched roof requirement. John Weldon stated it was done so that no flat roofs be built on a three story house. Dan Arlington did not agree with this recommendation. Vice Mayor Jones suggested either a 5/12 pitch or limiting flat roof to two stories.

Consensus; **AN EXCEPTION FOR FLAT ROOFS IF BUILT WITH ONLY TWO STORIES.**

Assistant to the Building Official Piper asked if the square footage for a duplex should be "per unit" not "for".

Next meeting date

A meeting was scheduled for July 10, 2000 at 7:00 p.m. for Land Development Revisions. There was some discussion about the July and September Regular Meeting.

Adjournment

There being no further business, the meeting adjourned at 9:38 p.m.

George F. Vaughn, Jr., Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
SPECIAL CITY COUNCIL MEETING
JUNE 26, 2000 AT 7:00 P.M.
CITY HALL, 116 FIRST STREET
NEPTUNE BEACH, FLORIDA

Pursuant to proper notice a Special Meeting of the City Council of the City of Neptune Beach was held June 26, 2000, at 7:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

Mayor George F. Vaughn, Jr.
Vice Mayor Edward S. Jones
Councilor Ronald D. Patronik
City Clerk Lisa Volpe
Building Official Dan Arlington
Finance Director John Herbst
Ass't to the City Manager Terry Klein

Ass't to the Bldg Official Piper Turner

Absent:

Councilor Robert D. Shimp
Councilor Thomas A. Tankersley
City Manager Richard A. Linn
City Attorney Christopher A. White

Call to Order/Roll Call

The Mayor called the meeting to order at 7:00 p.m.

Half Cent Sales Tax

INTERLOCAL AGREEMENT FOR THE HALF CENT SALES TAX: Mayor Vaughn explained that after the Interlocal Agreement had been adopted at the June 6, 2000 City Council Meeting. The city managers and the finance directors of the three beach cities renegotiated the percentages with the City of Jacksonville. Finance Director John Herbst stated the new percentages were to our benefit and would not decrease as the population of the county increased.

Moved by Patronik, seconded by Jones.

Motion: **TO ADOPT THE INTERLOCAL HALF CENT SALES TAX AGREEMENT AS AMENDED.**

Roll Call Vote:

Ayes: 3 - Jones, Patronik, Vaughn
Noes: 0
Absent: 2 - Shimp, Tankersley

MOTION CARRIED

Adjournment

There being no further business, the meeting adjourned at 7:10 p.m.

ATTEST:

George F. Vaughn, Jr., Mayor

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
REGULAR CITY COUNCIL MEETING
JULY 3, 2000 AT 7:00 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 July 3, 2000, at 7:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

Mayor George F. Vaughn, Jr.
Vice Mayor Edward S. Jones
Councilor Ronald D. Patronik
Councilor Robert D. Shimp
Councilor Thomas A. Tankersley
City Attorney Christopher White
City Manager Richard A. Linn

Assistant to the City Manager Terry Klein
City Clerk Lisa Volpe, CMC
Deputy City Clerk Karla Strait
Building Official Dan Arlington
Assistant to the Building Official Piper Turner
Finance Director John Herbst

Order Call/Pledge

The Mayor called the meeting to order at 7:00 p.m. and led the Pledge of Allegiance.

AWARDS / PRESENTATIONS / RECOGNITION OF GUESTS

APPROVAL OF MINUTES

Motion:

TO APPROVE THE FOLLOWING MEETING MINUTES:

JUNE 5, 2000, REGULAR CITY COUNCIL MEETING
JUNE 19, 2000, WORKSHOP CITY COUNCIL MEETING
JUNE 19, 2000, TOWN HALL MEETING
JUNE 19, 2000, SPECIAL CITY COUNCIL MEETING

Moved by Patronik, seconded by Shimp.

Roll Call Vote:

Ayes: 5 - Jones, Patronik, Tankersley, Shimp, Vaughn
Noes: 0

MOTION CARRIED

COMMUNICATIONS AND CORRESPONDENCE

Council Shimp requested extending the parking on First Street to 12:00 a.m., for the July 4, 2000 holiday.

Consensus: **TO EXTEND THE PARKING ON FIRST STREET TO 12:00 A.M. FOR THE JULY 4, 2000 HOLIDAY.**

Jarboe Park Grant City Manager Linn announced that the grant for Jarboe park had been approved and we would receive \$112,500 and our match would be \$37,500.

Farmer's Market Councilor Tankersley asked what had happened with the proposed ordinance for a farmers market. City Manager Linn explained there needed to be another workshop to work out the final details of the proposed ordinance.

CITY MANAGER REPORTS/NONE**COMMENTS FROM THE PUBLIC**

George Schoonover, 214 Oceanfront, was concerned that the proposed addition to the Sea Horse Motel would increase traffic flow, and create parking and noise problems.

John Northrup, 255 Myra Street, felt that a 5% increase in the City Manager's salary and a three-year contract was sufficient.

Robert West, 106 Hall Place, was concerned that the proposed addition to the Sea Horse Motel would create noise from amplified music and felt that alcohol should not be served outside the restaurant.

Craig Williams, 98 Orange Street, requested that council not allow music on the outer deck if the addition to the Sea Horse Motel was approved.

Harriet Pruette, 217 ½ Magnolia Street, felt that the city ordinances needed to be enforced. Ms. Pruette also felt that if the city had money it should increase the City Managers salary, replace signs and make improvements to the city easements, etc. without raising taxes.

Steven Hould, 111 Walnut Street, requested that council consider the value of the City Manager and recommended acceptance to his proposal.

Buddy Crout, questioned when the budget meetings would start and felt that a 5% increase in the City Managers salary was too low and a 15% increase was too high and a three-year contract was sufficient.

CONSENT AGENDA/NONE**VARIANCES / NONE****ORDINANCES**

Ordinance 2000-05 ORDINANCE 2000-05 FINAL READ AND PUBLIC HEARING; AN ORDINANCE OF THE CITY OF NEPTUNE BEACH AMENDING AND RESTATING THE CITY OF NEPTUNE BEACH POLICE OFFICERS' AND FIREFIGHTERS' RETIREMENT SYSTEM AS ADOPTED PURSUANT TO ORDINANCE NO. 1997-10, AS SUBSEQUENTLY AMENDED, TO TERMINATE THE PLAN AS TO FIREFIGHTERS AND REMOVE FIREFIGHTERS FROM THE EXISTING RETIRMENT PLAN, AND REPEALING

ORDINANCE NO. 80, LEVYING AN EXCISE TAX ON FIRE INSURANCE PROVIDING FOR DEFINITIONS; PROVIDING FOR MEMBERSHIP; PROVIDING FOR A BOARD OF TRUSTEES; PROVIDING FOR FINANCES AND FUND MANAGEMENT; PROVIDING FOR CONTRIBUTIONS; PROVIDING FOR BENEFIT AMOUNTS AND ELIGIBILITY; PROVIDING FOR PRE-RETIREMENT DEATH BENEFITS; PROVIDING FOR DISABILITY BENEFITS; PROVIDING FOR VESTING OF BENEFITS; PROVIDING OPTIONAL FORMS OF BENEFITS; PROVIDING FOR BENEFICIARIES; PROVIDING CLAIMS PROCEDURES; PROVIDING FOR REPORTS TO THE DIVISION OF RETIREMENT; PROVIDING FOR A ROSTER OF RETIREES; PROVIDING FOR A MAXIMUM PENSION LIMITATION; PROVIDING MISCELLANEOUS PROVISION; PROVIDING FOR REPEAL OR TERMINATION OF THE SYSTEM; PROVIDING FOR EXEMPTION FROM, EXECUTION AND NON ASSIGNABILITY; PROVIDING FOR PENSION VALIDITY; PROVIDING FOR FORFEITURE OF PENSION UNDER CERTAIN CIRCUMSTANCE; PROVIDING FOR CONVICTION AND FORFEITURE, FALSE, MISLEADING OR FRAUDULENT STATEMENT; PROVIDING FOR INDEMNIFICATION AND DEFENSE OF CLAIMS; PROVIDING FOR DIRECT TRANSFERS OF ELIGIBLE ROLLOVER DISTRIBUTIONS; PROVIDING FOR THE PURCHASE OF CREDITED SERVICE FOR ABSENCES PURSUANT TO THE FAMILY AND MEDICAL LEAVE ACT; PROVIDING FOR PURCHASE OF CREDIT FOR MILITARY SERVICE PRIOR TO EMPLOYMENT; PROVIDING FOR THE PURCHASE OF CREDITED SERVICE FOR PRIOR POLICE SERVICE; PROVIDING FOR A DEFERRED RETIREMENT OPTION PLAN; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING AN EFFECTIVE DATE. SPONSORED BY COUNCILOR TANKERSLEY

The Mayor read Ordinance No. 2000-05 by title only and opened the public hearing.

There being no public comments, the public hearing was closed.

Moved by Shimp, seconded by Patronik.

Motion: **TO ADOPT ORDINANCE NO. 2000-05 ON FINAL READ AND PUBLIC HEARING AS STATED.**

Roll Call Vote:

Ayes: 5 - Jones, Patronik, Tankersley, Shimp, Vaughn

Noes: 0

MOTION CARRIED

OLD BUSINESS

Bid Approval for
Prado Ferrer Utilities
Improvements

BID APPROVAL FOR SOUTHERN DEVELOPMENT CORPORATION FOR PRADO FERRER UTILITIES IMPROVEMENTS: City Manager Linn explained that Smith & Gillespie Engineers had solicited and received four bids for the project and recommended awarding the contract in the amount of \$53,875.00 to Southern Development Corporation of Jacksonville.

Moved by Jones, seconded by Shimp.

Motion: **TO AWARD THE CONTRACT IN THE AMOUNT OF \$53,875.00 TO SOUTHERN DEVELOPMENT CORPORATION OF JACKSONVILLE.**

Roll Call Vote:

Ayes: 5 - Jones, Patronik, Shimp, Tankersley, Vaughn

Noes: 0

MOTION CARRIED

City Manager
Contract

CITY MANAGER EMPLOYEMENT CONTRACT RENEGOTIATION/PERFORMANCE REVIEW: Mayor Vaughn stated that he had filled out an employee evaluation form on the City Manager and recommended that council do the same. Mayor Vaughn read each item on the list and gave his opinion of each.

Discussion ensued and each councilor gave their opinion.

For the record Councilor Tankersley stated on the record that he was one of the council members that did not vote for Mr. Linn because he was concerned about his assertiveness but he has other qualities that make up for it.

Moved by Shimp, seconded by Tankersley.

Motion: **INCREASE CITY MANAGERS SALARY 15% WITH A 5% INCREASE THE FOLLOWING TWO YEARS OF THE CONTRACT WITH THREE MONTHS SEVERANCE PAY AND A THREE-YEAR CONTRACT EFFECTIVE JULY 7, 2000.**

Roll Call Vote:

Ayes: 3 - Jones, Shimp, Tankersley

Noes: 2 – Patronik, Vaughn

MOTION CARRIED

Consensus: **HAVE THE CITY ATTORNEY DRAW UP THE TERMS OF THE CONTRACT AND PRESENT IT TO THE CITY MANAGER FOR ACCEPTANCE AT THE JULY 17, 2000, WORKSHOP MEETING.**

NEW BUSINESS

Auto Dialer

PERMISSION TO BID FOR AUTO DIALER: City Manager Linn explained that an auto dialer was a computerized telephone messaging service that would notify the public of emergency situations within the community. Officer Larry W. Dean explained to council how the auto dialer would work.

Moved by Shimp, seconded by Patronik.

Motion: **TO GIVE PERMISSION TO BID FOR THE AUTO DIALER.**

Roll Call Vote:

Ayes: 5- Jones, Patronik, Shimp, Tankersley, Vaughn

Noes: 0

MOTION CARRIED

Emergency Generator

PERMISSION TO BID FOR EMERGENCY GENERATORS: City Manager Linn explained that a grant had been received from the Department of Community Affairs to purchase emergency generators and recommended approval to advertise for bid.

Moved by Tankersley, seconded by Jones.

Motion: **TO GIVE THE CITY MANAGER PERMISSION TO BID FOR THE EMERGENCY GENERATORS.**

Roll Call Vote:

Ayes: 5 - Jones, Patronik, Tankersley, Shimp, Vaughn

Noes: 0

MOTION CARRIED

Utility Receivables

OVERDUE UTILITY RECEIVABLES: City Manager Linn recommended the amount of \$17,755.50, for overdue utility bills, be written off the books in that collection would be highly unlikely.

Moved by Shimp, seconded by Tankersley.

Motion: **TO REMOVE THE OVERDUE UTILITY RECEIVABLES FROM THE BOOKS.**

Roll Call Vote:

Ayes: 5 - Jones, Patronik, Shimp, Tankersley, Vaughn

Noes: 0

MOTION CARRIED

FLC Voting Delegate

FLORIDA LEAGUE OF CITIES VOTING DELEGATE: City Manager Linn explained that the Florida League of Cities had requested notification of a voting delegate for the annual conference. Mr. Linn recommended that council designate a voting delegate.

Moved by Shimp, seconded by Jones.

Motion: **TO NOMINATE COUNCILOR TANKERSLEY TO BE THE VOTING DELEGATE.**

Roll Call Vote:

Ayes: 5 - Jones, Patronik, Tankersley, Shimp, Vaughn

Noes: 0

MOTION CARRIED

First Coast Investors

FIRST COAST INVESTOR, INC REQUEST FOR FINAL DEVELOPMENT ORDER: City Manager Linn asked the representative to come forward and make his presentation.

Steve Hamilton, 241 Fourth Street, presented to council a proposal for a 21,000 square foot medical/professional building to be located at 700 Third Street.

Moved by Shimp, seconded by Patronik.

Motion: **TO APPROVE FIRST COAST INVESTORS REQUEST FOR FINAL DEVELOPMENT ORDER.**

Roll Call Vote:

Ayes: 5 - Jones, Patronik, Tankersley, Shimp, Vaughn
Noes: 0

MOTION CARRIED

NBH Land Trust

NBH LAND TRUST REQUEST FOR FINAL DEVELOPMENT ORDER: City Manager Linn asked the representative to come forward and make his presentation.

David Cole and Pat Valentine proposed a third floor addition to the Sea Horse Motel.

Moved by Jones, seconded by Shimp.

Motion: **TO APPROVE THE FINAL DEVELOPMENT ORDER AS STATED.**

Roll Call Vote:

Ayes: 5 - Jones, Patronik, Tankersley, Shimp, Vaughn
Noes: 0

MOTION CARRIED

September Meeting

SEPTEMBER REGULAR CITY COUNCIL MEETING/LABOR DAY: Due to the Regular City Council Meeting falling on Labor Day, Councilor Jones recommended scheduling it for the following Monday.

Consensus: **TO MOVE THE REGULAR MEETING SCHEDULED FOR SEPTEMBER 4, 2000, TO SEPTEMBER 11, 2000.**

Agenda Change

AGENDA CHANGE: City Manager Linn asked council to amend the agenda adding three items, 12h, 12i, and 12j.

Moved by Tankersley, seconded by Shimp.

Motion: **TO AMEND THE AGENDA ADDING ITEMS 12H, 12I AND FORWARD RESOLUTION 2000-13 TO A SPECIAL MEETING ON JULY 17, 2000 AT 6:00 P.M.**

Roll call vote:

Ayes: 5 – Jones, Patronik, Tankersley, Shimp, Vaughn
Noes: 0

MOTION CARRIED

Master Utility Plan
Resolution 2000-11
and 2000-12

AUTHORIZATION TO APPLY FOR STATE REVOLVING FUND LOAN AND DESIGNATE AUTHORIZED REPRESENTATIVE:

Moved by Jones, seconded by Tankersley

Motion: **TO ADOPT RESOLUTIONS 2000-11 AND 2000-12.**

Roll Call Vote:

Ayes: 5- Jones, Patronik, Shimp, Tankersley, Vaughn

Noes: 0

MOTION CARRIED

Adjournment

There being no further business, the meeting adjourned at 9:40 p.m.

George F. Vaughn, Jr., Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



**BUDGET WORKSHOP MEETING
JULY 5, 2000, AT 6:00 P.M.
CITY HALL, 116 FIRST STREET,
NEPTUNE BEACH, FLORIDA**

Pursuant to proper notice a Preliminary Budget Workshop Meeting of the City Council of the City of Neptune Beach was held July 5, 2000 at 6:10 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

Mayor George F. Vaughn, Jr.
Councilor Thomas A. Tankersley
Councilor Robert D. Shimp
City Manager Richard A. Linn
City Clerk Lisa Volpe
Director of Finance John Herbst
Deputy City Clerk Karla Strait

Absent:
Vice Mayor Edward S. Jones
Councilor Ronald D. Patronik
City Attorney Christopher A. White

Call to Order/Roll Call

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

City Manager Linn presented the fiscal year 2001 proposed budgets for the Special Revenue, Fiduciary, and Debt Service Funds. Finance Director John Herbst explained that we legally adopted the budget for the Special Revenue Funds and the other funds were presented for informational purposes only. City Manager Linn and Finance Director John Herbst discussed the various line items and responded to various questions from council.

Councilor Tankersley requested that we:

1. review sign installations,
2. examine a health purchasing cooperation with Jacksonville Beach and Atlantic Beach,
3. use the Police Education Fund to cover overtime and,
4. contract out the function for the boom mower replacement.

Councilor Tankersley also asked how the Auto Dialer would be updated.

Mayor Vaughn asked City Manager Linn to raise the issue of requiring employees to work for a certain period of time or to reimburse the city for optional educational assistance at the next contract negotiation.

Mayor Vaughn also requested:

1. a formal budget amendment for the Jarboe Park Grant in the current year,
2. replacing the backstops in the little league field,
3. adding a water fountain and benches at the basketball court and,
4. a comparison of various tax and utility cost among the various

communities.

Councilor Shimp requested the installation of a security system in the lifeguard building.

Consensus: **RENAME THE CONTINENTAL CABLE FUND TO THE MEDIA ONE FUND.**

Finance Director John Herbst advised the council that it would be necessary to amend the FY2000 budget to reflect the fact that the Public Safety salary and overtime accounts were running ahead of appropriations. He reminded council that they had wanted to reduce the appropriation of unreserved surplus from \$300,000 to under \$100,000 and at the time, the Public Safety salary budget seemed to offer room for reduction. Herbst took responsibility for underestimating the number of officers likely to take advantage of the career tracks program and for not estimating the salary requirements accurately.

On the record Councilor Shimp stated on the record that he cared more about the residents when it came to flooding than he did Town Center.

Stormwater Utility Consensus: **ESTABLISH A STORM WATER UTILITY.**

Adjournment There being no further business, the meeting adjourned at 9:20 p.m.

ATTEST:

George F. Vaughn, Jr., Mayor

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
WORKSHOP CITY COUNCIL MEETING
PROPOSED LAND USE REGULATIONS
JULY 10, 2000 AT 7:00 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 July 10, 2000, at 7:17 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

Mayor George F. Vaughn, Jr.
Vice Mayor Edward S. Jones
Councilor Robert Shimp
City Manager Richard A. Linn
City Clerk Lisa Volpe, CMC
Deputy City Clerk Karla Strait
Building Official Dan Arlington
Assistant to the City Manager Terry Klein

Assistant to Building Official Piper Turner
Member PDRB, Brian Greenwood

Absent:

Councilor Ronald Patronik
Councilor Thomas Tankersley
City Attorney Christopher White

Call to Order/Roll Call

The Mayor called the meeting to order at 7:17 p.m.

Councilor Shimp suggested a break in the middle of the meeting to allow for public comments.

Consensus: **TO BREAK IN THE MIDDLE OF THE MEETING FOR COMMENTS FROM THE PUBLIC.**

Building Official Dan Arlington gave a report on the number of parking spaces in the Central Business District.

Group Two Article XIII,
Off Street Parking and
Loading

Mayor Vaughn introduced each section and asked that any concerns or recommendations be addressed.

Section 27-532

ARTICLE XIII, OFF STREET PARKING AND LOADING SECTION 27-532, GENERALLY.

There was no discussion and no recommended changes to Section 27-532.

Section 27-533

ARTICLE XIII, OFF STREET PARKING AND LOADING SECTION 27-533, APPLICABILITY.

There was no discussion and no recommended changes to Section 27-533.

Section 27-534 ARTICLE XIII, OFF STREET PARKING AND LOADING SECTION 27-534, FINDING OF FACT.

There was no discussion and no recommended changes to Section 27-534.

Section 27-535 ARTICLE XIII, OFF STREET PARKING AND LOADING SECTION 27-535, PURPOSE AND INTENT.

There was no discussion and no recommended changes to Section 27-535.

Section 27-536 ARTICLE XIII, OFF STREET PARKING AND LOADING SECTION 27-536, DEFINITIONS.

There was no discussion and no recommended changes to Section 27-536.

Section 27-537 ARTICLE XIII, OFF STREET PARKING AND LOADING SECTION 27-537, GENERAL PROVISIONS.

There was no discussion and no recommended changes to Section 27-327.

Section 27-538 ARTICLE XIII, OFF STREET PARKING AND LOADING SECTION 27-538, EXEMPTIONS.

There was no discussion and no recommended changes to Section 27-538.

Section 27-539 ARTICLE XIII, OFF STREET PARKING AND LOADING SECTION 27-539, SUBMISSION OF PLANS.

There was no discussion and no recommended changes to Section 27-539.

Section 27-540 ARTICLE XIII, OFF STREET PARKING AND LOADING SECTION 27-540 OFF STREET PARKING REQUIREMENTS.

Section 27-540 (b): A lengthy discussion ensued regarding reducing the parking requirements 50% in the Central Business District. Member of the Planning and Development Review Board Brian Greenwood explained why the board had recommended the change. Mayor Vaughn asked Building Official Dan Arlington to count the amount of parking spaces that Atlantic Beach had in the Central Business District.

Public Comments Nancy Jensen, 117 First Street, owner of Pete's Bar, explained that Pete's had parking spaces that were removed due to the beautification of Town Center.

Robert West, 106 Hall Place, felt that Vice-Mayor Jones should not be allowed to vote on the parking issue because he owned property in the Central Business District.

Michael Dunlap, 212 Lora Street, favored reducing the parking in the Central Business District.

Harriet Christovich, 112 Seagate Avenue, questioned the approval for a third story addition to the Sea Horse Motel.

Lynda Padrta, 113 First Street, questioned why Mr. Arlington included the Village Inn, Taco Bell and Walgreen's in his count of parking spaces in the Central Business District and felt Neptune Beach and Atlantic Beach should work together to resolve the parking problem.

Harriet Pruette, 217 1/2 Magnolia Street, felt that reducing the parking requirements in the Central Business District would create a problem with parking on First and Second Streets.

Rae Brady, 223/225 Lora Street, encouraged giving allowances for retail establishments and discouraging bars and restaurants.

Building Official Dan Arlington clarified the following: (1) that Pete's Bar did have 4 parking spaces and that he had included them in the residential section, (2) that Cobalt Moon had the required amount of parking spaces and council had reduced it by 4, (3) The Sea Horse Motel had all required spaces for the third floor expansion and, (4) the parking spaces for City Hall had been double counted. Mr. Arlington recommended allowing reducing the parking requirements for retail.

Discussion ensued about losing additional parking due to the additions at the Sea Horse Motel.

Recess/Reconvene Mayor Vaughn called for a recess at 8:30 p.m. and the meeting reconvened at 8:35 p.m.

Section 27-541 ARTICLE XIII, OFF STREET PARKING AND LOADING SECTION 27-541 USE OF TANDEM PARKING SPACES.

There was no discussion and no recommended changes to Section 27-541.

Section 27-542 ARTICLE XIII, OFF STREET PARKING AND LOADING SECTION 27-542, BICYCLE PARKING REQUIREMENTS.

There was no discussion and no recommended changes to Section 27-542.

Section 27-543 ARTICLE XIII, OFF STREET PARKING AND LOADING SECTION 27-543, PARKING REQUIREMENTS FOR HANDICAPPED PERSONS.

Vice Mayor Jones asked if it would be possible to have the required parking spaces include the amount of handicapped parking spaces that were required by the Americans with Disabilities Act. Building Official Dan Arlington stated this was a legal question.

Section 27-544 ARTICLE XIII, OFF STREET PARKING AND LOADING SECTION 27-544, MOTORCYCLE PARKING REQUIREMENTS.

There was no discussion and no recommended changes to Section 27-544.

Section 27-545 ARTICLE XIII, OFF STREET PARKING AND LOADING SECTION 27-545, DEFERRAL OF PARKING REQUIREMENTS.

There was no discussion and no recommended changes to Section 27-545.

Section 27-546 ARTICLE XIII, OFF STREET PARKING AND LOADING SECTION 27-546, REDUCTION FOR MIXED OR JOINT USE OF PARKING SPACES.

There was no discussion and no recommended changes to Section 27-546.

Section 27-547 ARTICLE XIII, OFF STREET PARKING AND LOADING SECTION 27-547, SPACES REQUIRED FOR OFFSTREET LOADING.

There was no discussion and no recommended changes to Section 27-547.

Section 27-548

ARTICLE XIII, OFF STREET PARKING AND LOADING SECTION 27-548, DESIGN STANDARDS FOR OFF STREET PARKING AND LOADING AREAS.

Section 27-548(l) City Manager Linn suggested referencing the Turtle Ordinance. Vice Mayor Jones questioned "excessive light on adjacent property."

Section 27-548(f) Discussion ensued over whether this was residential or commercial and on the amount of cars the section referenced.

Consensus: **CHANGED FOUR (4) OR MORE VEHICLES TO FIVE (5) OR MORE VEHICLES.**

Section 27-549

ARTICLE XIII, OFF STREET PARKING AND LOADING SECTION 27-549, DESIGN STANDARDS FOR BICYCLE PARKING.

There was no discussion and no recommended changes to Section 27-549.

Section 27-550

ARTICLE XIII, OFF STREET PARKING AND LOADING SECTION 27-550 SPECIAL PARKING DISTRICTS.

There was no discussion and no recommended changes to Section 27-550.

Section 27-542

Dan Arlington suggested adding some language to allow the Planning and Development Review Board to request required bicycle parking.

Consensus: **TO ASK THE PLANNING AND DEVELOPMENT REVIEW BOARD TO REVIEW THIS SECTION.**

TABLE 27-540-1

TABLE 27-540-1 OFF STREET PARKING REQUIREMENTS.

Vice-Mayor Jones suggested reducing the number of parking spaces necessary for retail and office space and to consider a maximum number of parking spaces for shopping centers.

Consensus: **TO REDUCE THE NUMBER OF SPACES FOR RETAIL AND OFFICES IN THE CENTRAL BUSINESS DISTRICT AND ASK THE CONSULTANTS ABOUT REQUIRING A MAXIMUM AMOUNT OF SPACES FOR SHOPPING CENTERS.**

Councilor Shimp requested that the number of required parking spaces for worship facilities be reduced to one parking space for every three seats.

Consensus: **TO REDUCE THE NUMBER OF REQUIRED SEATS FOR WORSHIP FACILITIES TO 1 PER 3 SEATS.**

Vice Mayor Jones suggested using the Fire Marshall occupant load when requiring parking spaces for nightclubs. Mayor Vaughn asked for a chart showing the difference.

Public Comments

Mary Truta, 701 Valley Forge Road North, asked when recreational vehicles would be addressed.

Rae Brady, 223/225 Lora Street, asked about Section 27-703 and if it only applied to parking and if effected the foot print bill.

Lynn Lacy, 1112 First Street, was upset that she and her husband could not rebuild a duplex, that had been condemned and torn down, on a vacant lot they had bought from their family.

Chip Lacy, 1112 First Street, added that they had relied on the income from the rental of a duplex for retirement.

Michael Adams, 320 First Street, felt that the new code would be taking away rights from homeowners and bar/restaurants should have stricter parking requirements.

Linda Padrta, 1113 First Street, felt that the revisions to the code would protect residents rights.

Brian Greenwood, 222 Myrtle Street, announced that he was the one that requested the 5/12-roof pitch requirement.

Harriet Christovich, 112 Seagate Avenue, commended the improvements she had seen since she had lived here and felt council should allow improvements even if they incorporate a duplex.

Adjournment

There being no further business, the meeting adjourned at 9:38 p.m.

George F. Vaughn, Jr., Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



BUDGET WORKSHOP MEETING JULY 17, 2000, AT 6:00 P.M. CITY HALL, 116 FIRST STREET, NEPTUNE BEACH, FLORIDA

Pursuant to proper notice a Preliminary Budget Workshop Meeting of the City Council of the City of Neptune Beach was held July 17, 2000 at 6:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

Mayor George F. Vaughn, Jr.
Vice Mayor Edward S. Jones
(arrived 7:10 p.m.)

City Clerk Lisa Volpe, CMC
Director of Finance John Herbst

Councilor Ronald D. Patronik
Councilor Thomas A. Tankersley
Councilor Robert D. Shimp
City Manager Richard A. Linn

Absent:
City Attorney Christopher A. White

Call to Order/Roll Call The Mayor called the meeting to order at 6:00 p.m.

City Manager Linn introduced the cost of living study compiled by his assistant Terry Klein. He presented the fiscal year 2001 proposed budgets for the Enterprise Funds. These funds are to balance or produce revenue for the general fund.

The following requests were made by council to staff:

1. Change the dates on the top of the proposed budget to indicate the correct fiscal years.
2. Research why account 401-4331-531-10-14 was so high.
3. Research why repair and maintenance account 401-4331-531-30-46 was so high.
4. Councilor Shimp requested council to submit a target budget to staff,
5. Research why other current charges account 401-4335-535-30-49 were high.
6. Mayor Vaughn asked the Waste Water Department to figure in man hour savings due to the Lightin XJ87 Polymer Mixer,
7. Research why accounting and auditing account 401-4331-531-30-32 was high.

Finance Director John Herbst gave the following answers to some of the questions asked:

Account number 401-4331-531-10-14 was high due to the meter Reader doing after hour utility turn off's for non payment.

Repair and maintenance account 401-4331-531-30-46 was high because \$7000 was spent on upgrading the HTE software.

Other current charges account 401-4335-535-30-49 was high because of permits for the Water and Sewer project.

Adjournment

There being no further business, the meeting adjourned at 7:20 p.m.

ATTEST:

George F. Vaughn, Jr., Mayor

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
SPECIAL CITY COUNCIL MEETING
JULY 17, 2000 AT 7:15 P.M.
CITY HALL, 116 FIRST STREET
NEPTUNE BEACH, FLORIDA

Pursuant to proper notice a Special Meeting of the City Council of the City of Neptune Beach was held July 17, 2000, at 7:15 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

Mayor George F. Vaughn, Jr.
Vice Mayor Edward S. Jones
Councilor Ronald D. Patronik
Councilor Robert D. Shimp
Councilor Thomas A. Tankersley
City Manager Richard A. Linn

City Attorney Christopher A. White
City Clerk Lisa Volpe, CMC
Building Official Dan Arlington
Finance Director John Herbst
Assistant to the City Manager Terry Klein
Assistant to the Building Official Piper Turner

Call to Order/Roll Call

The Mayor called the meeting to order at 7:15 p.m.

Budget Amendment

AMEND FISCAL YEAR 2000 BUDGET TO INCLUDE JARBOE PARK IMPROVEMENT GRANT PROJECT: Mayor Vaughn explained that money was to be put in this year's budget so that the Requests for Proposals could be sent out for the improvements and a contract signed before October 1, 2000. A lengthy discussion ensued.

Moved by Tankersley, seconded by Patronik.

Motion: **TO AUTHORIZE THE PREPARATION OF AN ORDINANCE TO AMEND THE FISCAL YEAR 2000 BUDGET TO INCLUDE \$150,000 FOR THE JARBOE PARK IMPROVEMENT GRANT PROJECT.**

Roll Call Vote:

Ayes: 3 - Jones, Tankersley, Vaughn
Noes: 2- Patronik, Shimp
Absent: 0

MOTION CARRIED

Adjournment

There being no further business, the meeting adjourned at 7:39 p.m.

ATTEST:

George F. Vaughn, Jr., Mayor

Lisa Volpe, CMC, City Clerk

Approved: _____



**TOWN HALL MEETING
JULY 17, 2000
CITY HALL, 116 FIRST STREET,
NEPTUNE BEACH, FLORIDA**

Pursuant to proper notice a Town Hall Meeting of the City Council of the City of Neptune Beach was held July 17, 2000, immediately following the Workshop Meeting, in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

The following Council members and staff were in attendance:

Mayor George F. Vaughn, Jr.	City Clerk Lisa Volpe, CMC
Vice Mayor Edward S. Jones	City Attorney Christopher A. White
Councilor Ronald D. Patronik	Deputy City Clerk Karla Strait
Councilor Robert D. Shimp	Director of Finance John Herbst
Councilor Thomas A. Tankersley	Building Official Dan Arlington
City Manager Richard A. Linn	Assistant to the Building Official Piper Turner

Call to Order

The Mayor called the meeting to order at 11:25 p.m.

Public Comments

Joanne Waddill, 115 Oleander Street, wanted to know what the city was going to do about the situation with the bushes at the end of Oleander street.

Karen Tucker, 1650 Leeward Lane, asked if some of the land that was being developed near Hopkins Creek was designated wet lands. Council instructed her to speak with Building Official Dan Arlington.

Harriet Pruette, 2171/2 Magnolia Street, asked what time the groundbreaking ceremony was for the Water and Sewer Project on July 18, 2000, and thanked the council for making it happen.

Adjournment

There being no further business, the meeting adjourned at 11:35 p.m.

George F. Vaughn, Jr., Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
WORKSHOP CITY COUNCIL MEETING
JULY 17, 2000 AT 7:40 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 July 17, 2000 at 7:40 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

Mayor George F. Vaughn, Jr.	Deputy City Clerk Karla Strait
Vice Mayor Edward S. Jones	Director of Finance John Herbst
Councilor Ronald Patronik	Building Official Dan Arlington
Councilor Robert D. Shimp	Assistant to the Building Official Piper Turner
Councilor Thomas A. Tankersley	Assistant to the City Manager Terry Klein
City Manager Richard A. Linn	City Attorney Christopher A. White
City Clerk Lisa Volpe, CMC	

Call to Order/Roll Call The Mayor called the meeting to order at 7:40 p.m.

COMMITTEE REPORTS

IBBC **ISH BRANT BEAUTIFICATION COMMITTEE UPDATE:** City Manager Linn announced that he had contracted with a landscape architect to draw the plans for the medians on Third Street. Mr. Linn stated that he was anxious to get the permit in place so we could get on with Mayor Delaney's Neighborhood Grant and was hoping it would be done within two weeks.

CITY MANAGERS PUNCH LIST

Traffic Signal Atlantic and Brandt **TRAFFIC SIGNAL AT ATLANTIC BOULEVARD AND BRANDT STREET:** Mr. Linn explained that a letter had been received from the Department of Transportation addressed to Mayor Vaughn announcing that they were going to do a traffic signal study within 90 days.

Jarboe Park Improvements **JARBOE PARK IMPROVEMENTS:** City Manager Linn reported about the park grant and he was accepting the Mayor's recommendation to use a general contractor.

Roadway Between Shopping Centers **ROADWAY BETWEEN SHOPPING CENTERS:** City Manager Linn stated that this item was on the agenda under Issue Development.

Bike Path **BIKE PATH FLORIDA BOULEVARD AND PENMAN ROAD:** City Manager Linn reported that he had received a phone call from Sally Rosier informing him that the Florida Department of Transportation was modifying the scope of work to meet with our

requirements.

- JTA – Trolley JTA ROUTING, SPEEDING AND TROLLEY: City Manager Linn stated that he would be attending the future Eastern Duval Transit Study Meetings.
- Navy Air Show NAVAL AIR SHOW: City Manager Linn explained that several details were still in the works including: (1) how to organize with N.A.S. Jacksonville, (2) whether to have one air show committee in two locations, (3) the depository for the funds.

PROPOSED ORDINANCES

- Ordinance No. 2000-04 ORDINANCE 2000-04 OPEN AIR MARKETS DISCUSSION: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 17 OF THE CODE OF ORDINANCES OF NEPTUNE BEACH TO INCLUDE THE NEW ARTICLE III AND SECTIONS THEREUNDER, ESTABLISHING THE REGULATION OF OPEN AIR MARKETS AND SALES IN THE CITY OF NEPTUNE BEACH; AND ESTABLISHING AN EFFECTIVE DATE.

Consensus: **TO ALLOW OPEN AIR MARKETS ON PRIVATE PROPERTY ONLY.**

Consensus: **HAVE THE CITY ATTORNEY CHANGE THE ORDINANCE TO READ THAT EACH VENDOR MUST GO THROUGH THE PLANNING & DEVELOPMENT REVIEW BOARD FOR PERMITTING AND HAVE THE ORDINANCE READY FOR SECOND AND FINAL READ AND PUBLIC HEARING FOR THE AUGUST 7, 2000, REGULAR CITY COUNCIL MEETING.**

- Storm Water Utility STORM WATER UTILITY ORDINANCE: City Manager Linn advised the Council that he recommended a Storm Water Utility because for the past several years all storm water activities had been funded out of the Local Option Gas Tax and the reserve had decreased. Mr. Linn explained that we needed a dedicated source of money for the funding.

- For the Record Councilor Shimp stated on the record that this was a residential community where people worked together and that we had one division in the city already and we didn't need anymore.

Consensus: **AUTHORIZE THE CITY MANAGER TO TAKE THE STORM WATER UTILITY TO THE NEXT LEVEL, INVESTIGATE, AND REPORT TO THE COUNCIL.**

CONTRACT/AGREEMENTS

- Underground Fuel Tanks PERMISSION TO ADVERTISE FOR BID OF REMOVAL OF UNDERGROUND FUEL TANKS - CITY YARD-WATER PLANT: City Manager Linn reported that we had a 2,000 gallon underground fuel storage tank at the city yard and a 200 gallon above ground tank with underground piping to the water plant. Mr. Linn then explained that the tanks were old and their soundness was questionable, and could be a liability to the city. Mr. Linn recommended that council consider approval to solicit bids for their removal.

Consensus: **MOVE TO APPROVE THE REMOVAL OF THE 2,000 GALLON UNDERGROUND FUEL STORAGE TANK AT THE CITY YARD AND THE 200 GALLON ABOVE GROUND TANK WITH UNDERGROUND PIPING AT THE WATER PLANT TO THE AUGUST 7, 2000, REGULAR CITY COUNCIL MEETING CONSENT AGENDA.**

City Manager's
Employment Contract

CITY MANAGER EMPLOYMENT CONTRACT: Vice Mayor Jones requested that Section 4C "If Employee is terminated, Employer agrees to provide for out placement services to Employee at its expense, should Employee desire them, in an amount not to exceed a total of Five Thousand (\$5,000)", be removed.

Consensus: **TO REMOVE SECTION 4C FROM THE CITY MANAGERS EMPLOYMENT CONTRACT.**

Mayor Vaughn requested that the new contract Section 9, Hours of Work, include the language " after rendering appropriate notification to the Mayor, or in his/her absence, to the Councilor acting in the Mayor's absence " from the old contract.

Consensus: **TO HAVE THE CITY ATTORNEY ADD THE LANGUAGE "AFTER RENDERING APPROPRIATE NOTIFICATION TO THE MAYOR, OR IN HIS/HER ABSENCE, TO THE COUNCILOR ACTING IN THE MAYOR'S ABSENCE" TO SECTION 9 OF THE CITY MANAGER'S EMPLOYMENT CONTRACT.**

Emergency Response
Contract

EMERGENCY RESPONSE CONTRACT: City Manager Linn reported that the Florida Department of Environmental Protection required the city to maintain and have available a Release Detection Response Level Plan which would provide for a contact and description of corrective action to be taken in the case of an emergency. Mr. Linn explained that expenditures may exceed the \$10, 000 purchase limit and recommended that Council consider a service purchase agreement with Environmental Regency Group.

Consensus: **MOVE THE APPROVAL OF A SERVICE PURCHASE AGREEMENT WITH ENVIRONMENTAL REGENCY GROUP TO THE AUGUST 7, 2000, CONSENT AGENDA.**

Recess/Reconvene

Mayor Vaughn called for a recess at 9:00 p.m. and the meeting reconvened at 9:15.

ISSUE DEVELOPMENT

Adopt A Street End

ADOPT A STREET END REQUEST OF JOANN WADDILL TO COUNCILOR SHIMP: Councilor Shimp explained there was controversy between a resident and the Ish Brant Beautification Committee resulting over the shrubs on the city property at the end of Oleander Street.

Consensus: **TO STICK WITH THE ADOPT-A-STREET END PROGRAM THAT THE CITY ADOPTED THAT ALLOWED THE IBBC TO DESIGNATE THE ADOPTER AND HAVE THAT ADOPTER MAINTAIN THE SHRUBBERY.**

Shopping Center
Connector

SHOPPING CENTER CONNECTOR ROAD REPORT- SMITH AND GILLESPIE: City Manager Linn reported that Smith & Gillespie Engineers had conducted a feasibility report for a connecting road between two shopping centers on Atlantic Boulevard and asked the council for direction.

Consensus: **TO ALLOW CHAIRMAN OF THE PLANNING & DEVELOPMENT REVIEW BOARD JOHN WELDON TO WORK WITH THE CITY MANAGER IN NEGOTIATIONS WITH THE DEVELOPERS TO GET THEM TO GIVE MONEY FOR THE PROJECT.**

Public Records

PUBLIC RECORDS REQUEST OF MAYOR: Mayor Vaughn explained that he had

- Request requested public records from the Director of Public Safety William Brandt in September of 1998 and still had not received them. City Manager Linn recommended that Council determine if this was considered a city sponsored request or a request by a private citizen.
- A lengthy discussion ensued and there was no consensus of council.
- Surplus Motorcycle REQUEST FOR SALE OF SURPLUS MOTORCYCLE: City Manager Linn reported that the Police Department had taken title to 1985 Harley Davidson motorcycle as a result of a forfeiture. Mr. Linn requested Council's approval to declare the motorcycle surplus property and to offer it at auction, with a minimum reserve of \$8,000.
- Consensus: **FORWARD TO THE AUGUST 7, 2000, REGULAR CITY COUNCIL MEETING CONSENT AGENDA.**
- L. D. R. LAND DEVELOPMENT REVIEW: Mayor Vaughn asked council to agree on a date for the next City Council Workshop Meeting to consider the Revised Land Use Code (Chapter 27).
- Consensus: **TO HOLD THE NEXT CITY COUNCIL WORKSHOP FOR THE LAND DEVELOPMENT REVIEW ON JULY 24, 2000.**
- Duplex Issue in R4 District DISCUSSION OF DUPLEX ISSUE EAST OF THIRD STREET - R4 DISTRICT: Councilor Shimp asked for a consensus of Council to direct Building Official Dan Arlington to allow duplexes to be constructed on the remaining 12 vacant lots east of Third Street. This issue was a result of City Attorney White's legal opinion concerning the square footage per lot needed in order to build a duplex. Mr. Shimp explained that the lots had been zoned for duplexes before the Comprehensive Land Use Plan went into effect. Councilor Shimp requested that Mr. Arlington start looking for illegal non conforming properties, and to present future similar problems to the Council or the Planning and Development Board.
- A lengthy discussion ensued and there was no consensus.
- First Street Parking FIRST STREET PARKING IN TOWN CENTER: City Manager Linn stated that he had received a letter from the owner of Allen's Jewelers regarding the changed parking patterns in Town Center and requesting that the time limit on parking spaces in front of City Hall be re-instituted.
- Consensus: **TO RE-INSTITUTE THE TIME LIMITED PARKING SPACES ON FIRST STREET IN FRONT OF CITY HALL.**
- Public Comments **PUBLIC COMMENTS ON AGENDA ITEMS ONLY**
- Jo Anne Waddill, 115 Oleander Street, felt that the hedges at Strand and Oleander were unsafe for children and that they should be cut down to 4 feet per the City Code.
- Harriet Pruette, 217 ½ Magnolia Street, felt that the Lacey's should be allowed to build a duplex on their lot. She also stated that the Mayor needed to turn in his public records to the city clerk.
- Lynda Padrta, 1113 First Street, applauded Mrs. Waddill and Ms. Pruette for their efforts in keeping the street ends open to the public. Ms. Padrta was upset that the Mayor chose to usurp the authority that had been given to the Beautification Committee to work with the street ends. Ms. Padrta also felt that the reason children did drugs was because of inadequate parental supervision.

Lynn Lacey, 1112 First Street, asked the Council what the next step would be regarding building a duplex on her lot.

Adjournment

There being no further business, the meeting adjourned at 11:25 p.m.

Attest:

George F. Vaughn, Jr., Mayor

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
WORKSHOP CITY COUNCIL MEETING
PROPOSED LAND USE REGULATIONS
JULY 24, 2000 AT 7:00 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 July 24, 2000, at 7:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

Mayor George F. Vaughn, Jr.
Vice Mayor Edward S. Jones
Councilor Ronald Patronik
Councilor Robert Shimp
City Manager Richard A. Linn
City Clerk Lisa Volpe, CMC

Building Official Dan Arlington
Assistant to Building Official Piper Turner

Absent:
Councilor Thomas Tankersley
City Attorney Christopher White

Call to Order/Roll Call

The Mayor called the meeting to order at 7:00 p.m.

Group Two Article XVIII, Nonconforming Lots, Structures, Uses and Signs

Mayor Vaughn introduced each section and asked that any concerns or recommendations be addressed.

Section 27-701

ARTICLE XVIII, NONCONFORMING LOTS, STRUCTURES, USES AND SIGNS
SECTION 27-701, ~~RESERVED~~ INTENT.

There was no discussion and no recommended changes to Section 27-701.

Section 27-702

ARTICLE XVIII, NONCONFORMING LOTS, STRUCTURES, USES AND SIGNS
SECTION 27-702 GENERALLY.

There was no discussion and no recommended changes to Section 27-702.

Section 27-703

ARTICLE XVIII, NONCONFORMING LOTS, STRUCTURES, USES AND SIGNS
SECTION 27-703 PURPOSE AND INTENT.

There was no discussion and no recommended changes to Section 27-703.

Section 27-704

ARTICLE XVIII, NONCONFORMING LOTS, STRUCTURES, USES AND SIGNS
SECTION 27-704 ~~DEFINITIONS~~ RESERVED.

There was no discussion and no recommended changes to Section 27-704.

Section 27-705	<p><u>ARTICLE XVIII, NONCONFORMING LOTS, STRUCTURES, USES AND SIGNS</u> <u>SECTION 27-705 NONCONFORMING LOTS OF RECORD.</u></p> <p>Councilor Shimp questioned why this section had changed so much from the existing code.</p>
For the Record	<p>Councilor Shimp observed that there were no members of the Planning and Development Review Board present.</p> <p>A lengthy discussion ensued relating to: 1) non-conformity and under what circumstances a property would be allowed to be split and sold separately, 2) what would be considered grandfathered-in and what would be declared illegal and, 3) what constituted a lot of record.</p>
For the Record	<p>Councilor Shimp stated on the record that he did not understand why this was being done.</p>
For the Record	<p>Councilor Shimp stated on the record that he took offense to the Mayor bringing up politics.</p>
Section 27-706	<p><u>ARTICLE XVIII, NONCONFORMING LOTS, STRUCTURES, USES AND SIGNS</u> <u>SECTION 27-706 NONCONFORMING DEVELOPMENT.</u></p> <p>There was no discussion and no recommended changes to Section 27-706.</p>
Section 27-707	<p><u>ARTICLE XVIII, NONCONFORMING LOTS, STRUCTURES, USES AND SIGNS</u> <u>SECTION 27-707 NONCONFORMING SIGNS AND FENCES.</u></p> <p>Vice Mayor Jones inquired why this section had been deleted and asked if non-conforming fences were dealt with in previous Section 27-333.</p>
Section 27-708-710	<p><u>ARTICLE XVIII, NONCONFORMING LOTS, STRUCTURES, USES AND SIGNS</u> <u>SECTION 27-708-710 RESERVED.</u></p> <p>There was no discussion and no recommended changes to Section 27-708-710.</p> <p>Discussion ensued over a date to establish lots of record in Section 27-705.</p> <p>Section 27-706(a)(4) had been deleted and should not be there.</p>
Public Comments	<p>Harriet Pruette, 217 1/2 Magnolia Street, stated that she felt the city should send each property owner a certified letter advising the changing of the code. Ms. Pruette also suggested advising property owners that they could not revert back to a duplex after 3 years and questioned the footprint bill.</p> <p>Rae Brady, 223 & 224 Lora Street, did not feel that anyone was out to get her but opposed the non-conforming parking in the footprint bill. Ms. Brady stated that she did not understand 706 (b) and (c).</p> <p>Fred DeSapio, property owner, opposed invading property rights, density issues and the 24-month vacancy issue.</p> <p>Discussion ensued based on issues that the public raised.</p>

Consensus: **TO MOVE THE DISCUSSION OF HOW TO PROCEED ON THE VOTING OF THE LDR TO THE REGULAR AUGUST COUNCIL MEETING.**

Adjournment

There being no further business, the meeting adjourned at 8:50 p.m.

George F. Vaughn, Jr., Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



BUDGET WORKSHOP MEETING JULY 26, 2000 AT 6:00 P.M. CITY HALL, 116 FIRST STREET, NEPTUNE BEACH, FLORIDA

Pursuant to proper notice a Budget Workshop Meeting of the City Council of the City of Neptune Beach was held July 26, 2000, in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

The following Council members and staff were in attendance:

Mayor George F. Vaughn, Jr.
Vice Mayor Edward S. Jones
Councilor Ronald D. Patronik
Councilor Robert D. Shimp
City Manager Richard A. Linn
City Clerk Lisa Volpe, CMC
Deputy City Clerk Karla Strait

Director of Finance John Herbst
Director of Public Safety William Brant
Director of Public Works John Galen
Building Official Dan Arlington

Absent:
Councilor Thomas A. Tankersley
City Attorney Christopher A. White

Call to Order/Roll Call

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

Finance Director John Herbst recommended that we have the Special Workshop Meeting after the General Fund discussion.

Consensus: **TO HOLD THE GENERAL FUND BUDGET WORKSHOP MEETING BEFORE THE SPECIAL MEETING.**

On the Record

Councilor Shimp stated on the record that he would not vote for the proposed millage. He felt the city should propose a target budget and a wish budget in order to see just where the city would cut back. Councilor Shimp added for the record that he disagreed right off at the very beginning.

The Mayor read each departments proposed budget and the following changes were made.

Mayor & Council

Consensus: **INCREASE THE MAYOR'S FUND BUDGET AMOUNT FROM 0 TO \$800.**

DECREASE CONTINGENCIES & EMERGENCY FROM \$1000 TO \$500.

City Manager's Office

Mayor Vaughn asked John Herbst about the increase in the Life & Health Insurance and what the overall impact would be on the city's budget.

Finance Director John Herbst explained the Jacksonville Beach and Atlantic Beach had both experienced %50 increases in health insurance rates and that he budgeted for a similar increase. Every effort would be made to negotiate a better deal.

No changes were made to the City Manager's budget.

Finance Department	Consensus: <u>TO RELOCATE UNIFORM TO THE NON-DEPARTMENTAL BUDGET.</u>
Legal Council	Consensus: <u>DECREASE OPERATING SUPPLIES FROM \$1,500 TO \$500.</u>
Building Department	Discussion ensued over the addition of a Fire Marshall position to the Staff of the Building Department. Consensus: <u>TO HAVE THE CITY MANAGER MAKE A RECOMMENDATION ABOUT ADDING A FIRE MARSHALL POSITION TO THE BUILDING DEPARTMENT.</u>
City Clerk's Office	Council requested that City Clerk Lisa Volpe research the following budget items and get a bottom line figure: <ol style="list-style-type: none">1. Other Contractual Services2. Election Expenses3. Printing and Binding Consensus: <u>TO DECREASE REPAIRS & MAINTENANCE FROM \$3,000 TO \$2,000.</u> <u>TO DECREASE OPERATING SUPPLIES FROM \$1,500 TO \$500.</u>
On the Record	Councilor Shimp stated on the record the city should be given a target budget on educational courses.
Recess/Reconvene	The meeting was recessed at 8:45 p.m. and reconvened at 8:55 p.m.
Non-Departmental	Consensus: <u>TO DECREASE THE OVERTIME FROM \$1,000 TO \$500.</u> <u>RELOCATE SAFETY TO THE LIFEGUARD BUDGET.</u> <u>TO DECREASE INSURANCE FROM \$5,000 TO \$4,000.</u> <u>TO DECREASE REPAIR & MAINTENANCE FROM \$10,000 TO \$9,000.</u> <u>TO DECREASE OFFICE SUPPLIES FROM \$8,500 TO \$7,500.</u> <u>TO INCREASE UNIFORMS FROM \$200 TO \$700.</u>
Police Department	Consensus: <u>TO INCREASE COMMUNICATIONS SERVICES FROM \$13,000 TO \$14,500.</u>
Volunteer Fire Department	No changes were made to the Fire Department Budget.
Public Safety	Consensus: <u>TO DECREASE EDUCATIONAL COURSES FROM \$500 TO \$200.</u>
Street Department	Consensus: <u>TO ELIMINATE THE FOLLOWING 5 ITEMS FROM THE BUDGET:</u> <u>1. OVERHEAD DOOR FOR STORAGE BUILDING.</u> <u>2. ELECTRICAL INSTALLATION FOR BIKE STORAGE.</u> <u>3. FORD F-250 PICKUP TRUCK (REPLACEMENT)</u> <u>4. FORD F-250 PICKUP TRUCK (REPLACEMENT)</u> <u>5. FORD F-150 PICKUP TRUCK (REPLACEMENT)</u>

Parks Department

Consensus: **INCREASE OTHER CONTRACTURAL SERVICES FROM \$10,000 TO \$25,000.**

ELIMINATE RANSOMES 728D FRONTLINE MOWER .

Lifeguards/Beach
Clean Up

No changes were made to Lifeguards/Beach Clean Up proposed budget.

Adjournment

There being no further business, the meeting adjourned at 10:55 p.m.

George F. Vaughn, Jr., Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
SPECIAL CITY COUNCIL MEETING
JULY 26, 2000 AT 11:05 P.M.
CITY HALL, 116 FIRST STREET
NEPTUNE BEACH, FLORIDA

Pursuant to proper notice a Special Meeting of the City Council of the City of Neptune Beach was held July 26, 2000, at 11:05 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

Mayor George F. Vaughn, Jr.
Vice Mayor Edward S. Jones
Councilor Ronald D. Patronik
Councilor Robert D. Shimp
City Manager Richard A. Linn
City Clerk Lisa Volpe, CMC
Deputy City Clerk Karla Strait

Director of Finance John Herbst
Director of Public Safety William Brant
Director of Public Works John Galen
Building Official Dan Arlington

ABSENT:

Councilor Thomas A. Tankersley
City Attorney Christopher A. White

Call to Order/Roll Call

The Mayor called the Special Meeting to address the not to exceed millage rate, to order at 11:05 p.m.

Director of Finance John Herbst explained that the millage rate needed to balance the budget as it would be 3.2872 and the current rate was 3.1021.

Moved by Jones.

On the Record

Motion: **TO ADOPT 3.1021 MILLAGE RATE AND DIRECT THE CITY MANAGER TO CUT \$62,760 FROM THE BUDGET.**

No second.

MOTION FAILED

Vice Mayor Jones asked that his motion be on the record.

Moved by Shimp, seconded by Patronik.

Motion: **POSTPONE THE DECISION ON THE MILLAGE RATE UNTIL MONDAY JULY 31, 2000, AND DIRECT THE CITY MANAGER TO COME BACK WITH A BUDGET EQUAL TO THE ROLL BACK MILLAGE RATE.**

Roll Call Vote:

Ayes: 2 - Patronik, Shimp
Noes: 2 - Jones, Vaughn
Absent: 1 - Tankersley

MOTION FAILED

Moved by Patronik, seconded by Shimp.

Motion: **TO POSTPONE ACTION ON THE NOT TO EXCEED MILLAGE RATE
AND RETURN ON MONDAY, JULY 31, 2000, TO CONTINUE
DISCUSSION AND DEBATE.**

Roll Call Vote:

Ayes: 3 - Patronik, Shimp, Vaughn

Noes: 1 - Jones

Absent: 1 - Tankersley

MOTION CARRIED

Adjournment

There being no further business, the meeting adjourned at 11:35 p.m.

George F. Vaughn, Jr., Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



**BUDGET WORKSHOP MEETING
NOT TO EXCEED MILLAGE RATE
JULY 31, 2000 AT 6:00 P.M.
CITY HALL, 116 FIRST STREET,
NEPTUNE BEACH, FLORIDA**

Pursuant to proper notice a Budget Workshop Meeting of the City Council of the City of Neptune Beach was held July 31, 2000, in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance: The following Council members and staff were in attendance:

Mayor George F. Vaughn, Jr.
Vice Mayor Edward S. Jones
Councilor Ronald D. Patronik
Councilor Robert D. Shimp
City Manager Richard A. Linn

Director of Finance John Herbst
City Clerk Lisa Volpe, CMC
Deputy City Clerk Karla Strait

Absent:
Councilor Thomas A. Tankersley
City Attorney Christopher A. White

Call to Order/Roll Call The Mayor called the meeting to order at 6:00 p.m.

City Manager Linn recommended that Council adopt 3.1021 as the Not To Exceed millage rate.

City Manager Linn announced that the following changes were made in addition to those requested at the July 26, 2000, Budget Workshop Meeting.

- | | |
|---|--|
| Mayor & Council | <ul style="list-style-type: none">▪ Per Diem from 5,500 to 5,000. |
| City Manager's Office | <ul style="list-style-type: none">▪ Other Contractual Service from 5,000 to 3,000.▪ Travel & Per Diem from 2,500 to 2,000.▪ Office supplies from 1,250 to 1,000▪ Machinery & Equipment from 1,000 to 500. |
| Finance Department | <ul style="list-style-type: none">▪ Overtime from 1,500 to 1,250.▪ Office Supplies from 3,000 to 2,500▪ Machinery & Equipment from 2,500 to 0. |
| Community
Development / Building
Department | <ul style="list-style-type: none">▪ Fire Marshal from 26,250 to 5,515.▪ Machinery & Equipment from 25,000 to 1,000. |
| City Clerk's Office | <ul style="list-style-type: none">▪ Travel & Per Diem from 2,500 to 1,500.▪ Repair & Maintenance from 3,000 to 2,000.▪ Office Supplies from 3,000 to 2,500. |

- | | |
|--------------------------------|--|
| Non-Departmental | <ul style="list-style-type: none">▪ Printing & Binding from 3,000 to 2,000.▪ Miscellaneous from 1,000 to 500.▪ Contingencies & Emergency from 20,000 to 13,000. |
| Police Department | <ul style="list-style-type: none">▪ Regular Salaries from 950,800 to 942,800.▪ Professional Services from 5,650 to 4,000.▪ Investigations from 4,000 to 3,000.▪ Travel and Per Diem from 6,100 to 5,500.▪ Repair and Maintenance from 12,000 to 11,000.▪ Educational Courses from 6,000 to 5,500.▪ Radio Repair & Maintenance from 3,000 to 2,000.▪ Uniforms from 14,000 to 13,000. |
| Public Safety / Animal Control | <ul style="list-style-type: none">▪ Educational Courses from 500 to 200. |
| Parks | <ul style="list-style-type: none">▪ Town Center Maintenance from 10,000 to 20,000. |
| Lifeguards/Beach Clean Up | <ul style="list-style-type: none">▪ Add 5,000 for an alarm system for the lifeguard station. |

A lengthy discussion ensued.

Moved by Jones, no second.

Motion: **TO SET THE NOT TO EXCEED MILLAGE RATE AT 3.1021.**

MOTION WITHDRAWN.

On the Record Vice-Mayor Jones stated that he would like for it to be on the record that he tried to make a motion.

Moved by Patronik, seconded by Shimp.

Motion: **TO ADOPT A NOT TO EXCEED MILLAGE RATE OF 2.7421**

On the Record Vice-Mayor Jones stated on the record that he was asking the City Manager to continue to target the roll back rate and he thought that it would be prudent to adopt the present millage rate tonight.

Roll Call Vote:

Ayes: 2 – Patronik, Shimp
Noes: 2 – Jones, Vaughn
Absent: 1 - Tankersley

MOTION FAILED.

Moved by Patronik.

Motion: **TO ADOPT A NOT TO EXCEED MILLAGE RATE OF 2.9221.**

MOTION WITHDRAWN.

Moved by Mayor Vaughn, seconded by Jones.

Motion: **TO ADOPT THE NOT TO EXCEED MILLAGE RATE OF 3.1021 AND WORK WITH THE CITY MANAGER OVER THE NEXT FEW WEEKS TO MEET THE ROLL BACK OF 2.7421 UNLESS THE CITY MANAGER COMES BACK TO THIS CITY COUNCIL WITH ADVISE THAT EMPLOYEES WILL HAVE TO BE CUT TO MAKE THAT HAPPEN THEN THIS CITY COUNCIL GO WITH THE RATE THAT THE CITY MANAGER RECOMMENDS TO AVOID CUTTING CITY SERVICES.**

MOTION WITHDRAWN.

Moved by Mayor Vaughn, seconded by Jones.

Motion: **TO ADOPT THE NOT TO EXCEED MILLAGE RATE OF 3.1021.**

Roll Call Vote:

Ayes: 2 – Jones, Vaughn
Noes: 2 – Patronik, Shimp
Absent: 1 – Tankersley

MOTION FAILED.

Moved by Jones, seconded by Patronik.

Motion: **TO ADOPT A NOT TO EXCEED MILLAGE RATE OF 2.7421.**

Roll Call Vote:

Ayes: 4 – Jones, Patronik, Shimp, Vaughn
Noes: 0
Absent: 1 – Tankersley

MOTION CARRIED.

Adjournment

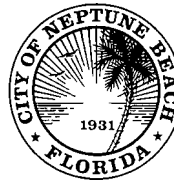
There being no further business, the meeting adjourned at 8:05 p.m.

George F. Vaughn, Jr., Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
REGULAR CITY COUNCIL MEETING
AUGUST 7, 2000 AT 7:00 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 August 7, 2000, at 7:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

Mayor George F. Vaughn, Jr.
Vice Mayor Edward S. Jones
Councilor Ronald D. Patronik
Councilor Robert D. Shimp
Councilor Thomas A. Tankersley
City Attorney Christopher White

City Manager Richard A. Linn
City Clerk Lisa Volpe, CMC
Building Official Dan Arlington
Assistant to the Building Official Piper Turner
Finance Director John Herbst

Order Call/Pledge

The Mayor called the meeting to order at 7:00 p.m. and led the Pledge of Allegiance.

AWARDS / PRESENTATIONS / RECOGNITION OF GUESTS/NONE

APPROVAL OF MINUTES

Motion:

TO APPROVE THE FOLLOWING MEETING MINUTES:

JUNE 26, 2000, SPECIAL CITY COUNCIL MEETING
JUNE 26, 2000, LAND DEVELOPMENT REGULATIONS
JULY 3, 2000, REGULAR CITY COUNCIL MEETING
JULY 5, 2000, BUDGET WORKSHOP
JULY 10, 2000, LAND DEVELOPMENT REGULATIONS
JULY 17, 2000, BUDGET WORKSHOP
JULY 17, 2000, SPECIAL CITY COUNCIL MEETING
JULY 17, 2000, WORKSHOP CITY COUNCIL MEETING
JULY 17, 2000, TOWN HALL MEETING
JULY 24, 2000, LAND DEVELOPMENT REGULATIONS
JULY 26, 2000, BUDGET WORKSHOP
JULY 31, 2000, SPECIAL CITY COUNCIL MEETING

Moved by Tankersley, seconded by Patronik.

Roll Call Vote:

Ayes: 5 - Jones, Patronik, Tankersley, Shimp, Vaughn
Noes: 0

MOTION CARRIED**COMMUNICATIONS AND CORRESPONDENCE**

Councilor Shimp Councilor Shimp asked the City Manager Linn to direct the Building Official to do something about the lights from the back of a bank and an office building shining in citizens' backyards on McCollum Circle.

Amended Agenda Councilor Shimp requested that item's 12 A and 12 B be placed first on the agenda to keep the representatives that were present from having to wait.

Consensus: **TO MOVE ITEMS 12 A AND 12 B TO THE FRONT OF THE AGENDA.**

Mayor Vaughn asked that item 12 E, Board Appointments be moved to the front for the same reason.

Consensus: **TO MOVE ITEM 12 E TO THE FRONT OF THE AGENDA.**

City Manager Linn asked to amend the agenda to include items 11 C and 12 F.

Consensus: **TO ADD 11 C TO THE AGENDA UNDER OLD BUSINESS AND ITEM 12 F UNDER NEW BUSINESS.**

City Clerk City Clerk Lisa Volpe announced to the council that directions to the Annual Florida League of Cities Conference in Fort Lauderdale were in their boxes.

City Clerk Lisa Volpe reminded the council that she would be on vacation next week and Deputy City Clerk Karla Strait would be in the office for any necessary business.

CITY MANAGER REPORTS/NONE**COMMENTS FROM THE PUBLIC**

Richard Fail, 510 Oak Street, expressed concern about council being referred to as a combat zone. Mr. Fail was also concerned about the budget.

Buddy Crout, 1074 Kings Road, felt that the budget workshops should have begun earlier.

Robert West, 106 Hall Place, was concerned about parking at 200 First Street.

Mary Ann Padrta, 1113 First Street, read a letter from Lynda Padrta regarding density east of Third Street.

Harriet Pruette, 217 ½ Magnolia Street, suggested that allowing residents to convert from a multi family home to a single family home giving them a period of three-years in which they would be allowed to revert back to a multi family home would help to control the density. Ms. Pruette also felt that the Land Development Regulations should not be passed as one package.

NEW BUSINESS

Beaches Chapel **FINAL DEVELOPMENT ORDER FOR BEACHES CHAPEL:** Michael Altenback explained that the Beaches Chapel had asked the Planning & Development Review Board to allow them to add a facelift to the front of the gymnasium, a storage room on the side and take care of a drainage problem.

Moved by Shimp, seconded by Patronik.

Motion: **TO APPROVE THE FINAL DEVELOPMENT ORDER FOR THE BEACHES CHAPEL.**

Building Official Dan Arlington explained that the Planning & Development Review Board had made the approval contingent on council's approval of moving the easement.

Moved by Shimp, seconded by Tankersley.

Amended Motion Motion: **TO APPROVE THE FINAL DEVELOPMENT ORDER FOR THE BEACHES CHAPEL WITH CONDITIONS THAT THE RIGHT OF WAY WILL BE ACCESSIBLE.**

Roll Call Vote:

Ayes: 5 – Jones, Patronik, Shimp, Tankersley, Vaughn.

Noes: 0

MOTION CARRIED

Resource Express **FINAL DEVELOPMENT ORDER FOR RESOURCE EXPRESS:** Building Official Dan Arlington stated that the Planning & Development Review Board had denied the request and it had not been appealed.

Moved by Jones, seconded by Shimp.

Motion: **TO DENY THE FINAL DEVELOPMENT ORDER FOR RESOURCE EXPRESS.**

Roll Call Vote:

Ayes: 5 – Jones, Patronik, Shimp, Tankersley, Vaughn

Noes: 0

MOTION CARRIED

Board Appointments **RESOLUTION 2000-15 APPOINTING AND REAPPOINTING BOARD MEMBERS TO THE PLANNING AND DEVELOPMENT REVIEW BOARD AND THE CODE ENFORCEMENT BOARD.**

Moved by Tankersley, seconded by Shimp.

Motion: **TO APPROVE BOARD APPOINTMENTS AS STATED.**

For the Record Councilor Shimp stated on the record that he would like for the paper to advertise that we needed more of cross section of people on the boards.

Roll Call Vote:

Ayes: 5 – Jones, Patronik, Shimp, Tankersley, Vaughn

Noes: 0

MOTION CARRIED

CONSENT AGENDA

Fuel Storage Tanks **REMOVAL & INSTALLATION OF FUEL STORAGE TANKS:** Authorization to solicit bids for the removal and installation of fuel storage tanks and piping.

Spill Response Contractor **SPILL RESPONSE CONTRACTOR:** Approval of service purchase agreement for Spill Response as required by Florida Administrative Code, Rule 62-761.200(7R).

Forfeited Motorcycle FORFEITED MOTORCYCLE – SURPLUS & SALE: Declare a forfeited motorcycle surplus and authorize sale by public auction.

Moved by Jones, seconded by Shimp.

Motion: **TO APPROVE THE CONSENT AGENDA AS STATED.**

Roll Call Vote:

Ayes: 5 – Jones, Patronik, Shimp, Tankersley, Vaughn

Noes: 0

MOTION CARRIED.

VARIANCES

133 Margaret Street / APPEAL OF DENIAL OF VARIANCE REQUEST FOR 113 MARGARET STREET AND
2005 First Street 2005 FIRST STREET: Property owner Clement Harper IV explained why the Board of Appeals had denied his request for a variance.

Moved by Jones, seconded by Patronik.

Motion: **REVERSE THE DECISION OF THE BOARD OF APPEALS AND GRANT THE VARIANCE REQUEST.**

Roll Call Vote:

Ayes: 2 - Jones, Patronik

Noes: 3 – Shimp, Tankersley, Vaughn

MOTION FAILED

ORDINANCES

Ordinance 2000-04 ORDINANCE NO. 2000-04 PUBLIC HEARING AND FINAL READ: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 17 OF THE CODE OF ORDINANCES OF NEPTUNE BEACH TO INCLUDE THE NEW ARTICLE III AND SECTIONS THEREUNDER; ESTABLISHING THE REGULATION OF OPEN AIR MARKETS AND SALES IN THE CITY OF NEPTUNE BEACH; AND ESTABLISHING AN EFFECTIVE DATE.

The Mayor read Ordinance No. 2000-04 by title only and opened the public hearing.

There being no public comments, the public hearing was closed.

Moved by Shimp, seconded by Tankersley.

Motion: **TO ADOPT ORDINANCE NO. 2000-04 ON FINAL READ AND PUBLIC HEARING AS STATED.**

Roll Call Vote:

Ayes: 4 - Jones, Tankersley, Shimp, Vaughn

Noes: 1 – Patronik

MOTION CARRIED

Ordinance 2000-06 ORDINANCE NO. 2000-06 FIRST READ: AN ORDINANCE OF THE CITY OF NEPTUNE

BEACH, FLORIDA CLOSING, VACATING AND ABANDONING CERTAIN RIGHTS-OF-WAY AND ALLEYS IN NEPTUNE BEACH, FLORIDA; PROVIDING AN EFFECTIVE DATE.

Councilor Shimp agreed to sponsor Ordinance No. 2000-06.

Moved by Shimp, seconded by Jones.

Motion: **TO APPROVE ORDINANCE NO. 2000-06 WITH THE STIPULATION THAT IT GOES TO THE NEXT WORKSHOP MEETING FOR DISCUSSION.**

Roll Call Vote:

Ayes: 5- Jones, Patronik, Shimp, Tankersley, Vaughn

Noes: 0

MOTION CARRIED

Ordinance 2000-07 **ORDINANCE NO. 2000-07 FIRST READ:** AN ORDINANCE AMENDING THE OPERATING BUDGET FOR THE CITY OF NEPTUNE BEACH, FLORIDA FOR FISCAL YEAR 2000 BEGINNING OCTOBER 1, 1999 AND ENDING SEPTEMBER 30, 2000.

Mayor Vaughn agreed to sponsor Ordinance No. 2000-07.

Moved by Jones, seconded by Vaughn.

Motion: **TO PASS ORDINANCE NO. 2000-07 ON FIRST READ.**

Roll Call Vote:

Ayes: 5- Jones, Patronik, Shimp, Tankersley, Vaughn

Noes: 0

MOTION CARRIED

Ordinance 2000-08 **ORDINANCE NO. 2000-08 FIRST READ:** AN ORDINANCE AMENDING THE OPERATING BUDGET FOR THE CITY OF NEPTUNE BEACH, FLORIDA FOR FISCAL YEAR 2000 BEGINNING OCTOBER 1, 1999 AND ENDING SEPTEMBER 30, 2000.

Councilor Tankersley agreed to sponsor Ordinance No. 2000-08.

Moved by Tankersley, seconded by Shimp.

Motion: **TO APPROVE ORDINANCE NO. 2000-08 FOR DISCUSSION.**

Roll Call Vote:

Ayes: 5- Jones, Patronik, Shimp, Tankersley, Vaughn

Noes: 0

MOTION CARRIED

OLD BUSINESS

City Manager Employment Contract **APPROVAL OF EMPLOYMENT CONTRACT FOR CITY MANAGER:** Terms of employment contract discussed July 17, 2000, modified by the City Attorney and forwarded.

Moved by Tankersley, seconded by Shimp.

Motion: **TO APPROVE THE EMPLOYMENT CONTRACT FOR THE CITY MANAGER WITH THE FOLLOWING CHANGES:**

- **SECTION 2 B -CHANGE TWO YEARS TO 90 DAYS.**
- **SECTION 8 A - SAID REVIEW AND EVALUATION SHALL BE IN ACCORDANCE WITH SPECIFIC CRITERIA DEVELOPED JOINTLY NO LATER THAN DECEMBER 1, 2000, BY EMPLOYER AND EMPLOYEE.**
- **SECTION 8 B - NO LATER THAN MARCH 31 OF EACH YEAR WITH THE CITY COUNCIL.**
- **SECTION 9; CORRECTION OF THE MISSPELLED WORD COUNCILOR**

Roll Call Vote:

Ayes: 3 - Jones, Shimp, Tankersley

Noes: 2 – Patronik, Vaughn

MOTION CARRIED

Jarboe Park Grant

APPROVAL OF A FLORIDA RECREATIONAL DEVELOPMENT ASSSISTANCE PROGRAM (FRDAP) GRANT AGREEMENT FOR JARBOE PARK: City Manager Linn recommended approval of the agreement and authorization for the Mayor to sign.

Moved by Tankersley, seconded by Patronik.

Motion: **TO APPROVE THE FRDAP GRANT AGREEMENT AND AUTHORIZE THE MAYOR TO SIGN IT.**

Roll Call Vote:

Ayes: 5 - Jones, Patronik, Shimp, Tankersley, Vaughn

Noes: 0

MOTION CARRIED

Resolution No.
2000-14

A RESOLUTION OF THE CITY OF NEPTUNE BEACH AWARDDING THE AUTO DIALER BID TO AVTEX: City Manager Linn recommended awarding a bid for an auto dialer to Avtex Incorporated.

Moved by Patronik, seconded by Shimp.

Motion: **TO APPROVE RESOLUTION NO. 2000-14.**

Roll Call Vote:

Ayes: 5- Jones, Patronik, Shimp, Tankersley, Vaughn

Noes: 0

MOTION CARRIED

NEW BUSINESS

Land Development
Regulations

ESTABLISH PROCEDURE FOR CONTINUATION OF REVIEW OF UNIFIED LAND DEVELOPMENT REGULATIONS CHAPTER 27: Mayor Vaughn explained that a date needed to be set to decide on a procedure on how to adopt any or all of the proposed

regulations.

Consensus: **MOVE THE REVIEW OF THE ADMINISTRATIVE SECTION ON LAND USE REGULATIONS TO THE WORKSHOP MEETING.**

200 First Street **PLANNING & DEVELOPMENT REVIEW BOARD CONSENSUS EXPRESSING CONCERN ABOUT 200 FIRST STREET:** Mayor Vaughn stated that the Planning & Development Review Board had a motion at their June 20, 2000, meeting. The motion was carried by unanimous vote going on record to City Council outlining serious concerns with a proposed coffee shop (restaurant/bar) to be located at the old Ed Smith Lumber Company project. Mayor Vaughn was concerned that the subject had not come before the council.

A lengthy discussion ensued.

For the Record Brian Greenwood stated on the record that the Planning & Development Review Board had granted a lot of leeway to the parking at the Ed Smith project. Mr. Greenwood added that he felt the board had been misled about the use of the building.

Police Vehicle **APPROVAL TO SURPLUS TWO POLICE VEHICLES:** City Manager Linn recommended
Surplus declaring a surplus and sale of two police vehicles that had outlived their economic use.

Moved by Shimp, seconded by Patronik.

Motion: **TO APPROVE THE SURPLUS AND SALE OF THE TWO POLICE VEHICLES.**

Roll Call Vote:

Ayes: 5 - Jones, Patronik, Tankersley, Shimp, Vaughn

Noes: 0

MOTION CARRIED

Adjournment There being no further business, the meeting adjourned at 10:17 p.m.

George F. Vaughn, Jr., Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
WORKSHOP CITY COUNCIL MEETING
AUGUST 21, 2000 AT 7:00 P.M.
CITY HALL, 116 FIRST STREET
NEPTUNE BEACH, FLORIDA

Pursuant to proper notice a Workshop Meeting of the City Council of the City of Neptune Beach was held August 21, 2000 at 7:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

Mayor George F. Vaughn, Jr.	Deputy City Clerk Karla Strait
Vice Mayor Edward S. Jones	Building Official Dan Arlington
Councilor Ronald Patronik	Assistant to the Building Official Piper Turner
Councilor Robert D. Shimp	City Attorney Christopher A. White
Councilor Thomas A. Tankersley	
City Manager Richard A. Linn	
City Clerk Lisa Volpe, CMC	

Call to Order/Roll Call The Mayor called the meeting to order at 7:00 p.m.

COMMITTEE REPORTS

IBBC ISH BRANT BEAUTIFICATION COMMITTEE UPDATE: City Manager Linn announced that the architect had rendered the necessary documents and application for the landscaping of the Third Street medians. Mr. Linn added that the committee was also working on another grant for the Third Street medians.

CITY MANAGERS PUNCH LIST

Jarboe Park JARBOE PARK IMPROVEMENTS: City Manager Linn stated items 4b and 5a on the agenda would address this issue.

Roadway Between Shopping Centers ROADWAY BETWEEN SHOPPING CENTERS: City Manager Linn reported that he and Chairman of the Planning & Development Review Board John Weldon would be proceeding with negotiations with the owners of the shopping centers.

Disadvantaged Small Community Group DISADVANTAGED SMALL COMMUNITY GROUP: Mr. Linn explained that he had received notification from the Department of Environmental Protection that Neptune Beach ranked 30 out of 64 on a contingency list to receive the grant and that it would be about four or five years out.

Traffic Signal TRAFFIC SIGNALS ATLANTIC BOULEVARD AND AQUATIC DRIVE: Mayor Vaughn questioned City Manager Linn about the date of the last action on the issue according to his punch list. Mr. Linn responded that he would check on it.

Public Safety Building Tour PUBLIC SAFETY BUILDING TOUR BY COUNCIL: Councilor Patronik asked if this item could be removed from the punch list. City Manager Linn responded that he would remove it from the list.

Presentation by Auditors PRESENTATION BY AUDITORS: City Manager Linn introduced auditors Linda W. Dufresne, Dwinelle P. Ford and Gary Huggett from the auditing firm of Masters, Smith, & Wisby and Defresne & Associates.

Dwinelle Ford went over the city's financial statements that were prepared by our Finance Department and their auditing firm with the council.

For the Record Councilor Shimp stated on the record that the reason the auditors were here was because he had seen them at the Florida League of Cities in Orlando and asked them to come.

Councilor Tankersley asked about a way to create a spending trend analysis on a monthly basis.

Linda Dufresne presented the council with a comparison report of the budget for fiscal year 1999 with the actual for fiscal year 1999 and the actual for 1998 general and special revenue fund accounts.

PROPOSED ORDINANCES

Ordinance No. 2000-06 ORDINANCE NO. 2000-06: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA CLOSING, VACATING AND ABANDONING CERTAIN RIGHTS-OF-WAY AND ALLEYS IN NEPTUNE BEACH, FLORIDA; PROVIDING AND EFFECTIVE DATE.

City Attorney Christopher White explained that Ordinance No. 2000-06 needed to be placed on the September Workshop Meeting because he was still in the process of confirming surveys and lot descriptions and other information with Jacksonville Transportation Authority.

Consensus: **FORWARD TO THE SEPTEMBER WORKSHOP COUNCIL MEETING FOR FURTHER DISCUSSION AND TO THE OCTOBER REGULAR COUNCIL MEETING FOR SECOND AND FINAL READ.**

Ordinance No. 2000-07 ORDINANCE NO. 2000-07: AN ORDINANCE AMENDING THE OPERATING BUDGET FOR THE CITY OF NEPTUNE BEACH, FLORIDA FOR FISCAL YEAR 2000 BEGINNING OCTOBER 1, 1999 AND ENDING SEPTEMBER 30, 2000.

City Manager Linn explained that the Ordinance was to increase appropriation in the general fund for the amount of \$150,000 to allow the city to take advantage of a Florida Recreational Improvement Assistance Program.

Consensus: **FORWARD TO THE SEPTEMBER REGULAR MEETING FOR SECOND AND FINAL READ.**

Ordinance No. 2000-08 ORDINANCE NO. 2000-08: AN ORDINANCE AMENDING THE OPERATING BUDGET FOR THE CITY OF NEPTUNE BEACH, FLORIDA FOR FISCAL YEAR 2000, BEGINNING OCTOBER 1, 1999.

City Manager Linn explained that this Ordinance was a budget amendment in the amount of 188,000 at the time of the first read and needed to increase to 202,066.20 to provide for payment for Ivey, Harris and Walls, consultants for the land development regulations.

Consensus: **FORWARD TO THE SEPTEMBER REGULAR MEETING FOR SECOND AND FINAL READ.**

CONTRACT/AGREEMENTS

Jarboe Park
Improvements

SELECTION OF A CONSULTANT FOR JARBOE PARK IMPROVEMENTS: City Manager Linn reported that he had reviewed the Request for Proposals for the consulting services of design for the Jarboe Park Improvements and recommended approval of his selection of Goddard Design Associates Inc. for a lump sum of \$17,000.

Council discussed the possibility of the city employees doing the work.

Consensus: **FORWARD THE SELECTION OF GODDARD DESIGN ASSOCIATES INC. TO THE SEPTEMBER REGULAR CITY COUNCIL MEETING.**

ISSUE DEVELOPMENT

Sanitation cost

SANITATION COST INCREASES: City Manager Linn stated that the contracts for garbage collection and recycling included provisions for the contractors to increase their charges to the City based upon the Consumer Price Increases. Mr. Linn added that both BFI and Southland Waste Systems had notified us of their increases.

Consensus: **TO DRAFT AN ORDINANCE TO INCREASE THE RATES OF GARBAGE AND RECYCLING FOR FIRST READ AND MOVE TO THE SEPTEMBER REGULAR CITY COUNCIL MEETING.**

LDR Group I

REVIEW OF GROUP I UNIFIED LAND DEVELOPMENT REGULATIONS - ADMINISTRATIVE PROCEDURES: The following three issues of the Proposed Unified Land Development Regulations review Group 1 had been unresolved.

1. Will the city council issue final development orders or will the Planning & Development Review Board issue both the preliminary and final development orders?

Consensus: **LEAVE THE PRELIMINARY DEVELOPMENT ORDER WITH THE PLANNING & DEVELOPMENT REVIEW BOARD AND THE FINAL DEVELOPMENT ORDER WITH THE COUNCIL.**

2. Should the Planning & Development Review Board and Board of Appeals be combined?

Consensus: **NO – CLARIFY THAT THE BOARD OF APPEALS WOULD DEAL WITH RESIDENTIAL AND THE PLANNING & DEVELOPMENT REVIEW BOARD WOULD DEAL WITH COMMERCIAL.**

3. Should a procedure be established to formally notify the City of Atlantic Beach of development actions in the Central Business District area of Neptune Beach?

For the Record Councilor Tankersley stated for the record that he felt it was a crime that the three beach cities didn't talk with one another and the barriers needed to come down.

Consensus: **TO HAVE CITY MANAGER LINN ESTABLISH AN INTERGOVERNMENTAL COMMITTEE AND ADD TO HIS PUNCH LIST.**

Council recommended the following three changes to Group 1:

1. The language regarding a pre-application conference should be changed to suggest it for development proposals, but not require it. The words "optional and "may, at their option" were added to section 27-82(a).

Consensus: **YES**

2. To not require a new survey until the final development process instead of at the beginning of the development process.

Consensus: **TO HAVE BUILDING OFFICIAL DAN ARLINGTON REPORT BACK TO COUNCIL AT THE NEXT WORKSHOP MEETING WITH HIS RECOMMENDATION.**

3. The Administrative Assistant to the Building Official should be designated as the "Secretary for the Boards".

Consensus: **LEAVE SECTION 27-61 INTACT AND HAVE THE CITY MANAGER ASSIGN THE SECRETARY FOR THE BOARDS.**

Public Comments

PUBLIC COMMENTS ON AGENDA ITEMS ONLY

Harriet Pruette, 217 ½ Magnolia Street, stated that she was proud of Finance Director John Herbst and felt that he did a fantastic job. Ms. Pruette felt the services for trash and recycling should be equal to what is paid for. Ms. Pruette also felt that that Media One was making the city an eyesore and they should be held responsible.

Adjournment

There being no further business, the meeting adjourned at 9:00 p.m.

Attest:

George F. Vaughn, Jr., Mayor

Lisa Volpe, CMC, City Clerk

Approved: _____



TOWN HALL MEETING AUGUST 21, 2000 CITY HALL, 116 FIRST STREET, NEPTUNE BEACH, FLORIDA

Pursuant to proper notice a Town Hall Meeting of the City Council of the City of Neptune Beach was held August 21, 2000, immediately following the Workshop Meeting, in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

The following Council members and staff were in attendance:

Mayor George F. Vaughn, Jr.	Building Official Dan Arlington
Councilor Ronald D. Patronik	Assistant to the Building Official Piper Turner
Councilor Robert D. Shimp	
Councilor Thomas A. Tankersley	
City Manager Richard A. Linn	Absent:
City Clerk Lisa Volpe, CMC	City Attorney Christopher A. White
Deputy City Clerk Karla Strait	Vice Mayor Edward S. Jones

Call to Order

The Mayor called the meeting to order at 9:04 p.m.

Public Comments

Councilor Shimp felt sorry for a lady that was not given the opportunity to speak during the Workshop Meeting. Mr. Shimp felt that citizens should be given the same opportunity to speak during meetings as consultants.

Harriet Pruette, 217 ½ Magnolia Street, felt that citizens should not have to wait until the end of the meeting to speak.

Councilor Tankersley suggested allowing public input at the beginning and the end of each meeting.

Mayor Vaughn stated that Council voted two years ago to have public comments at the end of the meeting and they could change it. The only requirement was that the meetings had to remain orderly and civil.

Councilor Shimp felt that it was injustice to have the citizens wait until late at night to speak out.

Assistant to the Building Official Piper Turner explained that the lady only needed a map and that she left satisfied.

Adjournment

There being no further business, the meeting adjourned at 9:15 p.m.

George F. Vaughn, Jr., Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



BUDGET WORKSHOP MEETING AUGUST 22, 2000 AT 7:00 P.M. CITY HALL, 116 FIRST STREET, NEPTUNE BEACH, FLORIDA

Pursuant to proper notice a Budget Workshop Meeting of the City Council of the City of Neptune Beach was held August 22, 2000, in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

The following Council members and staff were in attendance:

Mayor George F. Vaughn, Jr.
Councilor Robert D. Shimp
Councilor Thomas A. Tankersley
Vice Mayor Jones (arrived 7:04)
Councilor Patronik (arrived 7:04)
City Manager Richard A. Linn

City Clerk Lisa Volpe, CMC
Deputy City Clerk Karla Strait
Director of Finance John Herbst
Director of Public Works John Galen
Director of Public Safety William Brandt
Building Official Dan Arlington

Absent:
City Attorney Christopher A. White

Call to Order/Roll Call

The Mayor called the meeting to order at 7:03 p.m.

Mayor Vaughn asked that the record show that Vice Mayor Jones and Councilor Patronik were not present.

Councilor Patronik was late because he was speaking with Public Works Director John Galen in the hallway.

City Manager Linn reported that staff had developed a revised budget in line with council directive to present a financial plan that used the roll back millage rate for ad valorem taxes and not using any reserves to balance the budget. Mr. Linn added that there were many cuts and that he did not feel comfortable with the revised budget.

City Manager Linn explained the major reductions in these line items:

- | | |
|-----------------------|---|
| Revenue | <ul style="list-style-type: none">▪ Ad Valorem Taxes from (1,147,450) to (895,626) a reduction of 251,824.01.▪ Personal Property Taxes from (43,690) to (34,102) a reduction of 9,588.▪ Appropriated Fund Balance from (200,000.) to 0 a reduction of 200,000.▪ Total reduction in revenue of 460,912. |
| Mayor & Council | <ul style="list-style-type: none">▪ Travel and Per Diem from 5,500 to 750 a reduction of 4,750.▪ Books, Subscriptions & Membership from 1,000 to 0.▪ Total reduction in Mayor & Council Budget of 6,497. |
| City Manager's Office | <ul style="list-style-type: none">▪ Other Contractual Service from 5,000 to 1,000 reduction of 4,000. |

	<ul style="list-style-type: none"> Travel & Per Diem from 2,500 to 500 a reduction 2,000. Printing and Binding from 1,100 to 0 a reduction of 1,100. Total reduction in City Manager's Office of 12,893.
Finance Department	<ul style="list-style-type: none"> Repair and Maintenance from 4,500 to 3,500 a reduction of 1,000. Printing and Binding from 2,000 to 1,000 a reduction of 1,000. Total reduction in Finance Department 10,097.99.
City Attorney	<ul style="list-style-type: none"> Professional Services from 25,000 to 15,000 a reduction of 10,000. Operating Expenses from 1,500 to 500 a reduction of 1,000. Travel and Per Diem from 2,000 to 1,500 a reduction of 500. Total reduction in City Attorney Budge of 11,750.
Community Development / Building Department	<ul style="list-style-type: none"> Building Regular Salaries from 96,418 to 75,683 a reduction of 20,735. Professional Services from 25,000 to 3,000 a reduction of 22,000. Other Contractual Services from 14,000 to 2,000 a reduction of 12,000. Machinery & Equipment from 25,000 to 0 a reduction of 25,000. Total reduction in Community Development / Building Department of 89,547.
City Clerk's Office	<ul style="list-style-type: none"> Election Expenses from 6,500 to 4,000 a reduction of 2,500. Total reduction in City Clerks Office 18,080.99.
Non-Departmental	<ul style="list-style-type: none"> Other Contractual Services from 19,000 to 10,000 a reduction of 9,000. Printing and Binding from 3,000 to 0 a reduction of 3,000. Contingencies & Emergency from 20,000 to 8,000 a reduction of 12,000. Total reduction in Non-Departmental 34,5000.
Police Department	<ul style="list-style-type: none"> Police Regular Salaries from 950,800 to 914,306 a reduction of 36,494. Life and Health Insurance from 63,522 to 48,700 a reduction of 14,822. Building Improvements from 12,000 to 0 a reduction of 12,000. Educational Courses from 6,000 to 1,500 a reduction of 4,500. Total reduction in Police Department 88,109.99.
Fire Department	<ul style="list-style-type: none"> No changes were made to the Fire Department.
Animal Control	<ul style="list-style-type: none"> Animal Control Regular Salaries from 44,800 to 40,824 a reduction of 3,976. Total reduction in Animal Control of 2,688.
Street Department	<ul style="list-style-type: none"> Machinery and Equipment from 128,221 to 115,285 a reduction of 12,936. Total reduction in Street Department of 130,309.
Parks Department	<ul style="list-style-type: none"> Other Contractual Services from 10,000 to 4,500 a reduction of 5,500. Repair & Maintenance from 10,000 to 7,500 a reduction of 2,500. Machinery & Equipment from 15,219 to 0 a reduction of 15,219. Total reduction in Parks Department of 29,614.
Lifeguards/Beach Clean Up	<ul style="list-style-type: none"> Department went from a total of 168,825.01 to 142,000 a reduction of 26,825.01. To provide only the services at the level that Jacksonville reimburses the city.

City Manager Linn completed his report by stating that he had 37 years experience in government and this was the first time he had presented a budget that he did not feel was realistic.

Mayor Vaughn addressed the Council from the podium and stated that he was ashamed of what he had allowed to happen without voicing a greater opposition. Mayor Vaughn explained that the budget would only have increased \$111,000 had they not done anything. Mayor Vaughn went on to say that the actual fiscal year 2000 budget was 2,774,579 and that they had demanded that the City Manager create a budget of 2,796,010 a 14.2% decrease in his proposed budget. Mayor Vaughn disagreed with the actual proposed increase over the fiscal year 2000 budget of 482,343 or 17.4%. Mayor Vaughn felt that the city could not operate on the proposed fiscal year 2001 expenditures without cutting services. Mayor Vaughn congratulated Mr. Linn for doing the painstaking job of reducing the budget that he was instructed to do.

For the Record Mayor Vaughn stated for the record that he was ashamed of his vote to roll the taxes back for the twelfth year in a row. He did not want to be a part of the further degradation of the budget process at this meeting. He dismissed himself at 7:50 p.m. and turned the gavel over to Vice Mayor Jones.

Discussion Discussion ensued concerning: 1) educational courses, 2) having quarterly or biannual budget meetings, 3) pulling money out of reserves and, 4) quality of services.

Major Concerns City Manager Linn stated that he was concerned about delays in services due to having to ask council for emergency funds for purchases that were outside the budget. Mr. Linn added that any emergency funds would have to be granted by ordinance that would require a first and second read causing at least a two-month delay in emergency purchases.

Better Jacksonville Plan City Manager Linn stated that he anticipated extra revenue of 183,000 for the first year if the Better Jacksonville Plan was voted in favor of. Mr. Linn explained that the money could only be used for capital purchases and infrastructure.

Discussion Council discussed the possibility of using the Reserve Fund Balance for emergency contingencies.

Consensus: **TO USE \$275,000 FROM THE RESERVE FUND BALANCE ALLOWING THE CITY MANAGER TO PLUG \$125,000 BACK INTO THE BUDGET WHERE HE SAW FIT AND THE OTHER \$150,000 TO BE USED FOR EMERGENCIES BY RESOLUTION WITH COUNCIL APPROVAL.**

Next Budget Meeting City Manager Linn suggested that Finance Director John Herbst send out the revised budget for council to review before the next meeting.

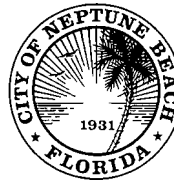
Adjournment There being no further business, the meeting adjourned at 9:15 p.m.

George F. Vaughn, Jr., Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
REGULAR CITY COUNCIL MEETING
SEPTEMBER 11, 2000 AT 7:00 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 September 11, 2000, at 7:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

Mayor George F. Vaughn, Jr.
Vice Mayor Edward S. Jones
Councilor Ronald D. Patronik
Councilor Robert D. Shimp
Councilor Thomas A. Tankersley
City Attorney Christopher White

City Manager Richard A. Linn
City Clerk Lisa Volpe, CMC
Deputy City Clerk Karla Strait
Building Official Dan Arlington
Assistant to the City Manager Terry Klein

Order Call/Pledge

The Mayor called the meeting to order at 7:00 p.m. and led the Pledge of Allegiance.

AWARDS / PRESENTATIONS / RECOGNITION OF GUESTS

City Manager Linn asked to postpone the presentation by Joe Arnall until he arrived.

APPROVAL OF MINUTES

Motion:

TO APPROVE THE FOLLOWING MEETING MINUTES:

AUGUST 2, 2000, REGULAR CITY COUNCIL MEETING
AUGUST 21, 2000, WORKSHOP CITY COUNCIL MEETING
AUGUST 21, 2000, TOWN HALL MEETING
AUGUST 22, 2000, BUDGET WORKSHOP

Moved by Tankersley, seconded by Shimp.

For the Record

Councilor Patronik asked the August 22, 2000, Budget Workshop minutes reflect that he was in the hallway speaking with Director of Public Works John Galen and that was the reason he arrived at the meeting at 7:04, one minute after the roll call.

Roll Call Vote:

Ayes: 5 - Jones, Patronik, Tankersley, Shimp, Vaughn
Noes: 0

MOTION CARRIED

COMMUNICATIONS AND CORRESPONDENCE/NONE**CITY MANAGER REPORTS/NONE****COMMENTS FROM THE PUBLIC**

Public Comments Harriet Pruette, 217 ½ Magnolia Street, requested that Elaine Kenny be given a plaque for her volunteer work and the coordination of Sunday in the Park.

CONSENT AGENDA/NONE**VARIANCES**

114 South Street VARIANCE REQUEST OF MR. AND MRS. BILL CLIFFORD OF 114 SOUTH STREET FOR A DETACHED GARAGE: City Attorney Chris White stated that he felt that it was premature for council to review the issue of the detached garage. Mr. White explained that it should go back to the Board of Appeals for an administrative decision and then be referred back to the council along with the issue of the denied setback variance.

For the Record Councilor Shimp stated on the record that he disagreed with council having to rubber stamp the Board's decision.

Moved by Tankersley, seconded by Patronik.

Motion: **TO DEFER THE VARIANCE FOR 114 SOUTH STREET FOR MR. AND MRS. BACK TO THE BOARD OF APPEALS.**

Roll Call Vote:

Ayes: 5 - Jones, Patronik, Shimp, Tankersley, Vaughn

Noes: 0

MOTION CARRIED

AWARDS / PRESENTATIONS / RECOGNITION OF GUESTS

Agenda Change City Manager Linn announced the arrival of Representative Joe Arnall.

Representative Joe Arnall presented the city with a check for \$112,500 for Jarboe Park Renovations.

ORDINANCES

Ordinance 2000-07 ORDINANCE NO. 2000-07 PUBLIC HEARING AND FINAL READ: AN ORDINANCE AMENDING THE OPERATING BUDGET FOR THE CITY OF NEPTUNE BEACH, FLORIDA FOR FISCAL YEAR 2000 BEGINNING OCTOBER 1, 1999 AND ENDING SEPTEMBER 30, 2000.

City Manager Linn recommended that the amount of \$150,000 be reduced to \$17,000.

Mayor Vaughn read Ordinance No. 2000-07 by title only and opened the public hearing.

There being no comments from the public the public hearing was closed.

Moved by Tankersley , seconded by Patronik.

Motion: **TO ADOPT ORDINANCE NO. 2000-07 ON SECOND AND FINAL READ WITH THE CITY MANAGERS RECOMMENDED CHANGE TO REDUCE**

THE AMOUNT TO \$17,000.

Roll Call Vote:

Ayes: 5- Jones, Patronik, Shimp, Tankersley, Vaughn

Noes: 0

MOTION CARRIED

Ordinance 2000-08

ORDINANCE NO. 2000-08 PUBLIC HEARING AND FINAL READ: AN ORDINANCE AMENDING THE OPERATING BUDGET FOR THE CITY OF NEPTUNE BEACH, FLORIDA FOR FISCAL YEAR 2000 BEGINNING OCTOBER 1, 1999 AND ENDING SEPTEMBER 30, 2000.

Mayor Vaughn read Ordinance No. 2000-08 by title only and opened the public hearing.

There being no comments from the public the public hearing was closed.

Moved by Shimp, seconded by Tankersley.

Motion: **TO ADOPT ORDINANCE NO. 2000-08 ON SECOND AND FINAL READ.**

Roll Call Vote:

Ayes: 5- Jones, Patronik, Shimp, Tankersley, Vaughn

Noes: 0

MOTION CARRIED

Ordinance 2000-11

ORDINANCE NO. 2000-11, FIRST READ: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING SECTION 27-324, DEFINITIONS; AMENDING SECTIONS 27-328(3) AND 27-328(4)

Moved by Jones, seconded by Patronik.

Motion: **TO PASS ORDINANCE NO. 2000-11 ON FIRST READ.**

Roll Call Vote:

Ayes: 5 – Jones, Patronik, Shimp, Tankersley, Vaughn

Noes: 0

For the Record Mayor Vaughn stated that his vote did not indicate approval of the ordinance that it was only to move it forward to the Workshop Meeting.

MOTION CARRIED**OLD BUSINESS**

Fuel Tanks

AWARD CONTRACT TO CAPITAL PETROLEUM EQUIPMENT TO INSTALL TWO FUEL TANKS FOR \$8,035 AND \$9,742: City Manager Linn recommended awarding the two contracts to Capital Petroleum Equipment.

Moved by Tankersley, seconded Patronik.

Motion: **TO APPROVE THE CITY MANAGER TO HONOR THE BIDS 07 AND 08 FOR THE TWO OIL TANKS.**

Discussion ensued about the qualifications and references of Capital Petroleum Equipment.

City Attorney White explained that if we went back and asked for further information from Capital Petroleum that we would also have to ask the other companies that bid on the project for the same information.

Friendly Amendment: **TO AMEND THE MOTION TO ACCEPT THE BIDS WITH THE CONDITION THAT THE CITY MANAGER PROVIDE A COPY OF REFERENCES TO THE COUNCIL AND THE REFERENCES ARE ACCEPTABLE AND NOT AWARD THE CONTRACT IF THE REFERENCES DO NOT CHECK OUT.**

Moved by Tankersley, seconded by Patronik.

Roll Call Vote:

Ayes: 5 - Jones, Patronik, Shimp, Tankersley, Vaughn

Noes: 0

MOTION CARRIED

NEW BUSINESS

Jarboe Park Grant

AWARD A DESIGN BUILD CONTRACT TO GODDARD DESIGN ASSOCIATES, INC. IN THE AMOUNT OF \$17,000 FOR JARBOE PARK GRANT: City Manager Linn recommended awarding Goddard Design Associates Inc. a contract for a lump sum of \$17,000 for consulting services of design and build park improvement.

Moved by Jones, seconded by Tankersley.

Motion: **MOTION TO AWARD DESIGN AND BUILD CONTRACT TO GODDARD DESIGN IN THE AMOUNT OF \$17,000 FOR JARBOE PARK GRANT.**

Roll Call Vote:

Ayes: 5- Jones, Patronik, Shimp, Tankersley, Vaughn

Noes: 0

MOTION CARRIED

Highway Beautiful Grant

APPROVAL OF HIGHWAY BEAUTIFUL GRANT FOR THIRD STREET MEDIANS: City Manager Linn recommended approval of the Florida DOT Highway Beautiful Grant for \$5,000 to be matched by the city.

Moved by Jones, seconded by Shimp.

Motion: **TO APPROVE THE FLORIDA DOT HIGHWAY BEAUTIFICATION GRANT APPLICATION.**

Discussion ensued regarding the maintenance and watering of the medians.

Roll Call Vote:

Ayes: 4- Jones, Patronik, Shimp, Tankersley

Noes: 1- Vaughn

MOTION CARRIED

Dial-A-Ride

REQUEST FOR SUPPORT OF DIAL-A-RIDE FROM COUNCILMAN JERRY HOLLAND: City Manager Linn explained that Councilman Jerry Holland had requested \$1,000 support from Neptune Beach and Atlantic Beach along with the financial support already provided

by Jacksonville Beach to continue the program.

Moved by Shimp, seconded by Patronik.

Motion: **TO APPROVE THE SUPPORT OF \$1,000 TO THE BEACHES COUNCIL ON AGING.**

Roll Call Vote:

Ayes: 4 - Patronik, Tankersley, Shimp, Vaughn

Noes: 1- Jones

Consensus: **REQUEST THE CITY MANAGER WORK WITH THE OTHER CITY'S TO CREATE A PRORATA SHARE FOR FUTURE ISSUES.**

For the Record Vice Mayor Jones felt that we should work in conjunction with Jacksonville Beach and Atlantic Beach and support the program as a group based on the percentage of population of ridership and make a joint recommendation from the three cities.

MOTION CARRIED

Hurricane Doors **CONSIDERATION OF PURCHASE OF HURRICANE DOORS FOR CITY HALL:** City Manager Linn recommended the purchase and installation of hurricane doors for the City Hall building from J. B. Matthews Co. in the amount of \$4,330.

Moved by Shimp, seconded by Jones.

Motion: **TO TABLE THE CONSIDERATION OF THE HURRICANE DOORS TO THE SEPTEMBER 18, 2000, WORKSHOP MEETING AND HAVE BILLY JONES PRESENT TO EXPLAIN HOW THE DOORS WOULD BE INSTALLED AND EXACTLY WHAT THEY WOULD LOOK LIKE.**

Council discussed the appearance and maintenance of the doors along with other alternatives.

Roll Call Vote:

Ayes: 5- Jones, Patronik, Shimp, Tankersley, Vaughn

Noes: 0

MOTION CARRIED

Secure One **FINAL DEVELOPMENT ORDER - 700 BLOCK OF THIRD STREET - SECURE ONE:** City Manager Linn explained that the Planning & Development Review Board had recommended approval of the final development order for Secure One as proposed.

Jim Smith, President and Co-Owner of Secure One proposed the construction of a 2 story, 5200 square foot office building at the 700 block of Third Street.

Moved by Jones, seconded by Shimp.

Motion: **TO APPROVE THE FINAL DEVELOPMENT ORDER FOR SECURE ONE AT THE 700 BLOCK OF THIRD STREET.**

For the Record Mayor Vaughn asked that the record show that he questioned Mr. Jim Smith about a written agreement between Secure One and the neighbors that would be necessary for

the development.

Mr. Smith explained that they did have a verbal agreement and that the written agreement was in the works.

Roll Call Vote:

Ayes: 5- Jones, Patronik, Shimp, Tankersley, Vaughn

Noes: 0

MOTION CARRIED

CDBG Grant

APPROVAL OF CDBG GRANT FOR TRUANCY REDUCTION PROGRAM: City Manager Linn described the CDBG Grant Program to provide funding for a truancy control program and recommended approval of the contract.

Moved by Shimp, seconded by Jones.

Motion: **TO TABLE THE APPROVAL OF THE CDBG GRANT FOR TRUANCY REDUCTION PROGRAM TO THE SEPTEMBER 18, 2000, WORKSHOP MEETING AND HAVE CHIEF BRANDT EXPLAIN THE PROGRAM AND PROVIDE DOCUMENTATION THAT MRS. MANN AND MRS. MOUSA WERE IN FAVOR OF THE PROGRAM.**

Roll Call Vote:

Ayes: 5- Jones, Patronik, Shimp, Tankersley, Vaughn

Noes: 0

MOTION CARRIED

Adjournment

There being no further business, the meeting adjourned at 8:58 p.m.

George F. Vaughn, Jr., Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
WORKSHOP CITY COUNCIL MEETING
SEPTEMBER 18, 2000 AT 7:00 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 September 18, 2000 at 7:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

Mayor George F. Vaughn, Jr.
Vice Mayor Edward S. Jones
Councilor Ronald Patronik
Councilor Robert D. Shimp
City Manager Richard A. Linn
City Clerk Lisa Volpe, CMC
Deputy City Clerk Karla Strait

Building Official Dan Arlington
Assistant to the City Manager Terry Klein
Director of Public Safety William Brandt

ABSENT:

Councilor Thomas A. Tankersley
City Attorney Christopher A. White

Call to Order/Roll Call

The Mayor called the meeting to order at 7:00 p.m.

City Clerk Lisa Volpe announced that Councilor Tankersley was absent due to a death in the family.

City Manager Linn announced that City Attorney White was absent due to an appointment in Orlando.

COMMITTEE REPORTS

IBBC

ISH BRANT BEAUTIFICATION COMMITTEE: City Manager Linn reported that the Ish Brant Beautification Committee was working on the Third Street medians, and had submitted plans to the Florida Department of Transportation for approval. The committee was also in the process of a grant application for Highway Beautification and the ordinance for tree city.

CITY MANAGERS PUNCH LIST

Naval Air Show

City Manager Linn reported that he would be attending the Steering Committee Meeting on September 21, 2000 and that they were working on the mechanics, funding and marketing.

**Intergovernmental
Committee**

City Manager Linn announced that he had met with the City Managers and Mayors of Atlantic Beach and Jacksonville Beach in an effort to establish an intergovernmental committee to formally notify each city of development actions in Neptune Beach. Mr. Linn

stated that the consensus of the three cities was to keep notifications informal.

Historical Video
Development

Councilor Shimp requested that City Manager Linn approach Fletcher Senior High or Neptune Beach Elementary School to see if they would be interested in developing a historical video.

Consensus: **TO DIRECT CITY MANAGER LINN TO APPROACH FLETCHER SENIOR HIGH OR NEPTUNE BEACH ELEMENTARY SCHOOL TO SEE IF THEY WOULD BE INTERESTED IN DEVELOPING A HISTORICAL VIDEO.**

Presentation of Water
and Sewer Rate Study

PRESENTATION OF WATER AND SEWER RATE STUDY ANALYSIS: City Manager Linn introduced Jonathan Varnes and Michael Burton of Burton and Associates.

Mr. Varnes and Mr. Burton gave a presentation of the water and sewer rate study analysis and conceded that the city was in good shape and the rates looked good for the next five years.

Town Center Green
Market

TOWN CENTER GREEN MARKET ASSOCIATION REQUEST FOR \$1500 SEED MONEY: Patricia Goelz explained to the council that the Town Center Green Market Association had recognized that some seed capital would be required in order to start up the market. Ms. Goelz requested that the city contribute \$1500 in seed capital toward the start of the project.

Consensus: **TO DIRECT CITY MANAGER LINN TO RESEARCH IF AT&T BROADBAND FORMERLY MEDIA ONE WOULD BE ABLE TO SPONSOR THE EVENT AND INCLUDE IN THE BUDGET FOR EVENTS BY MEDIA ONE AND PRESENT HIS FINDINGS AT THE OCTOBER REGULAR CITY COUNCIL MEETING.**

PROPOSED ORDINANCES

Ordinance No.
2000-11

ORDINANCE NO. 2000-11: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING SECTION 27-324, DEFINITIONS; AMENDING SECTIONS 27-328(3) AND 27-328(4), ACCESSORY BUILDINGS.

Discussion ensued about how to proceed with the adoption of Article V of the Revised Land Development Regulations.

Consensus: **TO HOLD A SPECIAL WORKSHOP MEETING ON THURSDAY SEPTEMBER 21, 2000, STARTING AT 6:00 P.M. AND ENDING AT 7:00 P.M. TO DISCUSS PROPOSED ORDINANCE 2000-11 AND ARTICLE V ACCESSORY STRUCTURES AND USES.**

CONTRACT/AGREEMENTS

Capital Petroleum
Equipment Co.

CAPITAL PETROLEUM EQUIPMENT CO. BACKGROUND CHECK: City Manager Linn explained that his assistant had provided documentation that Capital Petroleum Equipment Company had met the requirements and the background check was acceptable for awarding the contract.

Truancy Program

CDBG GRANT FOR TRUANCY REDUCTION PROGRAM: City Manager Linn explained that Chief Brandt had provided documentation of how the grant would be used.

Director of Public Works Chief Brandt informed council how the program would work and that no other program could be used for the grant. Chief Brandt explained that the grant

would pay for an officer, a clerical person, and provide transportation along with other expenses. Chief Brandt added that Fletcher High School was also interested in the program.

Discussion ensued about 1) the necessity of the program, 2) concerns about what would happen with the officer if the grant was not funded, and 3) the income requirements and restrictions of the grant.

ISSUE DEVELOPMENT

Agenda Change Mayor Vaughn asked the council to consider modifying the agenda to include item g a presentation of a petition from Terry Cater to one way Cherry Street and to move to the first item under issue development.

Consensus: **TO MODIFY THE AGENDA TO INCLUDE ITEM G PRESENTATION OF A PETITION FROM TERRY CATER TO ONE WAY CHERRY STREET AND MOVE TO THE FIRST ITEM UNDER ISSUE DEVELOPMENT.**

One Way Cherry Street **PRESENTATION OF PETITION FROM TERRY CATER TO ONE WAY CHERRY STREET:** Terry Cater of 208 Cherry Street provided a petition from homeowners and tenants on Cherry Street that supported the idea of one way west bound traffic on the 200 block of Cherry Street.

For the Record Councilor Shimp stated on the record that he felt it was an injustice to the residents that lived on Walnut Street.

Consensus: **TO PREPARE A RESOLUTION TO ONE WAY THE 200 BLOCK OF CHERRY STREET WEST BOUND FOR A 60 DAY TRIAL PERIOD AND HAVE IT READY FOR THE OCTOBER REGULAR COUNCIL MEETING.**

Building Permit Fees **DISCUSSION ON BUILDING PERMIT FEE STRUCTURES:** Mayor Vaughn stated that he had been contacted by a contractor that paid a permit fee of \$360 and the same fee in the City of Jacksonville Beach would only cost \$90. Mayor Vaughn felt there was a serious disparity in permit fees between our city and neighboring cities.

Building Official Dan Arlington explained that the neighboring cities grouped all permits in one category and in our city they were split into commercial and residential and that the permit fees for commercial property is more expensive. Mr. Arlington felt that our permit fees should be a little higher than our neighboring cities because we didn't have very much new construction.

Consensus: **DIRECT CITY MANAGER LINN TO PLACE THE BUILDING PERMIT FEE STRUCTURE ON HIS PUNCH LIST.**

Hurricane Doors **CONSIDERATION OF PURCHASE OF HURRICANE DOORS FOR CITY HALL J.B. MATHEWS CO. \$3,809:** City Manager Linn recommended that the hurricane doors be placed on the consent agenda for the October Regular Council Meeting.

Billy Jones, the city carpenter, explained how the hurricane doors would operate and that they would match the exterior color of the building.

Recess/Reconvene The Mayor called for a recess at 8:55 p.m. while councilors went outside to look at the doors and the meeting reconvened at 9:05.

Consensus: **FORWARD TO THE OCTOBER REGULAR CITY COUNCIL MEETING.**

Lighting at Neptune
Beach Elementary

REQUEST FOR LIGHTING AT NEPTUNE BEACH ELEMENTARY FIELD: City Manager Linn reported that he had received a letter through Councilor Shimp from Mr. Kinsey requesting lights at the practice field behind the elementary school. Mr. Linn asked Councilor Shimp to speak in regard to issue.

Councilor Shimp stated that he had spoken with the President of Jacksonville Beach Pop Warner Association Mr. Kinsey. Councilor Shimp added that sixty kids participated in practices that were held on a reoccurring basis at the field. Councilor Shimp suggested that the neighbors next to the field be notified before making a final decision.

Discussion ensued about 1) the timing of the lighting, 2) the electric bill and 3) the lease agreement.

Consensus: **DIRECT CITY MANAGER LINN TO HAVE A REPORT PREPARED FOR POSSIBLE ACTION AT THE OCTOBER REGULAR CITY COUNCIL MEETING.**

Tennis Proposal /
Jarboe Park

TENNIS PROPOSAL FOR JARBOE PARK: City Manager Linn stated that Sandra Phillips approached him with a proposal to implement a tennis program at Jarboe Park.

Ms. Phillips addressed the council and stated that she was a member of the United States Professional Tennis Registry and had been teaching tennis for ten years. Ms. Phillips stated that she would like to create more activity at Jarboe Park by implementing junior and adult programs. Ms. Phillips explained that she would never block off all of the courts at one time.

Consensus: **DIRECT CITY MANAGER LINN TO REPORT BACK TO COUNCIL WITH A RECOMMENDATION.**

Violence at Fletcher
High School

VIOLENCE AT FLETCHER HIGH SCHOOL/FELONY THEFT COMPLAINT BY DENNIS DESPAIN AGAINST THE NEPTUNE BEACH POLICE DEPARTMENT: Mayor Vaughn stated that he received a recent complaint relating to violence at Fletcher High School. Mayor Vaughn added that he had written a memo to Mr. Linn on May 23, 2000 asking him to provide him with information regarding a violent incident in May and he still hadn't received a response. Mayor Vaughn asked for support from the council to find out why he couldn't get information when he asked for it.

Discussion ensued relating to the recent incident.

Mayor Vaughn asked City Clerk Lisa Volpe to research the May 23, 2000, memo from the Mayor to Mr. Linn to find out if it was part of the July 12, 2000, agenda packet.

Consensus: **CITY MANAGER LINN TO INVESTIGATE THE VIOLENT INCIDENTS AND REPORT BACK TO CITY COUNCIL.**

LDR Group I

UNIFIED LAND DEVELOPMENT REGULATIONS: Mayor Vaughn explained that he placed this on the agenda in hopes of coming up with some kind of schedule to address the proposed Land Development Regulations.

Consensus: **TO PROPOSE FOUR SEPARATE ORDINANCES FOR ARTICLE V, ARTICLE IV ARTICLE XIII, AND ARTICLE XVIII AND FORWARD TO THE OCTOBER REGULAR CITY COUNCIL MEETING FOR FIRST READ.**

Public Comments

PUBLIC COMMENTS ON AGENDA ITEMS ONLY

Harriet Pruette, 217 ½ Magnolia Street, felt council was trying to rush the Land Development Regulations through.

Chief Brandt, 200 Lemon Street, stated that according to the city charter department heads were allowed to speak at anytime during council meetings.

JoAnne Waddill, 115 Oleander Street, objected to garage apartments in all of Neptune Beach.

Adjournment

There being no further business, the meeting adjourned at 10:26 p.m.

Attest:

George F. Vaughn, Jr., Mayor

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
SPECIAL CITY COUNCIL MEETING
SEPTEMBER 18, 2000 AT 6:00 P.M.
CITY HALL, 116 FIRST STREET
NEPTUNE BEACH, FLORIDA

Pursuant to proper notice a Special Meeting of the City Council of the City of Neptune Beach was held September 18, 2000, at 6:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

Mayor George F. Vaughn, Jr.
Vice Mayor Edward S. Jones
Councilor Ronald D. Patronik
Councilor Robert D. Shimp
City Manager Richard A. Linn
City Clerk Lisa Volpe, CMC
Deputy City Clerk Karla Strait

Building Official Dan Arlington
Assistant to the City Manager Terry Klein
Director of Public Safety William Brandt

ABSENT:

Councilor Thomas A. Tankersley
City Attorney Christopher A. White

Call to Order/Roll Call

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

City Clerk Lisa Volpe announced that Councilor Tankersley was absent due to a death in the family.

Ordinance No. 2000-09

ORDINANCE NO. 2000-09, SECOND AND FINAL READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA ADOPTING FINAL MILLAGE RATES AND LEVYING AD VALOREM TAXES FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2000, AND ENDING SEPTEMBER 30, 2001; SETTING FORTH CERTAIN INFORMATION REGARDING "ROLLED-BACK RATES"; DIRECTING THE CITY MANAGER TO ADJUST THE ADOPTED MILLAGE RATES IN THE EVENT OF CHANGES IN THE ASSESSMENT ROLL AND TAXABLE VALUE; PROVIDING AN EFFECTIVE DATE.

Moved by Shimp, seconded by Patronik.

Motion: **TO ADOPT ORDINANCE NO. 2000-09 ON SECOND AND FINAL READ AND PUBLIC HEARING.**

Mayor Vaughn read Ordinance No. 2000-09 by title only and opened the public hearing.

There being no comments from the public the public hearing was closed.

Roll Call Vote:

Ayes: 4 - Jones, Patronik, Shimp, Vaughn
Noes: 0
Absent: 1 - Tankersley

MOTION CARRIED

Ordinance No. 2000-10 ORDINANCE NO. 2000-10, SECOND AND FINAL READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, ADOPTING A FINAL BUDGET AND APPROPRIATING FUNDS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2000, AND ENDING SEPTEMBER 30, 2001; PROVIDING AN EFFECTIVE DATE.

Moved by Patronik, seconded by Jones.

Motion: **TO ADOPT ORDINANCE 2000-10 ON SECOND AND FINAL READ AND PUBLIC HEARING.**

Mayor Vaughn read Ordinance No. 2000-10 by title only and opened the public hearing.

There being no comments from the public the public hearing was closed.

Councilor Shimp asked City Manager Linn when Resolution No. 2000-16 would be ready.

Mr. Linn requested the Mayor call for a recess so that he could prepare the resolution.

Recess/Reconvene The Mayor called for a recess at 6:06 and the meeting reconvened at 6:19.

Agenda Change Adding RESOLUTION NO. 2000-16: A RESOLUTION OF THE CITY OF NEPTUNE BEACH
Resolution No. 2000-16 ALLOWING EXPENDITURE OF FUNDS FROM LINE ITEM NON DEPARTMENTAL
 CONTINGENCIES AND EMERGENCY ONLY WITH CITY COUNCIL APPROVAL.

WHEREAS, the City Council of Neptune Beach has passed on first read a proposed budget appropriating \$150,000 as a line item titled Contingencies and Emergencies, and

WHEREAS, it is the desire of the City Council that no funds will be expended from this line item without prior approval of City Council.

NOW THEREFORE BE IT RESOLVED THAT:

Prior to any expenditures of line item non-departmental Contingencies and Emergencies the City Manager will obtain such approval.

This Resolution adopted by the City Council at the regular meeting held September 18, 2000.

Moved by Patronik, seconded by Jones.

Amended **TO ADOPT ORDINANCE 2000-10 ON SECOND AND FINAL READ**
Motion: **AND PUBLIC READ AND INCLUDE RESOLUTION 2000-16.**

Roll Call Vote:

Ayes: 3 – Jones, Patronik, Shimp

Noes: 1 – Vaughn

Absent: 1 – Tankersley

MOTION CARRIED

Adjournment There being no further business, the meeting adjourned at 6: 21 p.m.

ATTEST:

George F. Vaughn, Jr., Mayor

Lisa Volpe, CMC, City Clerk

Approved: _____



TOWN HALL MEETING SEPTEMBER 18, 2000 CITY HALL, 116 FIRST STREET, NEPTUNE BEACH, FLORIDA

Pursuant to proper notice a Town Hall Meeting of the City Council of the City of Neptune Beach was held, September 18, 2000, immediately following the Workshop Meeting, in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

The following Council members and staff were in attendance:

Mayor George F. Vaughn, Jr.
Vice Mayor Edward S. Jones
Councilor Ronald D. Patronik
Councilor Robert D. Shimp

Building Official Dan Arlington
Director of Public Safety William Brandt
Assistant to the City Manager Terry Klein

City Clerk Lisa Volpe, CMC
Deputy City Clerk Karla Strait

Absent:
City Attorney Christopher A. White
Councilor Thomas A. Tankersley
City Manager Richard A. Linn

Call to Order

The Mayor called the meeting to order at 10:33 p.m.

City Clerk Lisa Volpe announced that Councilor Tankersley was absent due to a death in the family.

As noted in the Workshop Meeting City Manager Linn announced that City Attorney White was absent due to an appointment in Orlando.

City Clerk Lisa Volpe announced that City Manager Linn was absent because he had to pick his daughter up from the airport.

Public Comments

Harriet Pruette, 217 ½ Magnolia Street, stated that the citizens needed to be better informed on land development review issues and felt the Land Development review process should be slowed down.

JoAnne Waddill, 115 Oleander Street, suggested making the existing non-conforming garage apartments legal and putting a stop to future ones.

Laura Patronik, 1520 Leeward Lane, felt that Fletcher High School was a good school and was not violent.

Adjournment

There being no further business, the meeting adjourned at 11:00 p.m.

George F. Vaughn, Jr., Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
SPECIAL CITY COUNCIL MEETING
LAND DEVELOPMENT REGULATIONS
SEPTEMBER 21, 2000 AT 6:00 P.M.
CITY HALL, 116 FIRST STREET
NEPTUNE BEACH, FLORIDA

Pursuant to proper notice a Special Meeting of the City Council of the City of Neptune Beach was held September 21, 2000, at 6:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

Mayor George F. Vaughn, Jr.
Vice Mayor Edward S. Jones
Councilor Ronald D. Patronik
Councilor Robert D. Shimp
City Manager Richard A. Linn
City Clerk Lisa Volpe, CMC

Building Official Dan Arlington
Assistant to the Building Official Piper Turner

ABSENT:
Councilor Thomas A. Tankersley
City Attorney Christopher White

Call to Order/Roll Call

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

City Clerk Lisa Volpe announced that Councilor Tankersley was absent due to a death in the family.

**Land Development
Review Article V**

LAND DEVELOPMENT REVIEW ARTICLE V, ACCESSORY BUILDINGS AND STRUCTURES: Mayor Vaughn explained that this meeting was set as a result of proposed Ordinance 2000-11 and Article V of the Proposed Land Development Regulations.

Satellite Installations

Councilor Shimp was concerned about Section 27-327 (5) and (11) satellite dish installations.

Discussion ensued about installation of satellite dishes.

Consensus: **TO STRIKE SECTIONS 27-327 (5) AND (11).**

Patios and Decks

Councilor Patronik questioned Section 27-331, attached patios and decks and Section 27-334, erection of more than one main use structure on a lot.

Duplexes

Amy Skinner of Ivey, Harris and Walls, explained that the intention of Section 27-334 was to allow detached duplexes.

Detached Garages

Councilor Patronik questioned Section 27-235 (4), general standards and requirements, accessory structures.

Building Official Dan Arlington stated that Article IV contained the controls for development on lots not Article V.

Amy Skinner with Ivey, Harris and Walls, agreed with Dan Arlington concerning the need for the passage of Article IV and Article V simultaneously.

Council discussed detached garages and their uses. There was no consensus.

Building Heights

Mayor Vaughn questioned Section 27-328 (3) the height of accessory buildings.

Discussion ensued about building heights and there was no consensus.

Public Comments

Mayor Vaughn opened the floor for comments from the public,

Brian Greenwood, Member of the Planning and Development Review Board, opposed garage apartments and gave a short presentation to council relating to what it would look like if all the property owners built garages.

Michael Dunlap, 212 Lora Street, felt that garage apartments were appropriate and would not be adding to the density.

John Weldon, 108 Oak Street, Chairman of the Planning and Development Review Board, felt that if garage apartments were allowed that there needed to be a specified maximum square footage, maximum height, and maximum roof pitch. Mr. Weldon also felt that it should be made clear that duplex lots could only have one primary dwelling and one garage apartment if that's what they chose, not a duplex and a garage apartment. Mr. Weldon did not oppose garage apartments but was concerned about passing the individual articles out of context of the overall code review.

Consensus: **FORWARD TO THE OCTOBER REGULAR COUNCIL MEETING.**

Adjournment

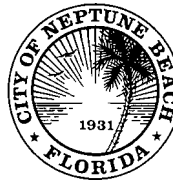
There being no further business, the meeting adjourned at 6: 55 p.m.

ATTEST:

George F. Vaughn, Jr., Mayor

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
REGULAR CITY COUNCIL MEETING
OCTOBER 2, 2000 AT 7:00 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 October 2, 2000, at 7:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

Mayor George F. Vaughn, Jr.
Vice Mayor Edward S. Jones
Councilor Ronald D. Patronik
Councilor Robert D. Shimp
Councilor Thomas A. Tankersley
City Attorney Christopher White

City Manager Richard A. Linn
City Clerk Lisa Volpe, CMC
Deputy City Clerk Karla Strait
Building Official Dan Arlington
Assistant to the City Manager Terry Klein
Assistant to the Building Official Piper Turner

Order Call/Pledge

The Mayor called the meeting to order at 7:00 p.m. and led the Pledge of Allegiance.

AWARDS / PRESENTATIONS / RECOGNITION OF GUESTS/NONE

APPROVAL OF MINUTES

Motion:

TO APPROVE THE FOLLOWING MEETING MINUTES:

SEPTEMBER 11, 2000, REGULAR CITY COUNCIL MEETING
SEPTEMBER 18, 2000, SPECIAL CITY COUNCIL MEETING
SEPTEMBER 18, 2000, WORKSHOP CITY COUNCIL MEETING
SEPTEMBER 18, 2000, TOWN HALL MEETING
SEPTEMBER 21, 2000, LAND DEVELOPMENT REGULATIONS

City Clerk Lisa Volpe announced that the minutes for the September 7, 2000, Special Budget Meeting were accidentally left out of the agenda packet and that they would be placed on the November Regular Council Meeting agenda for approval.

Moved by Patronik, seconded by Shimp.

Roll Call Vote:

Ayes: 5 - Jones, Patronik, Tankersley, Shimp, Vaughn
Noes: 0

MOTION CARRIED

COMMUNICATIONS AND CORRESPONDENCE

Councilor Shimp requested that "No Parking" signs be placed along Forest Avenue behind Neptune Beach Elementary School and asked that it be placed on the next Workshop Agenda. Mr. Linn responded that the signs were put up last week and would be enforced. Councilor Shimp then asked that the issue not be placed on the Workshop Agenda.

CITY MANAGER REPORTS

NB Elementary
Lighting

LIGHTING AT NEPTUNE BEACH ELEMENTARY SCHOOL: City Manager Linn reported that the lighting would need approval from the Assistant Superintendent, Facilities Division of the Duval County School Board. Mr. Linn added that he had spoken with the City Manager of Jacksonville Beach George Forbes who informed him that the Jacksonville Beach Utility Department would draw up the plans necessary for approval.

AT&T Events

AT&T BROADBAND SPONSORED EVENTS: City Manager Linn stated that according to the franchise agreement with Media One/AT&T Broadband we could use the funds for the Green Market without their approval because it would benefit the public.

Petition for Local 630

PETITION FOR UNIT CLARIFICATION LOCAL 630: City Manager Linn stated that he had a petition from Local 630 for the city employees that were not covered by the existing agreement. Mr. Linn announced that he had objected to two of the employees that were classified: 1) the Assistant to the City Manager and, 2) the Building Official. Mr. Linn stated that he asked the union to call for a formal vote of the employees that wished to join the union. Mr. Linn explained that the council could overrule his decision.

Moved by Shimp, seconded by Tankersley.

Motion: **TO SUPPORT MR. LINN TO GO BACK AND HAVE EMPLOYEES TAKE A VOTE.**

Roll Call Vote:

Ayes: 5 – Jones, Patronik, Shimp, Tankersley, Vaughn

Noes: 0

MOTION CARRIED

COMMENTS FROM THE PUBLIC

Public Comments

Kirk Cobb, 112 Orange Street, felt that having Cherry Street one-way would just move the problem one block.

Steve Hould, 111 Walnut Street, opposed one-way on Cherry Street because it would shift traffic to the alley.

Robert Leinenweber, 312 Midway, opposed one-way on Cherry Street.

Fred Cattar, 110 Walnut Street, opposed one-way on Cherry Street because it would divert traffic to Walnut.

Lynda Padrta, 1113 First Street, opposed garage apartments and swimming pools being too close to property lines. Ms. Padrta questioned the definition of townhouses and felt that Cherry Street one-way would cause an impact on the community.

William Worsham, 8018 Buchannan Court, Jacksonville, the Business Manager of the Local 630 thanked the council for allowing employees to vote on becoming a union

and informed the council of the proposed changes of the existing contract including 1) option to receive pay for unused sick days and bonus days and 2) twice the annual salary in lieu of the current annual salary for life insurance.

Laura Patronik, 1520 Leeward Lane, submitted a letter regarding solutions for the violence at Fletcher High School.

Fred DeSapio, 114 19th Avenue North, Jacksonville Beach, felt that Article V of the Land Use Revisions should go to a workshop meeting before being voted on for first read.

Chris Lawing, 1726 6th Avenue North, Jacksonville Beach, asked council to address the issue of different types of R-4 districts. Mr. Lawing explained that he had wanted to build a duplex west of Third Street and was denied.

Michael Dunlap, 212 Lora Street, supported garage apartments.

Charles Gear, 1004 Second Street, urged council to table the Land Use Code Revisions because he felt a portion of the population did not understand the impact.

Donald White, 1414 First Street, favored garage apartments, storage spaces, and larger set backs requirements.

Brian Greenwood, 222 Myrtle Street, asked council to postpone action on the Land Use Code Revisions so more work could be done on the revisions.

Harriet Christovich, 110 Seagate Avenue, felt the public was not well informed on garage apartments. Ms. Christovich also asked that the south end of First Street be beautified.

Steve Jarrett, 210 South Street, favored garage apartments as special exceptions and opposed having an Architectural Review Committee.

Peter Coalson, 1614 Coquina Place, Atlantic Beach, favored garage apartments and felt the city had the power to limit kitchens in these units.

Harriet Pruette, 217 1/2 Magnolia Street, stated garage apartments would impact everyone and felt that the issue should be postponed until council knew exactly how many illegal units, multi family units, single family units and undeveloped lots were in the area.

Claire Zaiser, 109 Davis Street, wanted to know if Ordinance No. 2000-14 was on the agenda because it dealt with garage apartments.

CONSENT AGENDA/NONE

VARIANCES/NONE

ORDINANCES

Discussion ensued about Ordinance 2000-14 being added to the agenda. Vice Mayor Jones asked why Ordinance 2000-11 had not been changed as requested. City Attorney White responded that there was not sufficient time or enough information to make the substantial changes for a second read.

Ordinance 2000-11

ORDINANCE NO. 2000-11, PUBLIC HEARING AND FINAL READ: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING SECTION 27-324, DEFINITIONS; AMENDING SECTIONS 27-328(3) AND 27-328(4)

The Mayor read Ordinance No. 2000-11 by title only and opened the public hearing.

Harriet Pruette, 217 1/2 Magnolia Street, opposed changing the square footage of garages from 125 to 500.

Buddy Crout, 1074 Kings Road, did not think council knew enough about the Land Use Revisions to rush them through.

Donald White, 1414 First Street, felt that the reason for Ordinance No. 2000-11 was because the 10 ft x 12 ft accessory buildings that the current code allowed for were not large enough.

Claire Zaiser, 109 Davis Street, felt the definition of garages should include "covered".

Donald White, 1414 First Street, added that garages not only housed motor vehicles they were also used for storage.

Steve Hould, 111 Walnut Street, felt there should not be a vote until everyone understood what they were voting for.

There being no further comments the public hearing was closed.

Discussion ensued.

Vice Mayor Jones requested that the City Clerk Lisa Volpe prepare a verbatim of the September 21, 2000 Land Development Regulations Council Meeting.

Moved by Jones, seconded by Shimp.

Motion: **TO ADOPT ORDINANCE 2000-11.**

Roll Call Vote:

Ayes: 0

Noes: 5 – Jones, Patronik, Shimp, Tankersley, Vaughn

MOTION FAILED

OLD BUSINESS/NONE

NEW BUSINESS

AT&T Events

APPROVAL OF LIST OF EVENTS TO BE SPONSORED BY AT&T BROADBAND TRUST FUND: City Manager Linn recommended approval of the list of sponsored events which included Dial-A-Ride and the Green Market.

Moved by Shimp, seconded by Tankersley.

Motion: **TO APPROVE THE SPONSORED BY AT&T BROADBAND EVENTS.**

Roll Call Vote:

Ayes: 5- Jones, Patronik, Shimp, Tankersley, Vaughn

Noes: 0

MOTION CARRIED

Town Center
Maintenance
Agreement

MAINTENANCE AGREEMENT FOR TOWN CENTER: City Manager Linn explained the three party maintenance agreement between Neptune Beach, Atlantic Beach and the City of Jacksonville and recommended approval.

Moved by Shimp, seconded by Patronik.

Motion: **TO APPROVE THE TOWN CENTER MAINTENANCE AGREEMENT.**

Discussion ensued regarding Neptune Beach's responsibilities.

Legal Opinion City Attorney Chris White cautioned the approval of the maintenance agreement without Exhibit A.

MOTION WITHDRAWN

Council directed City Manager Linn to clarify contradictions and asked that Exhibit A be attached before approval.

Hurricane Doors

APPROVAL OF HURRICANE DOORS FOR CITY HALL BUILDING: City Manager Linn explained that the new proposal of \$4,889 for hurricane doors for the City Hall building, extended the height of the doors so they would be hidden from view.

Moved by Shimp, seconded by Patronik.

Motion: **TO APPROVE THE PURCHASE OF THE HURRICANE DOORS.**

Roll Call Vote:

Ayes: 4 - Patronik, Tankersley, Shimp, Vaughn

Noes: 1 - Jones

MOTION CARRIED

Cherry Street One
Way

RESOLUTION NO. 2000-17, DESIGNATION OF 200 BLOCK OF CHERRY STREET AS ONE-WAY WESTBOUND FOR A 60-DAY TRIAL PERIOD: City Manager Linn submitted Resolution 2000-17 to one-way Cherry Street as directed by Council at the October 2, 2000, Regular Council Meeting.

Moved by Jones, seconded by Vaughn.

Motion: **TO APPROVE RESOLUTION 2000-17.**

Roll Call Vote:

Ayes: 2 - Jones, Vaughn

Noes: 3 - Patronik, Shimp, Tankersley

MOTION FAILED

Local 630 Union

APPROVAL OF LOCAL 630 UNION CONTRACT MODIFICATIONS: City Manager Linn explained that Local 630 had the option to reopen its contract that expired September 30, 2001. Mr. Linn explained that the union employees had requested the following change in Article 12; be allowed to collect pay for unused sick days and bonus days, and the following change in Article 16; to increase their life insurance from their regular annual salary to twice their annual salary.

Moved by Jones, seconded by Tankersley.

Motion: **TO NOT ACCEPT THE CONTRACT MODIFICATIONS.**

Roll Call Vote:

Ayes: 5- Jones, Patronik, Shimp, Tankersley, Vaughn

Noes: 0

MOTION CARRIED

Recess/Reconvene Mayor Vaughn called for a recess at 9:00 and the meeting reconvened at 9:15.

Kings Road
Subdivision/ Forest
Avenue Subdivision

CONSIDERATION OF A FINAL DEVELOPMENT ORDER FOR KINGS ROAD SUBDIVISION AND FOREST AVENUE SUBDIVISION: City Manager Linn introduced the developer of the property Steve Jarrett. Mr. Jarrett requested that Council approve the development orders contingent on the approval of the St. Johns River Water Management District and the following issues involving engineering brought up by the city's engineers:

- 1) the stormwater system having a filter structure incase the system does not work,
- 2) a water line upgrade in front of the Kings Road Subdivision,
- 3) changing the diameter of the cul-de-sacs radii from 30 to 34 feet,
- 4) shallow sewer lines in both subdivisions that are less than 36 inches deep; the Kings Road Subdivision needed to be changed to either individual grinder pumps, a lift station, or adjust the thickness of the pipes to go with the gravity pull, and the Forest Boulevard Subdivision should go across street to a deeper sewer line.

Discussion ensued on council about the best solutions and Councilor Shimp added that any new lift stations had to be subterranean.

Moved by Jones, seconded by Patronik.

Motion: **TO APPROVE BOTH FINAL DEVELOPMENT ORDERS FOR KINGS ROAD SUBDIVISION AND FOREST AVENUE SUBDIVISION WITH THE CONDITIONS THAT STEVE JARRETT LISTED WITH APPROVAL FROM THE SAINT JOHNS RIVER WATER MANAGEMENT DISTRICT AND THE PUBLIC WORKS' ENGINEERS.**

Roll Call Vote:

Ayes: 5- Jones, Patronik, Shimp, Tankersley, Vaughn

Noes: 0

MOTION CARRIED

New Leaf School

CONSIDERATION OF A SPECIAL EXCEPTION - NEW LEAF SCHOOL 407 THIRD STREET: City Manager Linn introduced Ronda Steinke-McDonald.

Ronda Steinke-McDonald proposed to council a special exception for "New Leaf School" allowing for a second floor addition to the Neptune Baptist Church. Ms. McDonald explained that the school would provide for a maximum of 20 5th, 6th and 7th grade students who had not been successful in the traditional school setting.

Moved by Jones, seconded by Patronik.

Motion: **TO APPROVE THE SPECIAL EXCEPTION FOR THE NEW LEAF SCHOOL AT 407 THIRD STREET.**

Roll Call Vote:

Ayes: 5- Jones, Patronik, Shimp, Tankersley, Vaughn

Noes: 0

MOTION CARRIED

LDR Group III

SET DATE AND/OR PROCEDURE FOR CONSIDERATION OF GROUP THREE OF LAND DEVELOPMENT REGULATION REWRITE: Discussion ensued about the current council reviewing Group III or if Group III should be referred to the incoming council. Vice Mayor Jones requested that a special meeting be held after the October Workshop Meeting for a first read on Group II.

Legal Opinion City Attorney White advised that would not be the best way because there would not be adequate time to prepare and notice the ordinance for a public hearing.

Moved by Shimp, seconded by Tankersley.

Motion: **TO TABLE GROUP III TO THE NEXT COUNCIL AND SEND GROUP II TO THE OCTOBER WORKSHOP.**

Roll Call Vote:

Ayes: 4- Jones, Patronik, Shimp, Tankersley

Noes: 1 - Vaughn

MOTION CARRIED

Adjournment

There being no further business, the meeting adjourned at 10:32 p.m.

George F. Vaughn, Jr., Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
SPECIAL CITY COUNCIL MEETING
OCTOBER 16, 2000 AT 6:30 P.M.
CITY HALL, 116 FIRST STREET
NEPTUNE BEACH, FLORIDA

Pursuant to proper notice a Special Meeting of the City Council of the City of Neptune Beach was held October 16, 2000, at 6:30 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

Mayor George F. Vaughn, Jr.
Vice Mayor Edward S. Jones
Councilor Ronald D. Patronik
Councilor Robert D. Shimp
Councilor Thomas A. Tankersley
City Attorney Christopher A. White

City Manager Richard A. Linn
City Clerk Lisa Volpe, CMC
Deputy City Clerk Karla Strait
Building Official Dan Arlington
Assistant to the City Manager Terry Klein

Call to Order/Roll Call

The Mayor called the meeting to order at 6:30 p.m.

Town Center
Maintenance
Agreement

TOWN CENTER MAINTENANCE AGREEMENT: City Manager Linn explained that the Tri-Party Agreement for the maintenance of the Town Center improvements had been considered at the October 2, 2000, Regular City Council Meeting without the attachment of Exhibit "A". City Manager Linn added that Exhibit "A" had now been attached for consideration.

Moved by Shimp, seconded by Jones.

Motion: **TO APPROVE THE TOWN CENTER MAINTENANCE AGREEMENT**

Roll Call Vote:

Ayes: 5 - Jones, Patronik, Shimp, Tankersley, Vaughn
Noes: 0

MOTION CARRIED

Adjournment

There being no further business, the meeting adjourned at 6:50 p.m.

ATTEST:

George F. Vaughn, Jr., Mayor

Lisa Volpe, CMC, City Clerk

Approved: _____



**MINUTES
TOWN HALL MEETING
OCTOBER 16, 2000
CITY HALL, 116 FIRST STREET
NEPTUNE BEACH, FLORIDA**

Pursuant to proper notice a Town Hall Meeting of the City Council of the City of Neptune Beach was held October 16, 2000 at 10:28 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

Mayor George F. Vaughn, Jr.	City Manager Richard A. Linn
Vice Mayor Edward S. Jones	City Clerk Lisa Volpe, CMC
Councilor Ronald Patronik	Deputy City Clerk Karla Strait
Councilor Robert D. Shimp	Building Official Dan Arlington
Councilor Thomas A. Tankersley	Assistant to the City Manager Terry Klein

Call to Order/Roll Call The Mayor called the meeting to order at 10:28 p.m.

Public Comments

PUBLIC COMMENTS

Wendy Manasco, 1827 Leeward Lane, felt council should demand an answer from the city manager about the police chief's letter.

Adjournment There being no further business, the meeting adjourned at 10:31 p.m.

Attest:

George F. Vaughn, Jr., Mayor

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
WORKSHOP CITY COUNCIL MEETING
OCTOBER 16, 2000 AT 6:50 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 October 16, 2000 at 6:50 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

Mayor George F. Vaughn, Jr.
Vice Mayor Edward S. Jones
Councilor Ronald Patronik
Councilor Robert D. Shimp
Councilor Thomas A. Tankersley
City Attorney Christopher A. White

City Manager Richard A. Linn
City Clerk Lisa Volpe, CMC
Deputy City Clerk Karla Strait
Building Official Dan Arlington
Assistant to the City Manager Terry Klein

Call to Order/Roll Call

The Mayor called the meeting to order at 6:50 p.m.

Agenda Change

Councilor Shimp suggested changing the agenda to forward the public comments to item 3 (a).

Consensus:

TO MODIFY THE AGENDA TO MOVE PUBLIC COMMENTS FORWARD TO ITEM NO. 3(A).

COMMITTEE REPORTS

IBBC

ISH BRANT BEAUTIFICATION COMMITTEE: City Manager Linn reported that he had personally delivered the plans for the median strips to the Florida Department of Transportation for approval because they had been misplaced in the mail and returned to city hall. Mr. Linn added that a purchase order had been issued for palm trees and the reimbursement papers had been submitted to the neighborhood grant program for \$5,000. Mr. Linn announced that the committee was also in the process of submitting an application for recognition as a Tree City and that the yard of the month program was still active.

CITY MANAGERS PUNCH LIST

Traffic Signal Atlantic Blvd. And Aquatic Dr.

TRAFFIC SIGNAL AT ATLANTIC BOULEVARD AND AQUATIC DRIVE: City Manager Linn reported that he had received a letter from the Department of Transportation rejecting the request for the traffic signal at Atlantic Boulevard and Aquatic Drive.

Roadway Between Shopping Centers

ROADWAY BETWEEN SHOPPING CENTERS: City Manager Linn announced that he and Chairman of the Planning and Development Review Board John Weldon were still

pursuing the roadway to interconnect the two shopping centers. Mr. Linn added that there was new ownership to one of the shopping centers and he felt that the negotiations would be difficult.

Historical Video

HISTORICAL VIDEO: City Manager Linn stated that he had contacted Fletcher High School regarding the historical video and they had yet to respond.

Lighting at Neptune Beach Elementary

LIGHTING OF THE RECREATION FIELD AT NEPTUNE BEACH ELEMENTARY SCHOOL: City Manager Linn reported that the City of Jacksonville Beach Utility Department had submitted the plans to the school board for approval. Mr. Linn added that he had spoken with the principal of Neptune Beach Elementary School and that she strongly supported the lighting as long as the lights did not shine on the neighborhood.

Elections 2000

ELECTIONS 2000 CANVASSING MEETING: City Clerk Lisa Volpe announced that because this year's election was a national election we would probably not receive the results until after midnight on Tuesday, November 7, 2000. Ms. Volpe suggested holding the Special City Council Meeting to publicly canvass the returns and declare the results of the election on Wednesday, November 8, 2000.

Consensus:

TO HOLD THE SPECIAL CITY COUNCIL MEETING TO PUBLICLY CANVASS THE RETURNS AND DECLARE THE RESULTS OF THE ELECTION ON WEDNESDAY, NOVEMBER 8, 2000, AT 6:30 P.M.

Public Comments

PUBLIC COMMENTS ON AGENDA ITEMS ONLY

Wendy Manasco, 1827 Leeward Lane, felt that a memo from the Chief of Police was inappropriate and that he should take responsibility for it.

Rod Wilson, 573 Valley Forge Road North, voiced concern about allegations of violence, guns and drugs at Fletcher High School because he as an employee at the school, did not feel that the school deserved the allegations.

Jim Schultz, 608 Valley Forge Road North, had a problem with recreational vehicles, boats, trailers, and commercial vehicles on his street and was in favor of Ordinance No. 2000-12.

Virginia Cauthen, 617 Valley Forge Road North, was concerned about the parking of recreational vehicles, boats, trailers, and commercial vehicles on the corner of Lincoln Road and Valley Forge Road North.

Robert A. West, 106 Hall Place, felt that the Central Business District needed more parking and less outside restaurants.

Pat Lynch, 700 Valley Forge Road North, felt that something needed to be done about the parking of recreational vehicles, boats, trailers, and commercial vehicles on the corner of Lincoln Road and Valley Forge Road North.

Brenna Durden, 9428 Baymeadows Road #625, attorney practicing in land use and environmental area, addressed the council regarding Group II of the Land Development Regulations concerning the definition section, non conforming units, and attached duplexes.

Christian Keeney, 1810 Forth Street, felt the cable situation was atrocious and he was upset that the cable company drilled though his sewer line.

Hal Mankin, 2037 Sandpiper Point, stated that a parked recreational vehicle was blocking

the lighting from his home and favored Ordinance No. 2000-12.

Laura Patronik, 1520 Leeward Lane, stated that she was confident in the School Board and Fletcher High School.

Mary Truta, 701 Valley Forge Road, presented to council pictures of a large trailer and commercial vehicles that were parked on the corner of Lincoln Road and Valley Forge Road North. Ms. Truta felt that something needed to be done about the situation and she favored Ordinance 2000-12.

Harriet Pruette, 217 ½ Magnolia Street, felt for the people on Valley Forge Road North that had to put up with the parking situation and favored Ordinance No. 2000-12, if a special exception for people without back yards would be added.

Lynda Padrta, 1113 First Street, suggested fining AT&T Broadband for littering and opposed the use of garage apartments for financial gain.

Larry Beety, 2016 Sandpiper Point, felt the city should be able to enforce neighborhood covenants and restrictions and complained about the appearance of the city yard.

Buddy Crout, 1027 Kings Road, stated that he would not want to live on Valley Forge Road North with the parking situation because it was unsafe and unsightly. Mr. Crout also felt there was not a violence problem at Fletcher High School.

Brian Greenwood, 222 Myrtle Street, Member of the Planning and Development Review Board, thanked Councilors Patronik and Shimp for postponing accessory buildings and recommended making it two different bills with garage apartments being one item and garages and sheds being the second.

Recess/Reconvene Mayor Vaughn called for a recess at 7:55 p.m. and the meeting reconvened at 8:13 p.m.

Agenda Change Because representatives were present, Councilor Patronik suggested moving agenda item 5(a) forward to item 3(b).

Consensus: **TO MOVE AGENDA ITEM 5(A) FORWARD TO ITEM 3(B).**

CONTRACT/AGREEMENTS

Proposals for solid waste collection **REQUEST FOR PROPOSALS FOR SOLID WASTE COLLECTION SERVICES:** City Manager Linn explained that the contract with BFI and Southland Waste expired on May 31, 2000. Mr. Linn added that Redman Consulting Group, Inc. had developed a request for proposal. Mr. Linn recommended moving forward with advertising and solicitation of proposals.

Consensus: **TO ALLOW SOLICITATION OF REQUEST FOR PROPOSALS WITH ONE LANGUAGE CHANGE ADDING "COOPERATION NOT CONSOLIDATION."**

Agenda Change Vice Mayor Jones requested moving agenda item 4(b) ahead of item 4(a) because residents were present to address the issue.

Consensus: **TO MOVE AGENDA ITEM 4(B) FORWARD TO ITEM 4(A).**

Agenda Change Councilor Tankersley requested moving agenda items 6(a) and 6(b) forward.

There was no consensus to move agenda items 6(a) and 6(b) forward.

PROPOSED ORDINANCES

Ordinance No.
2000-12

ORDINANCE NO. 2000-11: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA RENUMBERING AND AMENDING EXISTING SECTION 22-28, PARKING OF BOATS AND TRAILERS AND AMENDING SECTION 22-28 TO INCLUDE A NEW SUBSECTION B, PARKING, STORAGE OR USE OF MAJOR RECREATIONAL EQUIPMENT OR BOATS ON PRIVATE PROPERTY AND PROVIDING AN EFFECTIVE DATE.

Consensus: **TO CHANGE THE BOAT LENGTH FROM 28 FEET TO 30 FEET AND MOVE ORDINANCE NO. 2000-12 FORWARD TO THE NOVEMBER 6, 2000, REGULAR CITY COUNCIL MEETING FOR FIRST READ.**

Council members where asked to give any changes in writing at first read and review changes with City Attorney White.

Group II ULDR

GROUP II, UNIFIED LAND DEVELOPMENT REGULATIONS: Councilor Shimp suggested tabling Group II for the next council.

Consensus: **TO TABLE GROUP II TO NEXT COUNCIL.**

Discussion ensued about tabling Group II, and council came to another consensus.

Superceding
Consensus: **TO HOLD A SPECIAL WORKSHOP MEETING ON MONDAY, OCTOBER 23, 2000, TO DISCUSS GROUP II OF THE LAND DEVELOPMENT REGULATIONS.**

ISSUE DEVELOPMENT

Paving Streets

REQUEST TO CLEAR, CONSTRUCT AND PAVE BARTOLOME ROAD AND ROSEWOOD DRIVE. City Manager Linn explained that two builders had purchased property and requested that the city pave these streets. Mr. Linn recommended that the City construct the streets and have each abutting property owner share in the expense through a special assessment.

Consensus: **TO HAVE CITY ATTORNEY WHITE WORK WITH CITY MANAGER LINN ON A SPECIAL ASSESSMENT FOR BARTOLOME ROAD AND ROSEWOOD DRIVE.**

Ballot Referendum

Mayor Vaughn stated that the City of Jacksonville's Charter Amendment and Ballot Referendum involving trees was being challenged in court. Mayor Vaughn was concerned about its effect and impact on Neptune Beach and asked council to consider joining the actions.

Legal Opinion

City Attorney White advised that we could intervene on the issue of whether or not the county could exercise this authority within the city limits of Neptune Beach and other urban service districts. Mr. White stated that he would be attending the hearings and invited council members to attend.

Consensus: **TO ALLOW CITY ATTORNEY WHITE TO ATTEND THE HEARINGS ON OCTOBER 30, 2000.**

Request for
Investigation

REQUEST FOR INVESTIGATION OF THE POLICE DEPARTMENT: Mayor Vaughn referred to a recent complaint from Dennis DeSpain asking the council to investigate the actions of the police department in an incident involving his son at Fletcher High School. Mayor Vaughn expressed that a letter written to the Council from Chief Brant attacked the citizen that made the complaint. Mayor Vaughn asked Council to join him in his efforts to have an investigation by Florida Department of Law Enforcement. There being no consensus from the Council, the Mayor stated that he would have an investigation done on his own as a private citizen. Each member of the Council directed City Manager Linn to deal appropriately with the Police Chief in regards to his letter.

City Manager Linn stated that Lt. Kelly had already done an internal investigation on the matter and that he would deal with the Police Chief privately.

Adjournment

There being no further business, the meeting adjourned at 10:31 p.m.

Attest:

George F. Vaughn, Jr., Mayor

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
SPECIAL CITY COUNCIL MEETING
LAND DEVELOPMENT REGULATIONS
OCTOBER 23, 2000 AT 7:00 P.M.
CITY HALL, 116 FIRST STREET
NEPTUNE BEACH, FLORIDA

Pursuant to proper notice a Special Meeting of the City Council of the City of Neptune Beach was held October 23, 2000, at 7:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

Mayor George F. Vaughn, Jr.
Vice Mayor Edward S. Jones
Councilor Ronald D. Patronik
Councilor Robert D. Shimp
Councilor Thomas A. Tankersley
City Manager Richard A. Linn

City Clerk Lisa Volpe, CMC
Deputy City Clerk Karla Strait
Building Official Dan Arlington
Assistant to the Building Official Piper Turner
Assistant to the City Manager Terry Klein

ABSENT:
City Attorney Christopher White

Call to Order/Roll Call

The Mayor called the meeting to order at 7:00 p.m.

Councilor Shimp asked Mayor Vaughn if the citizens would have a chance to speak. Mayor Vaughn asked for a consensus of the Council.

Consensus: **TO ALLOW PUBLIC COMMENTS BEFORE COUNCIL DISCUSSION.**

PUBLIC COMMENTS

Rae Brady, 1636 Sea Oaks, was concerned that the footprint bill would not protect her because building records were not available. Ms. Brady suggested that a certificate of compliance be issued to those property owners with non-conforming lots.

Lynda Padrta, 1113 First Street, was concerned about the definition of duplexes in Group 1 and felt that Group 1 should be passed before Group 2.

Claire Zaiser, 109 Davis Street, encouraged passing Article 1 "definitions" first. Ms. Zaiser also stated that garage apartments were legal in the 1950's and 1960's.

Warren Anderson Jr., 2029 North Third Street, Jacksonville Beach, introduced himself to the Council and stated he would leave some information, on the Tree Referendum, for them at City Hall.

Jesse Parks, 703 Lincoln Road, was upset that his property was placed in the newspaper, addressing his family as a nuisance, for parking his commercial

Land Development
Review Group 2

vehicles and a recreational vehicle in front of his house. Mr. Parks felt that he was being signaled out and harassed by his neighbors.

LAND DEVELOPMENT REVIEW GROUP 2: Mayor Vaughn explained that the most recent Land Use Regulations included all of the changes that were agreed to by consensus or Council vote.

Councilor Shimp opposed moving forward with the Proposed Land Development Regulations and felt they should be postponed for the next Council to address.

Vice Mayor Jones felt the Council should move forward with the Proposed Land Development Regulations and suggested the following changes:

1. Section 27-328: Divide into two separate categories, a) accessory buildings and b) garages with garage apartments over the garage.
2. Section 27-330: Leave the wording "in excess of 4 feet in height".
3. Section 27-331: where it referred to the " Architecture Review Process " change to the " Board of Appeals".
4. The setbacks on oceanfront property should be 7 feet.

For the Record Councilor Tankersley stated for the record that he agreed with Councilor Shimp.

Councilor Patronik agreed with Councilor's Shimp and Tankersley.

Councilor Shimp made a motion to adjourn the meeting. Councilor Tankersley seconded the motion and the meeting was adjourned.

Adjournment

There being no further business, the meeting adjourned at 7:55 p.m.

George F. Vaughn, Jr., Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
REGULAR CITY COUNCIL MEETING
NOVEMBER 6, 2000 AT 7:00 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 November 6, 2000, at 7:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

Mayor George F. Vaughn, Jr.
Vice Mayor Edward S. Jones
Councilor Ronald D. Patronik
Councilor Robert D. Shimp
Councilor Thomas A. Tankersley
City Attorney Christopher White

City Manager Richard A. Linn
City Clerk Lisa Volpe, CMC
Deputy City Clerk Karla Strait
Building Official Dan Arlington
Assistant to the City Manager Terry Klein
Assistant to the Building Official Piper Turner

Order Call/Pledge

The Mayor called the meeting to order at 7:00 p.m. and led the Pledge of Allegiance.

AWARDS / PRESENTATIONS / RECOGNITION OF GUESTS/NONE

APPROVAL OF MINUTES

Motion:

TO APPROVE THE FOLLOWING MEETING MINUTES:

SEPTEMBER 7, 2000, SPECIAL BUDGET MEETING
OCTOBER 2, 2000, REGULAR CITY COUNCIL MEETING
OCTOBER 16, 2000, SPECIAL CITY COUNCIL MEETING
OCTOBER 16, 2000, WORKSHOP CITY COUNCIL MEETING
OCTOBER 16, 2000, TOWN HALL MEETING
OCTOBER 23, 2000, LAND DEVELOPMENT REGULATIONS

Moved by Patronik, seconded by Tankersley.

Roll Call Vote:

Ayes: 5 - Jones, Patronik, Tankersley, Shimp, Vaughn
Noes: 0

MOTION CARRIED

COMMUNICATIONS AND CORRESPONDENCE

Amend Agenda for

Vice Mayor Jones requested an amendment to the agenda to review a variance appeal for

Variance Request the property located at 114 South Street that was before Council at the September Meeting and sent back to the Board of Appeals because the garage issue had not been resolved. Vice Mayor Jones added that the garage issue had been resolved and felt that it was timely to hear the variance request.

Motion: **TO AMEND THE AGENDA TO HEAR THE VARIANCE REQUEST V-00-23, FOR CLIFFORD AT 114 SOUTH STREET.**

Moved by Jones, seconded by Patronik.

Legal Opinion City Attorney White stated that his opinion was that the appeal had not been filed within the five-day time limit, with the fee of \$100.00. Mr. White added if an appeal was not filed within the five-day limit that the citizen had to re-file the variance application request. Mr. White informed the council that they could wave those requirements if they so desired.

Building Official Dan Arlington explained that the Clifford's had filed a two part variance request, one being an addition to the front of the house that was heard and denied and should not be appealed because the time requirement had passed. The second part was a garage apartment in their backyard that went before council and back to the variance board. The Board of Appeals determined that it was a second dwelling unit and could not be on the property.

Mayor Vaughn stated that he agreed that it needed to be heard except for the fact that it had not been properly noticed to the public.

Roll Call Vote:

Ayes: 2 – Jones, Shimp

Noes: 3 – Patronik, Tankersley, Vaughn

MOTION FAILED

City Clerk Lisa Volpe wished Councilor's Patronik and Tankersley a happy birthday.

Local 630 City Manager Linn explained that the Public Employees Relation Commission had denied a petition to include several white-collar classifications in the blue-collar unit. Mr. Linn added that the white-collar unit had re-petitioned to be recognized as a separate unit.

Utility Improvement Project Councilor Patronik asked if the area north of Florida Boulevard and west of Third Street was on the list of high priorities. City Manager Linn responded that Mr. Miller, the consultant, was present and was prepared to start in that area if council desired to move forward.

CITY MANAGER REPORTS

Garbage Proposal City Manager Linn reported that a pre-bid was scheduled with contractors for November 16, 2000, at 1:30 p.m. and a bid opening was scheduled on December 6, 2000, at 3:00 p.m.

COMMENTS FROM THE PUBLIC

Public Comments Lee Hope, 324 Driftwood Road, opposed Ordinance No. 2000-12 because he owned a 23' motor home and the cable boxes, fire hydrants, and power pole in the right of way prevented him from moving it to his side yard.

Mary Truta, 701 Valley Forge Road North, felt people should pay for the parking of their recreational vehicles in a storage facility and favored Ordinance No. 2000-12.

Nadia Ioannides, 633 Valley Forge Road North, felt that the recreational vehicles were

unsightly and hazardous.

Pat Lynch, 700 Valley Forge Road North, felt she was fortunate that she lived in Neptune by the Sea because covenants and restrictions that prohibited the parking of commercial vehicles, boats, and recreational vehicles governed them.

W. F. Clifford, 114 South Street, stated that had been trying to get a variance since June to expand his house and was disappointed that council would not hear his variance appeal request.

Special Meeting

Mayor Vaughn called for a Special City Council Meeting to be held, with proper notice to the public, on November 13, 2000, to hear Mr. Clifford's variance request.

Hal Mankin, 2037 Sandpiper Point, thanked the council for their hard work and stated that he had lived next to a recreational vehicle for two and half years and it was unsightly.

Richard Fail, 510 Oak Street, opposed Ordinance No. 2000-12 because he felt it took away people's personal rights.

Jim Rice, 701 Bay Street, felt that people should be able to park on their private property and that all citizens should not have to be penalized because of one problem.

CONSENT AGENDA/NONE

VARIANCES/NONE

ORDINANCES

Ordinance 2000-12

ORDINANCE NO. 2000-12 FIRST READ: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA RENUMBERING AND AMENDING EXISTING SECTION 22-28, PARKING OF BOATS AND TRAILERS AND AMENDING SECTION 22-28 TO INCLUDE A NEW SUBSECTION B, PARKING, STORAGE OR USE OF MAJOR RECREATIONAL EQUIPMENT OR BOATS ON PRIVATE PROPERTY AND PROVIDING AN EFFECTIVE DATE.

Moved by Jones, seconded by Vaughn.

Motion: **TO PASS ORDINANCE NO. 2000-12.**

Discussion ensued about moving the ordinance back to a workshop.

MOTION WITHDRAWN

Consensus: **TO MOVE ORDINANCE NO. 2000-12 TO THE NOVEMBER 20, 2000, WORKSHOP MEETING.**

OLD BUSINESS/NONE

NEW BUSINESS

Board Appointments/
Resolution No. 2000-
19

MAYORAL APPOINTMENTS BY RESOLUTION 2000-19: RESOLUTION APPOINTING AND RE-APPOINTING BOARD MEMBERS TO THE BOARD OF APPEALS, PLANNING AND DEVELOPMENT REVIEW BOARD AND THE CODE ENFORCEMENT BOARD.

Moved by Shimp, seconded by Tankersley.

Motion: **TO VOTE ON EACH BOARD APPOINTMENT INDIVIDUALLY.**

Discussion ensued.

Consensus: **TO REMOVE MR. BRUCE REHMER'S NAME FROM THE LIST OF APPOINTEES.**

Motion: **TO APPROVE THE RESOLUTION OF BOARD APPOINTMENTS AND RE-APPOINTMENTS WITHOUT BRUCE REHMER'S NAME ON THE LIST.**

Moved by Shimp, seconded by Tankersley.

Appointees; Leslie Karlin, James Niss, and Donald White introduced themselves to the council.

Roll Call Vote:

Ayes: 5 – Jones, Patronik, Shimp, Tankersley, Vaughn

Noes: 0

Mayor Vaughn noted that his yes vote was not in agreement for Mr. Rehmer to have been removed from the list of appointees but to accept all the others.

MOTION CARRIED

Resolution 2000-18 **RESOLUTION 2000-18: A RESOLUTION OF THE CITY OF NEPTUNE BEACH AUTHORIZING THE CITY MANAGER TO SIGN ANY MAINTENANCE AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR THE MAYPORT FLYOVER AND OTHER PROJECTS.**

Moved by Jones, seconded by Patronik.

Motion: **TO ADOPT RESOLUTION 2000-18.**

City Manger Linn explained that the Florida Department of transportation required the maintenance agreement to assure the survival of the landscaping.

Mayor Vaughn read Section 2.04 of the City Charter as follows: The Mayor shall preside at meetings of the council and shall be recognized as head of the city government for acceptance of service of process, ceremonial matters and by the Governor for purposes of military law, and execution of contracts, deeds, and other documents. Mayor Vaughn asked that the resolution be revised to reflect that the mayor should sign the agreement and take out the word "any" and reflect just the maintenance agreement required by Florida Department of Transportation.

Discussion ensued.

Roll Call Vote:

Ayes: 4 – Jones, Patronik, Shimp, Vaughn

Noes: 1 - Tankersley

MOTION CARRIED.

Recess/Reconvene Mayor Vaughn called a recess at 9:00 p.m. and the meeting reconvened at 9:15 p.m.

Tennis Program

LONG TERM RENTAL CONTRACT FOR TENNIS PROGRAM: City Manager Linn requested approval of a lease that he had prepared at council's request for the use of a portion of the tennis courts for a tennis instructional program at Jarboe Park.

Moved by Jones, seconded by Patronik.

Motion: **TO ACCEPT THE LONG TERM RENTAL CONTRACT FOR THE TENNIS PROGRAM WITH THE WORD "COURTS" UNDER ITEM (O) PARAGRAPH 1 MAKE SINGULAR INSTEAD OF PLURAL AND ADDING CLARIFICATION LANGUAGE TO ITEM 8 ON THE BACK PAGE.**

Roll Call Vote:

Ayes: 5 – Jones, Patronik, Tankersley, Shimp, Vaughn

Noes: 0

MOTION CARRIED

Air-Sea Show

AUTHORIZATION TO LIST THE AIR-SEA SHOW AS A TV TRUST FUND SPONSORED EVENT: City Manager Linn recommended adding the 2001 Air and Sea Spectacular Show as a sponsored event to allow funding of the \$10,000 commitment.

Discussion ensued regarding whether or not council committed to \$10,000.

Moved by Tankersley, seconded by Patronik.

Motion: **TO AUTHORIZE TO LIST THE AIR SEA SHOW AS A TV TRUST FUND SPONSORED EVENT FOR THE \$10,000 THAT THE CITY HAD ALREADY COMMITTED.**

Roll Call Vote:

Ayes: 4 – Patronik, Shimp, Tankersley, Vaughn

Noes: 1 – Jones

MOTION CARRIED

Lighting Neptune Beach Elementary School

APPROVAL OF \$2,100 EXPENDITURE FROM THE CONTINGENCIES AND EMERGENCIES NON-DEPARTMENTAL OF THE GENERAL FUND – FOR LIGHTING NEPTUNE BEACH ELEMENTARY SCHOOLS: City Manager Linn explained that during the budget process \$150,000 was set aside in contingencies to cover unexpected expenditures. Mr. Linn recommended approval for \$2,100 for lighting at Neptune Beach Elementary ball field.

Moved by Shimp, seconded by Patronik

Motion: **TO APPROVE THE EXPENDITURES FROM NON DEPARTMENTAL CONTINGENCIES & EMERGENCIES FOR LIGHTING AT NEPTUNE BEACH ELEMENTARY SCHOOL PRACTICE FIELD.**

Roll Call Vote:

Ayes: 5 – Jones, Patronik, Shimp, Tankersley, Vaughn

Noes: 0

MOTION CARRIED

Utility Improvement
Project

APPROVAL OF PHASE I – B & C OF UTILITY IMPROVEMENT PROJECT: City Manager Linn reported that the consultant, PBS&J, had completed the design of Phase I – B & C, the area east of Third Street, and north and south of Florida Boulevard. Mr. Linn recommended approval of the design.

Jim Miller of PBS&J stated that the plans for Phase I – B & C were ready for bidding, however they could not be sent out for bid until 30 to 60 days prior to the completion of Phase I –A, which was expected to be completed June, 2000. Mr. Miler answered questions from council.

Moved by Patronik, seconded by Shimp.

Motion: **TO ACCEPT THE PLANS AND DESIGN FOR THE UTILITY IMPROVEMENT PROJECT – PHASE I – B & C.**

Roll Call Vote:

Ayes: 5 – Jones, Patronik, Shimp, Tankersley, Vaughn

Noes: 0

MOTION CARRIED

Appointment/Council
Seat 3

APPOINTMENT TO FILL VACANT COUNCIL SEAT 3 – VICE MAYOR JONES RESIGNATION: City Manager Linn explained that Vice Mayor Jones' resignation would be effective at noon, November 7, 2000.

Legal Opinion

City Attorney White explained that under the City Charter an appointee would have to hold office until the next annual election of the city and advised to let the seat remain vacant until Councilor Elect Harriet Pruette took office.

Discussion ensued.

Moved by Shimp, seconded by Patronik.

Motion: **TO KEEP VICE MAYOR JONES ON THE COUNCIL UNTIL DECEMBER TO FILL HIS OWN VACANCY.**

MOTION WITHDRAWN

Consensus: **TO ADD THE APPOINTMENT OF COUNCILOR JONES TO THE SPECIAL MEETING AGENDA, MONDAY, NOVEMBER 13, 2000.**

Adjournment

There being no further business, the meeting adjourned at 10:50 p.m.

George F. Vaughn, Jr., Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved:



MINUTES
SPECIAL CITY COUNCIL MEETING
ELECTION RESULTS
NOVEMBER 8, 2000 AT 6:30 P.M.
CITY HALL, 116 FIRST STREET
NEPTUNE BEACH, FLORIDA

Pursuant to proper notice a Special Meeting of the City Council of the City of Neptune Beach was held November 8, 2000, at 6:30 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

The following Council members and staff were in attendance:

Mayor George F. Vaughn, Jr.	City Manager Richard A. Linn
Councilor Thomas A. Tankersley	City Clerk Lisa Volpe
Councilor Ronald D. Patronik	Deputy City Clerk Karla Strait
Councilor Robert D. Shimp	Assistant to the City Manager Terry Klein
City Attorney Christopher A. White	Assistant Building Official Piper Turner

Call to Order/Roll Call

The Mayor called the meeting to order at 6:30 p.m. and announced that the purpose of the meeting was for the City Council to act as the Canvassing Board to publicly canvass the returns and declare the results of the Municipal Election held on November 7, 2000.

City Clerk Lisa Volpe announced the results as follows:

**Election Results
Seat 1**

Mayor Seat 1

George F. Vaughn, Jr.	879
Richard A. Brown	2652

**Election Results
Seat 2**

Councilor at Large Seat 2

James W. Crout	1662
Anthony Mazzola	1527

**Election Results
Seat 3**

Harriet Pruette ran unopposed.

Winners Declared

Mayor Vaughn announced the winners:
Richard A. Brown, Mayor Seat 1
James W. Crout, Councilor Seat 2
Harriet Pruette, Councilor Seat 3

Mayor Vaughn asked for a motion to approve the election returns.

Moved by Patronik, seconded by Shimp.

Motion: **TO APPROVE THE ELECTION RETURNS.**

Roll Call Vote:

Ayes: 4 - Patronik, Shimp, Tankersley, Vaughn

Noes: 0

MOTION CARRIED

Adjournment

There being no further business, the meeting adjourned at 6:35 p.m.

George F. Vaughn, Jr., Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
SPECIAL CITY COUNCIL MEETING
NOVEMBER 13, 2000 AT 7:00 P.M.
CITY HALL, 116 FIRST STREET
NEPTUNE BEACH, FLORIDA

Pursuant to proper notice a Special Meeting of the City Council of the City of Neptune Beach was held November 13, 2000, at 7:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

The following Council members and staff were in attendance:

Mayor George F. Vaughn, Jr.
Councilor Thomas A. Tankersley
Councilor Ronald D. Patronik
City Manager Richard A. Linn
City Clerk Lisa Volpe CMC
Deputy City Clerk Karla Strait

Assistant to the City Manager Terry Klein
Building Official Dan Arlington
Assistant Building Official Piper Turner

ABSENT:
Councilor Robert D. Shimp
City Attorney Christopher A. White

Call to Order/Roll Call

The Mayor called the meeting to order at 7:00 p.m.

Seat 3 Vacancy

APPOINTMENT FOR VACANCY ON SEAT 3: City Clerk Lisa Volpe stated that she had spoken with City Attorney White and he had advised that the charter stated that the person appointed would have to remain appointed until the next election. Mr. White also stated that according to the charter there had to be a majority vote of the remaining council and therefore would require at least three votes.

Discussion ensued.

Consensus: **TO LEAVE THE VACANCY ON THE COUNCIL AS IS UNTIL THE NEW COUNCIL TAKES OFFICE IN DECEMBER.**

Appoint Vice-Mayor

APPOINTMENT OF VICE MAYOR: Councilor Patronik nominated Councilor Tankersley to fill the title of Vice Mayor for the rest of his term.

Consensus: **TO ACCEPT TOM TANKERSLEY AS VICE MAYOR FOR THE REMAINDER OF THE TERM.**

Roll Call Vote:

Ayes: 3 – Patronik, Tankersley, Vaughn
Noes: 0
Absent: 1 - Shimp

Variance Request

APPEAL OF VARIANCE REQUEST 114 SOUTH STREET: City Manager Linn explained that he, City Attorney White, and Building Official Dan Arlington had agreed that the variance had not been filed timely. Mr. Linn added that the applicant resubmitting the plans without a dwelling over the garage had resolved the garage issue and the remaining issue was for the main house expansion, which had been heard and denied by the Board of Appeals.

Mayor Vaughn questioned if this was the right venue for the case at this point and time, referring to a statement made by Mr. Dunlap at the Board of Appeals meeting.

Ed Jones, former council member, explained that the Board of Appeals denied the variance request for the detached garage and informed Mr. Dunlap that it would be forwarded to the September 11, 2000, Regular Council Meeting. Mr. Jones stated that City Attorney White advised at that meeting that the detached garage issue should be referred back to the Board of Appeals for an administrative decision and then come back to council *along with the issue of the denied setback*. Mr. Jones added that because the garage issue had been resolved it did not need to be referred back to the Board of Appeals and for that reason only the issue of the variance was being brought back to Council.

Building Official Dan Arlington stated that it was made very clear that only the issue of the garage would go before council and that the Board of Appeals denied the addition to the house.

Councilor Tankersley stated that he was under the impression that the variance was under appeal and explained that council could only hear what had already been presented to the Board of Appeals and that no new evidence could be heard.

City Manager Linn stated that what the Council was hearing was the *appeal of the variance* and cited Section 27-153, subsection (c) of the Neptune Beach Code of Ordinances, titled "Procedure for Appeal, that stated:

No new evidence may be presented unless it pertains to events or circumstances, which have substantially changed since the board of appeal's decision. The City Council shall uphold the decision of the Board of Appeals unless the council finds that: 1) Defects in notice or procedural due process are alleged and proven; or 2) The decision of the board of appeals is not supported by competent substantial evidence and testimony produced at the public hearing.

Mr. Clifford stated that he and his wife felt it would be best to withdraw the variance appeal at this time and proceed with the garage and deck.

Adjournment

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

George F. Vaughn, Jr., Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
SPECIAL CITY COUNCIL MEETING
NOVEMBER 20, 2000 AT 7:00 P.M.
CITY HALL, 116 FIRST STREET
NEPTUNE BEACH, FLORIDA

Pursuant to proper notice a Special Meeting of the City Council of the City of Neptune Beach was held November 20, 2000, at 7:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

Mayor George F. Vaughn, Jr.
Vice Mayor Thomas A. Tankersley
Councilor Ronald D. Patronik
Councilor Robert D. Shimp
City Manager Richard A. Linn

City Clerk Lisa Volpe, CMC
Assistant to the City Manager Terry Klein

Absent:
City Attorney Christopher A. White

Call to Order/Roll Call

The Mayor called the meeting to order at 7:00 p.m.

CDBG

RESOLUTION 2000-20: A RESOLUTION OF THE CITY COUNCIL OF NEPTUNE BEACH AUTHORIZING THE MAYOR TO EXECUTE A COOPERATION AGREEMENT WITH THE CITY OF JACKSONVILLE FOR THE COMMUNITY BLOCK GRANT PROGRAM FOR FISCAL YEARS 2001, 2002 AND 2003, AND ANY RENEWAL PERIODS; PROVIDING AN EFFECTIVE DATE. City Manager Linn explained that the Cities of Jacksonville, Jacksonville Beach and Atlantic Beach had made some changes to the final agreement and had faxed a final version at 4:55 p.m. that day. He went through the document and pointed out the changes.

Moved by Patronik, seconded by Tankersley.

Motion: TO APPROVE RESOLUTION 2000-20 A RESOLUTION OF THE CITY COUNCIL OF NEPTUNE BEACH AUTHORIZING THE MAYOR TO EXECUTE A COOPERATION AGREEMENT WITH THE CITY OF JACKSONVILLE FOR THE COMMUNITY BLOCK GRANT PROGRAM FOR FISCAL YEARS 2001, 2002 AND 2003, AND ANY RENEWAL PERIODS; PROVIDING AN EFFECTIVE DATE

Roll Call Vote:

Ayes: 4 - Patronik, Shimp, Tankersley, Vaughn
Noes: 0

MOTION CARRIED

Adjournment

There being no further business, the meeting adjourned at 7:21 p.m.

George F. Vaughn, Jr., Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



**TOWN HALL MEETING
NOVEMBER 20, 2000
CITY HALL, 116 FIRST STREET,
NEPTUNE BEACH, FLORIDA**

Pursuant to proper notice a Town Hall Meeting of the City Council of the City of Neptune Beach was held November 20, 2000, immediately following the Workshop Meeting, in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

The following Council members and staff were in attendance:

Mayor George F. Vaughn, Jr.
Vice Mayor Thomas Tankersley
Councilor Ronald D. Patronik
Councilor Robert D. Shimp
City Manager Richard A. Linn

City Clerk Lisa Volpe, CMC
Ass't to the City Manager Terry Klein

Absent:
City Attorney Christopher White

Call to Order

The Mayor called the meeting to order at 8:21 p.m.

Public Comments

There being no comments the Mayor closed the meeting

Adjournment

There being no further business, the meeting adjourned at 8:21 p.m.

George F. Vaughn, Jr., Mayor

ATTEST:

Lisa Volpe, City Clerk

Approved: _____



MINUTES
WORKSHOP CITY COUNCIL MEETING
NOVEMBER 20, 2000 AT 7:00 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 November 20, 2000 at 7:21 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

Mayor George F. Vaughn, Jr.
Vice Mayor Thomas A. Tankersley
Councilor Ronald Patronik
Councilor Robert D. Shimp
City Manager Richard A. Linn

City Clerk Lisa Volpe, CMC
Assistant to the City Manager Terry Klein

Absent:
City Attorney Christopher A. White

Call to Order/Roll Call The Mayor called the meeting to order at 7:21 p.m.

COMMITTEE REPORTS

IBBC

ISH BRANT BEAUTIFICATION COMMITTEE: City Manager Linn reported that the committee was working on the Third Street medians, yard of the month, a project with City of Jacksonville Councilman Jerry Holland for irrigation funding and had a successful Arbor Day Celebration at the King Neptune Festival.

CITY MANAGERS PUNCH LIST

**Traffic Signal Atlantic
Blvd. And Aquatic Dr.**

TRAFFIC SIGNAL AT ATLANTIC BOULEVARD AND AQUATIC DRIVE: City Manager Linn reported that the Department of Transportation met with citizens and officials at City Hall on November 14, 2000. Discussed traffic light issue and how they conducted surveys and will continue to study it. Mayor Vaughn added FDOT's study was done at off peak hours.

On the record

Vice Mayor Tankersley stated there is another outlet to the Summer Sands subdivision onto Florida Blvd if they so wish to open that road and they could close the Atlantic Blvd. opening to avoid cut through traffic.

Discussion ensued. The City Manager was instructed to contact the homeowner's association about opening onto Florida Blvd. and closing Atlantic Blvd.

Bike Path

BIKE PATH PENMAN ROAD: City Manager Linn stated he spoke with Sally Rosier of Florida Department of Transportation and the design should be 60% done in late

December.

Jarboe Park	<u>JARBOE PARK:</u> City Manager Linn reported that a purchase authorization was done for a boundary survey required by the state since our last one was over three years old. The consultant has three more weeks before he has to submit drawings.
Naval Air Show	<u>NAVAL AIR SHOW:</u> City Manager Linn reminded the council they had voted to use TV Event funds for the Air Show. He stated that the \$10,000 to the air show was a one time seed money. It will only be for this time.
On the record	Councilman Shimp stated that the \$10,000 was a one time amount.
Short term Rentals	<u>SHORT TERM RENTALS:</u> On hold along with the Land Development Regulations.
Roadway Between Shopping Centers	<u>ROADWAY BETWEEN SHOPPING CENTERS:</u> City Manager Linn announced that there has been a letter of commitment for \$20,000 from the Scotty's Shopping center for the road and negotiations were still under way with the other shopping center.

PROPOSED ORDINANCES

Ordinance No. 2000-12	<u>ORDINANCE NO. 2000-12:</u> AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA RENUMBERING AND AMENDING EXISTING SECTION 22-28, PARKING OF BOATS AND TRAILERS AND AMENDING SECTION 22-28 TO INCLUDE A NEW SUBSECTION B, PARKING, STORAGE OR USE OF MAJOR RECREATIONAL EQUIPMENT OR BOATS ON PRIVATE PROPERTY AND PROVIDING AN EFFECTIVE DATE.
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Consensus: **TO MOVE THIS ORDINANCE TO THE DECEMBER WORKSHOP.**

CONTRACT/AGREEMENTS/NONE

ISSUE DEVELOPMENT/NONE

Public Comments	<u>PUBLIC COMMENTS ON AGENDA ITEMS ONLY</u>
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Nadia Ioannides, 633 Valley Forge Road North, felt that something needed to be done about the RV situation and asked the council to do something about the parking problem and harassment in her neighborhood.

Barbara Parks, 703 Lincoln Road, voiced concern about allegations against her family and harassment by her neighborhoods. She gave the council a copy of a letter she had wrote.

For the record	Councilman Shimp stated that the State Attorney's office does have neighbor dispute mediation if either party would like to try that means of resolution.
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Rebecca Parks, 703 Lincoln Road, a student at Fletcher High School asked for an end to the problem in her neighborhood so her parents would not move and she could finish high school at Fletcher with her friends.

James Wetzel, 1821 Indian Woods Drive, stated that the Supreme Court stated the city has the right to legislate the broad police powers to regulate for the public health, public safety, public morals and public welfare. The city should decide what a safety problem is and legislate on that.

Lynda Padrta, 1113 First Street, stated that the RV issue should go to mitigation because

personalities seems to be getting in the middle of it.

Discussion ensued about the RV parking and Valley Forge Road issue.

Consensus: **TO HAVE THE CITY MANAGER REPORT BACK ON THE SAFETY
ISSUE AT VALLEY FORGE ROAD NORTH AND LINCOLN ROAD.**

Adjournment

There being no further business, the meeting adjourned at 8:20 p.m.

Attest:

George F. Vaughn, Jr., Mayor

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
REGULAR CITY COUNCIL MEETING
DECEMBER 4, 2000 AT 7:00 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 December 4, 2000, at 7:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

Mayor George F. Vaughn, Jr.
Vice Mayor Thomas A. Tankersley
Councilor Ronald D. Patronik
Councilor Robert D. Shimp
City Attorney Christopher White

City Manager Richard A. Linn
City Clerk Lisa Volpe, CMC
Deputy City Clerk Karla Strait
Building Official Dan Arlington
Assistant to the City Manager Terry Klein

Order Call/Pledge

The Mayor called the meeting to order at 7:00 p.m. and led the Pledge of Allegiance.

AWARDS / PRESENTATIONS / RECOGNITION OF GUESTS

City Clerk Lisa Volpe presented plaques to Vice Mayor/Councilor Tankersley, Vice Mayor/Councilor Jones, and Mayor Vaughn in appreciation for their dedicated service to the citizens of Neptune Beach.

APPROVAL OF MINUTES

Motion:

TO APPROVE THE FOLLOWING MEETING MINUTES:

NOVEMBER 6, 2000, REGULAR COUNCIL MEETING
NOVEMBER 8, 2000, SPECIAL CITY COUNCIL MEETING
NOVEMBER 13, 2000, SPECIAL CITY COUNCIL MEETING
NOVEMBER 20, 2000, SPECIAL CITY COUNCIL MEETING
NOVEMBER 20, 2000, WORKSHOP CITY COUNCIL MEETING
NOVEMBER 20, 2000, TOWN HALL MEETING

Moved by Patronik, seconded by Shimp.

Roll Call Vote:

Ayes: 4 - Patronik, Tankersley, Shimp, Vaughn
Noes: 0

MOTION CARRIED

COMMUNICATIONS AND CORRESPONDENCE / NONE**CITY MANAGER REPORTS**

Valley Forge Road &
Lincoln Road

PARKING PROBLEM AT VALLEY FORGE ROAD & LINCOLN ROAD: City Manager Linn reported, on a request from the Council, that police officers had done a safety inspection at the intersection of Valley Forge Road North and Lincoln Road. The officers had reported back that they did not find a problem with the safety of the intersection and that they had cautioned the resident in question about the required parking distance from the stop sign. Mr. Linn added that the officers would continue to patrol the area and if they observed any safety hazards in the future they would come back with a recommendation for no parking signs.

COMMENTS FROM THE PUBLIC / NONE**CONSENT AGENDA / NONE****VARIANCES / NONE****ORDINANCES / NONE****OLD BUSINESS / NONE****NEW BUSINESS**

309 Atlantic Blvd.

DEVELOPMENT ORDER – 309 ATLANTIC BOULEVARD: Steven Riley, 2252 Ocean Walk Drive West, Atlantic Beach, owner of Steve's Seafood in Ponte Vedra Beach, stated that he would be opening another store at 309 Atlantic Boulevard. Mr. Riley explained that he was before the Council seeking final approval to expand the building in order to add a walk in cooler.

There was no discussion.

Moved by Shimp, seconded by Patronik.

Motion: **TO APPROVE THE DEVELOPMENT ORDER FOR 309 ATLANTIC BOULEVARD.**

Roll Call Vote:

Ayes: 4 – Patronik, Shimp, Tankersley, Vaughn

Noes: 0

MOTION CARRIED

519 & 520
Oceanfront

DEVELOPMENT ORDER – 519 & 520 OCEANFRONT: The applicants, Kenneth Fisher and Sandra Smith, were not present. Building Official Dan Arlington presented the case on their behalf, explaining that the new owners of the property were asking for approval to convert the existing two buildings, that currently housed a total of six units, into two single family dwellings. Mr. Arlington added that the new owners were planning to sell one of the lots after the conversion and that the lot facing Midway would be a very small non-conforming lot. Mr. Arlington also added that the Planning & Development Review Board had approved the preliminary development order because it took six units down to two.

There were no questions or comments from the Council.

Moved by Patronik, seconded by Shimp.

Motion: **TO APPROVE THE PLANNING & DEVELOPMENT REVIEW BOARD'S RECOMMENDATION FOR 519 – 520 OCEANFRONT.**

The Planning & Development Review Board's recommendation was that a permanent deed restriction be placed on both lots showing that the two lots will stay single family.

Roll Call Vote:

Ayes: 4 – Patronik, Shimp, Tankersley, Vaughn

Noes: 0

MOTION CARRIED

First Christian Church **SPECIAL EXCEPTION & DEVELOPMENT ORDER – FIRST CHRISTIAN CHURCH OF THE BEACHES:** The representatives of the First Christian Church were not present. City Manager Linn stated that the Planning & Development Review Board had recommended approval and granted a special exception that was required because the church was in a residential area.

There were no questions or comments from the Council.

Moved by Shimp, seconded by Patronik.

Motion: **TO APPROVE THE SPECIAL EXEMPTION DEVELOPMENT ORDER FIRST CHRISTIAN CHURCH OF THE BEACHES.**

Roll Call Vote:

Ayes: 4 – Patronik, Shimp, Tankersley, Vaughn

Noes: 0

MOTION CARRIED

Motion to Adjourn Moved by Shimp.

Motion: **TO ADJOURN THE MEETING.**

Mayor Vaughn stated that the agenda had not been completed and asked if there was a second on the motion.

Vice Mayor Tankersley seconded the motion.

Roll Call Vote:

Ayes: 3 - Patronik, Shimp, Tankersley

Noes: 1 – Vaughn

MOTION CARRIED

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

Dick Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
SPECIAL CITY COUNCIL MEETING
INDUCTION CEREMONY
DECEMBER 5, 2000, AT 8:00 P.M.
CITY HALL, 116 FIRST STREET
NEPTUNE BEACH, FLORIDA

Pursuant to proper notice a Special Meeting of the City Council of the City of Neptune Beach was held December 5, 2000, at 8:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

The following Council members and staff were in attendance:

Former Mayor George F. Vaughn, Jr.	City Manager Richard A. Linn
Mayor Dick Brown	City Clerk Lisa Volpe, CMC
Councilor Ronald D. Patronik	Deputy City Clerk Karla Strait
Councilor Robert D. Shimp	Assistant to the City Manager Terry Klein
Councilor Harriet Pruette	Building Official Dan Arlington
Councilor J. W. "Buddy" Crout	Director of Finance John Herbst
City Attorney Christopher White	Director of Public Works John Galen
	Director of Public Safety William Brandt

Order call

Mayor Vaughn called the special meeting to order at 8:00 p.m. and announced that the purpose of the meeting was to administer the Oaths of Office, elect a Vice-Mayor and appoint a new Finance Director.

Invocation and Pledge

The Pledge of Alliance followed an invocation given by Reverend Don Lynn.

Oaths of Office

OATHS OF OFFICE: In the absence of Circuit Judge W. Gregg McCaulie, City Clerk Lisa Volpe administered the Oath of Office to Mayor-Elect Dick Brown, Councilor-Elect J. W. "Buddy" Crout, and Councilor-Elect Harriet Pruette, whereupon they each, respectively, assumed the duties of their elected office.

Certificate of Election

CERTIFICATE OF ELECTION: City Clerk Lisa Volpe presented a Certificate of Election to Mayor Brown, Councilor Crout, and Councilor Pruette. The new Council members addressed the citizens of Neptune Beach.

Mayor Vaughn congratulated Mayor Brown, Councilor Crout and Councilor Pruette and invited them to take their places behind the bench.

Public Comments

COMMENTS FROM THE PUBLIC: Mayor Brown thanked Mayor Vaughn and opened the floor for public comments.

City Manager Linn congratulated and welcomed the new council members, and introduced his department heads and members of staff that were present.

There being no further comments from the public, the public meeting was closed.

Election of Vice- Mayor ELECTION OF VICE-MAYOR: Pursuant to Section 2.04(b), City Charter, the Mayor opened the floor for nominations for Vice Mayor.

Councilor Pruette nominated Councilor Shimp to serve as Vice Mayor and asked for support from the other Council members.

Moved by Pruette, seconded by Patronik.

Motion: **TO NOMINATE AND ELECT COUNCILOR ROBERT D. SHIMP TO SERVE AS VICE-MAYOR.**

Roll Call Vote:

Ayes: 5 – Brown, Crout, Patronik, Pruette, Shimp

Noes: 0

MOTION CARRIED

Vice Mayor Shimp thanked the Councilors and suggested that at the end of each year another Councilor member be given the opportunity to serve as Vice-Mayor.

Appointment of a new Finance Director APPOINTMENT OF A NEW FINANCE DIRECTOR: Mayor Brown explained that the current Finance Director John Herbst had given his resignation effective at the end of the December. City Manager Linn recommended Steve Ramsey for the position of Finance Director.

Moved by Crout, seconded by Shimp.

Motion: **TO APPROVE MR. LINN'S RECOMMENDATION OF STEVE RAMSEY FOR THE POSITION OF FINANCE DIRECTOR.**

Councilor Pruette commended Mr. Linn for being proactive in replacing the Finance Director.

Roll Call Vote:

Ayes: 5 – Brown, Crout, Patronik, Pruette, Shimp

Noes: 0

MOTION CARRIED

City Manager Linn introduced Steve Ramsey as the new Finance Director.

Mayor Brown invited everyone to stay after the adjournment of the meeting for refreshments and fellowship.

City Manager Linn reminded everyone that Santa would arrive in Jarboe Park Friday, December 8, 2000, and that a Special Council Meeting would be held Monday, December 11, 2000, for an orientation with the Department Heads.

Councilor Patronik and Vice-Mayor Shimp congratulated and welcomed the new Council members.

Adjournment There being no further business, the meeting adjourned at 8:29 p.m.

Dick Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
WORKSHOP CITY COUNCIL MEETING
DECEMBER 11, 2000 AT 7:00 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 December 11, 2000 at 7:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

Mayor Dick Brown
Vice Mayor Robert D. Shimp
Councilor J.W. Buddy Crout
Councilor Ronald Patronik
Councilor Harriet Pruette
City Manager Richard A. Linn
City Attorney Christopher A. White
City Clerk Lisa Volpe, CMC
Deputy City Clerk Karla Strait

Assistant to the City Manager Terry Klein
Director of Public Safety William Brandt Lieutenant
James Kelly
Records Supervisor Joan Herman
Director of Public Works John Galen
Administrative Assistant Robert Harding
Supervisor of Water & Wastewater Leon Smith
Supervisor of Streets & Parks Paul Williams
Finance Director John Herbst
Finance Director Steve Ramsey
Building Official Dan Arlington
Assistant to the Building Official Piper Turner

Call to Order/Roll Call The Mayor called the meeting to order at 7:00 p.m.

ORIENTATION - CITY MANAGER

City Managers Office City Manager Linn felt that it was important for the staff to explain their duties to the Council so that Council would be more familiar with each department. Mr. Linn opened the orientation by stating the goals in his department for the upcoming year. Mr. Linn introduced his assistant Terry Klein to speak about a software program called Civic Tracker.

Assistant to the City Manager Terry Klein introduced herself to the Council and explained that the City Manager's office was in the process of implementing a new software program called Civic Tracker that would track citizens complaints.

**City Attorney/
Legalities** City Attorney Christopher White explained the Government in the Sunshine Manual and that the basic rule of thumb was that if you want to discuss city business with another Council Member it must be done at a Council Meeting. Mr. White added that any City business that was done on a home computer was considered public record.

City Clerk's Office City Clerk Lisa Volpe introduced herself and her Deputy City Clerk Karla Strait to the new Council. Ms. Volpe proceeded to explain that the Clerks Office supported the City Council

with administrative services, handled the record management system, prepared the agendas, prepared the minutes of the meetings, advertised public notices, and served as Supervisor of Elections for the City. Ms. Volpe informed the Council on the total operation of the clerk's office and gave advice on how the Council could help the clerk's office run smoother.

Discussion ensued about agendas and how each Council Member would like to be informed about agenda items.

Public Works
Department

Director of Public Services/City Engineer John Galen gave each Council Member a copy of his organizational chart. Mr. Galen introduced Leon Smith and Paul Williams.

Supervisor of Water and Wastewater Leon Smith introduced himself to Council and explained that his job was to oversee the water and wastewater treatment plants collection and distribution systems, and the stormwater department. Mr. Smith added that he took care of the purchasing and coordinated the activities for the departments, and also took care of customer concerns and complaints. Mr. Smith invited the Council Members to tour the wastewater and water plants.

Supervisor of Public Works Paul Williams stated that he worked in the parks department and dealt with all the street maintenance.

Administrative Assistant Bob Harding introduced himself to the Council Members and stated that he received most of the complaints before anyone else and asked them to give him a call if they had any problems with public works.

Public Safety
Department

Director of Public Safety William Brandt introduced Joan Herman and Lt. James Kelly. Chief Brandt stated that he felt the two most important things that had been done in the police agency was to become accredited and to go through the career tracks program. Chief Brandt also informed the Council that the three beaches police departments worked together and had a good relationship. Chief Brandt thought that it was very important to maintain a good image in the community and he felt that our Police Department did have a good image.

Records' Supervisor Joan Herman introduced herself to the Council and stated that she was the Services Division Supervisor. Ms. Herman stated there were seven civilians that worked in the department three of them in the record section, two of which were part-time dispatchers. Ms. Herman added that her department provided support to all the personnel, helped with reports, and made sure the right agencies had the proper reports. Ms. Herman proceeded to explain the various services and duties of the department.

Lieutenant James Kelly informed the Council that he was in charge of criminal investigation and handled all the follow-ups on all investigations. Lt. Kelly added that he also handled complaints and reported back to the Chief on them and most complaints were related to parking and traffic tickets.

Finance Department

Finance Director John Herbst introduced himself and new Finance Director Steve Ramsey. He gave the name of each person on his staff, their job title, and what each job entailed. Mr. Herbst added that he felt he had a truly outstanding staff that went above and beyond their call of duty. Mr. Herbst explained what his department was responsible for including: 1) the daily, weekly, monthly, and annual accounting, 2) the monthly and annual budget, 3) the Comprehensive Annual Financial Report, 4) managing the main computer system and, 5) the maintenance and upkeep on the city web page.

Building Department

Building Official Dan Arlington introduced himself and his assistant Piper Turner to the new Council. Mr. Arlington explained that his department regulated building & zoning

through plan review, checked licenses and insurance and did the building inspections. Mr. Arlington added that he and Piper also served as the staff for the Planning & Development Review Board, the Board of Appeals, and the Code Enforcement Board. Mr. Arlington stated that his department also regulated liquor licenses and worked with the Fire Marshall on fire regulations. Mr. Arlington felt that their biggest challenge was treating all variance requests equally.

Administrative Assistant to the Building Official Piper Turner explained that she issued all the building, mechanical, electrical, and miscellaneous permits. Piper also stated that she felt there was a problem with the code because they had 31 requests for variances this year and that 90% of the variances were preexisting non-compliance issues.

Discussion ensued about the Land Development Regulations.

For the Record Mayor Brown stated on the record that the three council members that lived west of Third Street would be glad to work with the council on reviewing the Land Development Regulations.

Councilor Pruette asked the other council members to think about how to allow the citizens more time to speak on issues at the Council Meetings.

911 SALARY AGREEMENT

911 Salary Meeting 911 SALARY AGREEMENT: City Manager Linn explained that the 911 agreement was a standard agreement we had with the City of Jacksonville each year whereby they gave us money to operate our dispatch center and asked the Council for a consensus to place the agreement on the consent agenda.

Consensus: **TO PLACE THE 911 SALARY AGREEMENT ON THE CONSENT AGENDA.**

DATE OF NEXT MEETING

Next Meeting Date SETTING A DATE FOR THE NEXT CITY COUNCIL MEETING: City Manager Linn explained that he had nothing on the agenda for the December 18, 2000, City Council Workshop Meeting and suggested that the next Regular City Council Meeting be held on Monday, January 8, 2000.

Discussion ensued about holiday travel plans.

Consensus: **TO HAVE THE REGULAR JANUARY CITY COUNCIL MEETING ON JANUARY 8, 2001**

Public Comments **PUBLIC COMMENTS ON AGENDA ITEMS ONLY/NONE**

There were no comments from the public.

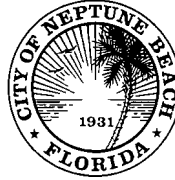
Adjournment There being no further business, the meeting adjourned at 10:00 p.m.

Attest:

Richard A. Brown, Mayor

Lisa Volpe, CMC, City Clerk

Approved: _____



MINUTES
REGULAR CITY COUNCIL MEETING
JANUARY 4, 1999 AT 7:00 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 4, 1999, at 7:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance	IN ATTENDANCE: Mayor George F. Vaughn, Jr. Vice Mayor Thomas A. Tankersley Councilor Edward S. Jones Councilor Ronald D. Patronik Councilor Robert D. Shimp City Clerk Becky E. Hanks, CMC/AEE City Manager Richard A. Linn	City Attorney Christopher A. White Chief of Police William A. Brandt Director of Finance John Herbst Building Official Dan Arlington Deputy City Clerk Janelle Brunner Administrative Assistant Lisa Volpe
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Order Call/Pledge The Mayor called the meeting to order at 7:00 p.m. and led the Pledge of Allegiance.

AWARDS AND PRESENTATIONS - NONE

APPROVAL OF MINUTES

Approval of Minutes Moved by Patronik, seconded by Tankersley.

Motion: **TO APPROVE THE FOLLOWING MEETINGS MINUTES, AS SUBMITTED:**

DECEMBER 7, 1998 REGULAR
DECEMBER 21, 1998 WORKSHOP

Roll Call Vote:

Ayes: 5 – Jones, Patronik, Shimp, Tankersley, Vaughn
Noes: 0

MOTION CARRIED.

COMMUNICATIONS AND CORRESPONDENCE

Jan. Workshop Items The following items were directed to be placed on the January 18, 1998 Workshop Meeting:

1. Consider discontinuance of Town Hall Meetings and add Public Comments to regular workshop meetings.
2. Discussion on complaint letter received from Laura Schultz regarding speeders and suggested options.
3. Discussion on complaint letter received from T. Moseley on commercial parking infiltrating residential area near Orange Street.
4. All matters relating to restrooms in Jarboe Park.
5. Letter from Councilor Patronik to City Attorney White requesting legal opinion on recent opinion letters to newspaper editors.

January & February
Workshops

Due to holidays, the regular January workshop was rescheduled from January 18th to January 19th; and the regular February workshop was rescheduled from February 15th to February 16th

CITY MANAGER REPORTS – NONE

COMMENTS FROM THE PUBLIC

Buddy Crout, 1074 Kings Road, opposed restrooms in Jarboe Park; asked that “No Fishing” signs be placed at both entrances to the Kings Road Bridge.

Elaine Kenny, 1301 Neptune Grove Drive West, opposed restrooms in Jarboe Park.

Harriet Pruette, 217 ½ Magnolia Street, (1) opposed to restrooms in Jarboe Park; (2) recommended discontinuance of Town Hall Meetings; and (3) that the public should be able to speak at the end of each workshop meeting.

Lynn Drysdale, 1768 Ocean Grove Drive, Atlantic Beach, favored adoption of Ordinance No. 1998-34.

Aaron C. Grubbs, 1912 Nightfall Drive, (1) presented Council with a petition for no fishing on the Kings Road Bridge; and (2) responded, on the record, to Councilor Shimp’s remarks made on the record at the December 7, 1998 Regular Meeting.

Bruce Rehmer, 804 McCollum Circle, (1) favored restrooms in Jarboe Park; (2) referencing recent letters to the editor from committee chairpersons, he stated that volunteers should not be reprimanded when there were no guidelines set by Council; and (3) the money received by the City of Atlantic Beach from the City of Jacksonville for fire services to Neptune Beach should be re-routed to Neptune Beach to hire more firefighters and re-institute a volunteer firefighter program.

Elizabeth Sipple, 719 Davis Street, (1) opposed restrooms in Jarboe Park and (2) stated that the park was becoming “too busy.”

Chris Oakey, 620 Camilla Terrace Drive, suggested that Council re-visit the content of the speaker request forms, especially item three (Sec. 2-39).

CONSENT AGENDA – NONE

VARIANCES – NONE

ORDINANCES

Ord. 1998-34
Title Loan

ORDINANCE NO. 1998-34, FIRST READ: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA ADDING A NEW ARTICLE IV TO CHAPTER 22 TRAFFIC AND MOTOR VEHICLES, REGULATING THE MOTOR VEHICLE TITLE LOAN INDUSTRY; AND PROVIDING AN EFFECTIVE DATE.

Moved by Jones, seconded by Patronik.

Motion: **ADOPT ORDINANCE NO. 1998-34 ON FIRST READ.**

Roll Call Vote:

Ayes: 5 – Jones, Patronik, Shimp, Tankersley, Vaughn

Noes: 0

MOTION CARRIED.

OLD BUSINESS- NONE**NEW BUSINESS**

Amended Four-Party
Agmt.

AMENDMENT TO FOUR-PARTY AGREEMENT FOR STREETSCAPE PROJECT: Due to omitted language in the original agreement, Council needed to approve the additional language in the agreement between the City of Jacksonville, City of Atlantic Beach, City of Neptune Beach and Town Center Agency for Streetscape Project.

Moved by Tankersley, seconded by Patronik.

Motion: **TO APPROVE THE AMENDED FOUR-PARTY AGREEMENT BETWEEN THE CITY OF JACKSONVILLE, CITY OF ATLANTIC BEACH, CITY OF NEPTUNE BEACH AND TOWN CENTER AGENCY FOR STREETSCAPE PROJECT.**

Friendly
Amendment: **TO RATIFY THE MAYOR'S SIGNATURE ON THE ABOVE MENTIONED FOUR-PARTY AGREEMENT AND INCORPORATE, AS AN ATTACHMENT TO THESE MINUTES, A COPY OF THE CITY ATTORNEY'S LEGAL OPINION DATED DECEMBER 14, 1998.**

Roll Call Vote:

Ayes: 5 – Jones, Patronik, Shimp, Tankersley, Vaughn

Noes: 0

MOTION CARRIED.

Reso. No. 99-01

RESOLUTION NO. 99-01: A RESOLUTION OF THE CITY OF NEPTUNE BEACH HONORING ISH BRANT AND NAMING CITY HALL THE ISH BRANT BUILDING.

WHEREAS, it is proper to honor those who have attained an exemplary level of statesmanship, high personal integrity and dedicated service to the children and citizens of the State of Florida, and in particular, the City of Neptune Beach; we, the Mayor and Council, therefore, do unanimously resolve that:

- Ish Brant came to the City of Neptune Beach in 1942, after first graduating from the University of Florida, where he distinguished himself academically and as a member of the football, baseball and track teams and serving as Head Coach and Classroom Instructor at Cocoa High School, and the youngest Elected Member of the Rockledge, Florida, City Council.
- Ish Brant served at Fletcher High School as Head Coach and Athletic Director from 1942 to 1957, coaching all major sports and winning seven state and twenty-three conference championships, achieving an unparalleled winning record, earning the nickname the "Silver Fox".
- Ish Brant coached the North All-Star Football Team to its first ever victory; organized and expanded the Florida Community College Jacksonville Boosters, a philanthropic group making substantial financial contributions to the athletic program; highly regarded as an Administrator, Professor and Athletic Director, Florida Community College Jacksonville (FCCJ); held membership on the Board of Directors, Gator Bowl Association; served as President, Jacksonville Quarterback Club; inducted into the Florida Athletic Coaches and Jacksonville Sports Hall of Fame.
- Ish Brant was instrumental in initiating and bringing about the establishment of Florida Community College Jacksonville; received the Service to Education Award, Florida State Department of Education; Service to Citizens and School Children Award, Jacksonville Chamber of Commerce; and a Founder, Jacksonville Episcopal School, receiving the Board of Regents Recognition Award.
- Ish Brant was President and is a Board Member, Boys Home Association; Executive Board Member and Silver Beaver Award, Boy Scouts of America; and Chairman Scholarship Committee, Scottish Rite Masonic Order.
- Ish Brant has served his community honorably and capably both as an elected and appointed official: elected Duval County Superintendent of Public Instruction from 1957 - 1969; City Manager, City of Jacksonville Beach, 1974 - 1977; City Councilman, City of Neptune Beach, 1979 - 1981 and 1991 - 1995; Mayor, City of Neptune Beach, 1981 - 1989; Member, Jacksonville Civil Service Board, 1995 - Present; Member, Beaches Hospital Board 1978 - 1982, Chairman from 1980 - 1982, a period during which the hospital plant, services and staffing greatly improved under his dedicated leadership; President, Northeast Florida League of Cities; Member, Federal Road Board, appointed by President Dwight D. Eisenhower.
- Ish Brant's civic and fraternal accomplishments are many; President, Beaches Art Foundation and Chairman, Scholarship Committee; First President and Charter Member, Kiwanis Club of the Jacksonville Beaches; Governor, Florida District Kiwanis and Thirty-third Degree Scottish Rite Mason; President, Jacksonville Beaches Shrine Club; Worshipful Master, Masonic Lodge; Senior Warden, Treasurer, Sunday School Teacher and Chairman, Building Fund Committee, St. Pauls By-The-Sea Episcopal Church.
- Ish Brant played an essential role in securing the construction of a new public library in Neptune Beach; he established libraries in all Duval

County Elementary Schools during his tenure as the last Superintendent of Public Instruction elected by the people.

- Ish Brant was recently honored by Governor Lawton Chiles, at a special ceremony during which he was presented with the Heartland Award, the State's highest recognition, for a lifetime of leadership, philanthropy, integrity and service to the children and citizens of the State of Florida.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NEPTUNE BEACH, FLORIDA:

SECTION 1. That, we therefore, wish to recognize and honor this unique and exceptional individual's spirit, vigor, compassion and integrity, characterized by his unequaled record of outstanding and noteworthy accomplishments and steadfast loyal service to his community and the citizens of Neptune Beach for over 50 years.

SECTION 2. Be it further resolved, that the Mayor and City Council do hereby resolve that the City Hall shall be named in honor of Ish Brant and a plaque constructed bearing the words "Ish Brant Building" to be affixed to said building.

Moved by Tankersley, seconded by Shimp.

Motion: **TO APPROVE RESOLUTION NO. 99-01, AS NOTED ABOVE.**

Roll Call Vote:

Ayes: 5 – Jones, Patronik, Shimp, Tankersley, Vaughn
Noes: 0

MOTION CARRIED.

Jarboe Park

JARBOE PARK RESTROOMS AND MASTER PLAN: Approval of restroom building model, discussion on maintenance of restrooms, authorization to advertise for bids for construction of restrooms and review of Jarboe Park Master Plan.

Brett Goddard, Landscape Architect, was present to answer questions on the Master Plan for Jarboe Park.

The City Manager stated that after reviewing the cost figures provided by John Galen, he found mathematical oversights that would significantly reduce the cost of maintenance of the restrooms. A lengthy discussion ensued.

Moved by Jones, seconded by Patronik.

Motion: **TO DEFER ALL ISSUES ON RESTROOMS IN JARBOE PARK FOR DISCUSSION AT THE JANUARY 19TH WORKSHOP MEETING.**

Roll Call Vote:

Ayes: 4 – Jones, Patronik, Tankersley, Vaughn
Noes: 1 – Shimp

MOTION CARRIED.

Pre. Develop. Order
1476 Atlantic Blvd.

PRELIMINARY DEVELOPMENT ORDER AT 1476 ATLANTIC BOULEVARD: Application for Preliminary Development Order for construction of storage building at 1476 Atlantic Boulevard; owner James Jones, business Ocean State Heating and Air Conditioning

Company.

Moved by Jones, seconded by Tankersley.

Motion: **TO ACCEPT THE RECOMMENDATION OF THE PLANNING AND DEVELOPMENT REVIEW BOARD AS OUTLINED IN THE BOARD MINUTES OF DECEMBER 15, 1998, AND APPROVE THE PRELIMINARY DEVELOPMENT ORDER FOR CONSTRUCTION OF A STORAGE BUILDING AT 1476 ATLANTIC BOULEVARD, AS SUBMITTED.**

Roll Call Vote:

Ayes: 5 – Jones, Patronik, Shimp, Tankersley, Vaughn

Noes: 0

MOTION CARRIED.

Pre. Develop. Order
217 First Street

PRELIMINARY DEVELOPMENT ORDER AT 217 FIRST STREET: Application for Preliminary Development Order for the expansion of a business at 217 First Street; owner Tom Goelz, business Cobalt Moon.

The development consists of removal of 262 square foot of existing structure and 515 square foot of existing pavement and the addition of 2,816 square foot of retail space in an adjoining two-story structure, new parking, and new landscaping.

Council discussed whether or not the proposed site plan would result in commercial traffic being channeled into a residential area as a result of the parking layout. A lengthy discussion ensued.

Moved by Patronik, seconded by Jones.

Motion: **TO ACCEPT THE RECOMMENDATION OF THE PLANNING AND DEVELOPMENT REVIEW BOARD AS OUTLINED IN THEIR BOARD MINUTES OF DECEMBER 15, 1998, AND APPROVE THE PRELIMINARY DEVELOPMENT ORDER FOR EXPANSION OF BUSINESS AT 217 FIRST STREET, AS SUBMITTED.**

Roll Call Vote:

Ayes: 5 – Jones, Patronik, Shimp, Tankersley, Vaughn

Noes: 0

MOTION CARRIED.

Adjournment

There being no further business, the meeting adjourned at 8:35 p.m.

ATTEST:

George F. Vaughn, Jr., Mayor

Becky E. Hanks, CMC/AAE, City Clerk

Approved: _____



MINUTES
WORKSHOP CITY COUNCIL MEETING
JANUARY 19, 1999 AT 7:00 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 19, 1999, at 7:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

Mayor George F. Vaughn, Jr.
Vice Mayor Thomas A. Tankersley
Councilor Edward S. Jones
Councilor Ronald D. Patronik
Councilor Robert D. Shimp
City Clerk Becky E. Hanks, CMC/AAE

City Manager Richard A. Linn
Building Official Dan Arlington
Administrative Assistant Lisa Volpe

Absent: City Attorney Christopher A. White

Call to Order/Roll Call

The Mayor called the meeting to order at 7:00 p.m.

COMMITTEE REPORTS

Ish Brant Beautification
Committee

ISH BRANT BEAUTIFICATION COMMITTEE REPORT: Due to the absence of Chairperson Chris Tyler, a written report was submitted to Council.

Water Usage

Consensus: **MOVE AGENDA ITEM 6I, ESTIMATE ON WATER USAGE FOR STREET ENDS AND COMMON AREAS, UNDER ISH BRANT BEAUTIFICATION COMMITTEE REPORTS.**

A lengthy discussion ensued regarding an estimated free water usage cap by residents to maintain landscaping on public property.

Consensus: **CITY STAFF AND ARCHITECT BRETT GODDARD WILL RESEARCH AND MAKE A RECOMMENDATION TO COUNCIL AT THE FEBRUARY 16, 1999 WORKSHOP MEETING ON AN ESTIMATED FREE WATER USAGE CAP FOR RESIDENTS THAT VOLUNTEER TO MAINTAIN LANDSCAPING ON PUBLIC PROPERTY.**

Events Committee
Update

COMMUNITY SPECIAL EVENTS COMMITTEE: In response to Council's request, a tentative list of upcoming events was submitted to Council, in the absence of Chairperson Beth Tyler, as follows:

Rededication of Jarboe Park	March 14 th , 1-3 p.m.
Dedication of City Hall as Ish Brant Building	To be announced
Easter Egg Hunt, Jarboe Park	April 2 nd , 10 a.m.
Picnic In The Park, Jarboe Park	June, to be announced
King Neptune Festival	Oct/Nov, to be announced
Christmas In The Park, Jarboe Park	December 10 th , 7 p.m.
Santa Claus Parade	December 18 th , 10 a.m.

Consensus: **COUNCIL RECOMMENDED THE PICNIC IN THE PARK EVENT BE SCHEDULED DURING MAY DUE TO THE COOLER WEATHER; AND THAT THE COMMITTEE, ALSO, WORK WITH THE CITY OF ATLANTIC BEACH FOR A JOINT TOWN CENTER CHRISTMAS EVENT.**

Ad Hoc Committee

AD HOC COMMUNITY CENTER COMMITTEE: No report.

POC Town Center

TOWN CENTER PROJECT OVERSIGHT COMMITTEE: The minutes of the Project Oversight Committee Meeting for the Town Center Streetscape Project held at the Sea Turtle Hotel on January 6, 1999, were reviewed and conceptual options addressed in said minutes were discussed.

Consensus: **MOVE FORWARD TO THE FEBRUARY 1, 1999 REGULAR AGENDA FOR ADOPTION OF CONCEPT "E", TWO-WAY TRAFFIC THROUGHOUT WITH ANGLED PARKING ON ONE SIDE ONLY AND WIDE SIDEWALK ON BOTH SIDES, AND RECOMMEND TO THE POC THAT A TAXI AREA BE PROVIDED ON ATLANTIC BOULEVARD.**

CITY MANAGER PUNCH LIST

City Manager Punch List

CITY MANAGER PUNCH LIST: The City Manager advised Council that the lifeguard station has been demolished and that he would pursue contacts to provide a road access between the K-Mart and Scotty's Lumber shopping areas.

PROPOSED ORDINANCES

Ord. No. 1998-22
Nuisances

DISCUSSION - ORDINANCE NO. 1998-22: AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF NEPTUNE BEACH, FLORIDA TO INCLUDE A NEW CHAPTER 28, ENTITLED "NUISANCES"; AND PROVIDING AN EFFECTIVE DATE. (Sponsor Shimp)

Discussion and clarification ensued on several sections of the proposed ordinance. Comments and questions posed by Councilors:

1. Include a provision for citizens to appeal a decision to the Council.
2. Page 11, Sec. 28-21, what happens to liens after they have been in full force for twenty years and, perhaps 20 years is too long?
3. The higher standard will prevail in the event two provisions of the Code are in conflict.
4. Page 5, Sec. 28-4(n), more definitions should be included.
5. Page 8, Sec. 28-17, line 2, should the word "with" be replaced with "within"?
6. Page 9, Sec. 28-17(g), line 4, should the word "with" be replaced with "within"?
7. Page 9, Sec. 28-18, line 2, the phrase "otherwise interested" may be too broad.
8. Page 9, Sec. 28-18, line 4, the word "his" should be change to generic.
9. Page 10, Sec. 28-20, levying a special assessment of this type should be the

responsibility of the City Manager, not the Council.

10. Page 11, Sec. 28-20(j), clarification is needed as to the definition of "resolution", i.e. a written resolution adopted by Council or just a motion of Council?
11. Page 12, Sec. 28-32(c)(iv), clarification is needed on "To authorize the City to remove the nuisance with the City personnel through a private contractor.....". A specific position should be identified as having this responsibility.

Consensus: **MOVE FORWARD TO THE FEBRUARY 1, 1999 REGULAR AGENDA FOR PASSAGE OF ORDINANCE NO. 1998-22 ON FIRST READ; FOLLOWING PASSAGE ON FIRST READ, SEND A COPY TO THE CODE ENFORCEMENT BOARD FOR REVIEW AND RECOMMENDATION AT THEIR FEBRUARY 10, 1999 BOARD MEETING.**

CONTRACTS / AGREEMENTS - NONE

ISSUE DEVELOPMENT

Traffic Atl. Blvd.

TRAFFIC CONGESTION ON ATLANTIC BOULEVARD WEST OF THE BEACHES: Vice-Mayor Tankersley reported that completion of Atlantic Boulevard construction was behind schedule due to contract change orders. As a result, motorists are now using Atlantic Boulevard to avoid traffic congestion caused by construction on Beach Boulevard, which is on schedule. Unfortunately, due to delays, these two construction projects are overlapping.

Vice-Mayor Tankersley asked the City Manager to keep Council advised as to the status of traffic congestion and project completion.

Unused Traffic Funds

UNUSED TRAFFIC FUNDS - WONDERWOOD EXPRESSWAY: Vice Mayor Tankersley stated that \$12 million dollars of unused transportation funds was recently made available. He recommended that Council permit him to draft a letter, for Council's approval, to the Metropolitan Planning Organization requesting that the funds be channeled to make Kernan Road a parallel corridor from the Wonderwood Expressway to the J. Turner Butler Junction to relieve the volume of traffic at the beach.

On the Record

Council Shimp stated, on the record, that the Metropolitan Planning Organization did not listen to beach citizens, although several members are from the beach area. He suggested that the City appeal directly to the State.

Czn Complaint

COMPLAINT - MAYPORT ROAD EXIT: Discussion ensued regarding a complaint letter dated January 6, 1999, received from Nathan Crumbley registering a concern about reckless driving by motorists who cut in front of other drivers in order to make the Mayport Road exit as they head east on Atlantic Boulevard.

Consensus: **THE CITY MANAGER IS DIRECTED TO SEND A LETTER TO COMPLAINT NATHAN CRUMBLEY OUTLINING THE OPTIONS AVAILABLE AND UNAVAILABLE TO THE CITY WITH RESPECT TO RECKLESS DRIVING ON ATLANTIC BOULEVARD AT THE MAYPORT ROAD EXIT AND COPY SAID LETTER TO COUNCIL.**

Discontinue THM

DISCONTINUANCE OF TOWN HALL MEETINGS: Consider discontinuance of Town Hall Meetings and add Public Comments to the regular workshop agenda. A lengthy discussion ensued.

Consensus: **FORWARD TO THE FEBRUARY 1, 1999 REGULAR AGENDA, (1) AMEND APPROPRIATE RESOLUTION TO SET TOWN HALL MEETINGS IMMEDIATELY FOLLOWING THE REGULAR WORKSHOP MEETINGS, (2) CANCEL TOWN HALL MEETINGS SCHEDULED FOR THE FOURTH MONDAY OF EACH MONTH, UNLESS DEEMED NECESSARY BY COUNCIL, AND (3) AMEND THE APPROPRIATE RESOLUTION TO ADD A NEW AGENDA ITEM, "PUBLIC COMMENTS ON AGENDA ITEMS ONLY" AT THE END OF EACH REGULAR WORKSHOP MEETING.**

Speeders

SPEEDERS: Discussion on complaint letter dated December 22, 1998 from Laura Schultz regarding speeders and suggested option to form a Traffic Calming Citizen Task Force.

Ad Hoc Traffic Safety Committee: Mayor Vaughn announced that he had formed an Ad Hoc Traffic Safety Committee to study the above noted issue in greater detail and allow for much needed community input. The Committee would address traffic calming concerns and strategies as they related to the newly adopted Traffic Calming Study to make the neighborhood streets safer and to make recommendations. Ms. Laura Schultz has volunteered to chair this Committee.

City Manager Linn stated that he and Chief of Police Brandt endorsed the Ad Hoc Committee.

It was recommended that the Council schedule a workshop meeting specifically for reviewing the Traffic Calming Study in detail.

Agenda 2-16-99

Councilor Shimp requested that the issue of appointment of committees be placed on the next workshop agenda for discussion.

Parking

COMPLAINT - PARKING: Discussion ensued regarding a complaint letter dated January 5, 1999 from Thad Moseley on commercial parking infiltrating the residential area near Orange Street, in particular blocked driveways.

Per Officer Larry Dean, State Law prohibits the City from towing vehicles off private property. City Manager Linn expressed concern regarding the City's liability in the event the City did tow a private vehicle.

On the Record

Vice-Mayor Tankersley, on the record, referenced statements made by City Manager Linn on potential off-site parking relief for the proposed development at 200 First Street, as outlined on page 3 of the Planning and Development Review Board Minutes dated June 16, 1998. The Vice-Mayor strongly urged Council to address the parking problem issue in Town Center for the betterment of the whole community.

Restrooms Jarboe Park

RESTROOMS IN JARBOE PARK: Discussion of all matters relating to potential restrooms in Jarboe Park.

Architect Brett Goddard gave a presentation on the current Jarboe Park Master Plan. Restrooms being to most desired improvement suggested by citizens that frequented the park. In addition, desired improvements were basketball courts, additional parking, signage identifying the park, snack bar, benches, bike rack, water fountains, lighting and so on. Several park improvements have already been completed with current grant monies to avoid forfeiting the funds because of a deadline to complete certain projects.

Total cost of the Master Plan was estimated at approximately \$300,000 dollars, minus the

\$48,000 of grant money spent to date, over the next several years. Most of the additional funds would come from grants. Mr. Goddard noted that the Jarboe Park Master Plan needed approval from Council.

On the Record Vice-Mayor Tankersley, on the record, stated that he opposed any further money for Jarobe Park, at this time, including budgeted funds for the restrooms. He cited yearly maintenance on the restrooms, opposition by several citizens at Council meetings and identified several issues that may be more important to address before restrooms. Although, he favored improvements to Jarboe Park with grant monies.

Consensus: **DISPLAY THE PRESENT JARBOE PARK MASTER PLAN IN CITY HALL FOR CITIZEN VIEWING; FORWARD DISCUSSION OF THE MASTER PLAN TO THE FEBRUARY 22, 1999 SPECIAL TOWN HALL MEETING FOR PUBLIC INPUT.**

Legal Opinion LEGAL OPINION - LETTERS TO EDITOR: Letter dated December 21, 1998 from Councilor Patronik to City Attorney White requesting a legal opinion on whether volunteers could reference their titles in opinion letters to newspaper editors.

Per City Manager Linn, Mr. White will render a written opinion to each Councilor.

Culvert Florida Blvd. POSSIBLE CULVERT ON FLORIDA BOULEVARD: The City Manager stated that he was not ready to make a report to Council on the feasibility of the City of Jacksonville installing a culvert along Florida Boulevard in conjunction with construction of the Mayport Flyover Project. A report will be made at the next meeting.

Public Comments PUBLIC COMMENTS:

Consensus: **TO OPEN THE FLOOR FOR PUBLIC COMMENTS.**

Harriet Pruette, Magnolia Street, favored the Ad Hoc Traffic Safety Committee with citizens from each areas of the City to bring their specific concerns forward; favored placement of a sign stating "Dead End Ahead" on the 200 block of Cherry Street to stop drive through traffic onto First Street; favored citizen input at all Council meetings; and favored all committee minutes being available on the Mayor's Town Web Page.

Adjournment There being no further business, the meeting adjourned at 10:45 p.m.

ATTEST:

George F. Vaughn, Jr., Mayor

Becky E. Hanks, CMC/AEE, City Clerk

Approved: February 1, 1999



MINUTES
WORKSHOP CITY COUNCIL MEETING
JANUARY 18, 2000 AT 7:00 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 18, 2000 at 7:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

Mayor George F. Vaughn, Jr.
Vice Mayor Edward S. Jones
Councilor Ronald Patronik
Councilor Robert D. Shimp
Councilor Thomas A. Tankersley
City Manager Richard A. Linn
City Attorney Christopher A. White

City Clerk Lisa Volpe
Supervisor of Water Leon Smith
Lead Operator Mark Greenwood
Director of Finance John Herbst
Building Official Dan Arlington
Deputy City Clerk Karla Strait

Call to Order/Roll Call The Mayor called the meeting to order at 7:00 p.m.

COMMITTEE REPORTS

IBBC

ISH BRANT BEAUTIFICATION COMMITTEE: City Manager Linn reported that the Ish Brant Beautification Committee had met on January 3, 2000 with Jacksonville Councilors Jerry Holland and Elaine Brown. They discussed joint projects along the culvert on Florida Boulevard and were working on a grant for \$5000.00 for landscaping the medians on Third Street.

CITY MANAGERS PUNCH LIST

**Roadway Between
Shopping Centers**

ROADWAY BETWEEN SHOPPING CENTERS: City Manager Linn stated that he had met with Ron Oehl the new owner of the K-mart shopping center. Mr. Oehl was discussing with U-Haul about the roadway.

**Penman Road Bike
Path**

PENMAN ROAD BIKE PATH: City Manager Linn stated that he had spoken with Sally Rosier of the Florida Department of Transportation and they hired a consultant to design the bike path. Ms. Rosier stated that the contract called for a bike path from Atlantic Boulevard down Florida Boulevard across Penman Road, across Third Street to the ocean. The alternative route would be along Penman Road from Atlantic Boulevard down to Seagate Avenue. The consultant was to visit the area this week.

**Wastewater
Management Facilities**

WASTEWATER MANAGEMENT FACILITIES: Mayor Vaughn asked City Manager Linn about the Wastewater Management Facilities. Mr. Linn answered that he didn't believe the city qualified for funding.

Short Term Rentals SHORT TERM RENTAL ISSUE: City Manager Linn announced that he received a letter from the enforcement agency for the State stating that they had no enforcement powers because the units were not five dwellings or more.

Taxi Cab Stands TAXICAB STANDS: Councilor Tankersley asked City Manager Linn if Director of Public Works John Galen had ordered the signs for the taxicab stands. City Manager Linn answered "yes" that they might have already come in.

PROPOSED ORDINANCES

Ord. No. 2000-01 ORDINANCE NO. 2000-01: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, ABANDONING, VACATING AND CLOSING A PORTION OF FIRST STREET BETWEEN NORTH STREET AND SOUTH STREET; AND ESTABLISHING AN EFFECTIVE DATE.

Consensus: **TO MOVE ORDINANCE NO. 2000-01 FORWARD TO THE REGULAR CITY COUNCIL MEETING IN FEBRUARY FOR SECOND READ.**

CONTRACT/AGREEMENTS

CDBG Project AUTHORIZATION TO SOLICIT BIDS FOR CDBG PROJECT: City Manager Linn stated that each year council is asked permission to advertise and solicit bids for the CDBG funding of sewer work. Mr. Linn requested to place this item on the consent agenda for the Regular City Council Meeting in February.

Consensus: **TO MOVE AUTHORIZATION OF BIDS FOR CDBG PROJECT FORWARD TO THE CONSENT AGENDA FOR THE REGULAR CITY COUNCIL MEETING IN FEBRUARY.**

Sliders Oyster Bar GRANDFATHERING OF PARKING SPACES AT SLIDERS OYSTER BAR: City Manager Linn reported that an agreement had been drawn up for the grandfathering of two parking spaces at Sliders Oyster Bar.

Consensus: **TO MOVE SLIDERS OYSTER BAR GRANDFATHERING OF PARKING SPACES FORWARD TO THE CONSENT AGENDA FOR THE REGULAR CITY COUNCIL MEETING IN FEBRUARY.**

ISSUE DEVELOPMENT

Risk Management Program PRESENTATION TO THE PUBLIC OF THE RISK MANAGEMENT PROGRAM REQUIRED BY THE ENVIRONMENT PROTECTION AGENCY: Supervisor of Water Leon Smith and Lead Operator Mark Greenwood gave a presentation on the City's Risk Management Program.

Revenue Enhancements PRESENTATION AND DISCUSSION OF REVENUE ENHANCEMENTS: Director of Finance John Herbst gave a presentation and shared some ideas about how to enhance city revenue.

Interlocal Agreement SUGGESTED TEXT OF AMENDMENT TO INTERLOCAL AGREEMENT TO INCLUDE FIRE PROTECTION AND ADVANCE LIFE SUPPORT RESCUE: Mayor Vaughn stated that there was a draft of a suggested agreement involving fire services to be provided by Jacksonville in the agenda packets. Mayor Vaughn asked for a consensus of the council to move forward with the agreement between the City of Neptune Beach and the City of Jacksonville. The Mayor's intent was not to reopen the interlocal agreement with City of Jacksonville.

Mayor Vaughn felt that if the City of Jacksonville was going to provide our fire protection and fire rescue services at no cost, there needed to be a specific binding agreement between the City of Neptune Beach and the City of Jacksonville. He felt this agreement would do it.

Councilor Shimp stated that he did not want to reopen the issue, he felt that if we did Jacksonville might want to raise our millage rate.

Mayor Vaughn stated that was against his best business interest to rely on an agreement between two entities that are not connected with us.

On the Record Councilor Shimp asked how many times Mayor Delaney and the Jacksonville Fire Chief had to explain that we are covered. He asked why we couldn't just say, "you know what for some reason we got a good deal". Councilor Shimp said for the last time "there was not a Fire Department" we didn't have a volunteer Fire Department, what we had were police officers coming off the street to take care of the fire services. He also stated that insurance rates would go down because Jacksonville was providing fire services and he was willing to trust Mayor John Delaney.

On the Record Councilor Shimp stated on the record that his statements were not meant to be derogatory.

Mayor Vaughn stated that he trusted what was on paper and specific language in an agreement.

Vice Mayor Jones stated that the council voted to surplus the fire equipment at the last meeting and he had based his vote on that we have the very best fire services ever based on the interlocal agreements that were place. Jones further stated that he was not in favor of reopening the issue.

Councilor Patronik asked City Attorney White if this agreement would open up negotiations.

City Attorney White responded that he could not speculate on what would happen but it would become fair game.

Councilor Patronik stated that we might be shooting ourselves in the head if we go ahead with this agreement. He thought it would be very difficult for Jacksonville to charge for fire services in the future.

Councilor Tankersley felt that we had a good working agreement. His concern was that it opened negotiations.

City Attorney White stated that he felt we had an expressed contract.

On the record Councilor Tankersley voted no because he did not feel we needed to go into another interlocal agreement.

Consensus: **NOT TO MOVE FORWARD WITH THE FIRE PROTECTION AGREEMENT.**

Recess / Reconvene The meeting recessed at 9:00 p.m. and reconvened at 9:15 p.m.

Water & Sewer Upgrade UPDATE OF DESIGN OF WATER AND SEWER UPGRADE: Jim Miller with PBS&J gave an update on the design of the water and sewer upgrade.

Welcome Sign DESIGN OF THE "WELCOME TO NEPTUNE BEACH" SIGN: Three different sign designs, numbered 1, 2, and 3 were presented to the council to choose from.

Consensus: **MOVE FORWARD WITH SIGN DESIGN NUMBER 3.**

Public Comments PUBLIC COMMENTS ON AGENDA ITEMS ONLY:

Robert West, 106 Hall Place, expressed concern about the grandfathering of parking spaces at Sliders Oyster Bar. He felt that city streets should not be grandfathered to anyone.

Harriet Pruette, 217½ Magnolia Street, commented that Mayor John Delaney had an interest in Neptune Beach because he was a resident and felt that we should trust in his word. Ms. Pruette added that Cathy Crownover, reporter for Shorelines, had done a good job on the article about city revenues.

Adjournment There being no further business, the meeting adjourned at 10:00 p.m.

George F. Vaughn, Jr., Mayor

ATTEST:

Lisa Volpe, City Clerk

Approved: _____



**TOWN HALL MEETING
JANUARY 25, 1999, AT 7:00 P.M.
CITY HALL, 116 FIRST STREET,
NEPTUNE BEACH, FLORIDA**

Pursuant to proper notice a Town Hall Meeting of the City Council of the City of Neptune Beach was held January 25, 1999, at 7:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

The following Council members and staff were in attendance:

Mayor George F. Vaughn, Jr.
Vice Mayor Thomas A. Tankersley
Councilor Edward S. Jones
Councilor Ronald D. Patronik
Councilor Robert D. Shimp

City Manager Richard A. Linn
City Clerk Becky E. Hanks CMC/AE
Building Official Dan
Arlington
Administrative Assistant Piper Turner

Order Call

The Mayor called the meeting to order at 7:00 p.m.

Public Hearing

PUBLIC HEARING - REVISIONS TO LAND DEVELOPMENT REGULATIONS:
Representatives from Ivey, Harris & Walls gave a presentation outlining their scope of work in relation to rewriting the Land Development Regulations, answer questions and receive input from citizens and conduct a survey.

Survey

The purpose of distributing a survey to those in attendance was to have a better understanding of the project and learn the views that are most important to the code revisions. Survey questions included issues on:

1. Land Use
2. Residential Use
3. Commercial Use
4. Other Uses
5. Accessory Uses and Structures
6. Tree Protection and Landscaping
7. Streets, Sidewalks and Rights-of-way
8. Off-street Parking and Loading
9. Architectural Review
10. Historic Preservation
11. Non-conforming Lots, Structures, Uses and Signs

Following a question and answer period, the consultant firm agreed to make the next survey questions in more detail.

Adjournment

There being no further business, the meeting adjourned at 8:45 p.m.

Becky E. Hanks, CMC/AE, City Clerk

George F. Vaughn, Jr., Mayor

Approved: _____



MINUTES
REGULAR CITY COUNCIL MEETING
FEBRUARY 1, 1999 AT 7:00 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 February 1, 1999, at 7:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

IN ATTENDANCE:

Attendance

Mayor George F. Vaughn, Jr.
Vice Mayor Thomas A. Tankersley
Councilor Edward S. Jones
Councilor Ronald D. Patronik
Councilor Robert D. Shimp
City Clerk Becky E. Hanks, CMC/AEE
City Manager Richard A. Linn

City Attorney Christopher A. White
Director of Public Services John Galen
Director of Finance John Herbst
Building Official Dan Arlington
Deputy City Clerk Janelle Brunner
Administrative Assistant Lisa Volpe

Order Call/Pledge The Mayor called the meeting to order at 7:00 p.m. and led the Pledge of Allegiance.

AWARDS AND PRESENTATIONS – NONE

APPROVAL OF MINUTES

Approval of Minutes Moved by Tankersley, seconded by Shimp.

Motion: **TO APPROVE THE FOLLOWING MEETINGS MINUTES, AS SUBMITTED: JANUARY 4, 1999 REGULAR, JANUARY 19, 1999 WORKSHOP AND JANUARY 25, 1999 TOWN HALL**

Roll Call Vote:

Ayes: 5 – Jones, Patronik, Shimp, Tankersley, Vaughn
Noes: 0

MOTION CARRIED.

COMMUNICATIONS AND CORRESPONDENCE - NONE

CITY MANAGER REPORTS

Florida Blvd. Culvert **FLORIDA BOULEVARD CULVERT:** The City Manager stated that he was waiting for a reply from Miles Francis, Jacksonville Transportation Authority, regarding the feasibility of Jacksonville installing a culvert along Florida Boulevard between Atlantic Boulevard and Hopkins Creek in conjunction with the Mayport Flyover Project. City Manager Linn further stated that Sam Mousa, Director of Public Works, City of Jacksonville, advised that his

department would not be involved unless there were provisions to do so in the Interlocal Agreement for Governmental Services. c

Dancing in the Street DANCING IN THE STREET 1999: The City Manager, Director of Public Services, and the Director of Public Safety recently met with the Merchant's Association to discuss planning details for Dancing In The Street 1999. Mr. Linn announced that he would bring forward for Council approval, at a later date, budget appropriations for requested security.

COMMENTS FROM THE PUBLIC

Robert West, 106 Hall Place, stated that the proposed commercial development at 200 First Street submitted by Ed Jones should meet all parking requirements.

Yves Bergeron of 2231 Marsh Point Road and Elizabeth Hughes of 2229 Marsh Point Road requested a buffer between the commercial and residential area near Kings Circle.

Danny Thiele, 107 Azalea Place, suggested adopting an ordinance regulating night-light on the beach for sea turtle protection.

Robert Hudson, 206 Hopkins Street, recommended extending the hours during the winter months that dogs would be able to walk on the beach.

CONSENT AGENDA

Ratification of Safety Labor Agmt. PUBLIC SAFETY LABOR COUNCIL AGREEMENT: Labor agreement between the City of Neptune Beach and the Neptune Beach Public Safety Department Labor Council commencing October 1, 1998 and ending September 30, 2001.

Moved by Tankersley, seconded by Patronik.

Motion: **APPROVE THE ABOVE NOTED LABOR AGREEMENT.**

Roll Call Vote:

Ayes: 5 – Jones, Patronik, Shimp, Tankersley, Vaughn

Noes: 0

MOTION CARRIED.

VARIANCES – NONE

ORDINANCES

Ord. No. 1998-34 ORDINANCE NO. 1998-34, SECOND AND FINAL READ: AN ORDINANCE OF THE
Title Loan CITY OF NEPTUNE BEACH, FLORIDA ADDING A NEW ARTICLE IV TO CHAPTER 22
TRAFFIC AND MOTOR VEHICLES, REGULATING THE MOTOR VEHICLE TITLE LOAN
INDUSTRY; AND PROVIDING AN EFFECTIVE DATE.

The Mayor read Ordinance 1998-34 by title only and opened the public hearing. There being no public comments, the Mayor closed the public hearing.

Motion: **TO ADOPT ORDINANCE NO. 1998-34 ON SECOND AND FINAL READ.**

Roll Call Vote:

Ayes: 5 – Jones, Patronik, Shimp, Tankersley, Vaughn

Noes: 0

MOTION CARRIED.

Ord. No. 1998-22
Nuisances

ORDINANCE NO. 1998-22, FIRST READ: AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF NEPTUNE BEACH, FLORIDA TO INCLUDE A NEW CHAPTER 28, ENTITLED "NUISANCES," AND PROVIDING AN EFFECTIVE DATE.

Moved by Shimp, seconded by Jones

Motion: **TO ADOPT ORDINANCE NO. 1998-22 ON FIRST READ.**

Roll Call Vote:

Ayes: 5 – Jones, Patronik, Shimp, Tankersley, Vaughn

Noes: 0

MOTION CARRIED. Forwarded to February 16, 1999 workshop for discussion.

OLD BUSINESS

Town Center
Streetscape Project

TOWN CENTER STREETSCAPE PROJECT CONCEPT PLAN "E": Council emphasized the importance of a taxi cab stand along Atlantic Boulevard.

Moved by Tankersley, seconded by Patronik

Motion: **APPROVE TOWN CENTER STREETSCAPE PROJECT CONCEPT "E."**

Roll Call Vote:

Ayes: 5 – Jones, Patronik, Shimp, Tankersley, Vaughn

Noes: 0

MOTION CARRIED.

Speed Bumps

SPEED BUMPS ON LORA, FIFTH, OLEANDER, AND DAVIS STREETS: Pursuant to the Speed Bump Policy, a public hearing was conducted on the following citizen requests:

1. Permanent speed bumps in the 200 block of Lora Street.
2. Permanent speed bumps on Fifth Street between Bay and Cedar Streets.
3. Temporary speed bumps on Oleander Street between Third and Fifth Streets.
4. Temporary speed bumps on Davis Street between Third and First Streets.

The following citizens who spoke in favor of speed bumps cited children safety, lack of police enforcement of speed limits, and resulting reduction of traffic in their neighborhoods:

- Verna Griffin, 229 Lora Street
- Gary Snyder, 521 Pine Street
- Dean Taylor, 517 Oak Street
- Bill Barker, 814 Fifth Street
- Bobby Stephens, 910 Fifth Street
- Bob Frosio, 804 Fifth Street

The following citizens who opposed speed bumps cited the noise level, shifting of traffic onto other streets by motorists trying to avoid them, slow response by emergency vehicles, makes streets unsightly, streets are too narrow, and cars bottom-out when traveling over them:

- Robert Hudson, 206 Hopkins Street
- James Hayes, 519 McCollum Circle
- Steve Pate, 565 Oleander Street
- Dina O'Neill, 318 Oleander Street
- Barbara Evans, 1514 First Street
- John Schehr, 540 Davis Street
- Murray & Tom Trotta, 124 Davis Street
- Bacot Wright, 1516 First Street
- Gayle Granger, 1510 First Street
- Mike Hillegass, 1707 Strand Street
- Harriet Pruette, 217 ½ Magnolia Street.
- Jill McGriff, Davis Street
- Claire Zaiser, 109 Davis Street
- John Herbst, 805 McCollum Circle

Numerous citizen made the following suggestions:

- Determine if more transitory renters are requesting the speed bumps than homeowners.
- A lot of the speeders are a teenager going to and from school.
- Lower speed limits.
- Install more stop signs.
- Place an opening in middle of speed bumps to allow bicycles, strollers, etc. to pass through.
- More police enforcement.

There being no further comments, the Mayor closed the public hearing.

Moved by Jones, seconded by Patronik

Lora St Motion: **TO DENY THE REQUEST OF INSTALLING PERMANENT SPEED BUMPS ON LORA STREET.**

Friendly Amendment: **TO ADD REMOVAL THE TEMPORARY SPEED BUMPS ALREADY IN PLACE ON LORA STREET.**

Roll Call Vote:

Ayes: 4 - Jones, Patronik, Tankersley, Vaughn

Noes: 1 - Shimp

MOTION CARRIED.

Moved by Jones, seconded by Patronik

Fifth St Motion: **TO INSTALL PERMANENT SPEED BUMPS ON FIFTH STREET.**

Roll Call Vote:

Ayes: 1 – Jones

Noes: 4 – Patronik, Shimp, Tankersley, Vaughn

MOTION FAILED.

Moved by Jones, seconded by Patronik

Oleander St Motion: **TO DENY THE REQUEST TO PLACE TEMPORARY SPEED BUMPS ON OLEANDER STREET.**

Roll Call Vote:

Ayes: 5 – Jones, Patronik, Shimp, Tankersley, Vaughn

Noes: 0

MOTION CARRIED.

Moved by Jones, seconded by Patronik

Davis St Motion: **TO DENY THE REQUEST TO PLACE TEMPORARY SPEED BUMPS ON DAVIS STREET.**

Roll Call Vote:

Ayes: 5 – Jones, Patronik, Shimp, Tankersley, Vaughn

Noes: 0

MOTION CARRIED.

Recess/Reconvene The meeting recessed at 9:21 p.m. and reconvened at 9:38 p.m.

Consensus: **SCHEDULE A WORKSHOP MEETING FOR 7:00 P.M. ON MARCH 8, 1999 FOR THE PURPOSE OF DISCUSSING TRAFFIC CALMING OPTIONS AND RECEIVING PUBLIC INPUT AT THE END OF THE MEETING.**

Consensus: **THE CITY MANAGER IS DIRECTED TO BE PREPARED TO GIVE DIRECTION AND MAKE RECOMMENDATIONS TO COUNCIL ON THE BEST WAY TO REDUCE SPEEDING WITH ALTERNATIVES OTHER THAN SPEED BUMPS.**

NEW BUSINESS

Mosquito Control **LETTER OF PERMISSION FOR MOSQUITO CONTROL SPRAYING:** Request of the City of Jacksonville, Department of Regulatory and Environmental Services, Property Safety Division, Mosquito Control Branch, to fly aircraft within City boundaries and over mosquito control locations when engaged in mosquito control spraying operations during May 1, 1999 through April 30, 2000.

Moved by Patronik, seconded by Tankersley

Motion: **APPROVAL TO THE CITY OF JACKSONVILLE FOR MOSQUITO SPRAYING OPERATIONS AS NOTED ABOVE.**

Roll Call Vote:

Ayes: 5 – Jones, Patronik, Shimp, Tankersley, Vaughn

Noes: 0

MOTION CARRIED.

Consensus: **THE CITY MANAGER IS DIRECTED TO CONTACT MOSQUITO CONTROL TO INQUIRE AS TO THE FEASIBILITY OF EXTRA SPRAYINGS, ANY ASSOCIATED COSTS, AND THE APPROPRIATE PROCEDURE FOR DOING SO, IF NECESSARY.**

Reso. No. 99-02 **RESOLUTION NO. 99-02: RESOLUTION AMENDING RESOLUTION 98-49 ORDER OF BUSINESS TO ADD AN AGENDA WORKSHOP ITEM ENTITLED "PUBLIC COMMENTS**

ON AGENDA ITEMS ONLY".

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL
OF THE CITY OF NEPTUNE BEACH, FLORIDA, THAT:

Section 1. The business of the Council shall be taken up for
consideration and disposition in the following order:

A. *Regular Meetings.*

1. Call to Order
2. Pledge of Allegiance
3. Awards/Presentations/Recognition of Guests
4. Approval of Minutes
5. Communications and Correspondence
 - Mayor
 - Council
 - City Clerk
 - City Manager
6. City Manager Reports
7. Comments from the Public
8. Consent Agenda
9. Variances
10. Ordinances
11. Old Business
12. New Business
13. Adjourn

B. *Regular Workshop Meetings*

1. Call to Order
2. Committee Reports
3. City Manager Punch List
4. Proposed Ordinances
5. Contracts / Agreements
6. Issue Development
7. ~~Adjourn~~ Public Comments on Agenda Items Only
8. Adjourn

Moved by Tankersley, seconded by Shimp.

Motion: **TO APPROVE RESOLUTION NO. 99-02, AS NOTED ABOVE.**

Roll Call Vote:

Ayes: 5 – Jones, Patronik, Shimp, Tankersley, Vaughn

Noes: 0

MOTION CARRIED.

Reso. No. 99-03

RESOLUTION NO. 99-03: A RESOLUTION AMENDING RESOLUTION NO. 98-19 TO SET MONTHLY TOWN HALL MEETINGS IMMEDIATELY FOLLOWING THE REGULAR WORKSHOP MEETINGS AND CALLING FOR ADDITIONAL TOWN HALL MEETINGS, AS DEEMED NECESSARY BY COUNCIL.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF
THE CITY OF NEPTUNE BEACH, FLORIDA:

SECTION 1. That a new policy is hereby established wherein the City Council shall conduct an informal Town Hall Meeting on a monthly basis, immediately following each regular workshop meeting, to receive input from the citizens.

SECTION 2. That additional Town Hall Meetings shall be scheduled for the fourth Monday of the month, as deemed necessary by the City Council.

Moved by Tankersley, seconded by Patronik.

Motion: **TO APPROVE RESOLUTION 99-03, AS NOTED ABOVE.**

Roll Call Vote:

Ayes: 4 – Jones, Patronik, Shimp, Tankersley

Noes: 1 - Vaughn

MOTION CARRIED.

Reso. No. 99-04

RESOLUTION NO. 99-04: RESOLUTION REAPPOINTING BOARD MEMBERS TO THE BOARD OF APPEALS, CIVIL SERVICE BOARD AND CODE ENFORCEMENT BOARD.

RESOLVED, the City Council of the City of Neptune Beach, Florida, hereby confirms the following board re-appointments:

BOARD OF APPEALS

<u>Member</u>	<u>Type</u>	<u>Term</u>	<u>Begins</u>	<u>Ends</u>
Jay Ambler	Reappoint Alternate	1 year	2/2/99	2/1/2000
Robert Hudson	Reappoint Alternate	1 year	2/2/99	2/1/2000
Jim Stinekraus	Reappoint Alternate	1 year	2/23/99	2/22/2000

CODE ENFORCEMENT BOARD

<u>Member</u>	<u>Type</u>	<u>Term</u>	<u>Begins</u>	<u>Ends</u>
Joseph Waddill	Reappoint Alternate	1 year	2/2/99	2/1/2000
William Weldon	Reappoint Alternate	1 year	2/2/99	2/1/2000

CIVIL SERVICE BOARD

<u>Member</u>	<u>Type</u>	<u>Term</u>	<u>Begins</u>	<u>Ends</u>
Robert Clarke	Reappoint Alternate	1 year	2/2/99	2/1/2000

Moved by Patronik, seconded by Tankersley.

Motion: **TO APPROVE RESOLUTION NO. 99-04, AS NOTED ABOVE.**

Roll Call Vote:

Ayes: 5 – Jones, Patronik, Shimp, Tankersley, Vaughn

Noes: 0

MOTION CARRIED.

Pre. Develop. Order

PRELIMINARY DEVELOPMENT ORDER AT 200 FIRST STREET: Application for

200 First Street

Preliminary Development Order for the commercial renovation and new construction at 200 First Street (old Ed Smith Lumber building) applicant Edward S. Jones.

The Mayor acknowledged receipt of a letter dated February 1, 1999 from Michael Dunlap, architect and representative for Edward S. Jones, withdrawing the proposed development plans.

The Mayor read Mr. Dunlap's letter, addressed to the City Manager, into the record as follows:

"Dear Dick,

Please accept this letter as a request for withdrawal of the plans which I submitted to you for development review under cover letter dated January 13, 1999.

As you know, the Planning and Development Review Board did not approve the proposed development as submitted. The Owner of the property intends to submit revised plans of the development indicating on-site parking in the second phase of construction. Thank you for your assistance, and please call me if you have any questions.

Sincerely,
Michael Dunlap"

Adjournment

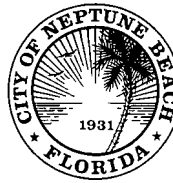
There being no further business, the meeting adjourned at 10:05 p.m.

George F. Vaughn, Jr., Mayor

ATTEST:

Becky E. Hanks, CMC/AAE, City Clerk

Approved: _____



MINUTES
REGULAR CITY COUNCIL MEETING
FEBRUARY 7, 2000 AT 7:00 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 February 7, 2000, at 7:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

Mayor George F. Vaughn, Jr.
Councilor Ronald D. Patronik
Councilor Robert D. Shimp
Councilor Thomas A. Tankersley
City Manager Richard A. Linn
City Attorney Christopher White

City Clerk Lisa Volpe
Director of Finance John Herbst
Building Official Dan Arlington
Deputy City Clerk Karla Strait

ABSENT:
Vice Mayor Edward S. Jones

Order Call/Pledge

The Mayor called the meeting to order at 7:00 p.m. and led the Pledge of Allegiance.

AWARDS / PRESENTATIONS / RECOGNITION OF GUESTS

City Manager Linn presented Director of Finance John Herbst with a Certificate of Achievement for Excellence in Financial Reporting from the Florida Government Finance Association.

Director of Finance John Herbst gave a report on the financial status of the city.

Mayor Vaughn presented Grace Wazinski with a plaque for her late husband Phil Wazinski's Outstanding Volunteer Service on the Board of Appeals.

APPROVAL OF MINUTES

Motion: **TO APPROVE THE FOLLOWING MEETING MINUTES AS STATED:**

JANUARY 3, 2000, REGULAR
JANUARY 18, 2000, WORKSHOP
JANUARY 18, 2000, TOWN HALL
JANUARY 31, 2000, WORKSHOP

Moved by Patronik, seconded by Shimp.

Mayor Vaughn recognized that there was an error on the agenda under the approval of the minutes. The January Workshop and Town Hall Meetings were typed as January 17, 2000

and were actually held on January 18, 2000.

Mayor Vaughn asked that the January 18, 2000, Workshop Minutes have the record reflect that it was never his intent or his request that the interlocal agreement be opened for negotiation. That agreement was submitted through the City Attorney and that the only thing he asked for was a straight agreement with the City of Jacksonville and Neptune Beach.

Roll Call Vote:

Ayes: 4 - Patronik, Shimp, Tankersley, Vaughn

Noes: 0

Absent: 1 - Jones

MOTION CARRIED

COMMUNICATIONS AND CORRESPONDENCE

February Workshop Meeting

City Clerk Lisa Volpe requested that due to Presidents Day falling on Monday, February 21, 2000, that the February Workshop Meeting be held on Tuesday, February 22, 2000.

Consensus: **TO HOLD THE FEBRUARY WORKSHOP MEETING ON TUESDAY, FEBRUARY 22, 2000.**

Taxi Cab Stands

Councilor Tankersley recognized that the taxicab stands were now in Town Center and thanked City Manager Linn.

CITY MANAGER REPORTS

Water Testing

WATER TESTING FOR MTBE (Methyl tert-butyl ether): City Manager Linn stated that our water supply had been tested on December 9, 1996 and there were no contaminants detected. Mr. Linn had spoken with Director of Public Works John Galen and was told that the water sample for the current three-year cycle had been sent out last week and the results would be forthcoming in about six weeks. Mr. Linn told council that he would add the issue to his punch list. Mr. Linn further stated that the Health Department felt that the risk of our water system in Neptune Beach being contaminated with this chemical was very low.

Hopkins Creek Fallout

HOPKINS CREEK OUTFALL DOT PROJECT TRAFFIC CONTROL PLAN: City Manager Linn stated he had received a letter from Sally Rosier of the Department of Transportation. One of the options being considered for the traffic control plan was to close off Penman Road and divert the traffic down Seagate Avenue over to Fifth Street, up Florida Boulevard and back to Penman Road. Mr. Linn felt this was not a workable solution for the community and drafted a letter indicating his concerns. Mr. Linn asked council if they had any objections. Mr. Linn felt that it would not be in any interest to the community and had serious reservations about the safety.

Councilor Patronik asked City Manager Linn who would be paying for the cost. City Manager Linn responded that the outfall was the responsibility of the Florida Department of Transportation and was a three or four million-dollar project.

Mayor Vaughn suggested that City Manager Linn ask the Department of Transportation, if they had to do the project, to do it during the summer when school is out.

Wastewater Facilities Grant

REQUEST FOR INCLUSION ON PRIORITY LIST FOR WASTEWATER FACILITIES GRANT REPORT: City Manager Linn explained that the grant was for disadvantaged small communities and that the deadline for the list was February 15, 2000. The funding for the grant program was from the interest of the state revolving loan fund. Neptune Beach qualified for inclusion on the list with about thirty other Florida communities. Priority would be given to communities that were experiencing a contamination or a health

problem. Mr. Linn added that we would be relatively low on the list because of this. However, Mr. Linn further explained that once your name was on the list that it would be on the list forever and that as other communities worked down we would eventually see some benefits. City Manager Linn added that if we could qualify for ten years that we could do a major portion of our sewer work from the grant.

Emergency
Management
Preparedness

EMERGENCY MANAGEMENT PREPAREDNESS ASSISTANCE TRUST FUND: City Manager Linn reported that Neptune Beach had made the list this year and was 28 out of 31 that may receive funding for emergency generators for lift stations and that the matching grant was \$23, 000.

COMMENTS FROM THE PUBLIC

Leslie Carlin, 1506 Spindrift Circle West, asked about the Wastewater Facilities Grant: if our income per capita increased could the grant be taken away. City Manager Linn responded "no".

Brad Duttera, 2026 Cherokee Drive, was concerned about taxes and the city purchasing more land instead of using it as a tax base.

Harriet Pruette, 217 ½ Magnolia Street, felt that the city needed to take care of the drainage problem that existed at the end of Atlantic Boulevard before adding an archway to Town Center. Ms. Pruette was also concerned about the Town Center Merchants not paying their fair share for the Town Center Project.

Mayor Vaughn responded to Harriet Pruettes' concerns stating that the town center merchants had committed to \$75,000 for the Town Center Project and at the last Project Oversight Committee Meeting over \$50,000 of those funds had been placed in the bank from the merchants. There was another meeting scheduled for the last week of the month for those merchants who had not participated to hopefully encourage them to come up with their portion. He was confident that the merchants would fulfill their commitment. Mayor Vaughn further stated that the drainage concern at the end of Atlantic Boulevard had been debated long before the Project Oversight Committee came along with the project and that there were no simple solutions to that problem. Mayor Vaughn added that the final design of the Archway was being drafted by the architect and would be a good addition to the project itself.

Councilor Shimp stated that he was against the archway and felt that it would look cheap. He was also concerned about the merchants not paying. The last meeting he had attended only 17 out of 64 had paid their share. He believed that the City had done everything it could for Town Center and felt that the Town Center Merchants and landowners needed to take some responsibilities and take the financial burden off the city.

For the Record Councilor Shimp stated that for the record he was out voted on the archway issue at the Project Oversight Committee Meeting.

Mayor Vaughn gave Harriet Pruette the name of Commissioner Desmond Waters of Atlantic Beach to contact for information regarding the collections of the Town Center Merchants.

Lynda Padrta, 1113 First Street, felt that the city did not need to spend money on an archway because there were other issues that needed to be addressed.

CONSENT AGENDA

CDBG Project &
Grandfather Parking
Spaces

SOLICIT BIDS FOR CDBG PROJECT & GRANDFATHER PARKING SPACES IN CONJUNCTION WITH TOWN CENTER PROJECT. These two items had been placed on the consent agenda to be voted on.

Moved by Shimp, seconded by Patronik.

Motion: **TO APPROVE THE CONSENT AGENDA.**

Roll Call Vote:

Ayes: 4 – Patronik, Shimp, Tankersley, Vaughn

Noes: 0

Absent: 1 - Jones

MOTION CARRIED

VARIANCES / NONE

ORDINANCES

Ordinance No.
2000-01

ORDINANCE NO. 2000-01, SECOND READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, ABANDONING, VACATING AND CLOSING A PORTION OF FIRST STREET BETWEEN NORTH STREET AN SOUTH STREET; AND ESTABLISHING AN EFFECTIVE DATE.

The Mayor read Ordinance No. 2000-01 by title only and opened the public hearing.

There being no public comments, the public hearing was closed.

Moved by Tankersley, seconded by Shimp.

Motion: **TO ADOPT ORDINANCE NO. 2000-01,ON FINAL READ AND PUBLIC HEARING AS STATED.**

Roll Call Vote:

Ayes: 4 – Patronik, Shimp, Tankersley, Vaughn

Noes: 0

Absent: 1 - Jones

MOTION CARRIED

Ordinance No.
1999-13

ORDINANCE NO. 1999-13, SECOND READ AND PUBLIC HEARING: AN ORDINANCE TO AMEND THE FUTURE LAND USE MAP OF THE ADOPTED COMPREHENSIVE PLAN OF THE CITY OF NEPTUNE BEACH ON APPROXIMATELY .30 ACRE PARCEL OF LAND LOCATED WEST OF POINCIANA ROAD, NORTH OF BAY ROAD, EAST OF FLORIDA BOULEVARD, AND SOUTH OF KINGS CIRCLE SOUTH FROM COMMERCIAL MEDIUM DENSITY TO MEDIUM DENSITY RESIDENTIAL; PROVIDING AN EFFECTIVE DATE.

The Mayor read Ordinance No. 1999-13 by title only, and opened the public hearing.

Leslie Carlin, asked if the city would receive more taxes if the property remained commercial.

Building Official Dan Arlington responded that it would depend on what would be built there.

There being no further comments from the public, the public hearing was closed.

Moved by Shimp, seconded by Patronik.

Motion: **TO ADOPT ORDINANCE NO. 1999-13, ON FINAL READ AND PUBLIC HEARING AS STATED.**

Roll Call Vote:

Ayes: 4 - Patronik, Shimp, Tankersley, Vaughn

Noes: 0

Absent: 1 - Jones

MOTION CARRIED

Ordinance No.
1999-14

ORDINANCE NO. 1999-14, SECOND READ AND PUBLIC HEARING: AN ORDINANCE REZONING APPROXIMATELY .30 ACRE PARCEL OF LAND LOCATED WEST OF POINCIANA ROAD, NORTH OF BAY ROAD, EAST OF FLORIDA BOULEVARD, AND SOUTH OF KINGS CIRCLE SOUTH FROM COMMERCIAL MEDIUM DENSITY TO MEDIUM DENSITY RESIDENTIAL; PROVIDING AN EFFECTIVE DATE.

The Mayor read Ordinance No. 1999-14 by title only and opened the public hearing.

There being no comments from the public, the public hearing was closed.

Moved by Patronik, seconded by Shimp.

Motion: **TO ADOPT ORDINANCE NO. 1999-14, ON FINAL READ AND PUBLIC HEARING AS STATED.**

Roll Call Vote:

Ayes: 4 – Patronik, Shimp, Tankersley, Vaughn

Noes: 0

Absent: 1 - Jones

MOTION CARRIED

OLD BUSINESS / NONE

NEW BUSINESS

Resolution No.
2000-01

RESOLUTION NO. 2000-01: RESOLUTION APPOINTING AND REAPPOINTING BOARD MEMBERS TO BOARD OF APPEALS, CODE ENFORCEMENT BOARD, PLANNING AND DEVELOPMENT REVIEW BOARD, AND POLICE OFFICERS' RETIREMENT FUND BOARD

RESOLVED, the City Council of the city of Neptune Beach, Florida, hereby confirms the following board re-appointments:

BOARD OF APPEALS

Member	Type	Term	Begins	Ends
Jay Ambler	Reappoint Alternate	1 year	2/1/2000	1/31/2001
Robert Hudson	Reappoint Alternate	1 year	2/1/2000	1/31/2000
Jim Stinekraus	Appoint Regular	3 year	2/25/2000	2/24/2001

CODE ENFORCEMENT BOARD

Member	Type	Term	Begins	Ends
Jimmy Gilbert	Reappoint Regular	3 year	09/04/1999	09/03/2002
Joseph Waddill	Reappoint Regular	3 year	12/14/1999	12/13/2002
Richard Keene	Appoint Regular	3 year	02/07/2000	02/06/2003
William Weldon	Reappoint Alternate	1 year	02/02/2000	02/01/2001

PLANNING AND DEVELOPMENT REVIEW BOARD

Member	Type	Term	Begins	Ends
Brian Greenwood	Reappoint Regular	3 year	08/05/1999	08/04/2002
Joseph Sasser	Appoint Regular	3 year	02/07/2000	02/06/2003

POLICE OFFICERS RETIREMENT FUND BOARD

Member	Type	Term	Begins	Ends
Donald Padgett	Reappoint Regular	2 year	09/02/1999	09/01/2001
Benton Rodriquez	Appoint Regular	2 year	02/07/2000	02/06/2002

Moved by Tankersley, seconded by Patronik.

Motion: **TO APPROVE RESOLUTION NO. 2000-01 AS NOTED ABOVE.**

Roll Call Vote:

Ayes: 4 – Patronik, Shimp, Tankersley, Vaughn

Noes: 0

Absent: 1 - Jones

MOTION CARRIED

Resolution No.
2000-02

RESOLUTION NO. 2000-02: RESOLUTION OF THE CITY OF NEPTUNE BEACH, FLORIDA AUTHORIZING THE CITY ATTORNEY TO REPRESENT THE CITY OF NEPTUNE BEACH IN THE CONDEMNATION PROCEEDING WITH THE JACKSONVILLE TRANSPORTATION AUTHORITY FOR THE MAYPORT FLYOVER PROJECT.

WHEREAS, it is anticipated that other lawsuits may be filed against the City of Neptune Beach, Florida by the Jacksonville Transportation Authority; and

WHEREAS, the City of Neptune Beach, Florida desires to have Christopher A. White, Esq., Neptune Beach City Attorney, represent their interests in the above-referenced litigation.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NEPTUNE BEACH, FLORIDA:

SECTION 1. That the City Council of the City of Neptune Beach, Florida hereby authorizes Christopher A. White, Esq., City Attorney, to represent their interests and act as lead attorney in the condemnation suit filed in the Duval County Circuit Court, Fourth Judicial Circuit, Case No. 99-07491-CA, Division CV-A styled as Jacksonville Transportation Authority, Petitioner, vs. A. M. Coplan, Trustee for Syrian Lebanese Star Retirement Plan; Jacksonville Electric Authority; Water=s Edge Association, Inc.; City of Neptune Beach, Tax Department and Lynwood Roberts, Tax Collector for Duval County, Respondents and any other lawsuits instituted by Jacksonville Transportation Authority against the City of Neptune Beach, Florida relating to the Mayport Flyover project.

SECTION 2. Effective Date. This resolution shall become effective upon adoption.

Moved by Tankersley, seconded by Shimp

Motion: **TO APPROVE RESOLUTION NO. 2000-02 AS NOTED ABOVE.**

Roll Call Vote:

Ayes: 4 – Patronik, Shimp, Tankersley, Vaughn

Noes: 0

Absent: 1 - Jones

MOTION CARRIED

Adjournment

There being no further business, the meeting adjourned at 7:45 p.m.

George F. Vaughn, Jr., Mayor

ATTEST:

Lisa Volpe, City Clerk

Approved: _____



MINUTES
WORKSHOP CITY COUNCIL MEETING
FEBRUARY 16, 1999 AT 7:00 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 February 16, 1999, at 7:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

Mayor George F. Vaughn, Jr.
Vice Mayor Thomas A. Tankersley
Councilor Edward S. Jones
Councilor Ronald D. Patronik
Councilor Robert D. Shimp
City Clerk Becky E. Hanks, CMC/AEE

City Manager Richard A. Linn
City Attorney Christopher A. White
Building Official Dan Arlington
Director of Public Services John Galen
Administrative Assistant Lisa Volpe
Sergeant-at-Arms Larry W. Dean

Call to Order/Roll Call

The Mayor called the meeting to order at 7:00 p.m.

COMMITTEE REPORTS

**Ish Brant Beautification
And Special Events
Committees**

ISH BRANT BEAUTIFICATION COMMITTEE REPORT: Member Joanne Waddill gave a report on recent activities of the Ish Brant Beautification Committee, including a recruitment drive for volunteers to work with both Committees.

COMMUNITY EVENTS SPECIAL COMMITTEE: Chairperson Tyler gave a slide show presentation of the accomplishments to date of the Ish Brant Beautification and Community Events Special Committees. She outlined the success of the recent events, King Neptune Festival, 5-K Run, Christmas in the Park and Christmas Parade.

Committees

COMMITTEES: In response to an inquiry as to whether or not there would be another Sunday in the Park Event, the following ensued.

Chairperson Tyler pointed out that the request of resident Elaine Kenny to the Committee to plan and coordinate, with her own committee of volunteers, a Sunday in the Park Event without oversight by the Community Events Special Committee was rejected by unanimous consent of the Committee.

Chairperson Tyler pointed out that Ms. Kenny, as a former committee member, had a very poor attendance record, resigned, un-resigned and resigned. Ms. Kenny did not follow through on accepted assignments in conducting events, therefore, slowing and hindering the forward movement of events. This history demonstrated a lack of follow-through and commitment. As a result, it would not be reasonable to turn over an event to Ms. Kenny with this kind of track record with the Committee. Dr. Tyler further stated

that Ms. Kenny was invited to volunteer and participate with the Committee as a volunteer to any event, including a Sunday in the Park. However, to date, the response from Ms. Kenny was that she would think about it.

Consensus: **GIVE THE PRIVILEGE OF THE FLOOR TO ELAINE KENNY TO GIVE A PRESENTATION ON PLANNING AND COORDINATING A SUNDAY IN THE PARK, WITHOUT THE COMMUNITY EVENTS SPECIAL COMMITTEE.**

Elaine Kenny cited the success of last year's Sunday in the Park Event that she planned and coordinated with approximately twenty-five volunteers underneath her. She stated that she could not be a part of the Community Special Events Committee because of a personality conflict and that she did not think she could work with the Committee. She further stated that she wanted to run for Council and needed to put on cost efficient events and that was her purpose in doing Sunday in the Park. Ms. Kenny informed Council that she had set the date for the Sunday in the Park for April 11, 1999 and presented Council with an itemized list of all activities and a request for \$500 from Media One to fund the event.

A lengthy discussion by Council ensued.

Consensus: **THE CITY COUNCIL WAS IN CONTROL OF WHETHER OR NOT ANY EVENTS TAKE PLACE IN THE CITY.**

Consensus: **ANY CITIZEN CAN COME FORWARD TO THE CITY MANAGER WITH A REQUEST TO PLAN AND COORDINATE AN EVENT, OUTSIDE OF THE COMMUNITY EVENTS SPECIAL COMMITTEE AND THE CITY MANAGER WILL BE RESPONSIBLE FOR MAKING THE DECISION OF WHETHER OR NOT TO BRING THE ISSUE TO COUNCIL TO CONSIDER FOR APPROVAL.**

Consensus: **FORWARD TO THE MARCH 1, 1999 REGULAR AGENDA, APPROVAL OF THE SUNDAY IN THE PARK EVENT, APPROVAL FOR PLANNING AND COORDINATION TO BE DONE BY RESIDENT ELAINE KENNY, WITHOUT OVERSIGHT BY THE COMMUNITY EVENTS SPECIAL COMMITTEE, AND AUTHORIZATION TO UTILIZE \$500 FROM THE MEDIA ONE FUNDS.**

Consensus: **ALL COMMITTEES SHOULD BE UNDER THE CITY MANAGER, WHO WILL BE RESPONSIBLE FOR WORKING OUT ALL DETAILS FOR COMMITTEES, INCLUDING ITEMIZED BUDGET EXPENDITURES FOR EACH EVENT AND BRING ALL ISSUES AND BUDGET TO COUNCIL FOR APPROVAL PRIOR TO EACH EVENT TAKING PLACE.**

Consensus: **FORWARD TO THE MARCH 1, 1999 REGULAR AGENDA, AMENDING RESOLUTION ESTABLISHING WORKSHOP AGENDA FORMAT TO CHANGE "COMMITTEE REPORTS" TO READ "COMMITTEE REPORTS BY CITY MANAGER".**

CITY MANAGER PUNCH LIST

City Manager Punch
List

CITY MANAGER PUNCH LIST: The following items were discussed:

- *Street Paving* - Completed.
- *Roadway between K-Mart and Scotty's Shopping Centers* - A survey revealed that the U-Haul Company owns the property connecting the two shopping centers. The U-Haul Company already has plans to construct a building on this piece of property. The City does have a ten-foot easement between the rear of the U-Haul parking lot and the fence at Scotty's which is too narrow for a roadway. Regarding the Council's question of taking said property by eminent domain, City Attorney White stated that an Attorney General Opinion revealed that eminent domain was possible if the parking areas were open to the public and it served a public purpose.
- *Jarboe Park, Removal of Geo Fabric* - The Parks Department project of replacing the geo fabric with sand continued to progress. However, some geo fabric would remain for weed control.
- *Drainage flooding, 1423 Forest Avenue* - Storm water crew will begin work next month on the ditch along Forest Avenue. A swale was needed behind all homes along Forest Avenue; in addition, lack of a City easement hindered the progress of correcting some of the problem.
- *Grant* - The City has been notified that a \$20,000 grant was approved for Neptune Beach to correct drainage problems.
- *Bike Path on Penman Road* - No report.
- *Traffic Counter* - A second traffic counter was purchased that will be placed on a street this week. The goal is to survey all streets east of Third Street. Once this is completed, a comparison will be made between streets with speed bumps, those without and a record of the overall traffic pattern. Individual street reports will be submitted to Council as they are completed.
- *New Lifeguard Station* - The old slab foundation was damaged beyond repair because it turned out to be hollow. Therefore, a request for a change order to the original contract to authorize the cost of pouring a new slab will be on the next agenda.
- *Drainage Problem, end of Atlantic Boulevard* - Due to small drainage lines, there will be flooding in this area. At this time, no solution has been determined.

Recess / Reconvene

The Mayor, with consensus of Council, recessed the meeting at 9:21 p.m. and reconvened at 9:33 p.m.

PROPOSED ORDINANCES

Ord. No. 1998-22
Nuisances

DISCUSSION - ORDINANCE NO. 1998-22: AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF NEPTUNE BEACH, FLORIDA TO INCLUDE A NEW CHAPTER 28, ENTITLED "NUISANCES"; AND PROVIDING AN EFFECTIVE DATE.

A brief discussion ensued.

Consensus:

THE CITY ATTORNEY WILL MERGE AND REDLINE THE MAYOR'S AND CODE ENFORCEMENT BOARD'S WRITTEN SUGGESTIONS INTO THE PROPOSED ORDINANCE FOR REVIEW AT THE MARCH 15, 1999 WORKSHOP MEETING; THE CODE ENFORCEMENT BOARD WILL BE INVITED TO ATTEND AND PROVIDE INPUT AT THE MARCH WORKSHOP MEETING; AND SECOND / FINAL READING WILL TAKE PLACE AT THE APRIL 5, 1999 REGULAR MEETING.

City Attorney Excused

At this time, the City Attorney was excused to leave.

CONTRACTS / AGREEMENTS – NONE

Contract Gruhn May, Inc.

CONTRACT GRUHN MAY, INC. - SEWER LINES: The City Manager advised that no bids were received as a result of an advertisement for bids on sewer line repairs on Bay Street. The City Manager recommended Council approve a contract with Gruhn May, Inc., in the amount of \$22,500 for said repairs and appropriate funds from the Water Sewer System Reserve Fund (404-4381-581-90-99).

Consensus: **FORWARD TO THE MARCH 1, 1999 REGULAR CONSENT AGENDA, APPROVAL OF CONTRACT TO GRUHN MAY, INC., IN AN AMOUNT NOT TO EXCEED \$22,500 FOR SEWER LINE REPAIRS ON BAY STREET.**

ISSUE DEVELOPMENT

JEA Water Supply

JEA WATER SUPPLY: The Mayor gave a report and recommended, with the support of the City Manager, that Council agree to future planning of an interconnection to the JEA water supply to be utilized during emergencies.

Consensus: **FORWARD TO THE MARCH 1, 1999 REGULAR CONSENT AGENDA, APPROVAL OF SUPPORT AND INTEREST IN A FUTURE CONNECTION TO JEA WATER SUPPLY FOR UTILIZATION DURING AN EMERGENCY ONLY.**

Water Usage

WATER USAGE CAP - COMMON AREAS: Following research, the City Manager made a recommendation accepted by consensus of Council.

Consensus: **FORWARD TO MARCH 1, 1999 REGULAR CONSENT AGENDA, APPROVAL TO ESTABLISH ALLOTMENT OF FREE WATER USAGE IN AN AMOUNT NOT TO EXCEED 20,000 GALLONS, PER 1,000 SQUARE FEET, PER MONTH FOR LAWN AND LANDSCAPING MAINTENANCE OF CITY PROPERTY BY VOLUNTEERS, FUNDED FROM THE GENERAL FUND TO THE UTILITY FUND.**

Pawn Shops

STATE LEGISLATION ON PAWN SHOPS: The Mayor stated that a request was received from a Palm Beach County Commissioner asking for support of critical issues regarding Florida Statute 539, regulating pawn brokers as outlined in a letter dated January 19, 1999 from Commissioner Warren H. Newell.

Consensus: **FORWARD TO THE MARCH 1, 1999 REGULAR CONSENT AGENDA, A RESOLUTION IN SUPPORT OF THE STATE LEGISLATURE ENACTING NEW LAWS REGULATING PAWNBROKERS, AS OUTLINED IN MR. NEWELL'S LETTER DATED JANUARY 19, 1999.**

Hurricane Preparedness

HURRICANE PREPAREDNESS EDUCATION: The Mayor stated that the City Manager, Director of Finance and Public Safety Director would be attending the National Hurricane Conference from March 29th to April 2nd. The City Manager gave a brief description of the current City Hurricane Policy. The Mayor asked that a report be made back to Council by the City Manager following attendance at the conference. The Mayor stated his preference that the City Manager schedule a workshop to review the current City Hurricane Plan with the Council.

Media One Funds

EXPENDITURE OF MEDIA ONE FUNDS: The City Manager, as recommended by the

Director of Finance, stated that pursuant to the current franchise agreement with Media One, funds must be approved by Council for City events.

Consensus: **FORWARD TO THE MARCH 1, 1999 REGULAR AGENDA, AUTHORIZATION TO UTILIZE MEDIA ONE FUNDS FOR CITY EVENTS WITH THE PROPOSED BUDGET BEING PRESENTED TO COUNCIL PRIOR TO EACH EVENT; AND APPROVAL OF 1999 EVENTS LIST, INCLUDING A JOINT TOWN CENTER CHRISTMAS AND SUNDAY IN THE PARK.**

Ditch Cleaning

BAY STREET DITCH SYSTEM AND LAKE NEPTUNE CLEANING: The City Manager asked Council to consider authorizing the cleaning of the ditch that begins on the west side of the Village Inn Restaurant, runs parallel along Third Street and terminates at the culvert under Bay Street. There exists an emergency due to the weed growing spring season that is fast approaching.

Consensus: **FORWARD TO THE MARCH 1, 1999 REGULAR CONSENT AGENDA, DECLARING AN EMERGENCY AND WAIVING FORMAL BID PROCEDURE TO AWARD A CONTRACT TO VORTEX BIOLOGICAL SERVICES, INC., TO CLEAN THE BAY STREET DITCH SYSTEM AND LAKE NEPTUNE.**

Beach Preservation

BEACH PRESERVATION TECHNOLOGY CONFERENCE REPORT: The Mayor and City Manager gave brief reports on a conference that they both, recently, attended.

Public Comments

PUBLIC COMMENTS ON AGENDA ITEMS ONLY: There were no comments from the public.

Adjournment

There being no further business, the meeting adjourned at 11:20 p.m.

ATTEST:

George F. Vaughn, Jr., Mayor

Becky E. Hanks, CMC/AE, City Clerk

Approved: _____



TOWN HALL MEETING FEBRUARY 22, 1999, AT 7:00 P.M. CITY HALL, 116 FIRST STREET, NEPTUNE BEACH, FLORIDA

Pursuant to proper notice a Town Hall Meeting of the City Council of the City of Neptune Beach was held February 22, 1999, at 7:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

The following Council members and staff were in attendance:

Mayor George F. Vaughn, Jr.
Vice Mayor Thomas A. Tankersley
Councilor Edward S. Jones (late)
Councilor Ronald D. Patronik
Councilor Robert D. Shimp

City Manager Richard A. Linn
City Clerk Becky E. Hanks CMC/AE
Director of Public Safety William Brandt

Order Call

The Mayor called the meeting to order at 7:00 p.m.

Public Hearing

PUBLIC HEARING – JARBOE PARK MASTER PLAN: The Mayor opened the meeting by stating that the purpose of the Town Hall Meeting was to receive public input regarding the Master Plan of Jarboe Park.

**Comments from the
Public**

Richard Fail, 510 Oak Street, expressed disappointment that a group of citizens would fight improvements to Jarboe Park and commented that last year's Sunday in the Park did not have enough chairs for the citizens to sit and eat.

Terry Easton, Mothers of the Beaches, submitted a petition in favor of restrooms at Jarboe Park. She stated that Mothers of the Beaches opposed restrooms only being opened part of the time.

Harriet Pruette, 217 ½ Magnolia Street, submitted a survey with opinions from residents on whether or not to have restrooms in Jarboe Park. She stated that the City should deal with more important issues such as infrastructure.

Elizabeth Sipple, 719 Davis Street, complained that unsupervised children were at Jarboe Park especially after school, and expressed concern that the City would spend \$15,000 on trees.

Claire Zaiser, 109 Davis Street, opposed restrooms in Jarboe Park due to the liability and requested that Council return to the original seating arrangement for Town Hall Meetings.

Council Discussion

- Port-a-lets illegal – According to documentation from David Jones, Environmental Supervisor with the Florida Department of Health, port-a-lets, by law, could only be temporary in one location for a period of not more than 120 days.
- Citizens should vote on the issue at the next election of whether or not to build restrooms in Jarboe Park.

- Cut an outside door to the restroom in the Water Plant to be utilized by the citizens, on a trial basis for six months. However, the City Manager explained that due to security and chemicals stored in that building, this was not a feasible option with the City or the EPA.
- Utilize the Girl Scout Hut bathrooms or tap into their water line to build an additional bathroom outside of that building.
- Use the Girl Scout bathrooms for special events only.
- Modify lease with the Girl Scouts to include the use of their bathroom facilities for special events only.
- Previous restrooms in the Park were demolished.
- Cost to City may be too great.
- A concern would be having a Police Officer available to lock the bathrooms at night.
- Continued cost of restrooms would be too high.
- Sec. 4.05, City Charter states that the City shall be prohibited from reducing the size of any parks or parklands without prior approval of the voters.
- Restrooms must be in compliance with ADA.

On the Record Mayor Vaughn stated, on the record, that in his opinion constructing restrooms in Jarboe Park would not be reducing parks referenced in Sec. 4.05 of the City Charter.

The meeting recessed at 8:34 p.m. and reconvened at 8:44 p.m.

Presentation of Master Plan of Jarboe Park Brett Godard, landscape architect, did a presentation on the Master Plan of Jarboe Park to Council and the citizens. Whereupon, a lengthy question and answer discussion ensued. The general consensus to reducing cost by approximately \$100,000 was, as follows:

- Keep the theme as a small town, local neighborhood park.
- Eliminate band shelter.
- Reduce some landscaping.
- Provide no more parking.

The Master Plan was subject to change, as needed.

Adjournment There being no further business, the meeting adjourned at 9:50 p.m.

George F. Vaughn, Jr., Mayor

ATTEST:

Becky E. Hanks, CMC/AAE, City Clerk

Approved: _____



MINUTES
MARCH 1, 1999 AT 7:00 P.M.
CITY HALL, 116 FIRST STREET
NEPTUNE BEACH, FLORIDA

Pursuant to proper notice, Section 286.011, Florida Statutes, the City Council of the City of Neptune Beach on March 1, 1999, at 6:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida, convened to conduct an attorney-client session.

Attendance:

IN ATTENDANCE:

Mayor George F. Vaughn, Jr.
Vice Mayor Thomas A. Tankersley
Councilor Edward S. Jones
City Clerk Becky E. Hanks, CMC/AE
City Manager Richard A. Linn
City Attorney Christopher A. White
Court Reporter _____

ABSENT:

Councilor Ronald D. Patronik
Councilor Robert D. Shimp

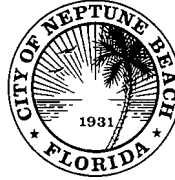
Call to Order/Roll Call	The Mayor opened the public meeting at 6:05 p.m. and asked the City Clerk to call roll of those in attendance.
Commencement of Attorney-Client Session	At 6:10 p.m., the Mayor announced the commencement and estimated time length of one hour of the attorney-client session regarding the litigation of Barbara Petit, 1511 Third Street.
Conclusion of Attorney-Client Session	The Mayor reopened the public meeting and announced the termination of the session.
Adjournment	There being no further business, the meeting adjourned at p.m.

George F. Vaughn, Jr., Mayor

ATTEST:

Becky E. Hanks, CMC/AE, City Clerk

Approved: _____



MINUTES
REGULAR CITY COUNCIL MEETING
MARCH 1, 1999 AT 7:00 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 March 1, 1999, at 7:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

Mayor George F. Vaughn, Jr.
Vice Mayor Thomas A. Tankersley
Councilor Edward S. Jones
Councilor Robert D. Shimp
City Clerk Becky E. Hanks, CMC/AE
City Manager Richard A. Linn
City Attorney Christopher A. White
Director of Finance John Herbst
Building Official Dan Arlington
Administrative Assistant Lisa Volpe

ABSENT:

Councilor Ronald D. Patronik

Order Call/Pledge

The Mayor called the meeting to order at 7:00 p.m. and led the Pledge of Allegiance.

AWARDS AND PRESENTATIONS – NONE

APPROVAL OF MINUTES

Approval of Minutes

Moved by Tankersley, seconded by Jones.

Motion: **TO APPROVE THE FEBRUARY 1, 1999 REGULAR MEETING MINUTES.**

Roll Call Vote:

Ayes: 4 - Jones, Shimp, Tankersley, Vaughn
Noes: 0
Absent: 1 - Patronik

MOTION CARRIED.

COMMUNICATIONS AND CORRESPONDENCE

**Interlocal Agm
Govt. Services**

INTERLOCAL AGREEMENT FOR GOVERNMENTAL SERVICES: The Mayor recognized and gave the privilege of the floor to Jacksonville Councilwoman Ginger Soud who presented a check in the amount of \$30,300 for partial payment from the City of Jacksonville, as outlined in the Interlocal Agreement for Governmental Services. The funds were designated for beautification and maintenance of the Florida Boulevard and

Penman Road area.

Rearrange Agenda REARRANGE AGENDA ITEMS: At the recommendation of Vice Mayor Tankersley, and concurrence of Council, Agenda Items 12E and 12H were moved to follow 12B.

CITY MANAGER REPORTS

Hopkins Creek Outfall HOPKINS CREEK OUTFALL DRAINAGE STUDY: The City Manager announced there would be a county public hearing on March 2, 1999 regarding the Hopkins Creek Outfall Drainage Study. In preparation for the hearing, design consultants for the projects gave a short presentation to Council.

Alt. Entrance Seagate Forest ALTERNATE ENTRANCE TO SEAGATE FOREST SUBDIVISION: Per Mr. Linn, the view of the City Manager of the City of Jacksonville Beach remained the same; that there would be no alternate entrance from the city limits of Jacksonville Beach, at this time, for Jacksonville Beach residents in the Seagate Forest area.

A sixteen unit residential development was slated for approval by the Jacksonville Beach Planning Board, and construction by a private developer, without consideration of the impact these homes will have in Neptune Beach.

The City Manager announced that Building Official Dan Arlington would be attending the Jacksonville Beach Planning Board Meeting on March 8th to voice the impact concerns of Neptune Beach.

COMMENTS FROM THE PUBLIC

Donna Jimenez, 3 Sandra Drive, Jacksonville Beach, complained about safety of the children, the increasing crime at Fletcher High School, and the treatment she and her son received from the Neptune Beach Resource Officer assigned to the school.

Deborah McAlister, 1103 - 18th Avenue North, Jacksonville Beach, complained about the safety of children at the schools and the School Resource Officer.

Richard Fail, 510 Oak Street, complained about the treatment by Council, at the last Council Meeting, of Community Events Special Committee Chairperson Beth Tyler; and stated that he knew an architect that would design restrooms in Jarboe Park for the City at no charge.

Reuben P. Groom, 2016 Marye Brant Loop North, favored and encouraged Council to construct restroom in Jarboe Park.

CONSENT AGENDA

Free Water Usage RESOLUTION 99-08: RESOLUTION FOR WATER USAGE FOR MAINTAINING PUBLIC AREAS OF THE CITY OF NEPTUNE BEACH, FLORIDA.

WHEREAS, the City of Neptune Beach maintains public areas for the benefit of the residents; and

WHEREAS, various individuals and groups have volunteered to provide labor and materials to landscape these areas and generally enhance their appearance; and

WHEREAS, the maintenance of the landscaping of these

common areas require irrigation and the City Council deems it in the public interest to provide the necessary water for irrigation in a uniform manner so as not to be a financial deterrent to volunteers.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF NEPTUNE BEACH, FLORIDA, THAT:

SECTION 1. The City of Neptune Beach will provide a water meter to volunteers without charge for use of irrigation of common areas.

SECTION 2. The City will credit to the individual an amount equal to 20,000 gallons per each 1,000 square feet per month.

SECTION 3. The City of Neptune Beach will transfer annually an amount from the general fund to the utility fund to cover the cost of this program.

Bay St Sewer Repairs GRUHN MAY, INC., BAY STREET SEWER REPAIRS: Declared an emergency, waived formal bid procedures and approved a contract with Gruhn May, Inc., for sewer line repairs on Bay Street in an amount not to exceed \$22,500.

JEA Water Supply JEA WATER SUPPLY: Approved a statement of support and interest in future connection to JEA Water Supply for utilization during emergency situations only.

PawnShops RESOLUTION 99-05, STATE LEGISLATION - PAWNSHOPS: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEPTUNE BEACH, FLORIDA, IN SUPPORT OF A REQUEST FOR THE STATE LEGISLATURE TO ENACT NEW LAWS REGULATING PAWNBROKERS.

WHEREAS, the pawnbrokers / second hand dealers within the State of Florida have expanded rapidly over the last few years; and

WHEREAS, the State Legislature enacted State Statute 539 regulating pawnbrokers on a statewide basis under the Florida Department of Agriculture and Consumer Services; and

WHEREAS, in Florida Statute 539; the State superceded all previous local laws and restricted the ability of local governments to enact new laws pertaining to pawnbrokers; and

WHEREAS, pawnbrokers knowingly or unknowingly deal in stolen property; and

WHEREAS, it has been found that invariably pawnbrokers provide incorrect and inaccurate records on transactions; and

WHEREAS, to reduce crime, arrest criminals, keep updated records and assist victims in recovering stolen items; an amendment to Florida Statute 539 is necessary.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NEPTUNE BEACH, FLORIDA:

SECTION 1. The City Council of the City of Neptune Beach, Florida hereby supports a request for the State legislature to enact new laws regulating pawnbrokers with the following recommendations.

SECTION 2. The City Council supports the following issues regarding Florida Statute 539:

- (A) Restoring property rights to victims. (Changes in the Statute allowing for easier recovery of stolen property by victims. The Statute makes recovery of stolen property difficult, time consuming and expensive for the victims. The Statute should be changed to give victims back the rights to their stolen property).
- (B) Removing conflicting provisions in Florida Statute 539.001. (Existing Florida Statute states in part that ... "any county or municipality may enact ordinances that are in compliance with, but not more restrictive than this section" ... This should be changed so that counties and municipalities can enact more restrictive laws if deemed necessary).
- (C) Provide criminal penalties for repeated record keeping violations. (Many pawnbrokers have repeatedly provided incorrect information on transactions to law enforcement. This statutory amendment will provide for a felony charge for pawnbrokers who have been convicted three times for knowingly providing false information).

Bay St Ditch Cleaning
Lake Neptune

VORTEX BIOLOGICAL SERVICES, INC. - DITCH AND LAKE CLEANING: Declared an emergency, waived formal bid procedures and approved a contract with Vortex Biological Services, Inc., in an amount not to exceed \$25,000, for cleaning of Bay Street Ditch System and Lake Neptune.

Moved by Tankersley, seconded by Shimp.

Motion: **TO APPROVE ALL ABOVE NOTED ITEMS ON THE CONSENT AGENDA.**

Roll Call Vote:

Ayes: 4 – Jones, Shimp, Tankersley, Vaughn
Noes: 0
Absent: 1 - Patronik

MOTION CARRIED.

VARIANCES

Morehead Variance
Appeal

VARIANCE APPEAL - RICHARD MOREHEAD: Appeal by Richard Morehead to the City Council on the final decision of the Board of Appeals on Variance Application V99-2, 900 First Street, for a variance of 15 feet to the corner side yard leaving 0 feet in lieu of the required 15 feet.

Legal Opinion by City Attorney - Procedural Matters. Mr. White stated that this issue was before the Council tonight under its review authority under the new ordinance that was adopted at the end of last year relating to the procedures to be followed for variances. After review of documents presented in the agenda packet, it was discovered that the Board of Appeals, in making their Required Findings under Section 27-147 Ordinance Code, was utilizing language and factors contained in the old code and not the new version. The City Attorney rendered a legal opinion that, due to this denial of procedural

due process and a lack of competent substantial evidence to support the Board's decision based in the new code, the case should be sent back to the Board of Appeals for a new Public Hearing. Mr. White rendered a legal opinion that the Morehead Variance should be referred back to the Board of Appeals for a new Public Hearing complying with the code, addressing those factors that have to be addressed under the new Code.

Discussion ensued as to whether or not Mr. Morehead should address the Council protesting the return of his case to the Board.

On the Record Councilor Shimp stated, on the record, that the Council giving away the powers of the City to boards was shortchanging the citizens. He further stated that the seated Council members were the ones the citizens voted to put in office and, therefore, are responsible to the citizens. Boards are not responsible to the citizens.

Legal Opinion by City Attorney - Privilege of floor to Mr. Morehead: In response to a request by Councilors Jones and Shimp, Mr. White rendered a legal opinion that Mr. Morehead could have the privilege of the floor to address the merits of having Council hear the case this evening. However, there could be no discussion on the appeal review of the case.

Consensus: **ALLOW RICHARD MOREHEAD THE PRIVILEGE OF THE FLOOR TO SPEAK ONLY ON PROCEDURAL DUE PROCESS MATTERS.**

Statement by Richard Morehead: Mr. Morehead alleged that, according to Section 27-153, Procedure for Appeal, adopted October 5, 1999 Council did not have the right, by their own Code, to send his case back to the Board of Appeals. He contended that Council only had the right to affirm, modify or reverse the decision of the Board.

Legal Opinion by City Attorney - lack of procedural due process: Mr. White respectfully disagreed with Mr. Morehead's opinion. He continued that the law does allow Council to send the case back to the Board of Appeals, because the Board did not comply with procedural due process. At this time, if Council approves the decision of the Board, then Council would be approving action taken by a Board that was done procedurally improperly. This Council cannot condone improper procedures. He recommended Council send the case back to the Board.

Moved by Jones, seconded by Tankersley

Motion: **VARIANCE CASE OF RICHARD MOREHEAD SHALL BE SENT BACK TO BOARD OF APPEALS TO MODIFY AND EVALUATE REQUIRED FINDING NOS. 1 THROUGH 7, EXCEPT NO. 4, AS OUTLINED IN THE NEW CODE SECTION 27-147.**

Roll Call Vote:

Ayes: 4 – Jones, Shimp, Tankersley, Vaughn

Noes: 0

Absent: 1 - Patronik

MOTION CARRIED.

Consensus: **THE BOARD OF APPEALS SHALL GIVE THE REASON AND HOW IT RELATES TO EACH POSITIVE AND NEGATIVE FINDING REQUIRED BY SECTION 27-147, ORDINANCE CODE.**

Consensus: **THE CITY SHALL WAIVE ANY ADDITIONAL FEES FOR RICHARD MOREHEAD'S RE-APPEARANCE BEFORE THE BOARD OF**

APPEALS.

Recess / Reconvene **RECESS AND RECONVENE:** The Mayor recessed the meeting at 8:20 p.m. and reconvened at 8:29 p.m.

ORDINANCES - NONE.**OLD BUSINESS**

Town Center Streetscape Project **TOWN CENTER STREETSCAPE PROJECT:** Mayor Vaughn stated that the latest version of the Town Center Streetscape Project Phase III, including revisions to add two dedicated taxi cab stands on the south side of Atlantic Boulevard just north of the Neptune Mall, and a doublewide driveway coming off Atlantic Boulevard into the Neptune Mall. City Manager Linn stated the Neptune Mall owners, also, requested rounding the radius off at the second entrance off Second Street and add pedestrian walkways to parking spaces.

Consensus: **FORWARD TO THE MARCH 15, 1999 WORKSHOP, DISCUSSION WITH THE DIRECTOR OF FINANCE ON REVENUE GENERATION ASSOCIATED WITH THE CENTRAL BUSINESS DISTRICT.**

Ad Hoc Community Center Committee **AD HOC COMMUNITY CENTER COMMITTEE REPORT:** Chairperson Bruce Rehmer presented a written report to Council on the survey of having a Neptune Beach Community Center. The response to the survey was an overwhelming positive to have a Community Center. As a result of the survey and investigation by the Committee, the Fraternal Order of Police Lodge was recommended as the most feasible at no cost to the City. A final report to Council will be completed in May.

CEB Appt. **RESOLUTION 99-06: APPOINTING RICHARD KEENE AS AN ALTERNATE MEMBER TO THE CODE ENFORCEMENT BOARD**

RESOLVED, the City Council of the City of Neptune Beach, Florida, hereby confirms the following board appointment:

Member	Code Enforcement Board Type	Term	Begins	Ends
Richard Keene	New Alternate	1-year	3/1/1999	3/1/2000

Moved by Jones, seconded by Tankersley.

Motion: **TO ADOPT RESOLUTION 99-06, AS NOTED ABOVE.**

Roll Call Vote:

Ayes: 3 – Jones, Tankersley, Vaughn
Noes: 1 – Shimp
Absent: 1 – Patronik

MOTION CARRIED.

MOBILITY 21 **MOBILITY 21 REPORT:** Mayor Vaughn brought to everyone's attention that there was information on the City of Jacksonville Transportation Master Plan (MOBILITY 21) and a questionnaire designed to develop input on the Master Plan. He encouraged everyone to fill one out and send to the appropriate agency.

Amend Agn Format

RESOLUTION 99-07: RESOLUTION AMENDING RESOLUTION 99-02 ORDER OF BUSINESS TO CHANGE COMMITTEE REPORTS TO "COMMITTEE REPORTS BY CITY MANAGER".

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NEPTUNE BEACH, FLORIDA, THAT:

SECTION 1. The business of the Council shall be taken up for consideration and disposition in the following order:

A. *Regular Meetings.*

1. Call to Order
2. Pledge of Allegiance
3. Awards/Presentations/Recognition of Guests
4. Approval of Minutes
5. Communications and Correspondence
 - Mayor
 - Council
 - City Clerk
 - City Manager
6. City Manager Reports
7. Comments from the Public
8. Consent Agenda
9. Variances
10. Ordinances
11. Old Business
12. New Business
13. Adjourn

B. *Regular Workshop Meetings*

1. Call to Order
2. Committee Reports by City Manager
3. City Manager Punch List
4. Proposed Ordinances
5. Contracts / Agreements
6. Issue Development
7. Public Comments on Agenda Items Only
8. Adjourn

Moved by Tankersley, seconded by Shimp.

Motion: **TO ADOPT RESOLUTION 99-07, AS NOTED ABOVE.**

Roll Call Vote:

Ayes: 4 – Jones, Shimp, Tankersley, Vaughn

Noes: 0

Absent: 1 - Patronik

MOTION CARRIED.

Sunday in the Park

SUNDAY IN THE PARK: Approval of Sunday in the Park to be planned and coordinated by resident Elaine Kenny, without oversight by the Community Events Special Committee.

Moved by Tankersley, seconded by Shimp.

Motion: **TO APPROVE SUNDAY IN THE PARK TO BE PLANNED AND COORDINATED BY RESIDENT ELAINE KENNY, AS STATED.**

Roll Call Vote:

Ayes: 3 – Jones, Shimp, Tankersley
Noes: 1 - Vaughn
Absent: 1 - Patronik

MOTION CARRIED.

Events List / Media
One Funds

EVENTS LIST 1999 AND MEDIA ONE FUNDS: Approval of 1999 Events List and authorization to utilize Media One Funds for events with the stipulation that the City Manager present a proposed budget to Council for approval prior to each event. The 1999 Events List is as follows:

- Jarboe Park Rededication - March 14, 1999
- Dedication of Ish Brant City Hall - TBA
- Easter Egg Hunt - April 2, 1999, 10:00 a.m. at Jarboe Park
- Picnic in the Park - Saturday/Sunday in June, TBA at Jarboe Park
- King Neptune Festival - Saturday in October or November, TBA at Jarboe Park
- Christmas in the Park - December 10, 1999, 7:00 p.m. at Jarboe Park
- Santa Clause Parade - December 18, 1999, 10:00 a.m. throughout Neptune Beach
- Joint Town Center Christmas
- Sunday in the Park - April 11, 1999 at Jarboe Park

Moved by Tankersley, seconded by Jones.

Motion: **TO APPROVE THE 1999 EVENTS LIST, INCLUDING SUNDAY IN THE PARK, AND AUTHORIZE THE USE OF MEDIA ONE FUNDS FOR THESE EVENTS.**

Roll Call Vote:

Ayes: 3 – Jones, Shimp, Tankersley
Noes: 1 - Vaughn
Absent: 1 - Patronik

MOTION CARRIED.

Jaxon DeVille Mascot
Easter Egg Hunt

JACKSONVILLE JAGUAR MASCOT JAXON DEVILLE: Approval of \$200 to secure Jacksonville Jaguar "Jaxon DeVille" for Easter Egg Hunt.

Consensus: **WITHDRAWN, INDIVIDUAL APPROVAL NOT NECESSARY ACCORDING TO FRANCHISE AGREEMENT.**

In response to the Mayor, the City Manager stated that the City would approve the above noted expenditure.

Budget Sunday in
the Park

BUDGET FOR SUNDAY IN THE PARK: Appropriation of \$500 itemized budget from Media One Funds for Sunday in the Park.

Consensus: **WITHDRAWN, INDIVIDUAL APPROVAL NOT NECESSARY ACCORDING TO FRANCHISE AGREEMENT.**

NB vs. Petit

RESOLUTION 99-10: RESOLUTION FOR SETTLEMENT OF NEPTUNE BEACH v.

Litigation

PETTIT LITIGATION.

Whereas, the City of Neptune Beach has been offered the sum of \$46,500 by Defendant Barbara J. Pettit in the case of Neptune Beach v. Barbara J. Pettit, Duval County Circuit Court Case No. 97-00503-CA, Division CV-F, as full and complete settlement of the claims of the City of Neptune Beach against Barbara J. Pettit in that case; and

Whereas, it is in the best interest of the City of Neptune Beach to accept the sum of \$46,500 as full settlement in that case.

Now, therefore, be it resolved that:

Section 1. The City of Neptune Beach approved the settlement in the amount of \$46,500 as full settlement of the City's claims in this case, with said sum to be paid no later than August 16, 1999, with the understanding that if said amount was not paid by that date, the property involved will be sold at the public sale with the proceeds being used to pay the above sum to the City.

Section 2. Christopher A. White, general counsel for the City of Neptune Beach, is hereby authorized to execute all necessary documents relating to this settlement.

Moved by Jones, seconded by Shimp.

Motion: **TO ADOPT RESOLUTION 99-10, AS NOTED ABOVE.**

Roll Call Vote:

Ayes: 4 – Jones, Shimp, Tankersley, Vaughn

Noes: 0

Absent: 1 - Patronik

MOTION CARRIED.Debris Mgmt
Seminar

DEBRIS MANAGEMENT SEMINAR: Approval of appropriate management personnel, including the City Manager, to attend Advanced Debris Management Seminar offered by Florida Division of Emergency Management. Item requested by Mayor Vaughn.

WITHDRAWN.

Dancing in the
Streets

RESOLUTION 99-09: RESOLUTION TO WAIVE ENFORCEMENT OF SECTION 4-5 OF THE CODE OF ORDINANCES OF THE CITY OF NEPTUNE BEACH, FLORIDA.

WHEREAS, Section 4-5 of the Code of Ordinances "Consumption on Atlantic Ocean beach, other public places" prohibits consumption or possession of open alcoholic beverages at public places in the City; and

WHEREAS, the Town Center Festival Committee has requested a waiver of this ordinance during an event know as "Dancin' in the Streets"; and

WHEREAS, the purpose of the event is to raise funds to be used to further the physical improvements of the City as a direct public interest; and

WHEREAS, the committee has designated an area whereby consumption and possession will be controlled.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NEPTUNE BEACH, FLORIDA, THAT:

SECTION 1. The prohibitions as expressed in Section 4-5 of the Code of Ordinances of the City of Neptune Beach be waived during the hours established from 11:00 a.m. to 10:00 p.m. on May 15, 1999.

Moved by Jones, seconded by Shimp.

Motion: **TO ADOPT RESOLUTION 99-09, AS NOTED ABOVE.**

Roll Call Vote:

Ayes: 4 – Jones, Shimp, Tankersley, Vaughn

Noes: 0

Absent: 1 - Patronik

MOTION CARRIED.

MUP Engineers

ENGINEERING FIRMS - MASTER UTILITY PLAN: Approve selection of engineering firms to provide services for project associated with the Master Utility Plan.

City Manager Recommendation. The City Manager stated that following solicitation for request for proposals, three firms of the twelve responses received were selected by a committee to be involved in the design throughout the project. He recommended that Council authorize him to negotiate project design agreements with any of the three following engineering firms, as needed, to perform the services of various projects and tasks identified in the Capital Improvement Plan on an individual basis. Each project design agreement would require Council approval throughout the program: (1) Smith & Gillespie Engineers, (2) Post, Buckley, Schuh & Jernigan, and (3) Connelly & Wicker.

Councilor Shimp submitted a draft resolution, for Council consideration at a later date, outlining some guidelines for lift stations.

Mayor Vaughn questioned whether or not Section 287, Florida Statutes, had been complied with on request for proposals. Following discussion, the City Attorney asked for time to review the situation and facts.

Consensus: **FORWARD TO A MARCH 15, 1999 SPECIAL AGENDA FOR FURTHER DISCUSSION AND ACTION.**

Ish Brant City Hall
Dedication

ISH BRANT CITY HALL DEDICATION: Approve budget for dedication and naming City Hall as the Ish Brant Building.

Consensus: **WITHDRAWN, INDIVIDUAL APPROVAL NOT NECESSARY ACCORDING TO FRANCHISE AGREEMENT.**

Chg. Order 1
TomBoy Const.

CHANGE ORDER - TOMBOY CONSTRUCTION - LIFEGUARD STATION: Request for Change Order No. 1, in an amount not to exceed \$5,385.85, to TomBoy Construction Contract for new slab to the lifeguard station building.

City Manager Linn advised that the City recently learned the existing slab would not safely support a new building. Therefore, a Change Order would be necessary before construction could commence.

Moved by Tankersley, seconded by Jones.

Motion: **TO APPROVE CHANGE ORDER NO. 1, IN THE AMOUNT OF \$5,385.85, TO TOMBOY CONSTRUCTION FOR A NEW SLAB PRIOR TO CONSTRUCTION OF THE NEW LIFEGUARD BUILDING.**

Roll Call Vote:

Ayes: 4 – Jones, Shimp, Tankersley, Vaughn

Noes: 0

Absent: 1 - Patronik

Adjournment

There being no further business, the meeting adjourned at 9:36 p.m.

George F. Vaughn, Jr., Mayor

ATTEST:

Becky E. Hanks, CMC/AAE, City Clerk

Approved: _____



MINUTES
MARCH 8, 1999 AT 7:00 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 March 8, 1999, at 7:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

Mayor George F. Vaughn, Jr.
Vice Mayor Thomas A. Tankersley
Councilor Ronald D. Patronik
Councilor Robert D. Shimp
City Clerk Becky E. Hanks, CMC/AEE

City Manager Richard A. Linn
Director of Public Safety William Brandt
Director of Public Services John Galen

Absent: Councilor Edward S. Jones

Call to Order/Roll Call

The Mayor called the meeting to order at 7:00 p.m. and stated that the purpose of the meeting was to discuss traffic calming options.

Robinson Engineering suggested three options for traffic calming east of Third Street.

1. Make traffic flow one-way northbound on Second Street; one-way southbound on First Street; and one-way westbound on Florida Boulevard to Third Street.
2. Install additional barricades.
3. Take no action until the Master Utility Plan was completed in this area.

The City Manager, Director of Public Services and Director of Public Safety, after conducting their own survey, recommended a fourth option:

4. Install stop signs at all intersections east of Third Street.

A traffic count spread sheet was distributed by the City Manager for Council information.

Discussion ensued as to whether recreational bikers could be exempt from the law in obeying stop signs, if Council chose above noted Option 4, as a permanent measure.

Consensus: **TO HAVE THE CITY ATTORNEY LOOKING INTO THE POSSIBILITY OF MAKING FIRST STREET A "SPECIAL" STREET FOR BIKERS, EXEMPT FROM THE LAW IN OBEYING STOP SIGNS.**

On the Record

Vice Mayor Tankersley stated, on the record, that he did not see a high volume of traffic as outlined in the Traffic Calming Study, nor did he agree there was a speeding problem in the City. He, also, stated that he would not agree to the stop signs unless First Street could be considered a special street. If that could not happen, then the City should wait

until the infrastructure repairs were completed.

Consensus: **TO AUTHORIZE THE CITY MANAGER TO INSTALL STOP SIGNS, AS NOTED IN OPTION 4, ON A TEMPORARY BASIS, SEE HOW IT WORKED, AND REPORT BACK TO COUNCIL IN 90 DAYS.**

The following citizens spoke:

Dr. Bob Grovenstein, 411 Snapping Turtle Court East, Atlantic Beach, recommended that the City redesign the barricades, remove the speed bumps and make Cherry Street one-way.

Mike Disch, 118 Magnolia Street, stated that it was apparent a lot of cars were through the neighborhoods, as evidenced by the traffic counter. The City should take a look at how to prevent non-neighborhood traffic.

John Reeve, 222 South Street, recommended that the speed limit be reduced on First Street, installation of stop signs at all intersections, and installation of speed bumps on First Street.

Harriet Pruette, 217 ½ Magnolia Street, stated that the City should work on problems on Second Street and other streets. She suggested that dead end signs be placed four blocks ahead with an outlet arrow to direct traffic away from the residential areas.

Gordon Beguhn, 226 Davis Street, discussed speed bumps.

Passing of
Munroe Griffin

Mayor Vaughn announced that former Councilman Munroe Griffin had passed away.

Adjournment

There being no further business, the meeting adjourned at 8:45 p.m.

ATTEST:

George F. Vaughn, Jr., Mayor

Becky E. Hanks, CMC/AEE, City Clerk

Approved: _____



MINUTES
WORKSHOP CITY COUNCIL MEETING
MARCH 15, 1999 AT 7:16 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 March 15, 1999, at 7:16 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

Mayor George F. Vaughn, Jr.
Vice Mayor Thomas A. Tankersley
Councilor Edward S. Jones
Councilor Ronald D. Patronik
Councilor Robert D. Shimp
City Clerk Becky E. Hanks, CMC/AEE

City Manager Richard A. Linn
City Attorney Christopher A. White
Director of Finance John Herbst
Administrative Assistant Lisa Volpe
Deputy City Clerk Janelle Brunner
Deputy City Clerk Karla Strait

Call to Order/Roll Call

The Mayor called the meeting to order at 7:16 p.m.

COMMITTEE REPORTS

**Ish Brant Beautification
And Special Events
Committees**

ISH BRANT BEAUTIFICATION COMMITTEE REPORT: The City Manager reported that mulch had been placed in the butterfly garden, however, more would be needed to complete the project.

COMMUNITY EVENTS SPECIAL COMMITTEE: The City Manager congratulated the committee on the fine job at the Ish Brant Building Dedication. He also reported that the Jarboe Park Rededication was canceled due to rain and would be rescheduled at a later date.

CITY MANAGER PUNCH LIST

**City Manager Punch
List**

CITY MANAGER PUNCH LIST: The following items were discussed:

- *Traffic Signal* – The traffic signal at the intersection of Atlantic Boulevard and Aquatic Drive should be changed to the traffic signal at the intersection of Atlantic Boulevard and Ish Brant Boulevard.
- *JTA Buses* – Daryl Smith was the new contact at JTA. In addition, the buses going down Seagate Avenue might be changed in the future.

PROPOSED ORDINANCES

**Ord. No. 1998-22
Nuisances**

ORDINANCE NO. 1998-22: The revised version of Ordinance No. 1998-22, Nuisances, was not available for the March Workshop Meeting but would be completed for the April Workshop Meeting.

Ord. No. 1999-01
Turtle Protection

ORDINANCE NO. 1999-01: AN ORDINANCE OF NEPTUNE BEACH, FLORIDA, RELATING TO THE PROTECTION OF MARINE TURTLES; PROVIDING FINDINGS; PROVIDING TITLE, CITATION AND PURPOSE; PROVIDING JURISDICTION; PROVIDING DEFINITIONS; PROVIDING LIGHTING STANDARDS FOR NEW DEVELOPMENT; PROVIDING LIGHTING STANDARDS FOR EXISTING DEVELOPMENT; PROVIDING STANDARDS FOR PUBLICLY OWNED LIGHTING; PROVIDING PROHIBITED ACTIVITIES DISRUPTIVE TO MARINE TURTLES; PROVIDING STANDARDS FOR CONSTRUCTION DURING THE MARINE TURTLE NESTING SEASON; PROVIDING THAT IT IS UNLAWFUL TO KILL MOLEST OR INJURE MARINE TURTLES; PROVIDING EDUCATION AND INFORMATION OPTIONS; PROVIDING ENFORCEMENT PROVISIONS INCLUDING CIVIL AND ADMINISTRATIVE ENFORCEMENT POWERS AND CRIMINAL PENALTIES REGARDING MARINE TURTLES AND HATCHLINGS IN NEPTUNE BEACH, FLORIDA; PROVIDING APPLICABILITY; PROVIDING INTERPRETATION; PROVIDING SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

Homeowners should have one year to comply with the new ordinance with the building department responding to complaints from the citizens.

The City Manager was directed to investigate other cities that had a turtle protection ordinance and find out what problems they have encountered.

The Mayor requested that the last sentence in Section 11 be deleted.

Consensus: **FORWARD ORDINANCE NO. 1999-01 TO THE APRIL REGULAR COUNCIL MEETING FOR FIRST READ.**

Ord. No. 1999-02
Parking

ORDINANCE NO. 1999-02: THAT SECTION 22-26 OF THE CODE OF ORDINANCES OF THE CITY OF NEPTUNE BEACH IS HEREBY AMENDED BY ADDING A NEW SUBSECTION (F) TO READ AS FOLLOWS; AND TO RENUMBER SECTION 22-26 (F) TO READ SECTION 22-26 (G); AND PROVIDING AN EFFECTIVE DATE.

This ordinance would prohibit citizens from parking on private property other than their own, without the permission of the property owner. Citizens would be able to contact the police to issue tickets to the offender instead of having the vehicle towed.

Consensus: **FORWARD ORDINANCE NO. 1999-02 TO THE APRIL REGULAR COUNCIL MEETING FOR FIRST READ.**

Ord. No 1999-03
Special Committees

ORDINANCE NO. 1999-03: THAT SECTION 2-42 OF THE CODE OF ORDINANCES OF THE CITY OF NEPTUNE BEACH IS HEREBY AMENDED TO READ AS FOLLOWS; AND PROVIDING AN EFFECTIVE DATE.

Four Council Members wanted more input regarding the creation of committees and appointees to membership.

In response to a question from Councilor Patronik, the City Attorney stated that Council could dissolve any committee. A lengthy discussion ensued.

Councilor Shimp stated, on the record, that he has never spoken with Ms. Lyne about special committees.

Consensus: **FORWARD ORDINANCE NO. 1999-03 TO THE APRIL REGULAR COUNCIL MEETING FOR FIRST READ.**

CONTRACTS / AGREEMENTS – NONE**ISSUE DEVELOPMENT**CBD Revenue
Generation

CENTRAL BUSINESS DISTRICT REVENUE GENERATION: Director of Finance John Herbst explained to Council the tax based revenue generated from the Central Business District, including real property tax, personal property tax, cigarette tax, alcoholic beverage licenses, sales tax and county occupational tax, as follows:

	BUDGET FY 1999	YTD FY 1999	BUDGET TO ACTUAL
Real Property Tax	872,612	573,716	65.75%
Personal Property Tax	38,759	31,004	79.99%
Cigarette Tax	109,000	35,993	33.02%
Alcoholic Licenses	5,000	4,791	95.82%
Sales Tax	550,000	207,228	37.68%
County Occupational Tax	13,000	7,069	54.38%
 Total General Fund Revenue	 2,686,251	 1,240,249	 46.17%
 Effect of development on property.		Ad Valorem Taxes	
Value of Lot		375,000	1,223
Value of mixed-use development		975,000	3,179
Value added tax increase			<u>1,956</u>

Commercial properties or businesses include, but are not limited to:

1. Vacant Ed Smith Lumber Co., owner Edward S. Jones.
2. Neptune Mall, owner Louis B. MacDonell.
3. 241 Atlantic Boulevard, owner George E. Pharr.
4. 100 First Street Complex, owner Southcoast Capital Partnership.
5. Parking Lot corner Second/Lemon Streets, owner Barbara Horne Arnold.
6. Parking Lot at Town Center, owner Frank Keasler.
7. Sea Horse Motel, owner Frank R. Keasler.
8. Pete's Bar, owner Clara Jensen
9. Parking Lots behind City Hall, owner Southcoast Capital Partnership.

Naval Air Show

NAVAL AIR SHOW: The Mayor requested that the Council support a resolution favoring the Naval Air Show. In addition, the City Manager was directed to place said item on the City Manager's Punchlist.

Consensus: **FORWARD TO THE APRIL REGULAR MEETING A RESOLUTION SUPPORTING THE NAVAL AIR SHOW.**

Water Usage

WATER USAGE IN COMMON AREAS: The City Manager explained there was an error in Resolution 99-08 adopted March 1, 1999. The wording in Section 2, line 2, should read, "...20,000 gallons per 10,000 square feet". A revised resolution should be placed on the next regular agenda.

Consensus: **FORWARD TO THE APRIL REGULAR COUNCIL MEETING CONSENT AGENDA, AN AMENDED RESOLUTION, AS NOTED ABOVE.**

Wastewater Mgmt.
Facilities Grant

WASTEWATER MANAGEMENT FACILITIES GRANT: The City Manager announced the availability of a Wastewater Management Facilities Grant for financially disadvantage

small communities. Eighty-five percent will be for the planning, design and construction/rehabilitation of wastewater sewers, treatment and disposal/reuse facilities. After completion of these activities, a grant amendment will be made for at least 65% percent of eligible construction costs.

The appropriate application should be received by December 1999 and a return deadline of February 2000.

Consensus: **PLACE THE ABOVE NOTED ITEM ON THE CITY MANAGER'S PUNCH LIST.**

FIND Grant

FLORIDA INLAND NAVIGATION DISTRICT GRANT (FIND): The Mayor explained that the FIND, 1999-2000 Waterways Assistance Program, provides funding assistance to local governments to perform waterway improvement projects. The Department of Parks, Recreation and Entertainment, City of Jacksonville, in cooperation with the City of Neptune Beach, proposes to the Florida Inland Navigation District for 1999, a Phase I, Design, Engineering and Permitting of a Canoe Launch at the old bridge site on Seagate Avenue. The City of Jacksonville will provide the grant writing and administration, as well as the 50% percent match for Phase I of the project.

For year 2000, a Canoe Launch at the end of Forest Avenue near the City Yard will be proposed with this grant.

With regard to Forest Avenue, parking near the City Yard and FOP would be feasible. The gun range was an obstacle that could be overcome to allow the Forest Avenue Canoe Launch to be a reality.

Public Comments

PUBLIC COMMENTS ON AGENDA ITEMS ONLY: Judy Bost, 115 Walnut Street, liked the idea of ticketing cars on private property and had been questioned by citizens on the purpose of the Nuisance Committee.

Adjournment

There being no further business, the meeting adjourned at 9:27 p.m.

George F. Vaughn, Jr., Mayor

ATTEST:

Becky E. Hanks, CMC/AEE, City Clerk

Approved: _____



MINUTES
SPECIAL CITY COUNCIL MEETING
MARCH 15, 1999 AT 7:00 P.M.
CITY HALL, 116 FIRST STREET
NEPTUNE BEACH, FLORIDA

Pursuant to proper notice a Special Meeting of the City Council of the City of Neptune Beach was held March 15, 1999, at 7:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

Mayor George F. Vaughn, Jr.
Vice Mayor Thomas A. Tankersley
Councilor Edward S. Jones
Councilor Ronald D. Patronik
Councilor Robert D. Shimp
City Clerk Becky E. Hanks, CMC/AEE

City Manager Richard A. Linn
City Attorney Christopher A. White
Director of Finance John Herbst
Administrative Assistant Lisa Volpe
Deputy City Clerk Janelle Brunner
Deputy City Clerk Karla Strait

Call to Order/Roll Call

The Mayor called the meeting to order at 7:00 p.m.

**Design Engineer
Consultant**

DESIGN ENGINEER CONSULTANT – MASTER UTILITY PLAN: Following request for proposals, the City Manager recommended the below noted short list of engineering firms. He requested authorization to negotiate a separate agreement with the firms listed on the short list; if an agreement could not be successfully reached with the first firm, negotiations with the second firm would commence and, if necessary, with the third firm for separate projects within the Master Utility Plan. Each project would be brought before Council for approval.

Short list of engineering firms, in priority order.

1. Post, Buckley, Schuh and Jernigan
2. Smith and Gillespie Engineers
3. Connelly and Wicker

The City Attorney stated that choosing a firm based on its workload would not violate any State law.

Moved by Tankersley, seconded by Patronik

Motion: **TO APPROVE THE RECOMMENDATION OF THE CITY MANAGER, AS NOTED ABOVE, WITH RESPECT TO THE MASTER UTILITY PLAN.**

Roll Call Vote:

Ayes: 5 – Jones, Patronik, Shimp, Tankersley, Vaughn
Noes: 0

MOTION CARRIED.

Adjournment

There being no further business, the meeting adjourned at 7:16 p.m.

George F. Vaughn, Jr., Mayor

ATTEST:

Becky E. Hanks, CMC/AAE, City Clerk

Approved: _____



**TOWN HALL MEETING
MARCH 15, 1999, AT 9:35 P.M.
CITY HALL, 116 FIRST STREET,
NEPTUNE BEACH, FLORIDA**

Pursuant to proper notice a Town Hall Meeting of the City Council of the City of Neptune Beach was held March 15, 1999, at 9:35 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

The following Council members and staff were in attendance:

Mayor George F. Vaughn, Jr.
Vice Mayor Thomas A. Tankersley
Councilor Edward S. Jones
Councilor Ronald D. Patronik
Councilor Robert D. Shimp

City Manager Richard A. Linn
City Clerk Becky E. Hanks CMC/AE
Director of Finance John Herbst

Order Call

The Mayor called the meeting to order at 9:35 p.m.

Animal Cruelty

Jim Hayes, 519 McCullom Circle, complained that three police officers abused his two dogs while trying to retrieve them when they dug out of his back fence. The puppy received 17 lacerations on his face and an injured leg. The incident occurred on Friday, March 12th, but on Monday, March 15th, a police officer had to be called in off the road to fill out a police report of the incident so Mr. Hayes could have a copy in order to file a complaint.

Tony Mazzola, 529 Birch Court, a neighbor of Mr. Hayes, offered help to the Police Officers because he knew the dogs and could get them to come to him. However, the police officers told him to leave the premises.

Consensus: **THE CITY MANAGER WAS DIRECTED TO CONDUCT A FULL INVESTIGATION INTO THE ABOVE NOTED INCIDENT AND MAKE A REPORT TO COUNCIL AND TO SEND ALL COUNCIL MEMBERS OF COPY OF THE POLICE REPORT INVOLVING THIS INCIDENT.**

**Police Complaint
Forms**

Steve Spencer, 816 Commerce Street, stated that he asked the City Manager for the appropriate form to file a complaint against a police officer (SOP52), but was given an incorrect form (Citizen Contact Form). Mr. Spencer stated that he did not feel comfortable entering the police department and that the City Manager's office should have this form available to the public.

Consensus: **THE CITY MANAGER WAS DIRECTED TO WORK OUT AN APPROPRIATE PROCEDURE FOR OBTAINING FORM SOP52 AND OTHER GENERAL COMPLAINT FORMS.**

Committee
Minutes

Harriet Pruette, 217 ½ Magnolia Street, will be requesting copies of the minutes from the
Ish Brant Beautification Committee and the Community Special Events Committee.

Adjournment

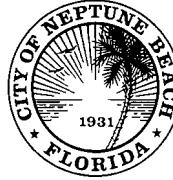
There being no further business, the meeting adjourned at 10:15 p.m.

George F. Vaughn, Jr., Mayor

ATTEST:

Becky E. Hanks, CMC/AAE, City Clerk

Approved: _____



MINUTES
REGULAR CITY COUNCIL MEETING
APRIL 5, 1999 AT 7:00 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 April 5, 1999, at 7:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

Mayor George F. Vaughn, Jr.
Vice Mayor Thomas A. Tankersley
Councilor Edward S. Jones
Councilor Robert D. Shimp
Councilor Ronald D. Patronik
City Clerk Becky E. Hanks, CMC/AEE

City Manager Richard A. Linn
City Attorney Christopher A. White
Director of Finance John Herbst
Assistant to Building Official Piper Turner
Administrative Assistant Lisa Volpe
Deputy City Clerk Karla Strait

Order Call/Pledge

The Mayor called the meeting to order at 7:00 p.m. and led the Pledge of Allegiance.

AWARDS / PRESENTATIONS AND RECOGNITION OF GUEST

Recognition of Guest

The Mayor introduced Karen Schefeer with the City of Jacksonville, Director of Parks and Recreation.

APPROVAL OF MINUTES

Approval of Minutes

Moved by Tankersley, seconded by Jones.

Motion:

TO APPROVE THE FOLLOWING MEETING MINUTES:

FEBRUARY 16, 1999 WORKSHOP
FEBRUARY 22, 1999 TOWN HALL
MARCH 1, 1999 REGULAR
MARCH 15, 1999 SPECIAL
MARCH 15, 1999 WORKSHOP
MARCH 15, 1999 TOWN HALL

Roll Call Vote:

Ayes: 5 - Jones, Shimp, Tankersley, Patronik, Vaughn
Noes: 0

MOTION CARRIED.

COMMUNICATIONS AND CORRESPONDENCE

- Project Oversight** Project Oversight: Mayor Vaughn referred to a letter in the agenda packet, attached to the Project oversight Committee Meeting Minutes and stated that the most recent design was on the table in back of the Council Chambers for anyone wishing to review it.
- Taxi Stand** Taxi Cab Stands: Vice Mayor Tankersley stated that he spoke with our City Manager and Atlantic Beach Mayor Shaunensey about the idea of four taxi stands to be located in Town Center to help promote public transportation and give people an alternate route. This would also allow for extra parking.
- School Fight Resolution** School Fight Resolution: Councilor Shimp reported that a resolution had been reached with Fletcher High School Principal Mrs. Mann over a fight at school. The Chief of Police, under a grant, is sending a teacher from Fletcher High School and one of our Resource Officers to an Intervention class. Councilor Shimp also reported that he believed the mother was satisfied.
- Lighting** Light Bulb Wattage: Councilor Jones stated that he was concerned the high wattage light bulbs to be installed in Town Center would be too bright for the area.
- St Johns River Management District** City Manager Report on Water 20/20: The City Manager stated that he received a letter from Craig McClane, Program Manager with St. Johns River Water Management District, requesting time on the agenda for June 7, 1999 to give a report on Water 20/20.

CITY MANAGER REPORTS

- Investigation** City Manager Report on Dog Incident: The City Manager stated that the investigation of the dog incident at 509 McCollum Circle was almost complete. A full report will be forthcoming.
- SOP 52 Procedures** SOP 52 Procedures: The City Manager will have something out this week on the procedures for issuing a Police Complaint Form SOP 52, to citizens.

COMMENTS FROM THE PUBLIC

Bishop Hayes, 207 Spindrift lane, complained about the deplorable conditions that existed in the alley behind Mr. Grubbs strip mall and the view of the Mayport overpass heading east.

Danny Thiele, 107 Azalea Place, spoke in support of Ordinance No. 1999-01. He invited Blair Withington with the Department of Environmental Protection to attend the Workshop Meeting on April 19, 1999, to answer any questions.

Donald Jordan, 1423 Forest Avenue, complained that the drainage project on Forest Avenue has not been started. Mr. Jordan recommended that the Ordinance controlling political signs be enforced or repealed.

Jo Anne Waddill, 115 Oleander, requested the removal of politics from the Ish Brant Beautification Committee.

NEW BUSINESS

- Agenda Modification** Council agreed to move Agenda Item 12(A) forward for the appearance of Karen Schefeer with The Department of Parks, Recreation and Entertainment, City of Jacksonville.

- FIND Grant** FLORIDA INLAND NAVIGATION DISTRICT GRANT (FIND): Karen Schefeer with

Department of Parks, Recreation and Entertainment, City of Jacksonville, explained the application process of Phase I. Design, Engineering and Permitting of a Canoe Launch at the old bridge site on Seagate Avenue. The City of Jacksonville will provide the grant writing and administration, as well as the 50% percent match for Phase I of the project.

Discussion ensued on the feasibility of switching the location from Seagate to Forest Avenue.

Council directed the City Manager to investigate whether the City could obtain the necessary easements on Forest Avenue.

Moved by Tankersley, seconded by Jones.

Motion: **TO SUPPORT THE CITY OF JACKSONVILLE MOVING FORWARD WITH THE FIND GRANT APPLICATION.**

On The Record Councilor Shimp stated, on the record, that he would (1) not support the Seagate Avenue location due to low tide and (2) would request the FIND Grant application be withdrawn if the Forest Avenue location could not be utilized.

On The Record Mayor Vaughn stated, on the record, that the above motion would stand as the official act of this Council supporting the forward movement of the FIND Grant application. He also stated, on the record, that he did not agree with Councilor Shimp.

Roll Call Vote:

Ayes: 5- Jones, Patronik, Shimp, Tankersley, Vaughn

Noes: 0

MOTION CARRIED

Consensus: **TO PLACE THE FIND GRANT APPLICATION ON THE AGENDA FOR THE TOWN HALL MEETING ON APRIL 19, 1999 TO RECEIVE PUBLIC INPUT.**

CONSENT AGENDA

Resolution Water
Usage

RESOLUTION NO. 99-11: RESOLUTION FOR WATER USAGE FOR MAINTAINING PUBLIC AREAS OF THE CITY OF NEPTUNE BEACH, FLORIDA.

WHEREAS, City Council approved Resolution 99-08 on March 1, 1999 which resolution contained a calculation error which needs to be corrected

NOW THEREFORE BE IT RESOLVED THAT:

Section 2 of the resolution should read as follows: The City will credit to the individual an amount equal to 20,000 gallons per each 10,000 sq. ft. per month and;

Moved by Tankersley, seconded by Shimp.

Motion: **TO ADOPT RESOLUTION NO. 99-11, AS NOTED ABOVE.**

Roll Call Vote:

Ayes: 5-Jones, Shimp, Tankersley, Patronik, Vaughn

Noes: 0

MOTION CARRIED.

VARIANCES-NONE

ORDINANCES

Ordinance No.
1999-01

ORDINANCE NO. 1999-01, FIRST READ: AN ORDINANCE OF NEPTUNE BEACH, FLORIDA, RELATING TO THE PROTECTION OF MARINE TURTLES; PROVIDING FINDINGS; PROVIDING TITLE AND CITATION, PURPOSE; PROVIDING JURISDICTION; PROVIDING DEFINITIONS; PROVIDING LIGHTING STANDARDS FOR NEW DEVELOPMENT; PROVIDING LIGHTING STANDARDS FOR EXISTING DEVELOPMENT; PROVIDING STANDARDS FOR PUBLICLY OWNED LIGHTING; PROVIDING PROHIBITED ACTIVITIES DISRUPTIVE TO MARINE TURTLES; PROVIDING STANDARDS FOR CONSTRUCTION DURING THE MARINE TURTLE NESTING SEASON; PROVIDING THAT IT IS UNLAWFUL TO KILL MOLEST OR INJURE MARINE TURTLES; PROVIDING EDUCATION AND INFORMATION OPTIONS; PROVIDING ENFORCEMENT PROVISIONS INCLUDING CIVIL AND ADMINISTRATIVE ENFORCEMENT POWERS AND CRIMINAL PENALTIES REGARDING MARINE TURTLES AND HATCHLINGS IN NEPTUNE BEACH, FLORIDA PROVIDING INTERPRETATION; PROVIDING SERVERABILITY AND PROVIDING AN EFFECTIVE DATE.

The Mayor read Ordinance No. 1999-01 by title only.

Moved by Patronik, seconded by Jones.

Following discussion, the motion and second were withdrawn.

Consensus: **TO MOVE ORDINANCE NO. 1999-01 TO THE APRIL 19, 1999 WORKSHOP MEETING FOR FURTHER DISCUSSION AND INFORMATION FROM THE APPROPRIATE AGENCIES.**

Ordinance No.
1999-02

ORDINANCE NO. 1999-02, FIRST READ: THAT SECTION 22-26 OF THE CODE OF ORDINANCES OF THE CITY OF NEPTUNE BEACH IS HEREBY AMENDED BY ADDING A NEW SUBSECTION (F) TO READ AS FOLLOWS; AND TO RENUMBER SECTION 22-26 (F) TO READ SECTION 22-26 (G); AND PROVIDING AN EFFECTIVE DATE.

The Mayor read Ordinance No. 1999-02 by title only.

For information: Ordinance No. 1999-02 Prohibits parking motor vehicles on private property in residential districts without the permission of property owner.

Moved by Jones, seconded by Patronik.

Motion: **TO PASS ORDINANCE NO. 1999-02 ON FIRST READ**

Roll Call Vote:

Ayes: 5 – Jones, Patronik, Shimp, Tankersley, Vaughn
Noes: 0

MOTION CARRIED

Ordinance No.
1999-03

ORDINANCE NO. 1999-03, FIRST READ: THAT SECTION 2-42 OF THE CODE OF ORDINANCES OF THE CITY OF NEPTUNE BEACH IS HEREBY AMENDED TO READ AS FOLLOWS: AND PROVIDING AN EFFECTIVE DATE.

The Mayor read Ordinance No. 1999-03 by title only.

For information: Special committees to be appointed by Council and are subject to abolishment.

Moved by Jones, seconded by Patronik.

Motion: TO ADOPT ORDINANCE NO. 1999-03 ON FIRST READ

Friendly
Amendment: TO ADD AT THE END OF THE SECOND SENTENCE, “ THAT EACH COUNCILOR SHALL APPOINT ONE CITIZEN TO THE COMMITTEE, UNLESS OTHERWISE DIRECTED BY COUNCIL.”

Friendly
Amendment: LAST SENTENCE, REPLACE THE WORD “ SHOULD “ WITH “SHALL”

Roll Call Vote:

Ayes: 4 – Jones, Patronik, Shimp, Tankersley
Noes: 1 – Vaughn

MOTION CARRIED.

OLD BUSINESS – NONE

NEW BUSINESS

Professional Service
Agreement

PROFESSIONAL SERVICES – MASTER UTILITY PLAN: Request for approval of Professional Services Agreement with Post, Buckley, Schuh & Jernigan for Utility Improvement Project associated with Master Utility Plan.

Moved by Tankersley, seconded by Patronik.

Motion: TO APPROVE PROFESSIONAL SERVICES AGREEMENT WITH POST, BUCKLEY, SCHUH & JERNIGAN FOR UTILITY IMPROVEMENT PROJECT ASSOCIATED WITH MASTER UTILITY PLAN.

Roll Call Vote:

Ayes: 5 – Jones, Patronik, Shimp, Tankersley, Vaughn
Noes: 0

MOTION CARRIED

Addendum No. 1,
Task No. 1

Approval of Addendum No. 1, Task No. 1, to Professional Services Agreement with Post, Buckley, Schuh & Jernigan for General Utility Improvement Program Consulting Services associated with Master Utility Plan, in an amount not to exceed \$5,000.

Addendum No. 2,
Task No. 2

Approval of Addendum No. 2, Task No. 2, to Professional Services Agreement with Post, Buckley, Schuh & Jernigan for Design Standards and Construction Contractor Qualifications associated with Master utility Plan, in an amount not to exceed \$20,100.
Conditions: Two items to be included in the scope of work, as follows: (1) A statement that the installation of new sewer pumping stations anywhere within the city, shall be at no less than a minimum of fifty feet (50') from any residential structure, and (2) currently existing sewage pumping stations, in all parts of our city, shall be individually evaluated for safety, noise, odors and proximity to existing homes.

Moved by Jones, seconded by Patronik

Motion: **TO APPROVE ADDENDUM NO. 1, TASK NO. 1; AND ADDENDUM NO. 2, TASK NO. 2, WITH CONDITIONS AS NOTED ABOVE.**

Roll Call Vote:

Ayes: 5 – Jones, Patronik, Shimp, Tankersley, Vaughn
Noes: 0

MOTION CARRIED.

Pre. Develop. Order
217 First Street

PRELIMINARY DEVELOPMENT ORDER – 217 FIRST STREET: Approval of Preliminary Development Order for an expansion and renovation at 217 First Street, owner Cobalt Moon.

Moved by Tankersley, seconded by Jones.

Motion: **TO ACCEPT THE RECOMMENDATION OF THE PLANNING AND DEVELOPMENT REVIEW BOARD AS OUTLINED IN THE BOARD MINUTES OF MARCH 16, 1999 AND APPROVE A PRELIMINARY DEVELOPMENT ORDER FOR AN EXPANSION AND RENOVATION AT 217 FIRST STREET.**

Friendly Amendment **THE FOUR ANGLED PARKING SPACES SHALL BE USED FOR EMPLOYEES ONLY, AND CHAINED OFF DURING NON BUSINESS HOURS. THE TWO PARALLEL SPACES SHALL BE REMOVED.**

Roll Call Vote:

Ayes: 5 – Jones, Patronik, Shimp, Tankersley, Vaughn
Noes: 0

MOTION CARRIED

Pre. Develop. Order
200 First Street

PRELIMINARY DEVELOPMENT ORDER – 200 FIRST STREET: Approval of Preliminary Development Order for Phase II, renovation at 200 First Street, Owner Edward S. Jones. Councilor Jones declared a conflict of interest and abstained from voting, because he owned the property. In accordance with Section 112.3143 Florida Statutes, Councilor Jones filed form 8B Memorandum of Voting Conflict, which is incorporated as a part of these minutes as an attachment.

Moved by Shimp, seconded by Tankersley.

Motion: **TO ACCEPT THE RECOMMENDATION OF THE PLANNING AND REVIEW BOARD AS OUTLINED IN THE BOARD MINUTES OF MARCH 16, 1999, AND APPROVE THE PRELIMINARY DEVELOPMENT ORDER FOR PHASE II, RENOVATION AT 200 FIRST**

STREET, OWNER EDWARD JONES.

Roll Call Vote:

Ayes: 3 – Patronik, Shimp, Tankersley
Noes: 1 - Vaughn
Abstain: 1 - Jones

MOTION CARRIED

Naval Air Show

RESOLUTION: Supporting the Naval Air Show. Mayor Vaughn deferred this item to the May 3, 1999 Regular Council Meeting.

CEB Appoint Joseph Waddill

RESOLUTION NO. 99-13: RESOLUTION APPOINTING JOSEPH WADDILL AS A REGULAR MEMBER OF THE CODE ENFORCEMENT BOARD.

RESOLVED, the City Council of the City of Neptune beach, Florida hereby confirms the appointment of Joseph Waddill of 115 Oleander Street, to the Code Enforcement Board as a regular member to fulfill the unexpired term of Shelley B. Reid. The unexpired term to end December 13, 1999.

Moved by Shimp, seconded by Patronik.

Motion: TO ADOPT RESOLUTION NO. 99-13, AS NOTED ABOVE.

Roll Call Vote:

Ayes: 5 – Jones, Patronik, Tankersley, Shimp, Vaughn
Noes: 0

MOTION CARRIED

Hurricane Readiness

HURRICANE PREPAREDNESS: Set a meeting workshop date to discuss the City's Hurricane Preparedness Policy and readiness.

Consensus: **SET MEETING DATE OF MAY 10, 1999 FOR ABOVE NOTED SUBJECT.**

Support for Mayor Delaney

PRESERVATION PROJECT: Support for a letter to be sent to Mayor Delaney requesting that he include the purchase of 101 acres of maritime forest and marshes, located near Dutton Island in his proposed Preservation Project. Currently, said acres are to be developed into a 159 lot subdivision by Centex Homes.

Consensus: **APPROVE ABOVE NOTED LETTER, SIGNED BY ALL MEMBERS OF COUNCIL.**

A copy of said letter is incorporated, as attachment, to these minutes.

Adjournment

There being no further business, the meeting adjourned at 9:40 p.m.

George F. Vaughn, Jr., Mayor

ATTEST:

Becky E. Hanks, CMC/AAE, City Clerk

Approved: _____



MINUTES
WORKSHOP CITY COUNCIL MEETING
APRIL 19, 1999 AT 7:07 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, 1999, at 7:07 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

Mayor George F. Vaughn, Jr.
Vice Mayor Thomas A. Tankersley
Councilor Edward S. Jones
Councilor Ronald D. Patronik
Councilor Robert D. Shimp
City Clerk Becky E. Hanks, CMC/AEE

City Manager Richard A. Linn
City Attorney Christopher A. White
Director of Finance John Herbst
Administrative Assistant Lisa Volpe
Deputy City Clerk Karla Strait
Administrative Assistant Piper Turner

Call to Order/Roll Call

The Mayor called the meeting to order at 7:07 p.m.

Transportation Master Plan

The Mayor introduced Cheryl Freeman with the City of Jacksonville, who was given the privilege of floor to speak on the Transportation Master Plan. She announced upcoming workshops for public input to be held at Atlantic Beach City Hall, Tuesday, April 27, 1999 at 5:30 to 7:00 and 7:30 to 9:00 for all beach communities.

Councilor Holland

The Mayor introduced Jerry Holland, newly elected Jacksonville City Councilman, Beaches District 3. Councilman Holland stated that he would like to be the beach city lobbyist and share ideas with the City of Jacksonville.

COMMITTEE REPORTS

Ish Brant Beautification

ISH BRANT BEAUTIFICATION COMMITTEE REPORT: The City Manager complimented the Ish Brant Beautification Committee, especially Mayor Vaughn and the efforts that were put into beautification of the Butterfly Garden. He also recognized the donation of trees and plants by Dynamic Anderson Corporation, and a Canary Island Date Palm tree donated by Diana Eastman that was placed in Jarboe Park.

Special Events Committees

COMMUNITY EVENTS SPECIAL COMMITTEE: The next planned event will have a sports theme; date to be determined later.

Sunday in the Park

SUNDAY IN THE PARK: The City Manager reported that Sunday in the Park held on April 11th was a huge success. A financial report would be forthcoming.

CITY MANAGERS PUNCH LIST

CITY MANAGER PUNCH LIST: The following items were discussed:

City Manager Punch
List

- *Forest Avenue Drainage Project:* The Forest Avenue Drainage Project will commence once the homeowner has completed work on his driveway.

Change in Agenda
Items

Reverse Ordinance placement on agenda due to visitors in attendance.

PROPOSED ORDINANCES

Ord 1999-01
Turtle Protection

ORDINANCE NO. 1999-01: AN ORDINANCE OF NEPTUNE BEACH, FLORIDA, RELATING TO THE PROTECTION OF MARINE TURTLES; PROVIDING FINDINGS; PROVIDING TITLE, CITATION AND PURPOSE; PROVIDING JURISDICTION; PROVIDING DEFINITIONS; PROVIDING LIGHTING STANDARDS FOR NEW DEVELOPMENT; PROVIDING LIGHTING STANDARDS FOR EXISTING DEVELOPMENT; PROVIDING STANDARDS FOR PUBLICLY OWNED LIGHTING; PROVIDING PROHIBITED ACTIVITIES DISRUPTIVE TO MARINE TURTLES; PROVIDING STANDARDS FOR CONSTRUCTION DURING THE MARINE TURTLE NESTING SEASON; PROVIDING THAT IT IS UNLAWFUL TO KILL MOLEST OR INJURE MARINE TURTLES; PROVIDING EDUCATION AND INFORMATION OPTIONS; PROVIDING ENFORCEMENT PROVISIONS INCLUDING CIVIL AND ADMINISTRATIVE ENFORCEMENT POWERS AND CRIMINAL PENALTIES REGARDING MARINE TURTLES AND HATCHLINGS IN NEPTUNE BEACH, FLORIDA; PROVIDING APPLICABILITY; PROVIDING INTERPRETATION; PROVIDING SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

Danny Theile, Beaches Sea Turtle Patrol introduced Blair Withington, an expert on light ordinances from the Department of Environmental Protection. In attendance was Christine Nelson, Assistant. All parties answered questions from the Council. Points and concerns addressed by Council Members:

- The ordinance will only work if all three-beach cities adopted such an ordinance in order to be uniform along the beachfront. For example, the efforts of the Sea Horse Motel would not be effective unless the Sea Turtle across the street complied with the same regulation.
- Some citizens were concerned that existing outside residential lights would be effected.
- Possible duplication of state law.
- Tinted windows should be voluntary, not mandatory.
- Enforcement may require additional funding.
- The state should be responsible for providing education to citizens on this issue.
- Opinions from the oceanfront residents should be solicited.
- Sea Horse Inn should be exempted.

Lisa Volpe, Administrative Assistant to the City Manager gave a report on how other cities enforced their turtle protection ordinance.

Consensus: **FORWARD ORDINANCE NO. 1999-01 TO THE MAY 3, 1999 REGULAR COUNCIL MEETING FOR FIRST READ.**

Ord. No. 1998-22
Nuisance Ordinance

ORDINANCE NO. 1998-22: AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF NEPTUNE BEACH, FLORIDA TO INCLUDE AN NEW CHAPTER 28, ENTITLED "NUISANCES," PROVIDING AN EFFECTIVE DATE.

The following Code Enforcement Board members were in attendance and made recommendations: Richard Keene, Carl Russell, and John Reeves.

On the Record Councilor Shimp, on the record, stated that he did not initiate said ordinance because of a

recent dispute over moving a fence, and that it was never to be neighbor against neighbor.

Consensus: **THE CITY ATTORNEY WAS ASKED TO REVIEW THE WRITTEN RECOMMENDATIONS MADE BY RICHARD KEENE AND MAKE ANY ACCEPTABLE CHANGES TO THE ORDINANCE.**

Consensus: **FORWARD ORDINANCE NO. 1998-22 TO THE MAY 3, 1999 REGULAR COUNCIL MEETING FOR SECOND AND FINAL READING.**

Recess / Reconvene **RECESSED AND RECONVENED:** The meeting was recessed at 8:50 p.m. and reconvened at 9:05 p.m.

CONTRACTS / AGREEMENTS

PBS&J Addendum 3,
Task 3 MUP

PROFESSIONAL SERVICES AGREEMENT WITH PBS&J, ADDENDUM NO. 3, TASK NO. 3, UTILITY IMPROVEMENTS EAST OF THIRD STREET: The Scope of Work under Addendum 3, Task 3, to the agreement between the City of Neptune Beach and PBS&J included professional engineering services to prepare plans, specifications, contract documents, and permit applications; and provide bid negotiation services and construction phase services for utility improvements east of Third Street (SR A1A) and bounded by Atlantic Boulevard on the north, and Seagate Avenue on the south, as set forth in the document entitled "Water and Wastewater Systems Master Plan", adopted by the City Council on August 7, 1998. Amount not to exceed \$833,900.

Consensus: **FORWARD TO CONSENT AGENDA FOR REGULAR COUNCIL MEETING ON MAY 3, 1999.**

ISSUE DEVELOPMENT

Jarboe Park Facilities **PUBLIC FACILITIES IN JARBOE PARK AND PETITION PRESENTATION:** Mayor Vaughn deferred this matter.

City Manager **CITY MANAGER:** The Mayor addressed an issue concerning City Manager Linn.

On the Record Mayor Vaughn, on the record, read the following memorandum dated April 13, 1999 from the mayor to the city manager, into the record, as follows:

"Date: April 13, 1999
To: Richard Linn, City Manager
From: George F. Vaughn, Jr., Mayor
Subject: Meeting of April 12, 1999

The purpose of this memo is to confirm our conversation in your office at 5:00 p.m., Monday, April 12, 1999.

The purpose of my visit was to discuss several important issues currently facing our City. After concluding discussion of these issues, I took the opportunity to determine why you had not returned my phone call of last Friday, April 9th which message was relayed to you by your Assistant Lisa Volpe at approximately 4:50 p.m.

Ms. Volpe stated to me, when I entered her office on Friday, at 4:30 p.m. that you had left for the day around 3:00 p.m. and that she did not know where you were or how to contact you, other than call your home phone number or your cell phone.

At that time, I asked Ms. Volpe to contact you and have you call me in the City Clerk's Office that I had several things I needed to talk to you about. I was in City Hall until about 5:30 p.m. and did not receive a return phone call from you. I did not hear from you on Saturday, Sunday or Monday.

When I asked you at 5:00 p.m. on Monday why you did not return my phone call you stated that "that was your weekend." Being somewhat taken aback with your unexpected response, I then asked you if you were saying that you do not work on weekends, to which you responded, "no", that is not what I am saying, I am saying that, "that was my weekend." I then stated, "well what you are saying is that you had no intention of returning my phone call", to which you responded, "that is correct." I then stated to you that not returning my phone call was unacceptable and that when I left a message for you to call me, I expected you to return my call. To which you made the following response, "you are just one vote. I expressed my disappointment in your position and responded to you that this was not about votes and stated to you that I was going to document and record your response, which I did, and I got up to leave your office. As I was walking out of your office and passing through your assistant's office you stated to me that you had three (3) Councilors who had told you not to take anything off me and if I bothered you to file charges. With such a surprising statement as that, I turned and asked you to repeat what you had just said and you said you were not going to repeat it. I then stated to you, "you mean you have three (3) Councilor's telling you that it's acceptable for you not to return my phone calls, to which you responded, "that is correct, and if you bother me I am to start filing charges." My response to you as I left the building, Mr. Linn, was for you to go ahead and file charges.

I refuse to be intimidated with your threat to file charges for doing my job as an elected official to represent the interests of the citizens. But what I am most concerned with here is the arrogance of your position and insubordinate manner based on your statement that you have three (3) votes on the Council. I, therefore, deduce that you are comfortable in stating and acting on your position in this matter due to receiving directives from three (3) Councilors outside the Sunshine law.

For many months I have been concerned about your routine absence, especially, on Friday afternoons. And, further, I am alarmed that your assistant admits openly that she does not know where you are or how to contact you. If after leaving the office early on these days, you are considering that absence during normal office hours to be compensatory time off then you have repeatedly violated Section 5A, Hours of Work, of your Employment Contract. You have never complied with that portion of your employment Contract since I became Mayor October 29, 1997.

Effective immediately, as Mayor of the City of Neptune Beach, I expect you to comply fully with the provisions of your employment contract and

take compensatory time off during normal office hours only after rendering appropriate notification to me, or in my absence to the Councilor acting in the Mayor's absence, as outlined in Section 5A.

I intend to seek appropriate counsel to pursue resolution of the issues that you have presented to me, as follows:

- Failure to return my phone calls,
- Threatening to file charges,
- Actions I consider to be insubordinate,
- Breach of contract in Section 5A of your Employment Contract, and
- Taking and acting on directives from Councilor's outside the Sunshine Law."

On the Record Mayor Vaughn, on the record, read the following memorandum dated April 14, 1999 response from the city manager to the mayor, into the record, as follows:

"Date: April 1, 1999
To: Mayor George G. Vaughn, Jr.
From: Richard A. Linn, City Manager
Subject:: Response RE: Meeting of April 12, 199

This memo acknowledges receipt of the above captioned memo and I am taking your comments under advisement."

There was no response when the Mayor asked the three Councilors mentioned in the above memo to identify themselves.

The City Manager responded that he was in conference with two department heads, off site, on the above mentioned Friday.

Parking on First Street EXTENDED PARKING HOURS ON FIRST STREET. Councilor Jones stated that he would be introducing an ordinance to extend the parking hours on First Street.

Consensus: **FORWARD TO MAY 24, 1999 TOWN HALL MEETING FOR PUBLIC INPUT.**

Report Public Safety Department CLARIFICATION OF REPORT ON COMPLAINT AGAINST PUBLIC SAFETY DEPARTMENT EMPLOYEES. An incident involving a school fight at Fletcher High School previously reported as resolved by Councilor Shimp.

On the Record The Mayor, on the record, read Councilor Shimp's statement from the April 5th, 1999 Meeting, as follows:

"We had a lady here I guess it last month, she came in and she was concerned about the school and her son had been in a fight at the school. The Chief and I went to see Mrs. Mann we talked to Mrs. Mann, and the Chief under a grant is sending one of our SRO and also one of the teachers from Fletcher to an intervention class. And I wanted just to report back to that and I think that the mother was satisfied and we worked some things out so I thought it was a very, very good meeting and both with everybody reaching a consensus, so I thought it was very good. "

Mr. and Mrs. Jemenez, 3 Sandra Drive of Jacksonville Beach, whose son was involved in the above noted incident, stated that the issue had not been resolved to their satisfaction and they had filed an SOP52 Complaint Form against the involved police officer.

Councilor Shimp stated that he thought the matter had been resolved to everyone's satisfaction and apologized for the misunderstanding.

Legal Opinion

City Attorney White cautioned Council that, in light of Mr. and Mrs. Jemenez statement this evening that they had filed a complaint, it would be inappropriate for any Councilor to discuss any aspect of this case. At this time, a particular procedure that must be followed.

On the Record

Mayor Vaughn, on the record, stated that the Police Department had still not complied with his public record request for certain police reports.

Public Comments

PUBLIC COMMENTS ON AGENDA ITEMS ONLY:

Roy Deese, 1720 Lighty Lane, praised the City Manager, Chief of Police and Director of Public Works for their professionalism and expertise. He stated that these persons had earned the respect of the citizens.

Elaine Kenny, 1301 Neptune Grove Drive, stated that, as a friend of the City Manager's family, he should be able to leave the stress of the office behind when he goes home to his family on weekends. In addition, she stated, in her opinion, that a verbatim was an interpretation and not the actual words spoken by a citizen.

Harriett Pruette, 217 Magnolia Street, expressed her opinion that the community should come together and that no public official should be humiliated and embarrassed in public.

Adjournment

There being no further business, the meeting adjourned at 10:27 p.m.

George F. Vaughn, Jr., Mayor

ATTEST:

Becky E. Hanks, CMC/AEE, City Clerk

Approved: _____



MINUTES
SPECIAL CITY COUNCIL MEETING
APRIL 19, 1999 AT 6:00 P.M.
CITY HALL, 116 FIRST STREET
NEPTUNE BEACH, FLORIDA

Pursuant to proper notice a Special Meeting of the City Council of the City of Neptune Beach was held April 19, 1999, at 6:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

Mayor George F. Vaughn, Jr.
Vice Mayor Thomas A. Tankersley
Councilor Edward S. Jones
Councilor Ronald D. Patronik
Councilor Robert D. Shimp
City Clerk Becky E. Hanks, CMC/AEE

City Manager Richard A. Linn
City Attorney Christopher A. White
Administrative Assistant Lisa Volpe
Deputy City Clerk Karla Strait
Administrative Assistant Piper Turner

Call to Order/Roll Call

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

**Richard Morehead
Appeal**

RICHARD MOREHEAD VARIANCE APPEAL: Pursuant to Section 27-153, Ordinance Code, the City Council reviewed the record of the Public Hearing conducted by the Board of Appeals on March 2, 1999, regarding Richard Morehead, Case No. V99-2 as follows:

Property Location:	900 First Street
Legal Description:	Lot 1 McCall's Replat
Variance Request:	Section 27-232 (A) (4), a variance request for 15 feet of side yard, leaving zero feet.
Purpose:	Side deck / walkway for ingress and egress from upstairs floor to deck.

Moved by Tankersley, seconded by Shimp.

Motion: **TO REVERSE THE DECISION OF THE BOARD OF APPEALS ON THE ABOVE NOTED CASE AND GRANT VARIANCE REQUEST NO. 5 TO FOR MR. RICHARD MOREHEAD.**

Roll Call Vote:

Ayes: 5 – Jones, Patronik, Shimp, Tankersley, Vaughn
Noes: 0

MOTION CARRIED.

Adjournment

There being no further business, the meeting adjourned at 6:53 p.m.

George F. Vaughn, Jr., Mayor

ATTEST:

Becky E. Hanks, CMC/AAE, City Clerk

Approved: _____



**TOWN HALL MEETING
APRIL 19, 1999, 10:36 AT P.M.
CITY HALL, 116 FIRST STREET,
NEPTUNE BEACH, FLORIDA**

Pursuant to proper notice a Town Hall Meeting of the City Council of the City of Neptune Beach was held April 19, 1999, at 10:36 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

The following Council members and staff were in attendance:

Mayor George F. Vaughn, Jr.
Vice Mayor Thomas A. Tankersley
Councilor Edward S. Jones
Councilor Ronald D. Patronik
Councilor Robert D. Shimp

City Manager Richard A. Linn
City Clerk Becky E. Hanks CMC/AE
Deputy City Clerk Karla Strait

Order Call

The Mayor called the meeting to order at 10:36 p.m.

**Public input on FIND
Grant Application**

FLORIDA INLAND NAVIGATION DISTRICT GRANT: The Council received Public input on the FIND Grant application for a canoe launch at the end of Seagate Avenue or Forest Avenue.

Harry Penland, 2018 Cherokee Drive, stated that the area at the end of Forest Avenue did not have enough water at high or low tide to keep a kayak afloat. He suggested the Hopkins Creek area by the Kings Road Bridge because people would be able to get in and out at all tide phases.

Rudolph Lowey-Ball, 1834 Nightfall Drive, explained that the Seagate Avenue location was just as dry as Forest Avenue. He was concerned that the areas would become a party site and generate traffic in what is, essentially, a quiet neighborhood.

John Jolly, 2034 Shadow Lane, opposed the Seagate Avenue location. He suggested that since Neptune Beach didn't have a good location for a canoe launch, then we should let one of our neighboring beaches apply for the Grant.

Laurie Anderson, 1848 Kings Circle, suggested running a launch out over the grass to deeper water.

Debbie Penland, 2018 Cherokee Drive, spoke about the danger of speeding jet skiers in the area.

Debbie McDonald, 2028 Shadow Lane, opposed the canoe launches in these areas and objected to her privacy being disturbed. Also people get stuck in the mud.

Michael Meyers, 2029 Shadow Lane, explained that the marsh area could be dangerous for the inexperienced canoer.

On The Record

Councilor Shimp stated, on the record, he was totally against a canoe launch in these areas. He recommended the city help the residents with cleaning up the trash in the area and volunteered his services.

Adjournment

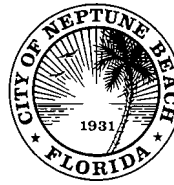
There being no further business, the meeting adjourned at 11:04 p.m.

George F. Vaughn, Jr., Mayor

ATTEST:

Becky E. Hanks, CMC/AAE, City Clerk

Approved: _____



MINUTES
REGULAR CITY COUNCIL MEETING
MAY 3, 1999 AT 7:00 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 May 3, 1999, at 7:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

Mayor George F. Vaughn, Jr.
Vice Mayor Thomas A. Tankersley
Councilor Edward S. Jones
Councilor Robert D. Shimp
Councilor Ronald D. Patronik
City Clerk Becky E. Hanks, CMC/AEE

City Manager Richard A. Linn
City Attorney Christopher A. White
Director of Finance John Herbst
Administrative Assistant Lisa Volpe
Deputy City Clerk Karla Strait
Building Official Dan Arlington

Order Call/Pledge

The Mayor called the meeting to order at 7:00 p.m. and led the Pledge of Allegiance.

AWARDS AND PRESENTATIONS - NONE

APPROVAL OF MINUTES

Approval of Minutes

Moved by Tankersley, seconded by Jones.

Motion: **TO ADD THE APRIL 5, 1999 MINUTES TO THE AGENDA FOR APPROVAL.**

Roll Call Vote;

Ayes: 5 – Jones, Shimp, Tankersley, Patronik, Vaughn
Noes: 0

MOTION CARRIED.

Moved by Tankersley, seconded by Jones.

Motion: **TO APPROVE THE FOLLOWING MEETING MINUTES:**
APRIL 5, 1999, REGULAR
APRIL 19, 1999, SPECIAL
APRIL 19, 1999, TOWN HALL

Roll Call Vote:

Ayes: 5 – Jones, Shimp, Tankersley, Patronik, Vaughn
Noes:

MOTION CARRIED.**COMMUNICATIONS AND CORRESPONDENCE**

Subgrant Application No. 00-017 Beach Access	<u>Beach Access:</u> Mayor Vaughn advised that he received a letter from Ralph Cantral, Executive Director with Florida Coastal Management Program, stating that due to limited funding the city grant application for beach access improvements could not be approved for fiscal year 1999-2000.
Short Term Rentals	<u>Short Term Rentals:</u> Council discussed recent correspondence regarding short-term rentals and the need to set a policy. The City Manager reported that he was actively working with the Code Enforcement Board and Building Official on the issue. Council agreed to add this to the City Managers Punch List.
Sunshine Law	<u>Sunshine Law:</u> Councilor PatroniK stated that any violations of the Florida Sunshine Law should be referred to the State Attorneys Office.
Mayport Flyover	<u>Mayport Flyover:</u> Vice Mayor Tankersley and Mayor George Vaughn gave a report on a meeting they attended in Atlantic Beach regarding the Mayport Flyover.
Town Center Taxi Cab Stand	<u>Town Center:</u> Vice Mayor Tankersley and Councilor Jones stated that the Town Center Board approved a taxi cab stand in the circle at Town Center. The City Manager stated that he would place this item to his punch list.
The CAFR Report AUDIT	<u>The Comprehensive Annual Financial Report:</u> City Manager Linn stated that the Comprehensive Annual Financial Report was completed and copied to each Council member. The auditors will be here to answer questions anyone may have at the Workshop City Council Meeting on May 17, 1999.
Hurricane Emergency Preparedness Plan	<u>Hurricane Emergency Preparedness Plan:</u> City Manager Linn gave Council a current copy of the Hurricane Emergency Preparedness Plan to review before the Special Council Meeting, Monday, May 10, 1999.
City Manager's Performance Evaluation	<u>City Managers Annual Performance Evaluation:</u> At the City Manager's request, his Annual Performance Review was scheduled for the May 17, Workshop Council Meeting.

CITY MANAGER REPORTS

Advanced Debris Management Seminar	<u>Advanced Debris Management Seminar:</u> City Manager Linn and Building Official Dan Arlington attended an Advanced Debris Management Workshop at the Emergency Operations Center in Jacksonville. Recommendations and suggestions for the City Council's approval, will be forthcoming.
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COMMENTS FROM THE PUBLIC

Danny Thiele, 107 Azalea Place, requested that after adoption of Turtle Protection Ordinance 1999-01, a workshop be conducted for concerned citizens.

Bob Hicks, 1449 Hopkins Creek Lane, complimented the Public Safety Department for looking after his property while he and his wife were on an extended vacation. He also, objected to a memo sent from the Mayor to the City Manager regarding a situation that took place on April 12, 1999.

Debbie McDonald, 2020 Shadow Lane, objected to a canoe launch in Neptune Beach.

Harriet Pruette, 217½ Magnolia Street, stated that there was a sign on Midway advertising

resort property in a residential area. She also commended Councilor Shimp for sponsoring Ordinance No. 1999-02 regarding parking on private property, and expressed her disappointment that it was not placed on tonight's agenda.

Mrs. Moore, 225 Margaret Street, received clarification on the difference between residential and city property parking as it related to Ordinance No. 1999-02.

CONSENT AGENDA

PBS&J Addendum 3
Task No. 3 MUP

PROFESSIONAL SERVICES AGREEMENT WITH PBS&J, ADDENDUM NO. 3, TASK NO. 3, UTILITY IMPROVEMENTS EAST OF THIRD STREET: The Scope of Work under Addendum 3, Task 3, to the agreement between the City Neptune Beach and PBS&J included professional engineering services to prepare plans, specifications, contract documents, and permit applications; and provide bid negotiation services and construction phase services for utility improvements east of Third Street (SR A1A) and bounded by Atlantic Boulevard on the north, and Seagate Avenue on the south, as set forth in the document entitled "Water and Wastewater Systems Master Plan", adopted by the City Council on August 7, 1998. Amount not to exceed \$833,900.

Moved by Tankersley, seconded by Patronik.

Motion: **TO APPROVE ADDENDUM NO. 3 TASK NO. 3 PROFESSIONAL SERVICES AGREEMENT WITH POST, BUCKLEY, SCHUH AND JERNIGAN, AS NOTED ABOVE.**

Roll Call Vote:

Ayes: 5-Jones, Shimp, Tankersley, Patronik, Vaughn
Noes: 0

MOTION CARRIED.

VARIANCES-NONE

ORDINANCES

Ordinance No.
1999-01

ORDINANCE NO. 1999-01, FIRST READ: AN ORDINANCE OF NEPTUNE BEACH, FLORIDA, RELATING TO THE PROTECTION OF MARINE TURTLES; PROVIDING FINDINGS; PROVIDING TITLE AND CITATION, PURPOSE; PROVIDING JURISDICTION; PROVIDING DEFINITIONS; PROVIDING LIGHTING STANDARDS FOR NEW DEVELOPMENT; PROVIDING LIGHTING STANDARDS FOR EXISTING DEVELOPMENT; PROVIDING STANDARDS FOR PUBLICLY OWNED LIGHTING; PROVIDING PROHIBITED ACTIVITIES DISRUPTIVE TO MARINE TURTLES; PROVIDING STANDARDS FOR CONSTRUCTION DURING THE MARINE TURTLE NESTING SEASON; PROVIDING THAT IT IS UNLAWFUL TO KILL MOLEST OR INJURE MARINE TURTLES; PROVIDING EDUCATION AND INFORMATION OPTIONS; PROVIDING ENFORCEMENT PROVISIONS INCLUDING CIVIL AND ADMINISTRATIVE ENFORCEMENT POWERS AND CRIMINAL PENALTIES REGARDING MARINE TURTLES AND HATCHLINGS IN NEPTUNE BEACH, FLORIDA PROVIDING INTERPRETATION; PROVIDING SERVERABILITY AND PROVIDING AN EFFECTIVE DATE.

The Mayor read Ordinance No. 1999-01 by title only.

Moved by Tankersley, seconded by Patronik.

Motion: **TO PASS ORDINANCE NO. 1999-01, AS STATED.**

Roll Call Vote:

Ayes: 5-Jones, Patronik, Shimp, Tankersley, Vaughn
Noes: 0

MOTION CARRIED

Consensus: **FORWARD TO THE MAY 17, 1999 TOWN HALL MEETING FOR PUBLIC INPUT.**

Ordinance No.
1998-22

PUBLIC HEARING ORDINANCE NO. 1998-22, SECOND AND FINAL READ: AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF NEPTUNE BEACH, FLORIDA TO INCLUDE A NEW CHAPTER 28, ENTITLED "NUISANCES," PROVIDING AN EFFECTIVE DATE.

The Mayor read Ordinance No. 1998-22 by title only and opened the public hearing. There being no public comments, the public hearing was closed.

For information: Ordinance No. 1998-22, specifically, addresses conditions or nuisances not currently contained in the Code.

Moved by Tankersley, seconded by Patronik.

Motion: **TO ADOPT ORDINANCE NO. 1998-22, DRAFT NO. 3.**

Roll Call Vote:

Ayes: 5 – Jones, Patronik, Shimp, Tankersley, Vaughn
Noes: 0

MOTION CARRIED.**OLD BUSINESS**

FIND Grant

FLORIDA INLAND NAVIGATION DISTRICT GRANT: FIND Grant Application for a canoe launch. Council discussed locations for a canoe launch, and the feasibility of withdrawing the application.

Moved by Jones, seconded by Patronik.

Motion: **TO DIRECT THE CITY MANAGER TO NOT PURSUE LOCATING A CANOE LAUNCH IN THE CITY OF NEPTUNE BEACH, BUT TO PURSUE THE APPLICATION TO ALLOW THE FUNDS TO BE USED AT DUTTON ISLAND FOR THE CITY OF ATLANTIC BEACH. IF THE TERMS OF THE GRANT WILL ALLOW IT.**

Roll Call Vote:

Ayes: 4 – Jones, Tankersley, Shimp, Patronik
Noes: 1- Vaughn

MOTION CARRIED.

Grant Application for
Preserving Natural
Land.

GRANT APPLICATION FOR PRESERVING NATURAL LAND. Building Official Dan Arlington was given the privilege of floor to speak on a Florida Communities Trust Non-Matching Grant that the city could use to purchase and preserve in its natural state unbuildable land located off Kings Road, just north of the Kings Road Bridge. Said land consisted of 2.9 acres at a cost of \$297,000. In addition, access land to Kings road can be purchased since the 2.9 acres is landlocked.

Consensus: **TO SUPPORT MOVING FORWARD WITH SAID APPLICATION, AS NOTED ABOVE**

Mayport Flyover

MAYPORT FLYOVER ON ATLANTIC BOULEVARD: Council discussed the need for the Mayport Flyover Project and concluded that it would not be beneficial to our city.

Moved by Jones, seconded by Patronik.

Motion: **THE MAYOR WILL PREPARE A RESOLUTION OPPOSING THE MAYPORT FLYOVER AND SEND TO THE APPROPRIATE OFFICIALS.**

WHEREAS, it is proposed by the Jacksonville Transportation Authority to construct a flyover superstructure at the intersection of Atlantic Boulevard and Mayport Road for the purpose of providing a solution to current congestion problems; and

WHEREAS, there is sufficient concern throughout the community questioning the need for the construction of a flyover superstructure and;

WHEREAS, the flyover superstructure will be a visual eyesore to our City and contribute to noise and pollution levels thereby negatively impacting the quality of life; and

WHEREAS, the flyover superstructure will not solve the problem since traffic will continue to backup, because there are no provisions to improve traffic flow on Mayport Road; and

WHEREAS, other existing, unfinished and on-going major construction projects further compound traffic problems in areas already experiencing serious congestion and traffic delay, including but not limited to:

- Atlantic Boulevard between St. Johns Bluff Road and the Intercoastal Waterway
- Beach Boulevard at Southside Boulevard
- J.Turner Butler Boulevard between Southside Boulevard and the Intercoastal Waterway

WHEREAS, other major construction projects are planned and will come on line before the above mentioned projects are completed adding even greater traffic congestion and delays, including but not limited to:

- Atlantic Boulevard Bridge at Pablo Creek
- Wonder wood Connector
- McCormick Bridge on Beach Boulevard at Intercoastal waterway
- Beach Boulevard between Florida Community College South Campus and Highway A1A

WHEREAS, with a cost of approximately ten million dollars the construction of the flyover does not represent the best use of limited tax dollars and these funds could be directed toward another construction project of demonstrably greater necessity in regards to public safety and the needs of the effected beach communities.

WHEREAS, construction of the Wonderwood Connector will provide an alternate route for a significant portion of the traffic currently using the Atlantic Boulevard / Mayport Road corridor, thereby, reducing traffic levels at this interchange.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NEPTUNE BEACH, FLORIDA:

SECTION 1. That the City Council of the city of Neptune Beach, Florida, hereby expresses the need for greater community input and consideration by the Jacksonville Transportation Authority for present and future projects effecting our City.

SECTION 2. That the City Council of the City of Neptune Beach, Florida, hereby expresses, by unanimous vote, opposition to the construction of the flyover superstructure.

SECTION 3. EFFECTIVE DATE. The Resolution shall become effective upon adoption

Roll Call Vote:

Ayes: Jones, Patronik, Shimp, Tankersley, Vaughn

Noes: 0

MOTION CARRIED

NEW BUSINESS

Supporting Naval
Air Show

RESOLUTION NO. 99-12: A RESOLUTION OF THE CITY OF NEPTUNE BEACH IN SUPPORT OF THE US NAVY PRESENTING THEIR ANNUAL AIR SHOW AT NAVAL AIR STATION MAYPORT IN THE FALL OF 2000 AND THEREAFTER ROTATING SHOWS BETWEEN NAVAL AIR STATION JACKSONVILLE AND NAVAL STATION MAYPORT.

WHEREAS, the closure of the naval Air Station at Cecil Field provides the Naval Station at Mayport the opportunity to host the annual Navy Air Show in the fall of 2000; and

WHEREAS, the Navy Air Show was held at the Beaches several years ago and was very well received by the Beach communities; and

WHEREAS, the Navy Air Show is a family oriented activity that would provide residents and visitors a first rate show featuring the Blue Angels; and

WHEREAS, the show would benefit the business community by bringing visitors to the area during the off season; and

WHEREAS, Neptune Beach supports their Navy neighbors and would enjoy the opportunity to partner with the Navy in hosting the annual air show.

NOW THEREFORE BE IT RESOLVED THAT:

SECTION 1. The City of Neptune Beach encourages the Navy to bring their annual air show to Naval Station Mayport for the fall of 2000.

SECTION 2. The city of Neptune Beach Further encourages that future shows rotate between Naval Station Mayport and Naval Air Station Jacksonville.

Moved by Jones, seconded by Patronik.

Motion: **TO ADOPT RESOLUTION NO. 99-12, AS NOTED ABOVE.**

Roll Call Vote:

Ayes: 5 – Tankersley, Patronik, Jones, Shimp, Vaughn

Noes: 0

MOTION CARRIED

Adjournment

There being no further business, the meeting adjourned at 9: 05 p.m.

George F. Vaughn, Jr., Mayor

ATTEST:

Becky E. Hanks, CMC/AAE, City Clerk

Approved: _____



MINUTES
SPECIAL EMERGENCY CITY COUNCIL MEETING
MAY 10, 1999 AT 7:00 P.M.
CITY HALL, 116 FIRST STREET
NEPTUNE BEACH, FLORIDA

Pursuant to proper notice a Special Meeting of the City Council of the City of Neptune Beach was held May 10, 1999, at 7:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

Mayor George F. Vaughn, Jr.
Vice Mayor Thomas A. Tankersley
Councilor Edward S. Jones
Councilor Ronald D. Patronik
Councilor Robert D. Shimp
City Clerk Becky E. Hanks, CMC/AEE

City Manager Richard A. Linn
City Attorney Christopher A. White
Deputy City Clerk Karla Strait
Administrative Assistant Lisa Volpe

Call to Order/Roll Call

The Mayor called the meeting to order at 7:00 p.m. and stated the purpose of the meeting was to educate the public on the Hurricane Preparedness Plan.

Recognition of Guest

The Mayor introduced Brian Teeple with Northeast Florida Regional Planning Council and Robert "Chip" Patterson, Chief of Emergency Preparedness for Duval County Emergency Operation Center.

Brian Teeple was given the privilege of the floor to give a presentation. The report consisted of the following parts:

- Hazard analysis
- Population analysis
- Vulnerability analysis
- Shelter analysis
- Behavioral analysis
- Transportation analysis
- Storm surge atlas
- Categories of storms

Robert Patterson gave a presentation on the Duval County Comprehensive Emergency Management Plan. The report consisted of Evacuation Zones & Traffic Management.

City Manager Linn gave a report on the City's Hurricane Preparedness and the responsibilities of Council and each Department Head.

The Chief of Police made the following recommendations:

1. Vehicle Stickers for identifying citizen's vehicles to allow them access back onto the beach after the hurricane.
2. Purchasing an automatic dialing system to notify residents of an evacuation.
3. Purchasing a small travel trailer designed by Federal Emergency Management Agency (FEMA) that will sleep 6 or 8 people, for the purpose visiting other disaster areas. And also for use as a computer base for the city in case of an emergency.

Adjournment

There being no further business, the meeting adjourned at 9:10 p.m.

George F. Vaughn, Jr., Mayor

ATTEST:

Becky E. Hanks, CMC/AEE, City Clerk

Approved: _____



**TOWN HALL MEETING
MAY 17, 1999, 7:10 AT P.M.
CITY HALL, 116 FIRST STREET,
NEPTUNE BEACH, FLORIDA**

Pursuant to proper notice a Town Hall Meeting of the City Council of the City of Neptune Beach was held May 17, 1999, at 7:10 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

The following Council members and staff were in attendance:

Mayor George F. Vaughn, Jr.
Vice Mayor Thomas A. Tankersley
Councilor Edward S. Jones
Councilor Ronald D. Patronik
Councilor Robert D. Shimp

City Manager Richard A. Linn
City Clerk Becky E. Hanks CMC/AE
Deputy City Clerk Karla Strait
Administrative Assistant Lisa Volpe

Order Call

The Mayor called the meeting to order at 7:10 p.m. and stated the purpose was (1) to receive public input on Ordinance No. 1999-01, Turtle Protection and (2) extending parking hours on First Street.

Public Comments

Bruce Rehmer, 804 McCollum Circle, stated that extending the parking hours on First Street for commercial business would cause problems in neighboring residential areas.

Harriet Pruette, 217 ½ Magnolia Street, opposed extending parking hours on First Street and stated that it would cause more traffic problems and only benefit Commercial businesses.

Regina Nolte, 1606 First Street, opposed extending parking hours on First Street due to trash, noise and safety.

Kurt Cobb, 112 Orange Street, stated that he would like to see the barricades on First Street down, because Midway got all First Street traffic. He recommended moving the grand stand, used by Dancing in the Street Festival, forward, to discourage traffic from entering the residential area on Midway. He also stated that he thought the Turtle Ordinance was to strict.

John Kowkabany, 110 Palm Place, stated that extending parking hours on First Street would interfere with the people's right to quiet enjoyment.

David Baker, 1102 First Street, stated that he favored the barricades on First Street, and suggested extending parking hours on First Street during the summer only.

John Knooz, 816 Oceanfront, opposed the Turtle Ordinance and stated that it was too strict.

George Phelps, 100 Rose Place, felt that the Turtle Ordinance was not necessary and that everyone was already in compliance.

Linda Padrta, 1113 First Street, opposed extending parking hours on First Street and stated that she preferred the present atmosphere on First Street, including the barricades.

Harriet Christovich, 112 Seagate Avenue, stated that the Turtle Ordinance was not necessary and that everyone was already in compliance. She suggested parking permits for homeowners and temporary permits for extended guests.

Patricia Sowerby, 1910 Oceanfront, was out of town for the public hearing, therefore, City Manager Linn read a letter from her opposing the Turtle Ordinance.

Fred Cattar, 110 Walnut Street, opposed extending parking hours on First Street, citing an increase in litter and noise.

Adjournment

There being no further business, the meeting adjourned at 8:07 p.m.

George F. Vaughn, Jr., Mayor

ATTEST:

Becky E. Hanks, CMC/AEE, City Clerk

Approved: _____



MINUTES
WORKSHOP CITY COUNCIL MEETING
MAY 17, 1999 AT 8:20 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 May 17, 1999, at 8:20 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

Mayor George F. Vaughn, Jr.
Vice Mayor Thomas A. Tankersley
Councilor Edward S. Jones
Councilor Ronald D. Patronik
Councilor Robert D. Shimp
City Clerk Becky E. Hanks, CMC/AEE

City Manager Richard A. Linn
City Attorney Christopher A. White
Director of Finance John Herbst
Administrative Assistant Lisa Volpe
Deputy City Clerk Karla Strait

Call to Order/Roll Call

The Mayor called the meeting to order at 8:20 p.m.

COMMITTEE REPORTS

Ad Hoc Traffic Safety Committee

AD HOC TRAFFIC SAFETY COMMITTEE REPORT: City Manager Linn reported that the next committee meeting was set for May 18, at 7:00 p.m. to discuss the traffic calming study and how to incorporate it into the Utility Master Plan. The City Manager's office will be presenting information to the committee on the traffic counters and speed studies that were done.

Dancing in the Street

DANCING IN THE STREET: City Manager Linn reported that although Dancing in the Street was not a city event, it was very well organized, the clean up went well and there was one arrest for a bicycle theft in Atlantic Beach.

CITY MANAGERS PUNCH LIST

CITY MANAGER PUNCH LIST: The following items were discussed:

City Manager Punch List

- ***Traffic Counter:*** City Manager Linn reported that the traffic counter was now at Lora and Margaret Street to see if the temporary speed bumps made an impact.
- ***Life Guard Station:*** City Manager Linn reported that we should have been in the new Life Guard Station last weekend, however, we were delayed by some last minute punch list items. The lifeguards should be in the building this coming weekend. Linn added that it was a beautiful attraction to our community and well constructed.
- ***Drainage on Forest Avenue:*** Councilor Shimp stated that property owner Don Jordan has work going on in his front yard and when that was complete Public Works will start the work for the city.

- *Roadway between Shopping Centers:* City Manager Linn reported that this was still a possibility and should be kept on the Punch List.
- *Traffic Signal at Atlantic Boulevard and Brant Boulevard:* Mayor Vaughn stated that he would like the City Manager to pursue this issue.

PROPOSED ORDINANCES - NONE

Change in Agenda items

Mayor Vaughn asked to move agenda item 6.a. as the next item on the agenda.

ISSUE DEVELOPMENT

Community Center

UPDATE BY BRUCE REHMER ON COMMUNITY CENTER: Bruce Rehmer gave a proposal for Players By The Sea to construct a Community Center Theater on property located in the City Yard.

Megan Phifer, the children's coordinator for non-profit drama programs at the beach, gave a proposal to Council and stated that the children were in need of a permanent home for their theater.

Greg Loita, with Players By The Sea, stated that he hoped Council would consider their proposal.

Whitney Hudson, actress, stated that she has been in the acting program for six years and she felt the program helped children express themselves and show their inner talents through theater.

Matt Williams, actor, stated this is an extra curricular activity for after school and during the summer, plus gave students an alternative to doing drugs and other bad things.

Susanne Harmon, a Community Center Committee Member, stated that she was amazed by how these young people conducted themselves while putting on productions and she thought this would be a worthwhile project.

Consensus: **FORWARD TO THE JUNE TOWN HALL MEETING TO LOOK AT PRELIMINARY DRAWINGS AND RECEIVE PUBLIC INPUT.**

CONTRACTS / AGREEMENTS

Springdale Travel Trailer

REQUEST TO PLACE THE PURCHASE OF A SPRINGDALE TRAVEL TRAILER ON THE CONSENT AGENDA FOR JUNE 7, 1999: The Public Safety Department has requested the purchase of a personnel-housing trailer for use during emergencies such as hurricanes.

Consensus: **FORWARD TO MAY 19, 1999 SPECIAL EMERGENCY MEETING.**

ISSUE DEVELOPMENT

City Manager's Annual
Salary Review

CITY MANAGERS ANNUAL SALARY REVIEW: Council discussed whether or not this would be a performance review or a salary review. City Attorney White stated that the contract read salary review for the second anniversary but there was nothing that prevented the Council from doing a performance review. Whereupon, each member of Council gave an opinion of the City Managers job performance.

Following discussion, Council agreed to a 5 percent salary increase.

Consensus: **FORWARD TO THE JUNE REGULAR COUNCIL MEETING FOR
APPROVAL OF SALARY INCREASE IN THE AMOUNT OF 5
PERCENT FOR THE CITY MANAGER.**

The City Manager thanked Council for their comments and pointed out how well the city functions as a whole.

Public Comments

PUBLIC COMMENTS ON AGENDA ITEMS ONLY:

David Baker, 1102 First Street, commended Mr. Linn for his job performance. He expressed embarrassment from confrontations and newspaper articles.

Harriet Pruette, 217 ½ Magnolia Street, stated that Mr. Linn did a good job and deserved a gold star.

Harriet Christovich, 112 Seagate Avenue, stated that she would like to see Council work more together.

Adjournment

There being no further business, the meeting adjourned at 9:52 p.m.

George F. Vaughn, Jr., Mayor

ATTEST:

Becky E. Hanks, CMC/AEE, City Clerk

Approved: _____



MINUTES
SPECIAL CITY COUNCIL MEETING
MAY 17, 1999 AT 6:30 P.M.
CITY HALL, 116 FIRST STREET
NEPTUNE BEACH, FLORIDA

Pursuant to proper notice a Special Meeting of the City Council of the City of Neptune Beach was held May 17, 1999, at 6:30 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

Mayor George F. Vaughn, Jr.
Vice Mayor Thomas A. Tankersley
Councilor Edward S. Jones
Councilor Ronald D. Patronik
Councilor Robert D. Shimp

City Manager Richard A. Linn
City Clerk Becky E. Hanks, CMC/AAA
City Attorney Christopher A. White
Administrative Assistant Lisa Volpe
Deputy City Clerk Karla Strait

Call to Order/Roll Call

The Mayor called the meeting to order at 6:30 p.m. and stated the purpose was to conduct a public hearing on Ordinance No. 1999-02 and 1999-03

Ordinance 1999-02

PUBLIC HEARING ORDINANCE NO. 1999-02, SECOND AND FINAL READ: Prohibiting parking motor vehicles on private property within residential districts in the city.

The Mayor read Ordinance No. 1999-02 by title only and opened the public hearing. There being on public comments, the public hearing was closed.

Moved by Tankersley, seconded by Patronik.

Motion: **TO ADOPT ORDINANCE NO. 1999-02.**

Roll Call Vote:

Ayes: 5 – Jones, Patronik, Shimp, Tankersley, Vaughn

Noes: 0

MOTION CARRIED.

Ordinance No. 1999-03

PUBLIC HEARING ORDINANCE NO. 1999-03, SECOND AND FINAL READ: Providing for each councilor to appoint one citizen to each committee.

The Mayor read Ordinance No. 1999-03 by title only and opened the public hearing.

John Kowkabany, 110 Palm Place, stated that as a previous member of the Council for four years and Mayor for eight years, the worst committees he ever had were Council appointed. He urged Council to oppose said Ordinance.

Johnnie Epley, 208 Driftwood Road, stated that she thought Council should approve all committees and members.

There being no further public comments, the public hearing was closed.

Moved by Shimp, seconded by Jones.

Motion: **TO ADOPT ORDINANCE NO. 1999-03.**

After discussion the motion and second were withdrawn Ordinance 1999-03 died due to lack of a motion.

City Clerk's Resignation CITY CLERK BECKY HANKS RESIGNATION: City Clerk Becky Hanks read a letter of resignation for the record. A Copy of the resignation is attached and incorporated as a part of these minutes.

Special Emergency Meeting The Mayor called for a Special Emergency Council Meeting to be held May 19, 1999, to determine the procedure for the replacement of the City Clerk.

Adjournment There being no further business, the meeting adjourned at 7:00 p.m.

George F. Vaughn, Jr., Mayor

ATTEST:

Becky E. Hanks, CMC/AEE, City Clerk

Approved: _____



MINUTES
SPECIAL EMERGENCY CITY COUNCIL MEETING
MAY 19, 1999 AT 7:00 P.M.
CITY HALL, 116 FIRST STREET
NEPTUNE BEACH, FLORIDA

Pursuant to proper notice a Special Meeting of the City Council of the City of Neptune Beach was held May 19, 1999, at 7:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

Mayor George F. Vaughn, Jr.
Vice Mayor Thomas A. Tankersley
Councilor Edward S. Jones
Councilor Ronald D. Patronik
Councilor Robert D. Shimp

City Clerk Becky E. Hanks, CMC/AEE
City Manager Richard A. Linn
City Attorney Christopher A. White
Deputy City Clerk Karla Strait
Administrative Assistant Lisa Volpe
Director of Public Safety William Brandt

Call to Order/Roll Call

The Mayor called the meeting to order at 7:00 p.m. and stated the purpose of the meeting was to authorize the purchase of a Springdale Travel Trailer for the Police Department and address the appointment of an Acting City Clerk.

Springdale Travel
Trailer

SPRINGDALE TRAVEL TRAILER: Authorization to approve the purchase of a Springdale Travel Trailer for the Police Department in the amount of \$11,189.50.

Moved by Patronik, seconded by Shimp.

Motion: **TO APPROVE THE PURCHASE OF A SPRINGDALE TRAVEL TRAILER FOR THE POLICE DEPARTMENT, IN THE AMOUNT OF \$11,189.50.**

Roll call vote:

Ayes: 5 – Tankersley, Patronik, Jones, Shimp, Vaughn
Noes: 0

MOTION CARRIED

Ordinance No. 1999-05
Appointment of an
Acting City Clerk

PROPOSED ORDINANCE NO. 1999-05: AN EMERGENCY ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 2, ARTICLE III, OFFICERS AND EMPLOYEES AT SECTION 2-169; PROVIDING FOR THE APPOINTMENT OF AN ACTING CITY CLERK IN THE EVENT OF DEATH, RESIGNATION, REMOVAL FROM OFFICE OR INABILITY TO SERVE OF THE ELECTED CITY CLERK; AND ESTABLISHING AN EFFECTIVE DATE.

Mayor Vaughn READ Ordinance No. 1999-05 by title only.
General discussion ensued.

Moved by Jones, seconded by Patronik.

Motion: **TO ADOPT ORDINANCE NO. 1999-05 AS AN EMERGENCY ORDINANCE.**

Friendly Amendment: **TO ADD LANGUAGE WAIVING RESIDENCY REQUIREMENTS FOR SO LONG AS THE ACTING CITY CLERK OCCUPIES THE POSITION.**

Friendly Amendment: **TO ADD THAT ORDINANCE NO. 1999-05 IS BEING ADOPTED, AS AN EMERGENCY MOTION.**

For the record

Mayor Vaughn stated, on the record, that he objected to moving on this issue tonight.

Roll call vote:

Ayes: 5 – Jones, Patronik, Shimp, Tankersley, Vaughn

Noes: 0

MOTION CARRIED

Moved by Jones, seconded by Shimp

Appointment of Acting
City Clerk

TO ADDRESS THE APPOINTMENT OF AN ACTING CITY CLERK:

Motion: **TO APPOINT LISA VOLPE AS ACTING CITY CLERK BEGINNING JUNE 7, 1999 AND ENDING DECEMBER 31, 1999; WITH COMPENSATION OF \$30,000 ANNUALLY.**

Roll call vote:

Ayes: 4 – Jones, Patronik, Shimp, Tankersley

Noes: 1 – Vaughn

MOTION CARRIED

Presentation

Mayor Vaughn presented Becky Hanks with a plaque, on behalf of City Council and the Citizens of our city, recognizing her for sixteen years of service.

Adjournment

There being no further business, the meeting adjourned at 8:10 p.m.

George F. Vaughn, Jr., Mayor

ATTEST:

Becky E. Hanks, CMC/AEE, City Clerk

Approved: _____



MINUTES
REGULAR CITY COUNCIL MEETING
JUNE 7, 1999 AT 7:00 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 June 7, 1999, at 7:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

Mayor George F. Vaughn, Jr.
 Vice Mayor Thomas A. Tankersley
 Councilor Edward S. Jones
 Councilor Robert D. Shimp
 Councilor Ronald D. Patronik

City Manager Richard A. Linn
 Director of Finance John Herbst
 Acting City Clerk Lisa Volpe
 Administrative Assistant Piper Turner

Order Call/Pledge

The Mayor called the meeting to order at 7:00 p.m. and led the Pledge of Allegiance.

AWARDS / PRESENTATIONS / RECOGNITION OF GUESTS

Recognition of Guest

Recognition of Russ Gavron: Mayor Vaughn postponed the recognition of Russ Gavron for eight years of service on the Planning and Development Review Board until such time as Russ Gavron could be present.

APPROVAL OF MINUTES

Approval of Minutes

Moved by Patronik, seconded by Shimp.

Motion:

TO APPROVE THE FOLLOWING MEETING MINUTES:

APRIL 19, 1999, WORKSHOP
MAY 3, 1999, REGULAR
MAY 10, 1999, SPECIAL
MAY 17, 1999, SPECIAL
MAY 17, 1999, TOWN HALL
MAY 17, 1999, WORKSHOP
MAY 19, 1999, SPECIAL

Roll Call Vote:

Ayes: 5 – Jones, Shimp, Tankersley, Patronik, Vaughn
 Noes: 0

MOTION CARRIED.

COMMUNICATIONS AND CORRESPONDENCE

- Mayport Flyover** Mayport Flyover: Mayor Vaughn stated that a letter was received from Mr. Miles Francis and Michael Stewart of the Jacksonville Transportation Authority, dated May 21, 1999, in response to the Resolution stating our opposition to the Mayport Flyover. The response stated that they will be proceeding with the project and suggested that we meet with their staff to discuss the matter further. Council discussed several options.
- Surfing Areas** Surfing Areas: Councilor Shimp discussed the surfing areas and the possibility of moving the lifeguard towers to the areas that have the most rip current's and suggested this issue be placed on the June 21, 1999, Workshop Meeting Agenda.
- "No Parking" Signs** "No Parking" Signs: Councilor Shimp stated that he received a letter and pictures from Braccus Giavanno, 1224 Strand Street, regarding "No Parking" signs along Strand and suggested this issue be placed on the June 21, 1999, Workshop Meeting Agenda.
- Hopkins Creek Property** Hopkins Creek Property: Vice Mayor Tankersley stated that he received a petition from homeowners along the eastern side of Hopkins Creek Lane requesting that the City of Neptune Beach abandon their adjacent property and transfer title to the adjacent property owners. He suggested that this issue be placed on the June 21, 1999, Workshop Meeting Agenda.
- Taxes¹** Taxes: Vice Mayor Tankersley requested the Director of Finance to explore the possibility that a budget be proposed for the city to roll back taxes up to a quarter mill to off set the recent water rate increase, and suggested this item be placed on the June 21, 1999, Workshop Agenda.
- Verbatim** Verbatims: Councilor Patronik suggested that anyone requesting a verbatim receive a copy of the tape recording in order to cut down expenses.
- On the Record** Mayor George Vaughn stated on the record that when he feels there is a verbatim warranted that he will ask for one.
- "Acting" City Clerk** "Acting" City Clerk: Councilor Jones suggested that the official record show that Lisa Volpe is the "Acting City Clerk" in lieu of "City Clerk".
- July Regular Meeting** July Regular City Council Meeting: Acting City Clerk Lisa Volpe stated that the July Regular Meeting falls on Monday July 5, 1999, and should be rescheduled for Tuesday July 6, 1999, due to the observance of the July 4, 1999, holiday being on Monday July 5, 1999.

CITY MANAGER REPORTS

- Water State Revolving Loan Fund** Water State Revolving Loan Fund: City Manager Linn reported that he and Finance Director John Herbst would be attending a workshop on the Water State Revolving Loan Fund on June 17th and 18^t in Orlando. The purpose for attending is to try to leverage some low interest money for the Master Utility Plan.
- Kings Road Bridge** Kings Road Bridge: City Manager Linn stated that Director of Public Works John Galen is working out an agreement with the engineering firm for design and field investigation for the Kings Road Bridge.
- Sewer line between** Sewer line between Bay Street and Magnolia Street: City Manager Linn reported that the

¹ Revised June 30, 1999

- Bay St. and Magnolia St. repair work on the sewer line between Bay Street and Magnolia Street had been completed.
- Chlorine Study Chlorine Study: City Manager Linn reported that the Chlorine Study Project, requiring the City's Chlorine team to meet the Environmental Protection Agency and Occupational Safety and Health Administration "OSHA" requirements had been completed.
- Special Meetings Special Meetings: City Manager Linn recommended that a Special Meeting be held for Phase I of the Land and Development Regulations and for the consideration for minor verbiage changes to the Comprehensive Plan.
- "Water 2020 Project" Water 2020 Project: John Wehle and Ed Coplin with the St. Johns River Water Management District, gave a report on the water supply for the future, "Water 2020".
- Auditors Report 1998 CAFR The Comprehensive Annual Financial Report: Gary Hugget, with Masters, Smith and Wisby gave a report and answered questions from the council on The Comprehensive Annual Financial Report.
- Recognition of Guests Mayor Vaughn introduced and welcomed a visiting civics class from Fletcher High School.
- Mayor Vaughn introduced and welcomed Councilwoman elect Elaine Brown and Councilman Elect Jerry Holland with the City of Jacksonville, Florida.**
- Jacksonville Councilwoman Elect Elaine Brown stated that she was looking forward to working with the Neptune Beach Council.**
- Jacksonville Councilman Elect Jerry Holland invited the Council to a luncheon on July 15th, 1999, at the Jacksonville Beach Pier.**

COMMENTS FROM THE PUBLIC

Bob Stoll, 19 Little Bay Harbor, Ponte Vedra Beach, stated that he was a member of the Sea Turtle Patrol Committee in St. Johns County and that he feels St. Johns County had the most comprehensive beach front light management ordinance in Florida.

Peter Maloney, 1916 Strand, opposed the Sea Turtle Ordinance.

Danny Theile, 107 Azalea Place, was opposed a "voluntary" lighting ordinance.

Harriet Pruette, 217½ Magnolia Street, stated that parking has been allowed on Strand for the last 12 or 14 years and should continue, in addition she believed that verbatims are a waste of taxpayers money.

Janice Jeffreys, 111 North Street, proposed that the lifeguard stand be moved from North Street to Florida Boulevard.

Elaine Kenny, 1301 Neptune Grove Drive West, requested that the lifeguard stand be moved from North Street to Florida Boulevard.

- Recess / Reconvene RECESS AND RECONVENE: The meeting was recessed at 9:10 p.m. and reconvened at 9:25 p.m.

CONSENT AGENDA / NONE**VARIANCES-NONE****ORDINANCES**

Ordinance No.
1999-04

ORDINANCE NO. 1999-04, FIRST READ: THAT SECTION 2-42 OF THE CODE OF ORDINANCES OR THE CITY OF NEPTUNE BEACH IS HEREBY AMENDED TO READ AS FOLLOWS; AND PROVIDING AN EFFECTIVE DATE.

Unless otherwise directed by council All special committees of the city council shall be appointed by the presiding officer, ~~unless otherwise directed by the council.~~

The Mayor read Ordinance No. 1999-04 by title only.

Moved by Jones, seconded by Patronik.

Motion: **TO PASS ORDINANCE NO. 1999-04, AS STATED.**

Friendly Amendment: **TO DELETE THE COMMA AFTER OFFICER AND ADD A COMMA AFTER COUNCIL.**

Roll Call Vote:

Ayes: 3 - Jones, Shimp, Vaughn

Noes: 2 – Patronik, Tankersley

MOTION CARRIED

OLD BUSINESS / NONE**NEW BUSINESS**

City Managers Salary
Increase

CITY MANAGERS SALARY INCREASE: Approval of a 5% salary increase retroactive to March 10, 1999 for City Manager.

Moved by Shimp, seconded by Patronik.

Motion: **TO APPROVE THE 5% SALARY INCREASE RETROACTIVE TO MARCH 10, 1999 FOR THE CITY MANAGER.**

Roll Call Vote:

Ayes: 4 - Tankersley, Patronik, Jones, Shimp

Noes: 1 - Vaughn

MOTION CARRIED

Appointment of Brian Greenwood

APPOINTMENT OF BRIAN GREENWOOD: Appointment of Brian Greenwood as a regular member to the Planning and Development Review Board, as a result of Russ Gavron moving out of the city which will create a vacancy.

Moved by Jones, seconded by Patronik

Motion: **TO APPOINT BRIAN GREENWOOD AS A REGULAR BOARD MEMBER TO THE PLANNING AND DEVELOPMENT REVIEW BOARD.**

Roll Call Vote:

Ayes: 5 – Tankersley, Jones, Shimp, Patronik, Vaughn

Noes: 0

MOTION CARRIED

Developers Diversified

PRELIMINARY DEVELOPMENT ORDER FOR DEVELOPERS DIVERSIFIED: Renovations to the K-Mart Shopping Center front elevation, landscaping and parking lot located at the 500 Block of Atlantic Boulevard.

Moved by Jones, seconded by Shimp

Motion: **TO APPROVE THE PRELIMINARY DEVELOPMENT ORDER FOR DEVELOPERS DIVERSIFIED AT THE 500 BLOCK OF ATLANTIC BOULEVARD WITH THE FOLLOWING THREE ADDITIONAL PROVISIONS: (1) LEAVE EXISTING PINE TREES ON THE MOST WESTERN MEDIAN ON THIRD STREET. (2) MEDIAN BETWEEN K-MART AND SPORTSPLEX BE LANDSCAPED IN HARMONY WITH THE LANDSCAPE PLAN. (3) THE THIRTEEN PARKING SPACES ON THE MOST WESTERN EDGE BE DESIGNATED AS NON EXCLUSIVE TO THE SHOPPING CENTER.**

Roll Call Vote:

Ayes: 5 – Shimp, Patronik, Tankersley, Jones, Vaughn

Noes: 0

MOTION CARRIED

Florida League of Cities Conference

APPOINT A VOTING DELEGATE FOR FLORIDA LEAGUE OF CITIES CONFERENCE.

Moved by Jones, seconded by Patronik

Motion: **TO APPOINT SOMEONE TO BE THE VOTING DELEGATE FOR THE FLORIDA LEAGUE OF CITIES CONFERENCE.**

Friendly Amendment: **TO NOMINATE MAYOR VAUGHN TO BE THE VOTING DELEGATE FOR THE FLORIDA LEAGUE OF CITIES CONFERENCE.**

Roll Call Vote:

Ayes: 5 – Jones, Patronik, Tankersley, Shimp, Vaughn

Noes: 0

MOTION CARRIED

Adjournment

There being no further business, the meeting adjourned at 10: 10 p.m.

ATTEST:

George F. Vaughn, Jr., Mayor

Lisa Volpe, Acting City Clerk

Approved: _____



MINUTES
WORKSHOP CITY COUNCIL MEETING
JUNE 21, 1999 AT 7:35 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, 1999, at 7:35 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

Mayor George F. Vaughn, Jr.
Vice Mayor Thomas A. Tankersley
Councilor Edward S. Jones
Councilor Ronald D. Patronik
Councilor Robert D. Shimp
City Attorney Christopher A. White

City Manager Richard A. Linn
Acting City Clerk Lisa Volpe
Deputy City Clerk Karla Strait
Building Official Dan Arlington
Administrative Assistant Piper Turner

Call to Order/Roll Call

The Mayor called the meeting to order at 7:35 p.m.

COMMITTEE REPORTS

Ad Hoc Traffic Safety Committee

AD HOC TRAFFIC SAFETY COMMITTEE REPORT: City Manager Linn reported that the committee is still working on a plan and looking through the traffic calming study.

Beautification Committee

ISH BRANT BEAUTIFICATION COMMITTEE: City Manager Linn reported that at the last meeting a quorum was not present, however they did discuss the street end adoption program.

CITY MANAGERS PUNCH LIST

CITY MANAGER PUNCH LIST: The following items were discussed:

City Manager Punch List

- ***Kings Road Bridge:*** City Manager Linn reported that a consultant had been hired for engineering design.
- ***Bike Path Penman Road:*** Vice Mayor Tankersley recommended to City Manager Linn to contact Calvin Burney of Jacksonville Transportation Authority, member of the Metropolitan Planning Organization, to ask that the bike path project for Penman Road and Florida Boulevard be moved forward.
- ***Taxi-Cab-Stand:*** City Manager Linn reported that the Project Oversight Committee thought the location at the end of Atlantic Boulevard would cause congestion. Linn suggested that there are three parking spaces immediately pass the traffic light on the right of Atlantic Boulevard and First Street, two of which could be utilized for a cab stand.

- *Shuttle System:* Councilor Jones reported that the Planning and Development Review Board of Atlantic Beach would like to work with Neptune Beach in securing a shuttle system for the downtown area. Councilor Shimp stated he felt our city was being used as a parking lot for Atlantic Beach businesses. Council directed the City Manager Linn to report back about the shuttle at the July workshop.

PROPOSED ORDINANCES - NONE

CONTRACT/AGREEMENTS - NONE

ISSUE DEVELOPMENT

Land Development
Regulation Revision.

LAND DEVELOPMENT REGULATION REVISION: Amy McClure Skinner and Jay Epstein of Ivey Harris & Walls gave a presentation on the changes that were made to the Land Development Regulations.

The following issues were unresolved:

- (1) Final development plan process.
- (2) Boards/combining/leaving.
- (3) Potential language for coordination with Atlantic Beach.

For the Record

Mayor Vaughn objected to this subject being put on any agenda and stated that it needed to be addressed as a separate meeting.

Petition from Hopkins
Creek Residents

PETITION FROM HOPKINS CREEK RESIDENTS REGARDING ABANDONMENT OF CITY PROPERTY: The Council discussed the issue and requested that all adjacent property holders be notified. The City Attorney was instructed to meet with the City Manager to draw up any necessary paper work

Consensus: **TO MOVE THIS ITEM TO THE JULY REGULAR COUNCIL MEETING.**

No Parking Zone Strand
Street

NO PARKING ZONE - STRAND STREET: City Manager Linn recommended placing the no parking sign on Strand. He was also asked to look into a possible illegal fifth unit at 1214 Strand and to put it on the punch list.

Walking House Count

WALKING HOUSE COUNT EAST OF THIRD: Assistant to the Building Official Piper Turner reported that she and Amy McClure Skinner of Ivy, Harris and Walls did a walking tour east of Third Street. Mayor Vaughn requested a written report be presented at the next Council Meeting.

Y2K Compliance

Y2K COMPLIANCE: The City Manager updated the Council. He reported that the City of Jacksonville representative stated we were well ahead of most agencies.

Change in Agenda

AGENDA CHANGE: The Mayor asked that item 6(g) Dynamic Anderson Corporation be moved to the next item. Council agreed.

Dynamic Anderson
Corporation

EXTENSION OF TEMPORARY MODULAR OFFICE FOR DYNAMIC ANDERSON CORPORATION: The City Attorney stated that this case had been mistakenly sent to the Planning and Development Review Board. It was administrative and had already been sent to the Code Enforcement Board and that the Council could not vote on it.

The Council discussed the case.

Fire equipment DISCUSSION ON USE OF FIRE EQUIPMENT REGARDING NEW FIRE AGREEMENT BETWEEN ATLANTIC BEACH AND THE CITY OF JACKSONVILLE: Council requested that the City Manager and the Public Safety Director report on what the City of Jacksonville expected from our Volunteer Fire Department in case of a fire in Neptune Beach, at the July 19, 1999 Workshop Council Meeting.

Town Center Parking at Sliders Oyster Bar DISCUSSION OF TOWN CENTER PARKING SPACES AT SLIDERS OYSTER BAR: Council discussed the possibility of Sliders' Oyster Bar losing its entrance on First Street due to the pending Town Center project. Council will bring this to the attention of the Project Oversight Committee at the next meeting.

Public Comments PUBLIC COMMENTS ON AGENDA ITEMS ONLY:

Patricia Pasco, 2200 Florida Blvd, concerned about her neighbor encroaching on her property and causing environmental problems. Also asked for the city to support her existing business and not just new businesses.

Laurie Anderson, 1838 Kings Circle South, thanked the Council for all of their help and stated that she will be glad to comply with all city regulations.

Adjournment There being no further business, the meeting adjourned at 12:10 a.m.

George F. Vaughn, Jr., Mayor

ATTEST:

Lisa Volpe, Acting City Clerk

Approved: _____



MINUTES
SPECIAL CITY COUNCIL MEETING
JUNE 21, 1999 AT 7:10 P.M.
CITY HALL, 116 FIRST STREET
NEPTUNE BEACH, FLORIDA

Pursuant to proper notice a Special Meeting of the City Council of the City of Neptune Beach was held June 21, 1999, at 7:10 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

Mayor George F. Vaughn, Jr.
Vice Mayor Thomas A. Tankersley
Councilor Edward S. Jones
Councilor Ronald D. Patronik
Councilor Robert D. Shimp
City Attorney Christopher A. White

City Manager Richard A. Linn
Acting City Clerk Lisa Volpe
Deputy City Clerk Karla Strait
Administrative Assistant Piper Turner
Building Official Dan Arlington

Call to Order/Roll Call

The Mayor called the meeting to order at 7:10 p.m.

**Comprehensive Plan
Amendment**

City Manager Linn stated that a resolution needed to be adopted in order to make changes to the Comprehensive Plan to apply for a grant package for obtaining parkland.

City Attorney White explained that The Department of Community Affairs might require an Ordinance in order to make the required changes and suggested that a resolution be passed until he can confirm it.

Resolution 99-16

Resolution to amend the Comprehensive Plan of the City of Neptune Beach.

WHEREAS, The City of Neptune Beach finds it necessary to amend the Comprehensive Plan regarding vegetative communities, wildlife protection and public access.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NEPTUNE BEACH, FLORIDA, THAT:

Section 1. The City of Neptune Beach Comprehensive Plan be amended as follows:

E.01.01.02 In an effort to preserve remaining natural vegetative communities, wildlife habitat, wetlands, and open space, the City of Neptune Beach shall identify and, where feasible, pursue public acquisition (or protective easements) of those properties that will serve to protect such environmentally sensitive resources.

Objective E.02.05Vegetative Communities

THE CITY OF NEPTUNE BEACH SHALL ATTEMPT TO PRESERVE AT LEAST 25% OF THE REMAINING INTACT NATIVE UPLAND VEGETATIVE COMMUNITIES WITHIN THE ITS BOUNDARIES, AND WHERE FEASIBLE, RESTORE EXISTING DEGRADED FORESTED AREAS.

POLICIES

E.02.05.01 THE CITY OF NEPTUNE BEACH SHALL PRIORITIZE FOR PUBLIC ACQUISITION OR PROTECTIVE EASEMENTS PROPERTIES THAT CONTAIN INTACT NATIVE UPLAND VEGETATIVE COMMUNITIES, OR WHERE SUCH COMMUNITIES SERVE AS A NATURAL BUFFER FOR OTHER ENVIRONMENTALLY SENSITIVE RESOURCES.

E.02.05.02 THE CITY SHALL TARGET DEGRADED FORESTED COMMUNITIES FOR RESTORATION ACTIVITIES, PARTICULARLY THOSE THAT OCCUR ON PUBLIC LANDS. REFORESTATION, REMOVAL OF NON-NATIVE AND INVASIVE SPECIES, AND REGRADING THE SURFACE TO PROMOTE NEW NATIVE GROWTH SHOULD BE CONSIDERED FOR RESTORATION ACTIVITIES WHERE APPLIED AS APPROPRIATE.

Objective E.02.06Wildlife Protection

THE CITY OF NEPTUNE BEACH SHALL IDENTIFY LISTED WILDLIFE SPECIES AND THEIR ASSOCIATED HABITAT, AND ADOPT APPROPRIATE MEASURES TO PROTECT AND PRESERVE SUCH WILDLIFE AND HABITAT.

MOVE POLICY E.02.02.07 AND AMEND AS FOLLOWS:

POLICIES

E.02.06.01 THE CITY SHALL ESTABLISH POLICIES THAT WILL PROTECT ANIMAL SPECIES LISTED AS ENDANGERED, THREATENED, AND SPECIAL CONCERN BY THE U.S. FISH AND WILDLIFE SERVICE, THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION, AND THE FLORIDA GAME AND FRESHWATER FISH COMMISSION. POLICIES FOR THE PROTECTION OF LISTED SPECIES SHALL BE CONSISTENT WITH AND IN ACCORDANCE WITH THE ABOVE NAMED AGENCIES' RECOMMENDATIONS AND BEST MANAGEMENT PRACTICES.

E.02.06.02 THE CITY SHALL ESTABLISH POLICES THAT HELP PRESERVE HABITAT UTILIZED BY LISTED SPECIES TO BE APPLIED TO PROPERTIES THAT CONTAIN, OR WHERE DEVELOPMENT MAY POTENTIALLY ADVERSELY IMPACT SUCH HABITAT. WHERE FEASIBLE, THE CITY SHALL PURSUE PUBLIC ACQUISITION OR PROTECTIVE EASEMENTS OF ALL OR THE APPROPRIATE PORTIONS OF SUCH PROPERTIES.

E.02.02.10 The City shall establish policies and standards to help protect and preserve the natural habitat and water quality functions of shoreline ecosystems (including wetland/upland interfaces). Where feasible, existing shorelines that are degraded shall be targeted for restoration activities (especially non-native invasive vegetation removal and replanting with native species), particularly those that occur within public parks and preserves.

(or replace with policy 07 which was recommended to be placed under new objective 06)

F.01.01.02 The City shall take measures to provide additional access points to natural amenities available to the public, especially waterways and beaches.

F.01.03.04 The City shall provide parks and greenways dedicated for passive recreational opportunities, including but not limited to, boardwalks, nature trails, wildlife observation areas, interpretive displays, and picnic areas.

Moved by Patronik, seconded by Shimp.

Motion: **TO ADOPT A RESOLUTION TO MOVE CHANGES FORWARD.**

Roll Call Vote:

Ayes: 5 – Jones, Patronik, Shimp, Tankersley, Vaughn

Noes: 0

MOTION CARRIED.

Ordinance No. 1999-05 **ORDINANCE NO. 1999-05, FIRST READ: AN ORDINANCE AMENDING SECTION 7 ARTICLE II. BEACH REGULATIONS CODE OF ORDINANCES OF THE CITY OF NEPTUNE BEACH; AND PROVIDING AN EFFECTIVE DATE.**

The Mayor read Ordinance No. 1999-05 by title only.

Moved by Tankersley, seconded by Patronik.

Motion: **TO PASS ORDINANCE NO. 1999-05.**

Friendly
Amendment: **TO CHANGE THE ORDINANCE TITLE TO: AN ORDINANCE AMENDING SECTION 7 ARTICLE II. BEACH REGULATIONS CODE OF ORDINANCES OF THE CITY OF NEPTUNE BEACH; PROVIDING DESIGNATION OF SAFETY ZONES BY DIRECTOR OF PUBLIC SAFETY, ESTABLISHING HOURS OF SURFING ETC., LAUNCHING OF SEACRAFT ETC., DELETING PROVISIONS THEREOF; AND PROVIDING AN EFFECTIVE DATE.**

Friendly
Amendment: **TO ADD “OR HIS DESIGNEE” TO SECTION 7-32 (A).**

Roll Call Vote:

Ayes: 5 - Jones, Patronik, Shimp, Tankersley, Vaughn

Noes: 0

MOTION CARRIED

Adjournment

There being no further business, the meeting adjourned at 7:35 p.m.

George F. Vaughn, Jr., Mayor

ATTEST:

Lisa Volpe, Acting City Clerk

Approved: _____



**TOWN HALL MEETING
JUNE 21, 1999, 6:00 AT P.M.
CITY HALL, 116 FIRST STREET,
NEPTUNE BEACH, FLORIDA**

Pursuant to proper notice a Town Hall Meeting of the City Council of the City of Neptune Beach was held June 21, 1999, at 6:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

The following Council members and staff were in attendance:

Mayor George F. Vaughn, Jr.
Vice Mayor Thomas A. Tankersley
Councilor Edward S. Jones
Councilor Ronald D. Patronik
Councilor Robert D. Shimp

City Manager Richard A. Linn
Acting City Clerk Lisa Volpe
Deputy City Clerk Karla Strait
Building Official Dan Arlington
Administrative Assistant Piper Turner

Order Call

The Mayor called the meeting to order at 6:00 p.m. and stated the purpose was to receive public input on the on the proposed Community Center at the end of Forest Blvd.

The Mayor introduced Bruce Rehmer, Chairman for the Community Center Project.

Mr. Rehmer asked the public to give valid reasons for their opposition.

Megan Phifer, Director of Acting Up, spoke on behalf of the Community Center.

David Boyer, Players By The Sea, spoke on what his organization had planned on doing and answered some questions.

Public Comments

Sheldon Goldsmith, 1439 Forest Avenue, opposed the proposed community center due to the additional parking and traffic that would be created on Forrest Avenue.

Brad Duttera, 2026 Cherokee Drive, commented that he supports the idea of the youth activities, but he is opposed to the location due to the impact on the property owners.

John Horten, 1206 Indian Woods Drive, stated that he is opposed to putting anything at the location due to the additional traffic it would cause on the weekends and the evenings.

Ed Goodwin, 2014 Cherokee Drive, remarked that the city would be providing free land for a non profit organization to make money.

David Naughton, 2000 Cherokee Drive, opposed the Community Center.

Harriet Pruette, 217 1/2 Magnolia, opposed having a community center in a residential area.

Ricky Medlock, 1209 Trailwood Drive, feels that a community center would attract crime.

Dale Penland, 2018 Cherokee Drive, feels that the community center would create a lot of noise and would drastically decrease the value of the neighborhood. It would be more appropriate in a commercial district.

Leslie Lyne, 501 Hopkins Street, said that it is absurd to put a community center in a residential area.

Perry Penland, 2018 Cherokee Drive, submitted a petition to Council from residents opposing the Community Center.

Bruce Rehmer, 804 McCollum Circle, withdrew the proposal of community center due to residents oppositions and lack of a more appropriate area.

Council discussed continuing to look for a more suitable location for a theater-community center.

Sheldon Goldsmith, 1439 Forest Avenue, raised questions of the location.

Roger Low, Players by the Sea, stated he takes pride in his organization and was trying to find a home, not add problems for the city.

Adjournment

There being no further business, the meeting adjourned at 6:55 p.m.

George F. Vaughn, Jr., Mayor

ATTEST:

Lisa Volpe, Acting City Clerk

Approved: _____



**BUDGET WORKSHOP MEETING
JUNE 30, 1999, AT 7:00 P.M.
CITY HALL, 116 FIRST STREET,
NEPTUNE BEACH, FLORIDA**

Pursuant to proper notice a Preliminary Budget Workshop Meeting of the City Council of the City of Neptune Beach was held June 30, 1999 at 7:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance: The following Council members and staff were in attendance:

Mayor George F. Vaughn, Jr.
Councilor Edward S. Jones
Councilor Ronald D. Patronik
Councilor Robert D. Shimp
City Manager Richard A. Linn
Acting City Clerk Lisa Volpe
Director of Finance John Herbst
Deputy City Clerk Karla Strait

Absent:
Vice Mayor Tom Tankersley
City Attorney Christopher A. White

Call to Order/Roll Call The Mayor called the meeting to order at 7:00 p.m.

City Manager, Richard A. Linn introduced John Herbst, Finance Director, who would be giving the presentation on the budget rate.

John Herbst requested that each council member submit in writing any thing they wish to include in the budget.

The City Council asked for the following items to be researched.

1. Fire Department Trust Fund
2. Which fund the tennis court lights would be paid out of.
3. City of Jacksonville radio improvements - to be put on the punchlist.

Street Sweeper **CONSENSUS:** The City Council directed the Director of Finance to delete the purchase of a street sweeper for the Stormwater Department.

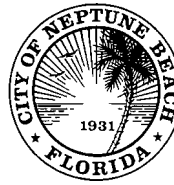
Adjournment There being no further business, the meeting adjourned at 8:40 p.m.

George F. Vaughn, Jr., Mayor

ATTEST:

Lisa Volpe, Acting City Clerk

Approved: _____



MINUTES
REGULAR CITY COUNCIL MEETING
JULY 6, 1999 AT 7:00 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 July 6, 1999, at 7:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

Mayor George F. Vaughn, Jr.
Vice Mayor Thomas A. Tankersley
Councilor Edward S. Jones
Councilor Robert D. Shimp
Councilor Ronald D. Patronik

City Manager Richard A. Linn
Acting City Clerk Lisa Volpe
Deputy City Clerk Karla Strait
Building Official Dan Arlington
Administrative Assistant Piper Turner
Director of Finance John Herbst

Order Call/Pledge

The Mayor called the meeting to order at 7:00 p.m. and led the Pledge of Allegiance.

AWARDS / PRESENTATIONS / RECOGNITION OF GUESTS

IBBC Volunteer of the year

Ish Brant Beautification Committee Volunteer of the Year: City Manager Linn stated that he was asked by the committee to place this on the agenda. Joanne Waddill was not present and asked that this be postponed to the August Regular City Council Meeting. Beth Tyler, Chairperson of the Events Committee, invited everyone to a reception at 6:40 p.m. before the August Regular City Council Meeting, for the Volunteer of the Year.

APPROVAL OF MINUTES

Approval of Minutes

Moved by Tankersley, seconded by Patronik.

Motion:

TO APPROVE THE FOLLOWING MEETING MINUTES:

JUNE 7, 1999 REGULAR
JUNE 21, 1999 TOWN HALL
JUNE 21, 1999 WORKSHOP
JUNE 21, 1999 SPECIAL

Changes to Minutes

Vice Mayor Tankersley stated that these changes needed to be made to the minutes before approval.

June 7, 1999 Regular City Council Meeting: Page 2, Paragraph regarding taxes.

Taxes: Vice Mayor Tankersley requested the Director of Finance to explore the possibility that a budget be proposed for the city to roll back taxes at least a quarter of a mill to off-

set the recent water rate increase, and suggested this item be placed on the June 21, 1999 Workshop Agenda.

June 21, 1999 Workshop City Council Meeting: Page 1, Under City Managers Punch List, Paragraph regarding Bike Path Penman Road.

- *Bike Path Penman Road:* Vice Mayor Tankersley recommended that City Manager Linn contact Calvin Burney of Jacksonville Transportation Authority, member of the Metropolitan Plan Organization, to ask that the bike path project for Penman Road and Florida Boulevard be moved forward.

Roll Call Vote:

Ayes: 5 – Jones, Shimp, Tankersley, Patronik, Vaughn

Noes: 0

MOTION CARRIED.

COMMUNICATIONS AND CORRESPONDENCE

Turtle Ordinance No. 1999-01	<u>Turtle Ordinance No. 1999-01:</u> Councilor Shimp requested that Ordinance No. 1999-01, Turtle Protection, be placed on the July Workshop for discussion.
Slider's Oyster Bar Parking	<u>Sliders Oyster Bar Parking:</u> Councilor Shimp recommended to place on the July Workshop Meeting the parking situation at Sliders since they will be losing parking spaces, due to the Town Center Project.
Guard Rails on Kings Road	<u>Guard Rails on Kings Road:</u> Councilor Shimp stated that he had received telephone calls from citizens asking about guard rails on Kings Road and asked to place this on the July Workshop Meeting Agenda.
Day Care Business	<u>Day Care Business in Residential Areas:</u> Councilor Tankersley asked about a phone call he had received regarding a day care business. City Attorney White stated that the situation had been resolved.
For the Record	Mayor Vaughn stated on the record that he has not received any phone calls or any correspondence regarding the situation.
Commend Acting City Clerk	<u>Commend Acting City Clerk:</u> Councilor Patronik commended the Acting City Clerk Lisa Volpe for getting the minutes out so soon.
Out of Office	Acting City Clerk Lisa Volpe stated that she would be out of the office Thursday July 8, Friday July 9, and Monday July 12, 1999, for a vacation that she had planned before becoming Acting City Clerk, and that she would leave a forwarding number with the Deputy City Clerk.

CITY MANAGER REPORTS

House Count East of Third	<u>Report on house count east of Third Street:</u> City Manager Linn received a letter from Ivey, Harris and Walls, stating that there were 1,172 dwellings east of Third Street.
Ordinance No. 1999-04 Special Committees	<u>Ordinance No. 1999-04 Special Committees:</u> City Manager Linn apologized to Councilor Shimp for not placing this on the agenda for second and final read due to an oversight. It will be placed on the August Regular Council Meeting,

**Guard Rails on Kings
Road Bridge**

Guard Rails on Kings Road Bridge: City Manager Linn stated that he had received phone calls regarding the guard rails on Kings Road bridge and reported that Director of Public Works John Galen has contracted with a design consultant to do the mitigation work that was required by the Department of Transportation deficiency report. The deficiency report indicated these three items:

- End bends, the wing walls that support the roadway, replace the back wall timber and stabilize the slope protection.
- Install guardrails in accordance to current Florida Department of Transportation standards.
- Notify utility company to repair the PVC line on the bridge.

The consultant is working on these items. Councilor Shimp asked that the Acting City Clerk take this off the Workshop agenda.

COMMENTS FROM THE PUBLIC

Trisha Lepianka, 617 Davis Street, passed out pictures to Council of dead ducks being killed by too much tranquilizer bait and she feels this is a danger to the community

Harriet Pruette, 217 ½ Magnolia Street, asked the council to consider a referendum to run for Seats at large since our community is so small, she felt it would encourage more people to vote. Ms. Pruette also stated that the City Clerk should not be put under the City Manager and should be protected by the Charter.

CONSENT AGENDA / NONE**VARIANCES-NONE****ORDINANCES****Ordinance No.
1999-06**

PUBLIC HEARING ORDINANCE NO. 1999-06, SECOND AND FINAL READ: AMENDING SECTION 7 ARTICLE II, BEACH REGULATIONS CODE OF THE CITY OF NEPTUNE BEACH; PROVIDING DESIGNATION OF SAFETY ZONES BY DIRECTOR OF PUBLIC SAFETY, ESTABLISHING HOURS OF SURFING ETC., LAUNCHING OF SEACRAFT ETC., DELETING PROVISIONS THEREOF; AND PROVIDING AN EFFECTIVE DATE.

The Mayor read Ordinance No. 1999-06 by title only and opened the public hearing. There being no public comments, the public hearing was closed.

Moved by Tankersley, seconded by Patronik.

Motion: **TO ADOPT ORDINANCE NO. 1999-06, AS STATED.**

Friendly Amendment **Section 7-27, Strike of and add by.**
Section 7-28 (A) strike comma
Section 7-32 (B) strike or Kayak

Roll Call Vote:

Ayes: 5 - Jones, Patronik, Shimp, Tankersley, Vaughn

Noes: 0

MOTION CARRIED

Ordinance No.
1999-07

ORDINANCE NO. 1999-07 FIRST READ: AN ORDINANCE CALLING FOR A REFERENDUM TO AMEND SECTION 2.08 OF THE CHARTER TO REQUIRE THE CITY CLERK TO BE APPOINTED BY THE CITY COUNCIL; TO RECEIVE THE ANNUAL SALARY AND PERFORM DUTIES AS ESTABLISHED BY THE CITY COUNCIL; AND ESTABLISHING AN EFFECTIVE DATE.

Moved by Jones, seconded by Tankersley.

For the record

Mayor Vaughn stated on the record that this motion is out of order and if it continues it will continue under his protest.

Motion: **TO PASS ORDINANCE NO. 1999-07, AS STATED.**

Moved by Jones, seconded by Shimp.

Friendly Amendment: **ADD THE WORDS "AND SUPERVISED" AFTER THE WORD "DETERMINED".**

Roll call vote:

Ayes: 4 – Jones, Shimp, Patronik, Tankersley

Noes: 1 – Vaughn

MOTION CARRIED

OLD BUSINESS / NONE

Town Center Water
and Sewer Project

TOWN CENTER WATER AND SEWER PROJECT: Review and approve design of the water and sewer project presented by Post, Buckley, Schuh and Jerrigan.

City Manager Linn changed his mind on approving the design and decided that it would be in the best interest of the city to bid this project out.

Moved by Jones, seconded by Shimp.

Motion: **TO APPROVE THE ACTING CITY CLERK TO ADVERTISE FOR BIDS.**

Roll Call Vote:

Ayes: 5 – Jones, Patronik, Shimp, Tankersley, Vaughn

Noes: 0

MOTION CARRIED

NEW BUSINESS

Red School House

SPECIAL EXCEPTION FOR THE RED SCHOOL HOUSE: Request for special exception for the Red School House to accommodate grades kindergarten through eighth and to include Lot 10 of the same block.

Moved by Jones, seconded by Patronik.

Motion: **TO ACCEPT THE RECOMMENDATION OF THE PLANNING BOARD AND APPROVE THE SPECIAL EXCEPTION FOR THE RED SCHOOL HOUSE AND INCLUDE ITEMS IN SECTION 27-160 AS FOLLOWS.**

- (1) The proposed use is consistent with the comprehensive plan;
- (2) The proposed use would be compatible with the general character of the area, considering the population density; the design, density, scale, location, and orientation of existing and permissible structures in the area; property values; and the location of existing similar uses;
- (3) The proposed use would not have an environmental impact inconsistent with the health, safety, and welfare of the community;
- (4) The proposed use would not generate or otherwise cause conditions that would have a detrimental effect on vehicular traffic, pedestrian movement, or parking inconsistent with the health, safety, and welfare of the community;
- (5) The proposed use would not have a detrimental effect on the future development of the area as allowed in the comprehensive plan;
- (6) The proposed use would not result in the creation of objectionable or excessive noise, light, vibration, fumes, odors, dust or physical activities inconsistent with existing or permissible uses in the area;
- (7) The proposed use would not overburden existing public services and facilities; and
- (8) The proposed use meets all other requirements as provided for elsewhere in this code.

(Ord. No. 91-1-5, & 2, 5-6-91)

Moved by Jones, seconded by Patronik.

Friendly Amendment: **REQUIREMENTS OF SECTION 27-160 HAVE BEEN MET BY THE APPLICANTS.**

Roll Call Vote:

Ayes: 5- Jones, Patronik, Shimp, Tankersley, Vaughn

Noes: 0

MOTION CARRIED

Beaches Air Show

JOINT SPONSORSHIP OF BEACHES AIR SHOW 2000: Joint sponsorship of Beaches Air Show 2000. Authorization for the City Manager to sign and serve on the steering committee.

Moved by Shimp, seconded by Jones.

Motion: **TO APPROVE ACTIONS REQUESTED AS STATED: CITY MANAGER LINN TO SIGN THE AUTHORIZATION AND SERVE ON THE STEERING COMMITTEE.**

Roll Call Vote:

Ayes: 5 – Jones, Patronik, Shimp, Tankersley, Vaughn

Noes: 0

MOTION CARRIEDResolution No. 99-17
Millage RateADOPTION OF RESOLUTION 99-17: Adoption of Resolution 99-17. Certifying not to exceed millage rate to the County Property Appraiser.

Moved by Jones, seconded by Shimp

Motion: **TO ADOPT RESOLUTION 99-17.**

Roll Call Vote:

Ayes: 5 – Shimp, Patronik, Tankersley, Jones, Vaughn

Noes: 0

MOTION CARRIEDNeighborhood
Matching Grant
ProgramAPPROVAL OF NEIGHBORHOOD MATCHING GRANT PROGRAM: To approve grant application for participation in the City of Jacksonville Grant Program.Consensus: **FORWARD TO JULY 1999 WORKSHOP MEETING.**Tennis Court Light
ContractTENNIS COURT LIGHT CONTRACT AWARDED TO KIM'S ELECTRIC: Award of contract to Kim's Electric, Inc., in the amount of \$21,850 to replace the tennis court lights at Jarboe Park.

Moved by Shimp, seconded by Jones.

Motion: **TO APPROVE CONTRACT WITH KIM'S ELECTRIC IN THE AMOUNT OF \$21,850.**

Roll Call Vote:

Ayes: 5 – Jones, Patronik, Shimp, Tankersley, Vaughn

Noes: 0

Adjournment

There being no further business, the meeting adjourned at 9:20 p.m.

George F. Vaughn, Jr., Mayor

ATTEST:

Lisa Volpe, Acting City Clerk

Approved: _____



BUDGET WORKSHOP MEETING
JULY 19, 1999
CITY HALL, 116 FIRST STREET,
NEPTUNE BEACH, FLORIDA

Pursuant to proper notice a Preliminary Budget Workshop Meeting of the City Council of the City of Neptune Beach was held July 19, 1999 following the Town Hall Meeting, in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

The following Council members and staff were in attendance:

Mayor George F. Vaughn, Jr.
Vice Mayor Tom Tankersley
Councilor Edward S. Jones
Councilor Ronald D. Patronik
Councilor Robert D. Shimp
City Manager Richard A. Linn
Acting City Clerk Lisa Volpe
Director of Finance John Herbst

Absent:
City Attorney Christopher A. White

Call to Order/Roll Call The Mayor called the meeting to order at 12:00 a.m.

City Manager, Richard A. Linn introduced John Herbst, Finance Director, who would be giving the presentation on the budget.

The City Council asked for the following items to be researched.

1. Report on Wastewater Operator (lab tech)
2. Present Fire Hydrant Audit to Council

Adjournment

There being no further business, the meeting adjourned at 12:25 a.m.

ATTEST:

George F. Vaughn, Jr., Mayor

Lisa Volpe, Acting City Clerk

Approved: _____



MINUTES
WORKSHOP CITY COUNCIL MEETING
JULY 19, 1999 AT 7:00 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 July 19, 1999, at 7:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

Mayor George F. Vaughn, Jr.
Vice Mayor Thomas A. Tankersley
Councilor Edward S. Jones
Councilor Ronald D. Patronik
Councilor Robert D. Shimp
City Attorney Christopher A. White
City Manager Richard A. Linn

Acting City Clerk Lisa Volpe
Deputy City Clerk Karla Strait
Building Official Dan Arlington
Director of Finance John Herbst
Director of Public Works John Galen
Director of Public Safety William Brant

Call to Order/Roll Call

The Mayor called the meeting to order at 7:00 p.m.

Agenda Change:
Media One Project

City Manager Linn announced that the Media One Team was present and asked the permission of Council to change the agenda in order to allow for their presentation regarding their merger with AT&T and development into Broadband. Council agreed to the change.

Christy Kayhill, Project Manager for Media One reported that they would be completely rebuilding the beaches area including Mayport, Atlantic, Neptune and Jacksonville Beaches. The rebuild includes all aerial and underground utilities to be completely replaced.

Greg Mckanany, Construction Manager for Media One stated they would be going through each and every yard in the entire beaches area. He also stated that Media One would be responsible for all problems that may arise. He presented the new equipment that would replace the old.

Patty McDonald with the marketing department of broadband stated that the first thing they will do is notify residents via a construction notice of who is doing the work and who to call with any questions or concerns. Another notice will be sent to Media One customers explaining that the cable line from the street to the exterior of the home will be replaced. Signs will also be placed to inform residents of construction.

The team answered questions and concerns from the Council.

COMMITTEE REPORTS

- Ad Hoc Traffic Safety Committee: Mr. Linn reported that the Ad Hoc Traffic Safety Committee met on July 16, 1999 and are studying the traffic calming recommendations, designing an outreach program on trying to get a bike safety program going and planning a target message for roadway users and a media relations campaign. Their next meeting would be held on July 20, 1999.
- Ish Brant Beautification Committee: Mr. Linn stated he had received a report from the chairman of the Ish Brant Beautification Committee indicating the success of the new Butterfly Garden and the work being done in Jarboe Park with donated trees and shrubbery. The committee is working hard at Steven's Park and awaiting new cross railroad ties to replace the old ones. They are also looking at an Adopt a Road street end program.
- Preliminary Design East of Third Street: City Manager Linn reported that the water and sewer project preliminary design east of Third Street should be done within two weeks.
- Kings Road Bridge: City Manager Linn stated that Connelly and Wicker is working on the Kings Road Bridge and a report should be complete in about two weeks.
- Ish Brant Beautification Committee: Councilor Jones questioned City Attorney Chris White if the Ish Brant Beautification Committee was subject to the Florida Sunshine Law. City Attorney White responded that if the committee is anything other than a fact finding committee and makes recommendations to the council then it is subject to the Florida Sunshine Law according to the attorney generals office. Councilor Jones commented that he believed that the committees may be more effective if they were not subject to the Sunshine Law and asked Council to review the way it was set up and place this on the next workshop agenda for future discussion.

CITY MANAGERS PUNCH LIST

CITY MANAGER PUNCH LIST: The following items were discussed:

- City Manager Punch List
- *Bike Path Penman Road:* City Manager Linn discussed with Calvin Burney moving the bike path project forward per Councilor Tankersley's request. Mr. Burney stated that it would be extremely difficult and doubtful that it could be moved up because another project would have to be bumped off the list. Councilor Tankersley asked that a letter be written to pursue this issue.
 - *Shuttle Trolleys:* City Manager Linn will be meeting with Mike Blaylock to discuss the possibility of shuttle trolleys for the area.
 - *Drainage:* Director of Public Works John Galen stated that work on the drainage problem at Mr. Jordan's house on Forest Avenue will be starting this month.
 - *Tour of Public Safety Building:* Councilor Shimp asked if this item could be taken off the punch list. Mayor Vaughn stated that he had not been on the tour and asked that this item be left on the punch list.
 - *Kings Road Safety and Fishing Pier:* Councilor Shimp stated that he had read in the newspaper about the road falling away and asked about repairs to the Kings Road Fishing Bridge. Director of Public Works John Galen stated that it would have to be repaired instead of replaced because it is the only way in and out. Councilor Shimp asked City Manager Linn if Jacksonville Beach had any comments about the Bridge. Linn responded that they had no desire to provide a second entrance into the area for

their residents. Councilor Tankersley requested that a letter be written to Jacksonville Beach regarding a second entrance. City Manager Linn stated that we should wait until the report is received from Connelly and Wicker to see if it is necessary.

- *BH 1 route change:* Councilor Tankersley voiced concern about a bus route change due to the Mayport flyover.
- *Short Term Rentals:* Councilor Patronik asked about code enforcement regarding short term rentals.

PROPOSED ORDINANCES

Ord. No. 1999-01
Turtle Protection:

ORDINANCE NO. 1999-01, TURTLE PROTECTION, PASSED ON FIRST READ MAY 3, 1999: AN ORDINANCE OF NEPTUNE BEACH, FLORIDA, RELATING TO THE PROTECTION OF MARINE TURTLES; PROVIDING FINDINGS; PROVIDING TITLE, CITATION AND PURPOSE; PROVIDING JURISDICTION; PROVIDING DEFINITION; PROVIDING LIGHTING STANDARDS FOR NEW DEVELOPMENT; PROVIDING LIGHTING STANDARDS FOR EXISTING DEVELOPMENT; PROVIDING STANDARDS FOR PUBLICLY OWNED LIGHTING; PROVIDING PROHIBITED ACTIVITIES DISRUPTIVE TO MARINE TURTLES; PROVIDING STANDARDS FOR CONSTRUCTION DURING THE MARINE TURTLE NESTING SEASON; PROVIDING THAT IT IS UNLAWFUL TO KILL MOLEST OR INJURE MARINE TURTLES; PROVIDING EDUCATION AND INFORMATION OPTIONS; PROVIDING ENFORCEMENT PROVISIONS INCLUDING CIVIL AND ADMINISTRATIVE ENFORCEMENT POWERS AND CRIMINAL PENALTIES REGARDING MARINE TURTLES AND HATCHLINGS IN NEPTUNE BEACH, FLORIDA; PROVIDING APPLICABILITY; PROVIDING INTERPRETATION; PROVIDING SURVIVABILITY AND PROVIDING AN EFFECTIVE DATE.

Councilor Shimp stated that he no longer wished to sponsor this ordinance because of misdemeanors. A lengthy discussion ensued.

Council discussed several court cases.

Mayor Vaughn stated that he supported this ordinance and encouraged council to move forward. He also asked City Attorney White if we would be opening up ourselves law suits from the environmentalists if we do not pass a lighting ordinance.

On the Record: Councilor Shimp, on the record stated that to give a misdemeanor to a citizen because he happens to leave a light on is wrong. And that he would not vote on anything that is going to cause our citizens to receive a misdemeanor for leaving a light on.

Consensus: **FORWARD ORDINANCE NO. 1999-01 TO THE AUGUST 2, 1999 REGULAR COUNCIL MEETING FOR SECOND AND FINAL READ.**

Ordinance No. 1999-07

ORDINANCE NO. 1999-07: AN ORDINANCE CALLING FOR A REFERENDUM TO AMEND SECTION 2.08 AND DELETE SECTION 2.09 OF THE CHARTER TO REQUIRE THE CITY CLERK TO BE APPOINTED BY THE CITY COUNCIL; TO RECEIVE THE ANNUAL SALARY AND PERFORM DUTIES AS ESTABLISHED BY THE CITY COUNCIL; AND ESTABLISHING AN EFFECTIVE DATE.

Acting City Clerk Lisa Volpe stated that some of the original verbiage would be changed.

Councilor Jones recommended Council to vote in favor of the Ordinance.

Mayor Vaughn stated that he did not support this ordinance.

Consensus: **FORWARD ORDINANCE NO. 1999-07 TO THE AUGUST 2, 1999 REGULAR COUNCIL MEETING FOR SECOND AND FINAL READ.**

Ord. No. 1999-08
Travel Policy

ORDINANCE NO. 1999-08: AN ORDINANCE AMENDING SECTION 2, ADMINISTRATION, ARTICLE V, EMPLOYEE BENEFITS, DIVISION 5. UNIFORM TRAVEL POLICY AND PROCEDURES. CODE OF ORDINANCES OF THE CITY OF NEPTUNE BEACH; AND PROVIDING AN EFFECTIVE DATE.

Councilor Patronik stated that he was asked by the Director of Finance to sponsor this ordinance to bring our travel per-diem in line with the state.

Consensus: **FORWARD ORDINANCE 1999-08 TO THE AUGUST 2, 1999 REGULAR COUNCIL MEETING FOR FIRST READ.**

Ord. No. 1999-0?
Parking Regulations

ORDINANCE NO. 1999-0?: AN ORDINANCE AMENDING SECTION 22, TRAFFIC AND MOTOR VEHICLES, ARTICLE II, PARKING STOPPING AND STANDING*. CODE OF ORDINANCES OF THE CITY OF NEPTUNE BEACH; AND PROVIDING AN EFFECTIVE DATE.

City Manager Linn received a call from a citizen about a situation and asked Council for a sponsor for this ordinance. Councilor Jones stated that he would be the sponsor.

Mayor Vaughn stated that he would like to look this over and recommended Council to table until the August workshop.

Discussion ensued.

Consensus: **FORWARD ORDINANCE 1999-0? TO THE AUGUST 2, 1999 REGULAR COUNCIL MEETING FOR FIRST READ.**

Recess / Reconvene

RECESSED AND RECONVENED: The meeting was recessed at 8:30 and reconvened at 8:45.

CONTRACT/AGREEMENTS - NONE

ISSUE DEVELOPMENT

Fire Equipment Surplus: **FIRE EQUIPMENT SURPLUS:** Council discussed with City Manager Linn and Public Safety Director Chief Brandt surplusizing our fire equipment since Jacksonville had agreed to be our fire department without the help of our police officers.

Consensus: **DIRECT CITY MANAGER LINN TO FIND OUT THE COST OF MAINTAINING THE FIRE EQUIPMENT TO BE READY FOR FUTURE USE IN CASE JACKSONVILLE TERMINATES THE AGREEMENT.**

Referendum on election
of Council & Mayor:

REFERENDUM ON ELECTION OF COUNCIL & MAYOR: Before the City Manager form of government the election was held with the candidates running for council receiving the highest votes to take office without running for a particular seat. A citizen requested during a previous meeting to go back to this type of election. Council discussed the pros and cons, and because it could not be done before this year's election council decided to forward this item to a future workshop meeting.

Consensus: **FORWARD TO A FUTURE WORKSHOP MEETING.**

On the Record: Councilor Shimp on the record stated, he did not want anyone putting anything in his office mailbox unless it goes through the City Clerks office first.

Matching Neighborhood Program: MAYORS NEIGHBORHOOD MATCHING GRANT PROGRAM: City Manager Linn stated that he had received correspondence requesting the planting of wild flowers in the medians versus sod and asked if it would effect the grant application. Council discussed the Beautification Committee.

Consensus: **TO GO FORWARD WITH THE GRANT LEAVING THE LANGUAGE MORE GENERAL FOR LESS RESTRICTIONS ON LANDSCAPING.**

Youth Crisis Center: YOUTH CRISIS CENTER SAFE PLACE PROGRAM: Dana Rhimes with the Youth Crisis Program discussed with council the possibility of making City Hall an official safe place for children.

City Attorney White cautioned Council against entering into any consensus until he looked further into it because he had concerns about setting up a public building as a safe house.

Foundation of New Lifeguard Station: STRUCTURAL CONCERNS IN THE FOUNDATION OF THE NEW LIFEGUARD STATION: Mayor Vaughn stated concerns about some cracks in the foundation of the new lifeguard station. Director of Public Works John Galen stated he had looked at the cracks and they are not stress cracks they are shrinkage cracks not in the foundation but in the slab and that they are curable.

Proposed No Camping Ordinance: PROPOSED ORDINANCE PROHIBITING SLEEPING, LODGING, OR CAMPING IN PUBLIC PLACES: Mayor Vaughn stated that the City of Jacksonville Beach had recently passed a no camping ordinance and was concerned that our city would have a problem due to their ordinance.

City Attorney White advised that an ordinance could not be passed against a certain class of people, but can be passed against certain activities.

Consensus: **COUNCIL AGREED THAT THERE IS NOT A PROBLEM AT THIS TIME AND IF IT BECOMES A PROBLEM THEY WILL PURSUE IT.**

Parking Spaces at Sliders Oyster Bar: GRANDFATHERING IN OF PARKING SPACES AT SLIDERS OYSTER BAR: Council discussed Sliders' Oyster Bar losing three parking spaces one being a handicap space on First Street due to the Town Center project.

Consensus: **COUNCIL REQUESTED THE CITY ATTORNEY AND THE BUILDING OFFICIAL TO DRAW UP PAPERWORK NECESSARY TO ALLOW SLIDERS OYSTER BAR TO HAVE THE THREE PARKING SPACES GRANDFATHERED IN.**

Fireworks Incident Report: FIREWORKS INCIDENT REPORT: Mayor Vaughn stated that he was concerned about firework safety during the past fourth of July weekend.

Plaque Honoring Veterans: REQUEST FOR A PLAQUE HONORING VETERANS: Neptune Beach resident Bruce Rehmer requested that a plaque honoring veterans be placed within the city.

Consensus: **COUNCIL DIRECTED CITY MANAGER LINN TO MEET WITH MR. REHMER AND TAKE NECESSARY STEPS FOR A PLAQUE TO BE PLACED AT CITY HALL.**

Administrative
Reporting:

ADMINISTRATIVE REPORTING OF INCIDENTS OF SIGNIFICANCE TO MAYOR AND OTHER ELECTED OFFICIALS: Mayor Vaughn requested that he be informed of any incidents of significance within the city, due to residents having asked him questions regarding certain issues that he was unaware of.

Consensus: **COUNCIL DIRECTED CITY MANAGER LINN AND DIRECTOR OF PUBLIC SAFETY BRANT TO INFORM THEM OF ANY INCIDENTS OF SIGNIFICANCE.**

Public Comments

PUBLIC COMMENTS ON AGENDA ITEMS ONLY:

Danny Theile, 107 Azalea Place, asked Council for their support with the Turtle Protection Ordinance.

Judy Bost, 115 Walnut Street, spoke regarding several of the agenda items. First she felt that the mayor should be notified of any incidents. She felt that most citizens wanted to keep the fire department but did not understand the cost involved. Ms. Bost also mentioned that a safe place for children is located at the Little Champ Store at Atlantic Boulevard and Second Street. Support on the camping ordinance would be okay. Lastly, she mentioned that the Proposed Parking Ordinance should read mobile homes instead of house trailers and recreational vehicles instead of motor homes.

Adjournment

There being no further business, the meeting adjourned at 11:15 p.m.

George F. Vaughn, Jr., Mayor

ATTEST:

Lisa Volpe, Acting City Clerk

Approved: _____



**TOWN HALL MEETING
JULY 19, 1999
CITY HALL, 116 FIRST STREET,
NEPTUNE BEACH, FLORIDA**

Pursuant to proper notice a Town Hall Meeting of the City Council of the City of Neptune Beach was held July 19, 1999, immediately following the Workshop Meeting, in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

The following Council members and staff were in attendance:

Mayor George F. Vaughn, Jr.
Vice Mayor Thomas A. Tankersley
Councilor Edward S. Jones
Councilor Ronald D. Patronik
Councilor Robert D. Shimp

City Manager Richard A. Linn
Acting City Clerk Lisa Volpe
Building Official Dan Arlington

Order Call

The Mayor called the meeting to order at 11:25 p.m.

Public Comments

Harriet Pruette, 217 1/2 Magnolia Street, requested assistance in dealing with the chairman of Ish Brant Beautification Committee stating that she was intimidated and felt unwelcomed at their previous meeting.

A lengthy discussion ensued about committees.

On the Record Councilor Shimp stated, on the record that he did not have anything against the mayor that he disagrees with him on some things and agrees with him on some things and he hates seeing it when he takes things so personally.

Adjournment

There being no further business, the meeting adjourned at 12:00 a.m.

George F. Vaughn, Jr., Mayor

ATTEST:

Lisa Volpe, Acting City Clerk

Approved: _____



**BUDGET WORKSHOP MEETING
JULY 22, 1999, AT 8:00 P.M.
CITY HALL, 116 FIRST STREET,
NEPTUNE BEACH, FLORIDA**

Pursuant to proper notice a Budget Workshop Meeting of the City Council of the City of Neptune Beach was held July 22, 1999, in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

The following Council members and staff were in attendance:

Mayor George F. Vaughn, Jr.
Vice Mayor Tom Tankersley
Councilor Edward S. Jones
Councilor Ronald D. Patronik
Councilor Robert D. Shimp
City Manager Richard A. Linn

Acting City Clerk Lisa Volpe
Director of Finance John Herbst
Director of Public Safety William Brant
Director of Public Works John Galen

Absent:
City Attorney Christopher A. White

Call to Order/Roll Call The Mayor called the meeting to order at 8:00 p.m.

Finance Director John Herbst gave a budget report for each department for the upcoming fiscal year, and answered questions from the Council.

Consensus: **CHANGE WORDING FROM TILE FLOOR TO FLOOR COVERING ON CITY HALL BUDGET. AND CHANGE ACCOUNT NUMBER 001-1221-521-30.57 TO \$30,000.**

Council discussed the pro's and con's of operating a real fire department, a volunteer fire department or using Jacksonville's fire department.

On the Record Councilor Tankersley stated, on the record that he would like for John Herbst and Chief Brant to get together a written report for council to look at and make a decision on the cost of operating a fire department verses having no fire department.

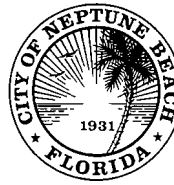
Adjournment There being no further business, the meeting adjourned at 10:55 p.m.

ATTEST:

George F. Vaughn, Jr., Mayor

Lisa Volpe, Acting City Clerk

Approved: _____



MINUTES
REGULAR CITY COUNCIL MEETING
AUGUST 2, 1999 AT 7:00 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 August 2, 1999, at 7:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

Mayor George F. Vaughn, Jr.
Councilor Edward S. Jones
Councilor Robert D. Shimp
Councilor Ronald D. Patronik
City Attorney Christopher White

City Manager Richard A. Linn
Acting City Clerk Lisa Volpe
Deputy City Clerk Karla Strait
Building Official Dan Arlington
Administrative Assistant Piper Turner
Director of Finance John Herbst

Absent:

Vice Mayor Thomas A. Tankersley

Order Call/Pledge

The Mayor called the meeting to order at 7:00 p.m. and led the Pledge of Allegiance.

AWARDS / PRESENTATIONS / RECOGNITION OF GUESTS

IBBC Volunteer of the year

Ish Brant Beautification Committee Volunteer of the Year: Laurie Anderson, member of the Ish Brant Beautification Committee, presented Mayor Vaughn with the Volunteer of the Year award for his contributions to the committee.

Recognition of Lonnie Key

Recognition of Lonnie Key: Mayor Vaughn presented Lonnie Key, of Dynamic Anderson Corporation, an award for his outstanding assistance with the Ish Brant Beautification Committee.

APPROVAL OF MINUTES

Approval of Minutes

Moved by Patronik, seconded by Shimp.

Motion:

TO APPROVE THE FOLLOWING MEETING MINUTES:

JUNE 30, 1999 BUDGET WORKSHOP
JULY 6, 1999 REGULAR
JULY 19, 1999 WORKSHOP
JULY 19, 1999 TOWNHALL
JULY 19, 1999 BUDGET WORKSHOP
JULY 22, 1999 BUDGET WORKSHOP

Roll Call Vote:

Ayes: 4 – Jones, Patronik, Shimp, Vaughn

Noes: 0

Absent: 1 - Tankersley

MOTION CARRIED**COMMUNICATIONS AND CORRESPONDENCE**

Hurricane Hatties Mayor Vaughn stated that he had received a letter from Mr. H. T. Mankin, dated July 29, 1999, complaining about the noise coming from Hurricane Hatties on Atlantic Boulevard in Pablo Creek Marina located in Jacksonville.

Consensus: **TO DIRECT CITY MANAGER LINN TO TAKE ACTION TO DEAL WITH THE ISSUE AND RESPOND TO MR. MANKIN.**

Mayors Neighborhood Matching Grant Program Mayor Vaughn stated that he had received a letter addressed to the Ish Brant Beautification Committee, from John Fleming, Chief of Neighborhood Services Division, advising committee chairman Chris Tyler on the success of the committee in securing a \$5,000 grant to the Mayors Matching Neighborhood Grant Program, and personally thanked Chairman Tyler and the committee for their efforts.

K-Mart Renovations Councilor Jones expressed that he was delighted to here that K-Mart had begun renovations at the Atlantic Boulevard store and should be completed by November 1, 1999.

September Regular Council Meeting Lisa Volpe Acting City Clerk reminded the council that due to the Labor Day Holiday the September Regular City Council Meeting would be held on Tuesday, September 7, 1999.

Frank Cashman City Manager Linn informed council of the passing of Sergeant Frank Cashman's father and advised that the funeral would be held August 3, 1999 at 2:00 p.m.

All Terrain Wheelchair City Manager Linn reported that he had received a letter from Charlotte Raybrook, President of the Beaches Council for Disabled Persons, addressed to Chief Brant, advising that they had voted to donate one all terrain wheelchair for the disabled, to be placed at the lifeguard station, under the condition that the city of Neptune Beach accept the ownership and responsibility of the chair by a letter of approval from the council requesting the surf-chair. They have also agreed to assist with any repairs.

Consensus: **TO ACCEPT THE CONDITIONS AS STATED ABOVE AND HAVE CITY MANAGER LINN WRITE THE LETTER OF ACCEPTANCE.**

CITY MANAGER REPORTS

Grandfathering of parking spaces at Slider's Oyster Bar **GRANDFATHERING OF PARKING SPACES AT SLIDER'S OYSTER BAR:** City Manager Linn explained that he and City Attorney White had met with the owners of Slider's Oyster Bar and discussed the grandfathering of the parking spaces that would be lost due to the Town Center Project. The attorneys for both parties were working on an agreement to be recorded with the property. The final agreement would be sent to council for approval.

Shuttle Bus meeting with JTA **SHUTTLE BUS MEETING WITH JACKSONVILLE TRANSPORTATION AUTHORITY:** City Manager Linn announced that he had met with Danny Oar and Daryl Smith with Jacksonville Transportation Authority to discuss a shuttle bus service on the beaches from Mayport to Jacksonville Beach. An on line bus would be remodeled with a beach exterior and seating on either side facing each other, to make it friendlier. They will report back to Mr. Linn with a cost and feasibility.

Recognition of
Veterans Plaque for
City Hall

RECOGNITION OF VETERANS PLAQUE FOR CITY HALL: Mr. Linn stated that he had a request from citizen Bruce Rehmer to establish a plaque honoring veterans. He met with Mr. Rehmer and a monument distributor. A monument recognizing and honoring veterans will be placed outside the City Hall Building next to the flagpole. The ceremony is planned for Veterans Day, November 11, 1999 at 9:45 a.m.

Dumpster Pilot
Project

DUMPSTER PILOT PROJECT: City Manager Linn explained that he had a meeting with representatives of BFI and Alpha Products to devise a plan to phase in a new type of commercial dumpster and collection boxes starting with the dumpsters between City Hall and the Police Station.

Distribution of
Preliminary Design
Utility Improvement
Project

DISTRIBUTION OF PRELIMINARY DESIGN UTILITY IMPROVEMENT PROJECT: Mr. Linn passed out copies of the Preliminary Design Utility Improvement Project and encouraged council to review it, stating that it would be the backbone for the August 9, 1999 meeting with Jim Miller of Post, Buckley, Schuh, and Jernigan.

Park Grant
Application

SET MEETING FOR FLORIDA RECREATION DEVELOPMENT ASSISTANCE PROGRAM FOR PARK GRANT APPLICATION: City Manager Linn stated that his assistant Laura Raccina would give a ten or fifteen minute report on the park grant at the August 9, 1999 meeting.

Proposed Fiscal Year
2000 Budget

PROPOSED FISCAL YEAR 2000 BUDGET: City Manager Linn advised that the proposed budget had been hand delivered to council last Friday and that a workshop meeting needed to set for discussion.

Consensus: **TO SET A BUDGET WORKSHOP MEETING FOR AUGUST 5, 1999 AT 7:00 P.M.**

COMMENTS FROM THE PUBLIC

Robert Hicks, 1449 Hopkins Creek Lane, addressed the council relating to unnecessary activity regarding committees.

Beth Tyler, 1914 First Street, expressed concern about false accusations from citizens regarding her husband Chris Tyler.

Danny Thiele, 107 Azalea Place, spoke on behalf of the Sea Turtle ordinance and asked council to support the ordinance.

Linda Padrta, 1113 First Street, spoke regarding the Mayor's Website and E-mail not being received properly as public records.

Leslie Karlin, 1506 Spindrift Circle West, commented on distrust of council and not being able to speak out during meetings. She also suggested that agenda packets be available for the public to review at the Beaches Library.

Terry Cater, 208 Cherry Street, revealed her concern about a traffic problem on Cherry Street and asked that the barricade at First Street and Cherry Street be removed.

Cecelia Peacock, 211 Cherry Street, also voiced her concern about a traffic problem on Cherry Street and requested that the barricade at First Street and Cherry Street to be removed.

J. W. Crout, 1074 Kings Road, cautioned council regarding misplaced e-mail and stated in his opinion that council should start looking at the budget earlier in the year. He was also concerned about a 23% increase in the budget. He also stated in his

opinion council should abolish the Ish Brant Beautification Committee.

Chris Oakey, 620 Camellia Terrace Drive, commended Finance Director John Herbst for getting the computer system certified for the year 2000 and asked about committee budgets and financials on previous events.

Elaine Kenny, 1301 Neptune Grove Drive East, replied that expense reports had been turned in on the Sunday in the Park event and the King Neptune Festival.

Harriet Pruette, 217½ Magnolia Street, asked about the harassment investigation between herself and Chairman of the Ish Brant Beautification Committee and stated that it was on going and that members of the Beautification Committee had political agendas. She also stated that in her opinion it was in bad taste for the beautification committee to give the Volunteer of the Year award to Mayor Vaughn. She also felt that something needed to be done about the traffic problem on Cherry Street.

CONSENT AGENDA / NONE

VARIANCES / NONE

Recess / Reconvene **RECESS AND RECONVENE:** The meeting was recessed at 8:20 and reconvened at 8:30.

ORDINANCES

Ordinance No.
1999-01

PUBLIC HEARING ORDINANCE NO. 1999-01, SECOND AND FINAL READ: AN ORDINANCE OF NEPTUNE BEACH, FLORIDA RELATING TO THE PROTECTION OF MARINE TURTLES; PROVIDING FINDINGS; PROVIDING TITLE AND CITATION, PURPOSE; PROVIDING JURISDICTION; PROVIDING DEFINITIONS; PROVIDING LIGHTING STANDARDS FOR NEW DEVELOPMENT; PROVIDING LIGHTING STANDARDS FOR EXISTING DEVELOPMENT; PROVIDING STANDARDS FOR PUBLICLY OWNED LIGHTING; PROVIDING PROHIBITED ACTIVITIES DISRUPTIVE TO MARINE TURTLES; PROVIDING STANDARDS FOR CONSTRUCTION DURING THE MARINE TURTLE NESTING SEASON; PROVIDING THAT IT IS UNLAWFUL TO KILL, MOLEST OR INJURE MARINE TURTLES; PROVIDING EDUCATION AND INFORMATION OPTIONS; PROVIDING ENFORCEMENT PROVISIONS INCLUDING CIVIL AND ADMINISTRATIVE ENFORCEMENT POWERS AND CRIMINAL PENALTIES REGARDING MARINE TURTLES AND HATCHLINGS IN NEPTUNE BEACH FLORIDA; PROVIDING APPLICABILITY; PROVIDING INTERPRETATION; PROVIDING SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

The Mayor read Ordinance No. 1999-01 by title only and opened the public hearing.

Linda Padrta, 1113 First Street, felt we should give more consideration to the turtles and help insure that they are healthy and safe in the environment in the future.

Harriet Pruette, 217½ Magnolia Street, commented that Danny Theile had done an outstanding job in his efforts to protect the sea turtles request that council pass the Ordinance.

Karen Hawkins, Oceanfront, felt that it was very important and that others that live on the oceanfront do not have a problem with turning lights out. Suggested letters being passed out in the area that the turtles were hatching and urged council to do something to protect the turtles.

There being no further public comments, the public hearing was closed.

Moved by Jones, seconded by Patronik.

Motion: **TO ADOPT ORDINANCE NO. 1999-01, AS STATED.**

Councilor Shimp expressed his concern about the misdemeanor penalty.

City Attorney Chris White suggested the following changes to the language in Section 10 to eliminate any misdemeanor penalties.

SECTION 10. Civil and Administrative Enforcement Powers; Criminal Penalties.

- (A) The City shall have the power to enforce the provisions of this Ordinance by equitable or legal judicial proceedings, including civil infractions as set forth below, as well as by any other legal or administrative means, including code enforcement proceedings as set out in Chapter 27 of the Code of Ordinances as amended, and Section 162, Florida Statutes. Each day of any such violation shall not constitute a separate and distinct offense.
- (B) No permit may be issued by the City to improve or expand any facility constructed or modified in violation of this Ordinance, unless the violation has been corrected.
- (C) A violation of any of the provisions of this Ordinance shall be a civil infraction punishable in the same manner as a misdemeanor and punishable as provided by Section 125.69, Florida Statutes by a civil penalty in an amount not to exceed \$500. Except, any violation of this Ordinance which is also a violation of Section 370.021 Florida Statutes, shall be punishable as set forth in Section 370.021. Each day of any such violation shall not constitute a separate and distinct offense.

Moved by Jones, seconded by Patronik

Friendly
Amendment: **MAKE A FEW CHANGES: SECTION 9, CITY HAS THE AUTHORITY TO NOTICE FIRST TIME VIOLATORS, CHANGE THE WORDS "HAS THE AUTHORITY TO" TO "SHALL" NOTICE FIRST TIME VIOLATORS OF THE SEA TURTLE LIGHTING ORDINANCE BY "SENDING A LETTER CERTIFIED MAIL RETURN RECEIPT REQUESTED". SECTION 10, ADOPT MR. WHITES LANGUAGE CHANGES AS NOTED ABOVE, WITH THE EXCEPTION OF THE WORD "THAT". COUNCIL TO ADOPT A GRADUATED SCHEDULE OF VIOLATIONS BEFORE MAY 1, 2000.**

Roll Call Vote:

Ayes: 4 – Jones, Patronik, Shimp, Vaughn

Noes: 0

Absent: 1 – Tankersley

MOTION CARRIED

Ordinance No.
1999-04

PUBLIC HEARING ORDINANCE NO. 1999-04 SECOND AND FINAL READ: SPECIAL COMMITTEES, THAT SECTION OF 2-42 OF THE CODE OF ORDINANCES OF THE CITY OF NEPTUNE BEACH IS HEREBY AMENDED TO READ AS FOLLOWS AND PROVIDING AN EFFECTIVE DATE.

The Mayor read Ordinance No. 1999-04 by title only and opened the public hearing.

Harriet Pruette, 217& 1/2 Magnolia Street, asked council not to pass the ordinance.

Leslie Karlin, 1506 Spindrift Circle West, commented that special committees and

volunteers were needed and that council should have the responsibility.

For the Record Councilor Shimp commented that the presiding officer should come before the council first before a committee is formed and give council a reason for the committee.

There being no further comments from the public, the public hearing was closed.

Moved by Jones, seconded by Shimp

Motion: **TO ADOPT ORDINANCE NO. 1999-04**

Roll call vote:

Ayes: 3 - Jones, Shimp, Vaughn

Noes: 1 - Patronik

Absent: 1 - Tankersley

MOTION CARRIED

Ordinance No.
1999-07

PUBLIC HEARING ORDINANCE NO. 1999-07 SECOND AND FINAL READ: AN ORDINANCE CALLING FOR A REFERENDUM TO AMEND SECTION 2.08 OF THE CHARTER TO REQUIRE THE CITY CLERK TO BE APPOINTED BY THE CITY COUNCIL; TO RECEIVE THE ANNUAL SALARY AND PERFORM DUTIES AS ESTABLISHED BY THE CITY COUNCIL; AND ESTABLISHING AN EFFECTIVE DATE.

The Mayor read Ordinance No. 1999-07 by title only, and opened the Public Hearing.

Leslie Karlin, 1506 Spindrift Circle West, requested that council adopt the Ordinance.

There being no further comments from the public the Mayor closed the public hearing.

Moved by Jones, seconded by Patronik

Motion: **TO ADOPT ORDINANCE NO. 1999-07, AS STATED.**

Roll call vote:

Ayes: 3 – Jones, Patronik, Shimp

Noes: 1 – Vaughn

Absent: 1 - Tankersley

MOTION CARRIED

Ordinance No.
1999-08

ORDINANCE NO. 1999-08, FIRST READ: AN ORDINANCE AMENDING SECTION 2, ADMINISTRATION, ARTICLE V, EMPLOYEE BENEFITS, DIVISION 5. UNIFORM TRAVEL POLICY AND PROCEDURES. CODE OF THE CITY OF NEPTUNE BEACH; AND PROVIDING AN EFFECTIVE DATE.

Moved by Patronik, seconded by Shimp.

Motion: **TO PASS ORDINANCE NO. 1999-08 AS STATED.**

For the Record Mayor Vaughn stated, for the record, that he had many opportunities to travel on behalf of the city since he had been in office and felt that the pay policy was adequate.

Roll call vote:

Ayes: 2 – Jones, Patronik

Noes: 2 – Shimp, Vaughn

Absent: 1 - Tankersley

MOTION FAILED

Ordinance No.
1999-09

ORDINANCE NO. 1999-09 , FIRST READ: AN ORDINANCE AMENDING SECTION 22, TRAFFIC AND MOTOR VEHICLES, ARTICLE II, PARKING STOPPING AND STANDING. CODE OF ORDINANCES OF THE CITY OF NEPTUNE BEACH; AND PROVIDING AN EFFECTIVE DATE.

Moved by Jones, seconded by Patronik.

Motion: **TO PASS ORDINANCE NO. 1999-09 AS STATED.**

Friendly
Amendment: **CORRECT GRAMMATICAL ERRORS, SECTION 1 (B) A PERIOD AFTER STREETS AND SECTION 22-31 (A) PERIOD AFTER REMOVED.**

Roll call vote:

Ayes: 4 – Shimp, Jones, Patronik, Vaughn

Noes: 0

Absent: 1 - Tankersley

MOTION CARRIED**OLD BUSINESS / NONE****NEW BUSINESS**

Town Center Water
and Sewer Project

TOWN CENTER WATER AND SEWER PROJECT: Award contract of the water and sewer project presented by Post, Buckley, Schuh and Jerringan.

Moved by Patronik, seconded by Jones.

Motion: **TO AWARD THE TOWN CENTER WATER AND SEWER CONTRACT TO JOHN WOODY, INC. IN THE AMOUNT OF \$232,439.**

Roll call vote:

Ayes: 4 – Jones, Patronik, Shimp, Vaughn

Noes: 0

Absent: 1 - Tankersley

Adopt – A – Road
Adopt – A – Street
Program

ADOPT – A - ROAD ADOPT – A – STREET PROGRAM: Ish Brant Beautification Committee has developed this program whereby individuals, groups, clubs and / or businesses can volunteer to maintain sections of city property.

Consensus: **TO FORWARD TO THE AUGUST WORKSHOP MEETING.**

Adjournment

There being no further business, the meeting adjourned at 9:45 p.m.

ATTEST:

George F. Vaughn, Jr., Mayor

Lisa Volpe, Acting City Clerk

Approved: _____



**BUDGET WORKSHOP MEETING
AUGUST 5, 1999, AT 7:00 P.M.
CITY HALL, 116 FIRST STREET,
NEPTUNE BEACH, FLORIDA**

Pursuant to proper notice a Budget Workshop Meeting of the City Council of the City of Neptune Beach was held August 5, 1999, in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

The following Council members and staff were in attendance:

Mayor George F. Vaughn, Jr.
Vice Mayor Tom Tankersley
Councilor Edward S. Jones
Councilor Ronald D. Patronik
Councilor Robert D. Shimp
City Manager Richard A. Linn

Acting City Clerk Lisa Volpe
Director of Finance John Herbst
Director of Public Safety William Brant
Director of Public Works John Galen
Administrative Assistant Piper Turner

Absent:
City Attorney Christopher A. White

Call to Order/Roll Call

The Mayor called the meeting to order at 7:00 p.m.

Council reviewed the budget page by page.

Consensus: TO DECREASE THE FOLLOWING BUDGET AMOUNTS:

MAYOR AND COUNCIL COMMUNICATIONS SERVICES:
ACCOUNT NO. 001-1111-511-30-41:
FROM \$500 TO \$0.

MAYOR AND COUNCIL PROMOTIONAL ACTIVITIES:
ACCOUNT NO. 001-1111-511-30-48:
FROM \$1,000 TO \$500.

MAYOR AND COUNCIL CONTINGENCIES & EMERGENCY:
ACCOUNT NO. 001-1111-511-90-99:
FROM \$2,500 TO \$1,250.

CITY MANAGER'S OTHER CONTRACTUAL SERVICES:
ACCOUNT NO. 001-1112-512-30-34:
FROM \$10,000 TO \$5,000.

Council decided that they would submit any small cuts in writing and review the larger budget items.

Consensus: **TO SCHEDULE ANOTHER BUDGET WORKSHOP ON AUGUST 23, 1999 AT 7:00 PM.**

Finance Director
submission of budget
reductions

John Herbst stated that the following items could be accelerated into this year's budget.

Finance	\$25,000	Machinery and Equipment
Building	\$10,000	Machinery and Equipment
City Clerk	\$ 5,000	Machinery and Equipment
Non-departmental	\$10,000	Improvements - Not Buildings

The following items are reductions:

Police	\$25,000	Regular Salaries
Police	\$15,000	Overtime
Police	\$12,000	Benefits

Council discussed leaving the \$30,000 for the parks department in the budget for the time being.

Schedule of
Modifications from
budget workshops

Council discussed the modifications of the First Draft of the Proposed Budget and the funding a Volunteer Fire Department.

On the Record Mayor Vaughn stated on the record, that this {fire department budget} is not as simple as taking those items off your sheet and to hear Councilor Patronik say we are getting a free fire service is unbelievable. He asked John Herbst if we are paying anything to Jacksonville for fire services. City Manager Linn responded that we were paying for rescue which is now located in Atlantic Beach. The Mayor asked if the \$150,000 that Jacksonville gives to Atlantic Beach for services is enough to cover us too. Mr. Linn stated that the question should be directed to Atlantic Beach. The mayor stated his concern that the city is not allowing the citizens participation in the termination of the fire department and questioned why the fire equipment was not kept up over the past few years and why money was not put in reserves.

Mayor Vaughn requested that Director of Finance John Herbst find out how many calls Atlantic Beach had received from Neptune Beach over the past twelve months and equate a cost to those calls.

Consensus: **TO DECREASE THE FIRE DEPARTMENT BUDGET TO \$4000.**

The council discussed budget items that Mayor Vaughn requested: additional street signs, widening of sidewalks, Spanish tile roofs, widening walking paths, installing video cameras, constructing new street ends, adding benches at street ends, and the dune crossovers.

On the Record Mayor Vaughn stated, on the record, that he would like council to understand that we have one of the best dune systems, however the crossovers built provide a weakness for storm surges to pass through, and he thoroughly disagreed with arbitrarily cutting this item from the budget.

Consensus: **TO ELIMINATE STREET DEPARTMENT AND PARKS DEPARTMENT, ITEMS 4 THROUGH 11, IMPROVEMENTS – NOT BUILDINGS, ON THE SCHEDULE OF MODIFICATIONS FROM THE BUDGET.**

John Galen stated that the Watersedge lift station would be reconstructed out of the Community Development Block Grant.

John Herbst advised Council that the cost of meters had been split between the water fund and the sewer fund. He also revealed there was a correction in the Water Construction Fund Department of Environmental Protection Water Revolving Loan from \$96,234 to \$1,307,854.

Recess/Reconvene The meeting was recessed at 8:45 p.m. and reconvened at 9:00 p.m.

John Herbst stated that with the amounts struck from the budget at this meeting the city has a new deficit of \$111,500.

On the Record The Mayor stated on the record that he strongly recommends that anyone who comes up with budget cuts speak with City Manager Linn and the Department Head before cutting any funds from the budget.

Adjournment There being no further business, the meeting adjourned at 9:15 p.m.

George F. Vaughn, Jr., Mayor

ATTEST:

Lisa Volpe, Acting City Clerk

Approved: _____



MINUTES
WORKSHOP CITY COUNCIL MEETING
AUGUST 9, 1999 AT 7:00 P.M.
CITY HALL, 116 FIRST STREET
NEPTUNE BEACH, FLORIDA

Pursuant to proper notice a Workshop Meeting of the City Council of the City of Neptune Beach was held August 9, 1999, at 7:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

Mayor George F. Vaughn, Jr.
Vice Mayor Thomas A. Tankersley
Councilor Edward S. Jones
Councilor Ronald D. Patronik
Councilor Robert D. Shimp
City Manager Richard A. Linn

Acting City Clerk Lisa Volpe
Director of Public Works John Galen
Admin. Assistant Laura Raccina

Absent;
City Attorney Christopher White

Call to Order/Roll Call

The Mayor called the meeting to order at 7:00 p.m.

FRDAP Grant

Laura Raccina, Assistant to the City Manager informed the council on the status of the application for the Florida Recreation Development Assistance Program Grant.

Utility Capital
Improvement Project

Jim Miller of Post, Buckley, Schuh & Jernigan presented a water system, four alternatives for a sewer system and a reuse program. He recommended Alternate 2 for sewer and no reuse system.

Consensus: **FORWARD APPROVAL OF ALTERNATE 2 AND NO REUSE SYSTEM
TO THE SEPTEMBER 7, 1999 REGULAR COUNCIL MEETING.**

Town Center Water and
Sewer Project

Jim Miller stated that the notice to proceed would be given on Monday.

Underground Electric

Mr. Linn informed the council that if they let Jacksonville Beach install underground electric. This would double the project cost because the city can not require citizens to pay for underground hook up, therefore, the city would have to bear the entire cost.

Adjournment

There being no further business, the meeting adjourned at 9:15 p.m.

George F. Vaughn, Jr., Mayor

ATTEST:

Lisa Volpe, Acting City Clerk

Approved: _____



MINUTES
WORKSHOP CITY COUNCIL MEETING
AUGUST 16, 1999 AT 7:00 P.M.
CITY HALL, 116 FIRST STREET
NEPTUNE BEACH, FLORIDA

Pursuant to proper notice a Workshop Meeting of the City Council of the City of Neptune Beach was held August 16, 1999, at 7:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

Mayor George F. Vaughn, Jr.
Vice Mayor Thomas A. Tankersley
Councilor Edward S. Jones
Councilor Ronald D. Patronik
Councilor Robert D. Shimp
City Attorney Christopher A. White

Acting City Clerk Lisa Volpe
Deputy City Clerk Karla Strait
Building Official Dan Arlington
Assistant City Manager Laura Raccina

ABSENT:

City Manager Richard A. Linn

Call to Order/Roll Call

The Mayor called the meeting to order at 7:00 p.m.

COMMITTEE REPORTS / NONE

CITY MANAGERS PUNCH LIST / NONE

PROPOSED ORDINANCES / NONE

CONTRACT/AGREEMENTS - NONE

ISSUE DEVELOPMENT

**Schedule of fines for
violation of Sea Turtle
Ordinance**

SCHEDULE OF FINES FOR SEA TURTLE ORDINANCE VIOLATIONS: Council discussed a graduated fine schedule for violators of the Sea Turtle Ordinance.

On the record

Councilor Jones stated, on the record, that he views the Sea Turtle Ordinance as an educational tool for the citizens and he believed the citizens would do everything in their power to cooperate.

Consensus: **DIRECT CITY MANAGER LINN, BUILDING OFFICIAL DAN ARLINGTON AND CODE ENFORCEMENT OFFICER LARRY DEAN TO PRESENT THEIR RECOMMENDATIONS TO COUNCIL FOR APPROVAL AT THE NEXT REGULAR COUNCIL MEETING.**

Adopt – a – Road Program

ADOPT - A - ROAD PROGRAM: Council discussed an Adopt – A – Road program, introduced by the Ish Brant Beautification Committee. Joanne Waddill, member of the Ish Brant Beautification Committee, answered questions and concerns of the council, and stated that the program was identical to Jacksonville's program.

Consensus: **CITY MANAGER LINN TO START ACCEPTING APPLICATIONS FOR THE ADOPT- A - ROAD PROGRAM.**

E-mail concerns

COUNCIL CONCERNS ABOUT MISSING E-MAIL: Council discussed missing e-mail from the Mayor's Web Site. All councilors requested their e-mail addresses are removed from the web site. Mayor Vaughn stated that he did not know there was a problem with the redirect for Councilor Shimp's address, until a citizen brought the issue before the council, and that he does have his web master working on the problem. He said he would take their requests under consideration.

On the record

Councilor Jones stated, on the record, that he would like his e-mail address removed from the Mayor's web site.

Councilor Shimp asked City Attorney White that if he requested his e-mail address to be removed from the Mayor's web site, could he have it removed? City Attorney White responded, yes.

Committees

APPOINTMENT OF MEMBERS TO COMMITTEES: Councilor Jones recommended that the City Manager inform the council of membership applications for committees at the workshop meetings with his recommendations, and have council approve or disapprove all memberships.

Consensus: **TO HAVE THE CITY MANAGER INFORM COUNCIL AT THE WORKSHOP MEETINGS UNDER COMMITTEE REPORTS OF ALL APPLICATIONS FOR COMMITTEE MEMBERSHIPS WITH HIS RECOMMENDATIONS FOR APPROVAL AND HAVE COUNCIL APPROVE.**

K-Mart parking lot

USE OF K-MART PARKING LOT FOR SALE OF USED VEHICLES, CARS, TRUCKS, BOATS, AND MOTORCYCLES: Mayor Vaughn stated that the K-mart parking lot was an eyesore due to the vehicles parked there for sale. City Attorney White reported that he and Building Official Dan Arlington had discussed an ordinance prohibiting parking for specific purposes, impoundment procedures and enforcement for the council to consider in October.

Consensus: **TO ALLOW THE CITY ATTORNEY AND BUILDING OFFICIAL TO DRAFT AN ORDINANCE TO PRESENT TO COUNCIL IN OCTOBER.**

Public Comments

PUBLIC COMMENTS ON AGENDA ITEMS ONLY:

Harriet Pruette, 217 ½ Magnolia Street, stated that Mayor Vaughn's Web Page needed to be updated on a regular basis because there are people listed as active committee members that are no longer active. She also stated that the councilors e-mail should go through the official Neptune Beach addresses.

Joanne Waddill, 115 Oleander Street, thanked the council for their support of the Ish Brant Beautification Committee and stated that she would like to recruit more members. Ms. Waddill also commented on Jarboe Park and the Butterfly Garden and stated that she had been recently intimidated by the homeless at the park and was informed that there was no law against sleeping in the park.

Adjournment

There being no further business, the meeting adjourned at 8:30 p.m.

George F. Vaughn, Jr., Mayor

ATTEST:

Lisa Volpe, Acting City Clerk

Approved: _____



**TOWN HALL MEETING
AUGUST 16, 1999
CITY HALL, 116 FIRST STREET,
NEPTUNE BEACH, FLORIDA**

Pursuant to proper notice a Town Hall Meeting of the City Council of the City of Neptune Beach was held August 16, 1999, immediately following the Workshop Meeting, in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

The following Council members and staff were in attendance:

Mayor George F. Vaughn, Jr.
Vice Mayor Thomas A. Tankersley
Councilor Ronald D. Patronik
Councilor Edward S. Jones
Councilor Robert D. Shimp

Acting City Clerk Lisa Volpe
Deputy City Clerk Karla Strait
Building Official Dan Arlington
Assistant City Manager Laura Raccina

Absent:
City Manager Richard A. Linn

Order Call

The Mayor called the meeting to order at 8:30 p.m.

Public Comments

Harriet Pruette, 217 1/2 Magnolia Street, asked about request for verbatims from council members and stated her concern that she and others were being signaled out for verbatim request. She also stated that verbatims were time consuming and a waste of tax payers money.

Adjournment

There being no further business, the meeting adjourned at 8:40 p.m.

George F. Vaughn, Jr., Mayor

ATTEST:

Lisa Volpe, Acting City Clerk

Approved: _____



**BUDGET WORKSHOP MEETING
AUGUST 23, 1999, AT 7:00 P.M.
CITY HALL, 116 FIRST STREET,
NEPTUNE BEACH, FLORIDA**

Pursuant to proper notice a Budget Workshop Meeting of the City Council of the City of Neptune Beach was held August 23, 1999, in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance: The following Council members and staff were in attendance:

Mayor George F. Vaughn, Jr.
Vice Mayor Tom Tankersley
Councilor Edward S. Jones
Councilor Robert D. Shimp
City Manager Richard A. Linn
Acting City Clerk Lisa Volpe
Deputy City Clerk Karla Strait

Director of Finance John Herbst
Building Official Dan Arlington
Administrative Assistant Piper Turner

Absent:
Councilor Ronald D. Patronik
City Attorney Christopher A. White

Call to Order/Roll Call The Mayor called the meeting to order at 7:00 p.m.

Director of Finance John Herbst stated the proposed budget had been modified to reflect the changes requested by the Council during the August 5, 1999 Budget Workshop Meeting.

City Manager Linn reported that he had received a letter from BFI advising an increase in garbage rates. Finance Director John Herbst advised that the increase would amount to 14 cents per residential unit. Council proceeded to discuss increasing the garbage rates.

For the Record Director of Finance John Herbst stated, for the record, that as of the end of fiscal year 1998 the retained earnings for the sanitation fund was \$300,000.

Director of Finance John Herbst explained the General Enterprise Fund.

Consensus: **NOT TO MOVE FORWARD WITH AN ORDINANCE INCREASING GARBAGE RATES AT THIS TIME.**

Vice Mayor Tankersley suggested that the positions of Deputy City Clerk and Assistant to the City Manager be merged into one position.

Council discussed the Community Development Department's budget.

Consensus: **TO MOVE THE PROPOSED BUDGET FORWARD WITH AN ORDINANCE TO BE PASSED ON FIRST READ AT THE REGULAR CITY COUNCIL MEETING TO BE HELD ON SEPTEMBER 9, 1999.**

Adjournment

There being no further business, the meeting adjourned at 8:30 p.m.

George F. Vaughn, Jr., Mayor

ATTEST:

Lisa Volpe, Acting City Clerk

Approved: _____



MINUTES
REGULAR CITY COUNCIL MEETING
SEPTEMBER 7, 1999 AT 7:00 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 September 7, 1999, at 7:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

Mayor George F. Vaughn, Jr.
Vice Mayor Thomas A. Tankersley
Councilor Edward S. Jones
Councilor Robert D. Shimp
Councilor Ronald D. Patronik
City Attorney Christopher White

City Manager Richard A. Linn
Acting City Clerk Lisa Volpe
Deputy City Clerk Karla Strait
Building Official Dan Arlington
Director of Finance John Herbst
Chief of Police William Brant

Absent: None

Order Call/Pledge

The Mayor called the meeting to order at 7:00 p.m. and introduced Joshua and Erin Rehmer who led the Pledge of Allegiance.

AWARDS / PRESENTATIONS / RECOGNITION OF GUESTS / NONE

APPROVAL OF MINUTES

Approval of Minutes

Moved by Patronik, seconded by Shimp.

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

AUGUST 2, 1999, REGULAR
AUGUST 5, 1999, BUDGET
AUGUST 9, 1999, WORKSHOP
AUGUST 16, 1999, WORKSHOP
AUGUST 23, 1999, BUDGET

Friendly Amendment: **CORRECT MISSPELLED WORD ON AUGUST 2, 1999, REGULAR COUNCIL MEETING MINUTES. PAGE 6 BOTTOM OF PAGE STROPPING SHOULD BE STOPPING.**

Roll Call Vote:

Ayes: 5 – Jones, Patronik, Shimp, Tankersley, Vaughn
Noes: 0
Absent: 0

MOTION CARRIED**COMMUNICATIONS AND CORRESPONDENCE**Harassment
Investigation

Mayor Vaughn stated that Harriet Pruette had asked him to look into her charges of harassment and stalking against Neptune Beach resident Chris Tyler and report back to her.

For the Record Mayor Vaughn: Originally Ms. Pruette's harassment and stalking claim of July 14, 1999, was investigated and the case was closed due to no evidence being found. This claim was also reiterated to the public by resident Robert L. Hicks. However, the case was then reopened after Ms. Pruette made additional claims going back as far as seven months. So to the best of my knowledge the case continues to be investigated more than 50 days after the complaint was filed.

Mr. Linn, I want to ask you, on the record, right now to give us some sort of time table for Ms. Pruette's benefit as to when this case might be resolved.

Mr. Linn: I'm not sure I can do that Mayor Vaughn, that's a police matter and I cannot interfere with the investigation.

Mayor Vaughn: I will accept your answer. The Council also received correspondence recently from Councilor Patronik's wife, Laura, stating that she was the subject of harassment by the Tyler's also. However, to the best of my knowledge, I can find no credible proof has been brought forward to substantiate the claim, which is almost one and half years old.

As to other correspondence on August 6, 1999, Robert Hicks wrote a letter to Council concerning an expenditure of \$2,700 dollars of tax money spent on legal fees to investigate a law suit against the Jacksonville Transportation Authority concerning the Atlantic Boulevard, Mayport Road Intersection Improvement Program. Mr. Hicks went on to say this is a "reckless waste of tax money for a frivolous legal action to serve the ego of one person, the Mayor". However, as each of you gentlemen know there was no city monies spent and it was the entire City Council who directed this issue to be researched.

In our last Council meeting we had three individuals come before this council and in essence state that harassing community servants is a good thing. Well I cannot disagree more and I would hope that each of you, my fellow councilmen will join me in that sentiment.

The incidents I have mentioned are already well documented and are a part of what I consider to be politics of personal destruction. Therefore, tonight I am making a request to this council and our residents to pull together and help bring an end to the politics of personal destruction in our community. Negative politics nor harassment have no place in Neptune Beach, nor in these Council Chambers. For you Councilors that are contemplating running for re-election, I ask that you run on your records and let the chips fall where they may. Lets have a good and clean campaign and turn a deaf ear to those in our community who insist upon perpetuating the negative politics in Neptune Beach. We may have our policy differences from time to time but let's give our citizens an election and a city government they can be proud of.

I wanted to make those comments on the record. If you want to discuss anything I have said I am more than willing to get into that with you at this time. If there is anything I can clarify. If not we'll move on. There being no further comments from the Council. Ms. Volpe, do you have any comments?

Ms. Volpe: No.

Mr. Linn: Nothing under correspondence and communications.

CITY MANAGER REPORTS

- Hurricane Watch **HURRICANE DENNIS WATCH ISSUED:** City Manager Linn reported that the City had been placed under a hurricane watch and that the City's Hurricane Preparedness Plan was implicated during the watch and all department heads took the steps identified in the plan and did not see any problems. However, some suggestions were made during the last staff meeting and will be followed up on.
- Adopt a Road Program **ADOPT A ROAD PROGRAM:** City Manager Linn advised that the City Attorney had reviewed the hold harmless agreement and made some recommended changes. Packets will be available this week for anyone in the community that would like to adopt a street end or road.
- Water and Sewer Project **WATER AND SEWER PROJECT:** City Manager Linn announced that the Water and Sewer Project was about a day and a half ahead of schedule. The two hundred block of First Street had been completed and the one hundred block of First Street had been started. The plan is to maintain two travel lanes of traffic in the one hundred block of First Street. There will be no parking in the one hundred block of First Street while construction is going on. Construction is anticipated to be completed in a week and a half to two weeks.
- Shuttle Bus **SHUTTLE BUS UPDATE:** City Manager Linn explained that he had contacted Danny Orr of The Jacksonville Transportation Authority. A meeting will be scheduled when Mr. Orr receives the report back on some studies that are being done on cost, feasibility and time schedules before they are ready to introduce a proposal.
- Youth Crisis Center **YOUTH CRISIS CENTER SAFE PLACE PROGRAM:** City Manager Linn advised that City Attorney White had reviewed any liability exposure the City may have and concluded that it would be minimal to none and, therefore, recommended to move forward with City Hall serving as safe house.

Consensus: **TO ALLOW THE CITY MANAGER TO MOVE FORWARD WITH CITY HALL SERVING AS A SAFE HOUSE FOR CHILDREN IN CRISIS.**

COMMENTS FROM THE PUBLIC

Richard Fail, 510 Oak Street, stated his concern about taxes being increased and felt that the Council was not listening to citizens. Mr. Fail also stated that there should be something we could do about the negative letters being written.

Aaron Grubbs, 1912 Nightfall Drive, gave a vote of confidence to Mayor Vaughn and stated that the negative people did not realize how other people are looking at them and how they are hurting our city.

Paul Hout, 209 Bowles Street, stated that he had spent his life dedicated to preserving the rights granted to us by the constitution. Whether he agrees with your opinion or not he stated that in his years of experience he had never seen the abuse of the first amendment rights of the freedom of speech that had been demonstrated in our Council Chambers. And could not understand why Councilors had allowed such disrespect not only to the mayor but also to themselves.

Robert West, 106 Hall Place, felt that the businesses should pay for a shuttle bus system if one was implemented. Mr. West was also concerned about noise and trash from businesses if they are granted a special exception for outdoor seating.

Johnnie Galiemore, Jr., 1107 South First Street, read a letter from Barbara Pettit requesting her fine to be reduced.

Bruce Rehmer, 804 McCollum Circle, stated that he believed the present Council was embarrassing themselves, friends, state and nation. He had written a letter to Mayor Vaughn requesting that a "Caution Children Playing Sign" be placed on Cedar Court entering by Cedar Street and McCollum Circle, since the request three children have almost been hit. He has received no reply.

Judy Bost, 115 Walnut Street, commented that she had not received a phone call, so she didn't know that she was supposed to make a speech and that she would prepare something for the next meeting.

CONSENT AGENDA

Approval of Design
Alternate #2

APPROVAL OF DESIGN ALTERNATE # 2: Approval of Design Alternate #2 without inclusion of a Reuse System of Design of the Phase I of the Water/Sewer Capital Improvement Project.

Moved by Jones, seconded by Patronik.

Motion: **TO APPROVE DESIGN ALTERNATE NO. 2 WITHOUT A REUSE SYSTEM FOR DESIGN OF THE PHASE I OF THE WATER / SEWER CAPITAL IMPROVEMENT PROJECT.**

Roll Call Vote:

Ayes: 5 – Jones, Patronik, Shimp, Tankersley, Vaughn
Noes: 0

MOTION CARRIED

VARIANCES / NONE

ORDINANCES

Ordinance No.
1999-09

PUBLIC HEARING ORDINANCE NO. 1999-09, SECOND AND FINAL READ: AN ORDINANCE AMENDING CHAPTER 22, SECTIONS 22-26, 22-99, AND 22-31, TRAFFIC AND MOTOR VEHICLES, ARTICLE II, PARKING STOPPING AND STANDING. CODE OF ORDINANCES OF THE CITY OF NEPTUNE BEACH; AND PROVIDING AN EFFECTIVE DATE.

The Mayor read Ordinance No. 1999-09 by title only and opened the public hearing. There being no public comments, the public hearing was closed.

Moved by Jones, seconded by Patronik.

Motion: **TO ADOPT ORDINANCE NO. 1999-09, AS STATED.**

Friendly
Amendment **TO REMOVE THE ASTERISK IN THE TITLE AFTER STANDING; SECTION 22-26 PARAGRAPH (B) PERIOD AFTER STREETS; SECTION 22-26 PARAGRAPH (C) PERIOD AFTER HOURS, DELETE ON CERTAIN STREETS, DELETE THE WORD HEREIN AND REPLACE WITH THEREON, DELETE DISTRICT OR UPON ANY OF THE STREETS OR PARTS OF STREETS. AS FOLLOWS: AND REPLACE WITH CITY PERIOD. DELETE PARAGRAPH (D) ALTOGETHER.**

Roll Call Vote:

Ayes: 4 – Jones, Patronik, Shimp, Tankersley
Noes: 1 - Vaughn

MOTION CARRIED

Ordinance No.
1999-10

ORDINANCE NO. 1999-10, FIRST READ: AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN OF THE CITY OF NEPTUNE BEACH; AMENDING SECTIONS E.01.01.02, E.02.02.10, E.02.05, E.02.05.01, E.02.05.02, E.02.06.01, E.02.06.02, F.01.01.02 AND F.01.03.04 AND DELETING PORTION THEREOF AND PROVIDING AN EFFECTIVE DATE.

The Mayor read Ordinance No. 1999-10 by title only.

Moved by Patronik, seconded by Shimp.

Motion: **TO PASS ORDINANCE NO. 1999-10, AS STATED.**

Roll call vote:

Ayes: 5 - Jones, Patronik, Shimp, Tankersley, Vaughn
Noes: 0

MOTION CARRIED

OLD BUSINESS

Penalties for
Violations of Turtle
Protection Ordinance

ADOPT A SCHEDULE OF PENALTIES FOR VIOLATIONS OF THE TURTLE PROTECTION ORDINANCE: City Council directed the City staff to develop a schedule of penalties for violation of the Turtle Protection Ordinance. Staff recommended the following schedule:

First Notice: No charge – provide owner with a copy of ordinance via certified mail.

Second Notice: \$25.00 Fine

Third Notice: \$50.00 Fine

Fourth Notice: \$75.00 Fine

Fifth Notice: To appear before the Code Enforcement Board for further action.

The owner's record would be cleared two years from the date of issue of the first notice.

Moved by Shimp, seconded by Jones.

Motion: **TO APPROVE SCHEDULE OF PENALTIES FOR VIOLATIONS OF THE TURTLE PROTECTION ORDINANCE AS STATED.**

Roll Call Vote:

Ayes: 5 – Jones, Patronik, Shimp, Tankersley, Vaughn
Noes: 0

MOTION CARRIED

NEW BUSINESS

Resolution No. 99-18

ADOPTION OF RESOLUTION NO. 99-18: RESOLUTION APPROVING A CAPITAL IMPROVEMENT PLAN AS PART OF THE BUDGET PROCESS.

Whereas, responsible and prudent financial management involves annual long range planning to meet the anticipated needs of the city; and

Whereas, the Director of Finance has developed a five year Capital Improvement Plan in partnership with all department heads.

NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF NEPTUNE BEACH, FLORIDA; hereby adopts as part of the Fiscal Year 2000 budget process, the attached Capital Improvement Plan.

Moved by Tankersley, seconded by Patronik.

Motion: **TO ADOPT RESOLUTION NO. 99-18 AS NOTED ABOVE.**

Roll call vote:

Ayes: 5 – Jones, Patronik, Shimp, Tankersley, Vaughn

Noes: 0

MOTION CARRIED

Resolution No. 99-19 **ADOPTION OF RESOLUTION NO. 99-19: RESOLUTION SUPPORTING IMPROVEMENTS AT JARBOE PARK AND AMENDING THE CAPITAL IMPROVEMENT PLAN.**

WHEREAS, there is a present and growing need for outdoor recreation opportunities among persons of all ages both within the City of Neptune Beach, in the surrounding areas, and among those visiting this area; and

WHEREAS, the City of Neptune Beach recognizes this need for additional recreational opportunities; and

WHEREAS, meeting the increasing demand for recreation opportunities can best be met with improvements and additions to Jarboe Park; and

WHEREAS, the City of Neptune Beach has previously demonstrated its commitment to complying with All State laws, rules, and regulations.

, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NEPTUNE BEACH, FLORIDA, that the City of Neptune Beach shall include an improvement and addition project at Jarboe Park and pledges support in the amount of \$31,000 for the current Fiscal Year.

FURTHER RESOLVED that the five-year Capital Improvement Plan of the City's Comprehensive Plan is hereby amended to include the improvements to Jarboe Park as listed in the grant application to the Florida Department of Environmental Protection, providing State and/or Federal Grants to fund such additions and improvements are received.

Moved by Tankersley, seconded by Shimp.

Motion: **TO ADOPT RESOLUTION NO. 99-19 AS NOTED ABOVE.**

Roll Call Vote:

Ayes: 5 – Jones, Patronik, Shimp, Tankersley, Vaughn

Noes: 0

MOTION CARRIED

Mayport Flyover

ATLANTIC BOULEVARD/MAYPORT ROAD INTERCHANGE PROJECT LANDSCAPE MAINTENANCE COMMITMENT: Mr. Linn affirmed that the Mayport Flyover would be a reality. Therefore, the Jacksonville Transportation Authority is requiring the city to enter into a partnership agreement with the Florida Department of Transportation on maintenance of the landscaping. Mr. Linn requested authorization from the council to enter into an agreement. Council discussed the level of landscaping and what type of agreement they would like to make.

Moved by Tankersley, seconded by Patronik.

Motion: **TO AUTHORIZE THE CITY MANAGER TO NEGOTIATE A PARTICIPATION AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION ON THE SUBJECT OF THE ATLANTIC BEACH MAYPORT ROAD INTERSECTION IMPROVEMENT.**

For the Record Mayor Vaughn read the following letter and asked that this letter be reflected in the minutes.

It's addressed to Councilor Ed Jones, and reads as follows:

Dear Mr. Jones,

Last year on April 7, 1998 Mayor Vaughn sent a letter to Jacksonville Transportation Authority obligating the City of Neptune Beach to maintain a sprinkler system at the Atlantic Boulevard Mayport Road Exchange if the Jacksonville Transportation did install it and it appears from review of the JTA's memo dated 8-24-99 that the JTA is ready to commence the installation of a sprinkler system at that location next month.

I don't remember the City Council directing the Mayor to enter into such an agreement and this obligation enacted by the Mayor concerns me, as our city would have to maintain whatever system is installed. As a matter of fact wasn't there a consensus of Council recently that there are more suitable beautification alternatives than installing and maintaining expensive sprinkler systems. It seems more wise to go with natural vegetation, which provides natural beauty than the city to pay for water and maintenance of a sprinkler system to support non-native beautiful plantings, which a beautification committee may want to plant. And Mr. Jones I know you have publicly expressed your opinion about using natural vegetation wherever possible in our city.

As a taxpayer, I would rather not see the sprinkler systems installed throughout our city. We have better things on which to spend our city's money and our public works people can't keep up with the current workload let alone manage this additional burden. The City of Neptune Beach is not made of money so please take care of this issue. Thanks for considering my thoughts and concerns.

Mayor Vaughn requested that each Councilor go on the record if there was anyone who did not remember authorizing him to write the letter that Ms. Pruette referred to and ask them to speak up right now.

Ed Jones: I think sometimes we try to make a bigger thing out of something than it is and everyone is favor of landscaping. It's the maintenance issue that is the issue. Whether you obligate the city or do not obligate the city it doesn't really matter. You can't, you know you can't, we all know not one person can obligate the city to do anything. The issue before us tonight, is what do you want to spend on a yearly maintenance program for the landscaping that's put on the Mayport Flyover. We all want to landscape the flyover. Its how do we want to landscape it and how much money we will have to commit to maintain it. I think Busch Gardens has a bigger budget and they can afford to do all the landscaping they want. I mean that's one thing we don't have that. And I its just a matter of

how much you want the City to spend. I don't want to see the City spend a whole lot of money on maintenance of plants when there are plants that require little or no maintenance. The letter is just reflecting that we all agree on maintenance. I don't think there is method of contention other than how we want to landscape it and how much money do we want to spend on maintenance.

Mayor Vaughn: Mr. Jones apparently you don't understand what I'm trying to say here. This is just another example of more misinformation going out to our general public. The letter that Ms. Pruette is referring to here was dated April 7, 1998 and it was addressed to the Jacksonville Transportation Authority and it says:

Dear Jacksonville Transportation Authority,

This letter will serve as confirmation that it is the intent of the City of Neptune Beach to maintain an adequate sprinkler system to be installed by the Jacksonville Transportation Authority on the south side of the proposed Atlantic Boulevard Mayport Road interchange.

The landscaping throughout the interchange will enhance the visual entrance to our city. Therefore, the City of Neptune Beach is pleased to accept the responsibility of maintaining said system.

Mayor Vaughn: That letter was written as a direct result of this council instructing me to write that letter. I want there to be no misunderstanding there.

Councilor Jones stated that there was a misunderstanding there. I don't believe I authorized you to write a letter saying that we agreed to maintain irrigation systems and maintenance. Or even if we did now today we are discussing what level do we want to that. We don't need to make an issue of the letter. I'm not making an issue of it. If you want to write that, that's fine with me. But today the issue is how much money do we want to commit to maintenance. Let's just solve that problem and not try to bring in other issues. That's fine that you wrote that I don't have a problem with it but today, I'm trying to solve the issue of how much money do you want to commit to maintain the landscaping. And I'm saying we should minimize the cost of maintenance.

Mayor Vaughn stated that he wanted to make sure it was on record stating that he had not obligated the city without the council's approval.

Roll Call Vote:

Ayes: 5 – Jones, Patronik, Shimp, Tankersley, Vaughn

Noes: 0

MOTION CARRIED

City Attorney Invoice CITY ATTORNEY INVOICE APPROVAL: Mr. Linn stated that this item should not be on this agenda but on a Workshop agenda.

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

Planning &
Development Review
Board SET DATES FOR PLANNING & DEVELOPMENT REVIEW BOARD PUBLIC HEARINGS:
City Manager Linn stated that item was put on the agenda because the Planning and Development Review Board had a hearing last week on the land development regulations. There are no recommendations at this time. And requested this item be removed from the agenda.

AS400 Network COUNCIL APPROVAL OF AS400 NETWORK INSTALLATION AND HARDWARE NOT TO EXCEED \$10,338: City Manager Linn recommended approval of the installation and hardware due to there being a problem with the current network.

Moved by Tankersley, seconded by Patronik.

Motion: **TO APPROVE PURCHASE OF EQUIPMENT AND INSTALLATION OF
HARDWARE NOT TO EXCEED \$10,338.**

Roll Call Vote:

Ayes: 5 – Jones, Patronik, Shimp, Tankersley, Vaughn

Noes: 0

MOTION CARRIED

Police Radios

**AUTHORIZATION TO PURCHASE RADIOS FOR PUBLIC SAFETY IN EXCESS OF
\$10,000:** City Manager Linn recommended approval of portable radios that would be on the same frequency as Jacksonville Beach to allow communication with officers to be able to respond inside the schools and communicate with each other.

Moved by Tankersley, seconded by Shimp.

Motion: **TO APPROVE THE RADIO PURCHASE FOR THE PUBLIC SAFETY
DEPARTMENT IN THE AMOUNT OF \$14,676.**

Roll Call Vote:

Ayes: 4 – Jones, Patronik, Shimp, Tankersley

Noes: 1 - Vaughn

MOTION CARRIED

Adjournment

There being no further business, the meeting adjourned at 8:45 p.m.

George F. Vaughn, Jr., Mayor

ATTEST:

Lisa Volpe, Acting City Clerk

Approved: _____



**SPECIAL – PUBLIC HEARING
FOR ADOPTION OF TENTATIVE MILLAGE AND
BUDGET FOR FY2000
SEPTEMBER 9, 1999, AT 7:00 P.M.
CITY HALL, 116 FIRST STREET,
NEPTUNE BEACH, FLORIDA**

Pursuant to proper notice a Budget Workshop Meeting of the City Council of the City of Neptune Beach was held September 9, 1999, in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance: The following Council members and staff were in attendance:

Mayor George F. Vaughn, Jr.
Vice Mayor Tom Tankersley
Councilor Edward S. Jones
Councilor Robert D. Shimp
Councilor Ronald D. Patronik
City Manager Richard A. Linn

Director of Finance John Herbst
Building Official Dan Arlington
Acting City Clerk Lisa Volpe
Deputy City Clerk Karla Strait
Ass't to the City Manager Laura Raccina

Call to Order/Roll Call The Mayor called the meeting to order at 7:00 p.m.

ORDINANCES

Ordinance No.
1999-11

ORDINANCE NO. 1999-11, FIRST READ AND PUBLIC HEARING - ADOPTION OF TENTATIVE MILLAGE: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, ADOPTING FINAL MILLAGE RATES AND LEVYING AD VALOREM TAXES FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 1999, AND ENDING SEPTEMBER 30, 2000; SETTING FORTH CERTAIN INFORMATION REGARDING "ROLLED-BACK RATES" ; AUTHORIZING THE CITY MANAGER TO ADJUST THE ADOPTED MILLAGE RATES IN THE EVENT OF CHANGES IN THE ASSESSMENT ROLL AND TAXABLE VALUE; PROVIDING AN EFFECTIVE DATE.

The Mayor read Ordinance No. 1999-11 by title only, and opened the public hearing. There being no public comments, the Mayor closed the public hearing.

Moved by Tankersley, seconded by Patronik

Motion: **TO APPROVE ADOPTION OF TENTATIVE MILLAGE ORDINANCE NO. 1999-11.**

Roll Call Vote:

Ayes: 4 – Jones, Patronik, Shimp, Tankersley
Noes: 1 - Vaughn

MOTION CARRIED

Ordinance No.
1999-12

ORDINANCE NO. 1999-12, FIRST READ AND PUBLIC HEARING – ADOPTION OF BUDGET FY2000: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA ADOPTING A FINAL BUDGET AND APPROPRIATING FUNDS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 1999, AND ENDING SEPTEMBER 30, 2000; PROVIDING AN EFFECTIVE DATE.

The Mayor read Ordinance No. 1999-12 by title only and opened the public hearing. There being no public comments, the Mayor closed the public hearing.

Moved by Patronik, seconded by Shimp

Motion: **MOTION TO APPROVE ORDINANCE NO. 1999-12.**

Roll Call Vote

Ayes: 4 – Jones, Patronik, Shimp, Tankersley

Noes: 1 - Vaughn

MOTION CARRIED

Adjournment

There being no further business, the meeting adjourned at 7:15 p.m.

George F. Vaughn, Jr., Mayor

ATTEST:

Lisa Volpe, Acting City Clerk

Approved: _____



MINUTES
WORKSHOP CITY COUNCIL MEETING
SEPTEMBER 20, 1999 AT 7:35 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 September 20, 1999, at 7:35 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

Mayor George F. Vaughn, Jr.
Vice Mayor Thomas A. Tankersley
Councilor Edward S. Jones
Councilor Ronald D. Patronik
Councilor Robert D. Shimp
City Attorney Christopher A. White

City Manager Richard A. Linn
Acting City Clerk Lisa Volpe

Call to Order/Roll Call

The Mayor called the meeting to order at 7:35 p.m.

Change in Agenda

Mayor Vaughn requested a change in the agenda so that Anne Murphy with Media One could make her presentation first.

Media One

Anne Murphy with Media One presented a check to the City of Neptune Beach in the amount of \$5000.00 for contributions towards city events for the coming fiscal year.

COMMITTEE REPORTS

Traffic Safety

Laura Schulz, Chairman of the Ad Hoc Traffic Safety Committee gave a presentation on what the committee had accomplished and presented a traffic calming study as well as some recommendations.

CITY MANAGERS PUNCH LIST

Shuttle Trolley

City Manager Linn reported that Danny Orr with Jacksonville Transportation Authority requested that Atlantic Beach, Jacksonville Beach and Councilman Holland be included in a meeting to discuss the idea of a shuttle trolley. Danny Orr will be setting up a meeting.

Naval Air Show

City Manager Linn related that the new Commanding Officer of Mayport Naval Base Captain Furness had met with the Steering Committee to discuss scheduling of the Naval Air show, and that Captain Furness had to meet with his admiral to make some schedule changes and would report back.

Drainage on Forest

Councilor Shimp asked if the work had been started on the drainage problem on Forest Avenue. City Manager Linn replied that he would check with Director of Public Works John Galen.

Road between Shopping Centers	Councilor Shimp inquired if anything would be done about the proposed roadway between the Shopping Centers. City Manager Linn responded that U-haul was not interested.
Short Term Rentals	Councilor Patronik asked about an ordinance related to short term rentals. City Manager Linn replied that he was working on it along with Amy Skinner of Ivey, Harris and Walls.
Taxi Cab Stand	Councilor Shimp reported that the Project Oversight Committee had come to the conclusion that the taxi cab stand will stay where it is. Councilor Tankersley suggested that they speak with the taxicab companies to find out what they wanted.

PROPOSED ORDINANCES

Proposed rezoning ordinance	City Manager Linn reported that the Building Department had a rezoning request from the Little Red Schoolhouse. City Clerk Lisa Volpe stated that a public hearing needs to be between September 17 and October 17, 1999 and needs to be noticed 7 days prior to meeting.
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Consensus: **PUBLIC HEARING FOR REZONING OF THE LITTLE RED SCHOOLHOUSE TO BE AT THE OCTOBER 4, 1999, REGULAR CITY COUNCIL MEETING.**

CONTRACT/AGREEMENTS - NONE

ISSUE DEVELOPMENT

Freedom Shrine	The Beaches Exchange Club requested that a Freedom Shrine be placed in the Neptune Beach City Hall with no cost to the City.
Resolution of Support – Health Group	City Manager Linn stated that he received a letter from the City of Lake Butler requesting that the City of Neptune Beach pass a resolution supporting their effort for a statewide health care plan.

Consensus: **MOVE TO SUPPORT RESOLUTION FORWARD TO THE OCTOBER 4, 1999 REGULAR CITY COUNCIL MEETING.**

Resolution of Support - Everglades	City Manager Linn reported that the County of Martin requested support from municipalities by resolution, to the federal government, for the restudy of the everglades.
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Consensus: **TO CONTACT THE COUNTY OF MARTIN AND RECEIVE MORE FACTS BEFORE MOVING THE RESOLUTION FORWARD.**

City Attorney Fees	City Manager Linn requested clarification from the Council regarding City Attorney White's retainer agreement and Resolution 1997-42 allowing the City Manager and Finance Director to authorize legal expenses above the retainer.
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Consensus: **FOR ANY FUTURE LEGAL EXPENSES OVER AND ABOVE THE RETAINER FEE TO BE APPROVED BY THE COUNCIL AND AUTHORIZE PAYMENT OF CITY ATTORNEY WHITE'S INVOICE IN THE AMOUNT OF \$2,700.**

- Hurricane Floyd Update City Manager Linn updated Council on Hurricane Floyd and stated there was tremendous team effort from the Mayor down to City Administration and employees for a very successful evacuation and recovery and thanked everyone for their cooperation. Linn also stated that the boil water order had been dropped as of noon today.
- Muscovy Duck Control Mayor Vaughn stated that he had received a letter from the Animal Rights Foundation of Florida, regarding their concern over an article in the local newspaper.
- City Manager Linn commented about a health a safety problem that was solved in the city and that three to five ducks were lost in the control program when five hundred ducks were relocated. Mr. Linn read paragraph three of the letter regarding suggestions of how to better control the population of ducks, one would be to take the eggs and chill them to make them infertile. Mr. Linn also stated that the Animal Control had gone to great lengths to save the ducks.
- Global Warming Mayor Vaughn announced that a letter was received regarding global warming from Ozone Action. He stated there was a blank document enclosed to fill out and sign supporting a statement on global warming and asked council if they agreed with it to sign the document and send it in.
- Public Comments PUBLIC COMMENTS ON AGENDA ITEMS ONLY:
- Lynda Padra, 1113 First Street, stated her concern about the traffic on First Street.
- Harriet Pruette, 217 1/2 Magnolia Street, commented that Chris White was the best City Attorney the city ever had and that he deserved a raise. Ms. Pruette also commended the Animal Control for going over and above to help her with some cat problems.
- Adjournment There being no further business, the meeting adjourned at 9:54 p.m.

George F. Vaughn, Jr., Mayor

ATTEST:

Lisa Volpe, Acting City Clerk

Approved: _____



MINUTES
SPECIAL CITY COUNCIL MEETING
SEPTEMBER 20, 1999 AT 7:00 P.M.
CITY HALL, 116 FIRST STREET
NEPTUNE BEACH, FLORIDA

Pursuant to proper notice a Special Meeting of the City Council of the City of Neptune Beach was held September 20, 1999, at 7:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

Mayor George F. Vaughn, Jr.
Vice Mayor Thomas A. Tankersley
Councilor Edward S. Jones
Councilor Ronald D. Patronik
Councilor Robert D. Shimp
City Attorney Christopher A. White

City Manager Richard A. Linn
Acting City Clerk Lisa Volpe
Building Official Dan Arlington

Call to Order/Roll Call

The Mayor called the meeting to order at 7:00 p.m. and thanked City Manager Linn and all city employees for their efforts during Hurricane Floyd.

Vice Mayor Tankersley thanked Mayor Vaughn for a job well done throughout the storm and the hours he spent at the Emergency Operating Center, and stated that it was nice for the citizens of Neptune Beach to see a familiar face on television during the storm.

Ordinance No. 1999-10

ORDINANCE NO. 1999-10, PUBLIC HEARING AND FINAL READ: AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN OF THE CITY OF NEPTUNE BEACH; AMENDING SECTIONS E.01.01.02, E.02.02.10, E.02.05, E.02.05.01, E.02.05.02, E.02.06.01, E.02.06.02, F.01.01.02 AND F.01.03.04 AND DELETING PORTION THEREOF AND PROVIDING AN EFFECTIVE DATE.

The Mayor read Ordinance No. 1999-10 by title only.

City Attorney White stated that the ordinance needed to be passed as an emergency because the grant application was due on September 23, 1999.

Moved by Patronik, seconded by Tankersley.

Motion: **TO ADOPT ORDINANCE NO. 1999-10, AS AN EMERGENCY ORDINANCE.**

Roll Call Vote:

Ayes: 5 - Jones, Patronik, Shimp, Tankersley, Vaughn
Noes: 0

MOTION CARRIED

The Mayor opened the public hearing. There being no public comments, the public hearing was closed.

Moved by Patronik, seconded by Shimp.

Motion: TO APPROVE ORDINANCE NO. 1999-10.

Friendly
Amendment: **DELETE THE WORDS "TO HELP" IN SECTION 1 PARAGRAPH 2 AND ADD A PERIOD AFTER STANDARDS, ALSO SECTION 1 PARAGRAPH 3, E.02.05.02 ADD A COMA AFTER ACTIVITIES AND LOWER CASE THE "S" IN SUCH.**

Roll Call Vote:

Ayes: 5 – Jones, Patronik, Shimp, Tankersley, Vaughn

Noes: 0

MOTION CARRIED

Disaster Recovery

City Manager Linn recommended that the city enter into an agreement for disaster recovery services with Grubbs Construction Company.

Moved by Tankersley, seconded by Shimp.

Motion: TO APPROVE THE CITY MANAGERS AGREEMENT WITH DISASTER RECOVERY SERVICES AS STATED TO INCLUDE REQUIRING THE OPTION OF THE PERFORMANCE BOND AND PAY INVOLVED.

Roll Call Vote:

Ayes: 5 – Jones, Patronik, Shimp, Tankersley, Vaughn

Noes: 0

MOTION CARRIED

Adjournment

There being no further business, the meeting adjourned at 7:35 p.m.

George F. Vaughn, Jr., Mayor

ATTEST:

Lisa Volpe, Acting City Clerk

Approved: _____



**TOWN HALL MEETING
SEPTEMBER 20, 1999
CITY HALL, 116 FIRST STREET,
NEPTUNE BEACH, FLORIDA**

Pursuant to proper notice a Town Hall Meeting of the City Council of the City of Neptune Beach was held September 20, 1999, immediately following the Workshop Meeting, in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

The following Council members and staff were in attendance:

Mayor George F. Vaughn, Jr.
Vice Mayor Thomas A. Tankersley
Councilor Edward S. Jones
Councilor Ronald D. Patronik
Councilor Robert D. Shimp

City Manager Richard A. Linn
Acting City Clerk Lisa Volpe

Order Call

The Mayor called the meeting to order at 10:05 p.m.

Public Comments

There were no public comments.

Adjournment

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

George F. Vaughn, Jr., Mayor

ATTEST:

Lisa Volpe, Acting City Clerk

Approved: _____



**SPECIAL – PUBLIC HEARING
FOR ADOPTION OF FINAL MILLAGE
AND BUDGET FOR FY2000
SEPTEMBER 27, 1999, AT 7:00 P.M.
CITY HALL, 116 FIRST STREET,
NEPTUNE BEACH, FLORIDA**

Pursuant to proper notice a Budget Workshop Meeting of the City Council of the City of Neptune Beach was held September 27, 1999, in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance: The following Council members and staff were in attendance:

Mayor George F. Vaughn, Jr.
Vice Mayor Tom Tankersley
Councilor Edward S. Jones
Councilor Robert D. Shimp
Councilor Ronald D. Patronik

City Manager Richard A. Linn
Director of Finance John Herbst
Acting City Clerk Lisa Volpe

Call to Order/Roll Call The Mayor called the meeting to order at 7:00 p.m.

ORDINANCES

Ordinance No.
1999-11

ORDINANCE NO. 1999-11, FINAL READ AND PUBLIC HEARING - ADOPTION OF TENTATIVE MILLAGE: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, ADOPTING FINAL MILLAGE RATES AND LEVYING AD VALOREM TAXES FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 1999, AND ENDING SEPTEMBER 30, 2000; SETTING FORTH CERTAIN INFORMATION REGARDING "ROLLED-BACK RATES" ; AUTHORIZING THE CITY MANAGER TO ADJUST THE ADOPTED MILLAGE RATES IN THE EVENT OF CHANGES IN THE ASSESSMENT ROLL AND TAXABLE VALUE; PROVIDING AN EFFECTIVE DATE.

The Mayor read Ordinance No. 1999-11 by title only, and opened the public hearing. There being no public comments, the Mayor closed the public hearing.

Moved by Patronik, seconded by Shimp

Motion: **TO APPROVE ADOPTION OF TENTATIVE MILLAGE ORDINANCE NO. 1999-11.**

Finance Director John Herbst informed the council what their options were if they decided not to adopt the millage rate and budget at this meeting.

Roll Call Vote:

Ayes: 4 – Jones, Patronik, Shimp, Tankersley
Noes: 1 - Vaughn

MOTION CARRIED

Ordinance No.
1999-12

ORDINANCE NO. 1999-12, FINAL READ AND PUBLIC HEARING – ADOPTION OF BUDGET FY2000: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA ADOPTING A FINAL BUDGET AND APPROPRIATING FUNDS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 1999, AND ENDING SEPTEMBER 30, 2000; PROVIDING AN EFFECTIVE DATE.

The Mayor read Ordinance No. 1999-12 by title only and opened the public hearing. There being no public comments, the Mayor closed the public hearing.

Moved by Patronik, seconded by Shimp

Motion: **MOTION TO APPROVE ORDINANCE NO. 1999-12.**

Roll Call Vote

Ayes: 4 – Jones, Patronik, Shimp, Tankersley

Noes: 1 - Vaughn

MOTION CARRIED

Adjournment

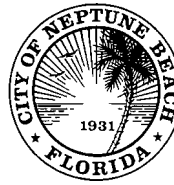
There being no further business, the meeting adjourned at 7:10 p.m.

George F. Vaughn, Jr., Mayor

ATTEST:

Lisa Volpe, Acting City Clerk

Approved: _____



MINUTES
REGULAR CITY COUNCIL MEETING
OCTOBER 4, 1999 AT 7:00 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 October 4, 1999, at 7:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

Mayor George F. Vaughn, Jr.
Vice Mayor Thomas A. Tankersley
Councilor Edward S. Jones
Councilor Robert D. Shimp
Councilor Ronald D. Patronik

City Attorney Christopher White
City Manager Richard A. Linn
Acting City Clerk Lisa Volpe
Building Official Dan Arlington

Order Call/Pledge

The Mayor called the meeting to order at 7:00 p.m. and led the Pledge of Allegiance.

AWARDS / PRESENTATIONS

Employee of the Year

City Manager Linn announced that Paul Monroe, a mechanic in the Public Services Department, was nominated to receive the Employee of the Year Award. Mr. Monroe received the award on September 9, 1999 at a luncheon sponsored by the Beaches Chamber of Commerce. He would also receive a plaque and his name would be added to the permanent plaque displayed in the City Hall.

For the Record

Mayor Vaughn announced, for the record, that Dr. Jeff Goldhagen with the Duval County Health Department was present and would like to give an update on the Red Tide.

Red Tide

Dr. Jeff Goldhagen reported that a red tide organism had been identified two weeks ago and normally would last four to six weeks. The Health Department intended to sample the ocean water once a week to monitor the organism and do what is called centennials, that is having people volunteer to be part of a study to have their symptoms monitored, in order to find out if the problem is increasing, decreasing or staying the same. Dr. Goldhagen also stated that nothing could be done about the red tide and that nature just had to take its course. The only real problem suggested is that people with acute respiratory problems stay away from the beaches. Dr. Goldhagen insured residents that the water would be monitored and weekly reports would be given to the media.

APPROVAL OF MINUTES

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

AUGUST 16, 1999, TOWN HALL
SEPTEMBER 7, 1999, REGULAR
SEPTEMBER 9, 1999, BUDGET
SEPTEMBER 20, 1999, SPECIAL
SEPTEMBER 20, 1999, WORKSHOP
SEPTEMBER 20, 1999 TOWN HALL
SEPTEMBER 27, 1999, BUDGET ADOPTION

Roll Call Vote:

Ayes: 5 – Jones, Patronik, Shimp, Tankersley, Vaughn
Noes: 0

MOTION CARRIED

COMMUNICATIONS AND CORRESPONDENCE

Proposed Land
Development
Changes

Councilor Patronik commented that he had received numerous phone calls about the proposed changes to the land development regulations reducing zoning from duplex to residential, with a limitation on rebuilding being four months, and he didn't feel that was adequate time.

Councilor Shimp also stated that he had received numerous phone calls also related to non-conformance and suggested that Council leave it the way its stands.

Trash Pick Up

Councilor Shimp commented that he had received calls about trash pick up after the storm and feels the city should be more proactive and have trash picked up in a more timely fashion.

Florida Community
Trust

City Manager Linn reported that he had received correspondence from Building Official Dan Arlington, stating that the city had received a favorable review from Florida Community Trust and had made the project list for 1. 3 million dollars to acquire property to be used for preservation. The council congratulated Dan Arlington on a job well done.

CITY MANAGER REPORTS

Water and Sewer
Project – Town
Center

WATER AND SEWER PROJECT PROJECT – TOWN CENTER: City Manager Linn reported that the project for water and sewer improvements for Town Center was ninety-five percent completed and should be one hundred percent complete within one week.

Shutter Bus Update

SHUTTLE BUS UPDATE: City Manager Linn announced that he had met with Danny Orr of Jacksonville Transportation Authority and had an estimated cost. Danny Orr suggested that Mr. Linn set a meeting with the affected merchants and proprietors of businesses to discuss interest in pursuing the matter.

Ad Hoc Traffic Safety
and IBBC

AD HOC TRAFFIC SAFETY COMMITTEE AND ISH BRANT BEAUTIFICATION COMMITTEE JOINT MEETING WITH COUNCILMAN HOLLAND AND COUNCILWOMAN BROWN: City Manager Linn explained that the Ad Hoc Traffic Safety Committee and the Ish Brant Beautification Committee had met with Councilman Holland and Councilwoman Brown last week to discuss a joint effort in funding improvements along Florida Boulevard, in conjunction with the Metropolitan Planning Organization project for a bike path in the year 2001. The effort is to put in culvert pipe and carry the water

along Florida Boulevard so that the right of way could be developed. Councilman Holland had volunteered to take on the project himself.

Florida Boulevard
Project

FLORIDA BOULEVARD PROJECT: Councilor Tankersley announced that the Metropolitan Planning Organization would be meeting on Thursday morning, and asked if anyone would be interested in joining him to try and get the Florida Boulevard Project moving forward.

COMMENTS FROM THE PUBLIC

Johnnie Eply, 208 Driftwood Road, asked why questions were not allowed during Council Meetings and asked mayor Vaughn to enforce order in meetings.

Leslie Lyne, 501 Hopkins Street, voiced concern about a comment made by our Mayor and stated that elected officials should be held to higher standards.

Danny Thiele, 107 Azalea Place, thanked the council for adopting the Sea Turtle Ordinance.

Leslie Karlin, 1506 Spindrift Circle West, thanked the Police Department for the information she received during the storm while out of town and voiced concern about the Red schoolhouse rezoning.

CONSENT AGENDA / NONE

VARIANCES / NONE

ORDINANCES

Ordinance No.
1999-13

ORDINANCE NO. 1999-13, FIRST READ AND PUBLIC HEARING: AN ORDINANCE TO AMEND THE FUTURE LAND USE MAP OF THE ADOPTED COMPREHENSIVE PLAN OF THE CITY OF NEPTUNE BEACH ON APPROXIMATELY .30 ACRE PARCEL OF LAND LOCATED WEST OF POINCIANA ROAD, NORTH OF BAY ROAD, EAST OF FLORIDA BOULEVARD, AND SOUTH OF KINGS CIRCLE SOUTH FROM COMMERCIAL MEDIUM DENSITY TO MEDIUM DENSITY RESIDENTIAL; AND PROVIDING AN EFFECTIVE DATE:

The Mayor read Ordinance No. 1999-13 by title only and opened the public hearing.

Leslie Karlin, 1506 Spindrift Circle West, asked exactly what the title meant.

Building Official Dan Arlington explained that according to our Land Use Regulations, a school cannot be located in a commercial district, and that the Red School House was requesting to rezone two lots from commercial to residential for expansion of the school.

Jill Sprowell, Executive Director of the Beaches Division of the Jacksonville Chamber of Commerce, voiced support for Ordinance No. 1999-13 and Ordinance No. 1999-14.

There being no further public comments the Mayor closed the public hearing.

Moved by Tankersley, seconded by Shimp.

Motion: **TO PASS ORDINANCE NO. 1999-13, AS STATED.**

Roll Call Vote:

Ayes: 5 – Jones, Patronik, Shimp, Tankersley, Vaughn

Noes: 0

MOTION CARRIED

Ordinance No.
1999-14

ORDINANCE NO. 1999-14, FIRST READ AND PUBLIC HEARING: AN ORDINANCE REZONING APPROXIMATELY .30 ACRE PARCEL OF LAND LOCATED WEST OF POINCIANA ROAD, NORTH OF BAY ROAD, EAST OF FLORIDA BOULEVARD, AND SOUTH OF KINGS CIRCLE SOUTH FROM COMMERCIAL MEDIUM DENSITY TO MEDIUM DENSITY RESIDENTIAL; AND PROVIDING AN EFFECTIVE DATE.

The Mayor read Ordinance No. 1999-14 by title only and opened the public hearing. There being no public comments the public hearing was closed.

Moved by Shimp, seconded by Jones.

Motion: **TO PASS ORDINANCE NO. 1999-14, AS STATED.**

Roll call vote:

Ayes: 5 - Jones, Patronik, Shimp, Tankersley, Vaughn

Noes: 0

MOTION CARRIED**OLD BUSINESS**

Resolution 99-20

ADOPTION OF RESOLUTION NO. 99-20: RESOLUTION REQUESTING THE LEGISLATIVE DELEGATION TO SUPPORT, DEVELOP AND INTRODUCE LEGISLATION AMENDING THE PROVISIONS OF THE STATE ADMINISTERED GROUP HEALTH PROGRAM TO ALLOW PARTICIPATION BY THOSE LOCAL GOVERNMENTS WHO ARE ALSO ACTIVE PARTICIPANTS IN THE FLORIDA STATE RETIREMENT.

LET IT BE KNOWN, the City Council of the City of Neptune Beach, does hereby resolve while meeting in regular session, and recognizing that the task of obtaining adequate and continuing health insurance coverage for employees of small communities continues to become more difficult; and

WHEREAS, the City Council realizes that this is not a problem unique to the City of Neptune Beach alone; and

WHEREAS, recognizing the Florida League of Cities has made some effort in this area but has proven ineffective in meeting the needs of very small communities; and

WHEREAS, the City Council recognized this need and does hereby agree to pursue assistance through introduction of amending legislation that would allow those active participants in the Florida Group Health Insurance Program in an effort to equalize their opportunities to provide reasonable, affordable and continuing health insurance coverage for their employees.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NEPTUNE BEACH, FLORIDA, THAT this Resolution shall be sent to our local Legislative Delegation requesting the drafting of amendments for introduction at the next Legislative Session and likewise circulated to all Cities and Counties that have a population of 50,000 residents or less to request their support of their Legislative Delegations to support said proposed legislative amendments.

Moved by Tankersley, seconded by Patronik.

Motion: **TO APPROVE RESOLUTION IN SUPPORT OF EXTENSION STATE**

ADMINISTERED HEALTH PROGRAM.

Roll Call Vote:

Ayes: 5 – Jones, Patronik, Shimp, Tankersley, Vaughn

Noes: 0

MOTION CARRIEDMaintenance
Agreement

MAINTENANCE AGREEMENT FOR THE MAYPORT FLYOVER PROJECT: City Manager Linn recommended approval of the joint participation agreement for landscaping and irrigation improvements with a condition to approve the design.

Moved by Jones, seconded by Patronik.

Motion: **TO SIGN THE AGREEMENT OF CONSTRUCTION AND MAINTENANCE WITH THE DEPARTMENT OF TRANSPORTATION RIGHT OF WAY WITH THE CONDITION THAT THE NEPTUNE BEACH COUNCIL APPROVE THE LANDSCAPE DESIGN.**

Roll Call Vote:

Ayes: 5 – Jones, Patronik, Shimp, Tankersley, Vaughn

Noes: 0

MOTION CARRIED**NEW BUSINESS / NONE**

Adjournment

There being no further business, the meeting adjourned at 7:45 p.m.

George F. Vaughn, Jr., Mayor

ATTEST:

Lisa Volpe, Acting City Clerk

Approved: _____



MINUTES
SPECIAL CITY COUNCIL MEETING
ELECTION RESULTS
OCTOBER 12, 1999 AT 8:20 P.M.
CITY HALL, 116 FIRST STREET
NEPTUNE BEACH, FLORIDA

Pursuant to proper notice a Special Meeting of the City Council of the City of Neptune Beach was held October 12, 1999, at 7:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

The following Council members and staff were in attendance:

Mayor George F. Vaughn, Jr.	City Manager Richard A. Linn
Vice Mayor Thomas A. Tankersley	Acting City Clerk Lisa Volpe
Councilor Edward S. Jones	Deputy City Clerk Karla Strait
Councilor Ronald D. Patronik	Assistant to the City Manager Laura Raccina
Councilor Robert D. Shimp	Director of Finance John Herbst
City Attorney Christopher A. White	Assistant Building Official Piper Turner

Call to Order/Roll Call

The Mayor called the meeting to order at 8:20 p.m. and announced that pursuant to Section 9-9(d), Code of Ordinances, the purpose of the meeting was for the City Council to act as the Canvassing Board to publicly canvass the returns and declare the results of the Municipal Election held between 7:00 am and 7:00 p.m. on this day.

**Election Results
Seat 4**

Acting City Clerk Lisa Volpe announced the results as follows:

Councilor at Large Seat 4

Ronald D. Patronik	815
Bruce W. Rehmer	375

**Election Results
Seat 5**

Councilor at Large Seat 5

Laurie Anderson	347
Robert D. Shimp	853

Referendum

Shall the Charter of the City of Neptune Beach be amended to provide that the City Clerk shall be appointed by the City Council and receive an annual salary and perform the duties to be determined by the City Council of Neptune Beach.

Yes for Approval	664
No for Rejection	448

There being no challenges to the results Mayor Vaughn asked for a motion to approve the election returns and the referendum results.

Winners Declared

WINNERS DECLARED: Councilor Seat 4 Ronald D. Patronik and Councilor Seat 5 Robert Shimp.

Moved by Patronik, seconded by Shimp.

Motion: **TO APPROVE THE ELECTION RESULTS, AS SUBMITTED AND DECLARE RONALD PATRONIK AS THE WINNER OF COUNCIL SEAT 4 AND ROBERT SHIMP AS THE WINNER OF COUNCIL SEAT 5, AND THE REFERENDUM TO HAVE THE CITY CLERK APPOINTED BY THE COUNCIL.**

Roll Call Vote:

Ayes: 5 - Jones, Patronik, Shimp, Tankersley, Vaughn

Noes: 0

MOTION CARRIED

Mayor Vaughn reminded everyone to report back to the Council Chambers on October 13, 1999, at 8:00 p.m. for the formal induction ceremony.

Adjournment

There being no further business, the meeting adjourned at 8:25 p.m.

George F. Vaughn, Jr., Mayor

ATTEST:

Lisa Volpe, Acting City Clerk

Approved: _____



MINUTES
SPECIAL CITY COUNCIL MEETING
INDUCTION CEREMONY
OCTOBER 13, 1999 AT 8:00 P.M.
CITY HALL, 116 FIRST STREET
NEPTUNE BEACH, FLORIDA

Pursuant to proper notice a Special Meeting of the City Council of the City of Neptune Beach was held October 13, 1999, at 8:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

The following Council members and staff were in attendance:

Mayor George F. Vaughn, Jr.
Vice Mayor Thomas A. Tankersley
Councilor Edward S. Jones
Councilor Ronald D. Patronik
Councilor Robert D. Shimp
City Manager Richard A. Linn
Acting City Clerk Lisa Volpe
Assistant to the City Manager Laura Raccina

Order call and Pledge

The Mayor called the special meeting to order at 8:00 p.m. and announced that the purpose of the meeting was to administer the Oaths of Office, and elect a Vice-Mayor.

Mayor Vaughn thanked Councilor Shimp and Patronik for their successful campaign and re-election to the City Council of Neptune Beach. Mayor Vaughn recognized the level of voter participation in the community, and stated that 78% of the citizens chose to remain silent by not voting and 15% of the registered voters determined the winners. Mayor Vaughn also stated that he looked forward to working with the new Council.

Oaths of Office

OATHS OF OFFICE: Acting City Clerk Lisa Volpe administered the Oath of Office to Councilor-Elect Ronald Patronik and Councilor-Elect Robert Shimp, whereupon they each, respectively, assumed the duties of their elected office.

Certificate of Election

CERTIFICATE OF ELECTION: Acting City Clerk Lisa Volpe offered congratulations to Councilors Patronik and Shimp; then presented each with a Certificate of Election.

Election of Vice- Mayor

ELECTION OF VICE-MAYOR: Pursuant to Section 2.04(b), City Charter, the Mayor opened the floor for nominations for Vice Mayor.

Councilor Patronik stated that being Vice-Mayor was an honor and that he would like to see as many people as possible have the opportunity to have the position of Vice-Mayor. Patronik commended Vice-Mayor Tankersley for doing an outstanding job serving as Vice-Mayor in the past two years and suggested that someone else be afforded the opportunity to be Vice-Mayor and nominated Councilor Ed Jones.

Moved by Patronik, seconded by Shimp.

Motion: **TO NOMINATE AND ELECT COUNCILOR EDWARD S. JONES AS VICE-MAYOR.**

Roll Call Vote:

Ayes: 5 – Jones, Patronik, Shimp, Tankersley, Vaughn

Noes: 0

MOTION CARRIED

Comments from the
new Councilors

COMMENTS FROM THE NEW COUNCILORS: The new Council Members were given the opportunity to address the citizens of Neptune Beach.

Councilor Patronik stated that he felt very fortunate and gratified to have been re-elected, that people had enough faith in him to serve the city well and he looked forward to serving on the council the next three years.

Councilor Shimp thanked the citizens of the community and stated that he felt humble that he had been re-elected and that he would strive for the next three years to work together and form some good ideas for the city placing the city first.

Comments from the
public

COMMENTS FROM THE PUBLIC: The floor was opened to the public to address the new Council Members.

City Manager Linn congratulated the newly elected Councilors and stated that he looked forward to working with them.

Councilor Tankersley congratulated the newly elected Councilors and stated that he looked forward to his last year as Councilor, and working together as a Council by agreeing to disagree.

Vice-Mayor Jones stated that the citizens of Neptune Beach had chosen two people that they wanted to represent them, and that he chooses to work with the citizens chosen representatives in a very professional and courteous manner and he challenged each Councilor to do the same. Vice-Mayor Jones also thanked the Council for their confidence in electing him the new Vice-Mayor.

Adjournment

There being no further business, the meeting adjourned at 8:17 p.m.

George F. Vaughn, Jr., Mayor

ATTEST:

Lisa Volpe, Acting City Clerk

Approved: _____



MINUTES
WORKSHOP CITY COUNCIL MEETING
OCTOBER 18, 1999 AT 7:00 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 October 18, 1999, at 7:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

Mayor George F. Vaughn, Jr.
Vice Mayor Edward S. Jones
Councilor Thomas A. Tankersley
Councilor Robert D. Shimp
City Attorney Christopher A. White

City Manager Richard A. Linn
Deputy City Clerk Karla Strait

ABSENT:

Councilor Patronik
Acting City Clerk Lisa Volpe

Call to Order/Roll Call The Mayor called the meeting to order at 7:00 p.m.

Acting City Clerk Lisa Volpe was absent due to illness.

For the Record Deputy City Clerk Karla Strait read into the record a letter from Ronald Patronik stating he would not be available for the workshop meeting due to his father's serious medical condition.

COMMITTEE REPORTS

IBBC ISH BRANT BEAUTIFICATION COMMITTEE: City Manager Linn announced that the Ish Brant Beautification Committee would be meeting this evening at 8:00 p.m. and he would be in attendance.

CITY MANAGERS PUNCH LIST

Shuttle Trolley City Manager Linn reported that he had an estimated cost on running the proposed Shuttle Trolley Service with a turn around of 30 minutes, 15 minutes and 7 minutes. The next step would be to meet with the merchants to see what available funding and support there would be from the merchant community.

Naval Air Show City Manager Linn reported that the Admiral supported having the Naval Air Show bi-annually between the Mayport Naval Station and Jacksonville Naval Air Station. Jacksonville Naval Air Station would like to have the air show in the year 2000 because it would be their sixtieth anniversary, and the show would be at the beaches in the year 2001.

PROPOSED ORDINANCES

Ordinance No.
1999-13

DISCUSSION ORDINANCE NO. 1999-13: AN ORDINANCE TO AMEND THE FUTURE LAND USE MAP OF THE ADOPTED COMPREHENSIVE PLAN OF THE CITY OF NEPTUNE BEACH ON APPROXIMATELY .30 ACRE PARCEL OF LAND LOCATED WEST OF POINCIANA ROAD, NORTH OF BAY ROAD, EAST OF FLORIDA BOULEVARD, AND SOUTH OF KINGS CIRCLE SOUTH FROM COMMERCIAL MEDIUM DENSITY TO MEDIUM DENSITY RESIDENTIAL; PROVIDING AN EFFECTIVE DATE.

There was no discussion of Ordinance 1999-13.

Ordinance No.
1999-14

DISCUSSION ORDINANCE NO. 1999-14: AN ORDINANCE REZONING APPROXIMATELY .30 ACRE PARCEL OF LAND LOCATED WEST OF POINCIANA ROAD, NORTH OF BAY ROAD, EAST OF FLORIDA BOULEVARD, AND SOUTH OF KINGS CIRCLE SOUTH FROM COMMERCIAL MEDIUM DENSITY TO MEDIUM DENSITY RESIDENTIAL; PROVIDING AN EFFECTIVE DATE.

There was no discussion of Ordinance 1999-14.

Ordinance No.
1999-15

DISCUSSION ORDINANCE NO. 1999-15: AN ORDINANCE AMENDING CHAPTER 23 SECTIONS 23-86 AND 23-89, BILLS AND NOTICE OF PROPOSED TERMINATION OF SERVICE; ADMINISTRATIVE HEARING; DISCONNECTING SERVICE FOR FAILURE TO PAY CHARGES; RECONNECTING FEE. CODE OF ORDINANCES OF THE CITY OF NEPTUNE BEACH; AND PROVIDING AN EFFECTIVE DATE.

City Manager Linn stated that Ordinance No. 1999-15 was needed to change the current Ordinance that states utility services are billed quarterly when they are actually billed monthly. Mr. Linn also stated that the city was currently paying city workers \$45.00 to do utility turn on's after hours, and charging a \$25.00 turn on fee to customers. Mr. Linn asked for a sponsor for this staff generated Ordinance.

Councilor Tankersley agreed to sponsor the Ordinance.

A brief discussion ensued.

Consensus: **CITY MANAGER LINN TO RECOMMEND A RATE STRUCTURE AND FORWARD TO THE NOVEMBER REGULAR CITY COUNCIL MEETING.**

CONTRACT/AGREEMENTS - NONE**ISSUE DEVELOPMENT**

Appointment of City
Clerk

APPOINTMENT OF CITY CLERK: Discussion ensued about appointing a permanent City Clerk.

Consensus: **TO DIRECT CITY MANAGER LINN TO RECOMMEND A JOB DESCRIPTION WITH MINIMUM QUALIFICATIONS AND SUBMIT AN ADVERTISEMENT TO THE COUNCIL FOR THE CITY CLERK POSITION AT THE NOVEMBER 1, 1999 REGULAR COUNCIL MEETING.**

Facilities Plans &
Capital Finance Plan

FACILITIES PLAN AND CAPITAL FINANCE PLAN-STATE REVOLVING LOAN FUND: City Manager Linn reported that he and Finance Director John Herbst had gone to the State Revolving Loan Fund Offices and were told that the City of Neptune Beach needed a Finance Plan and a Capital Facilities Plan approved by the council and adopted after a public hearing, so that we could be included in the State Revolving Loan Fund.

Consensus: **TO MOVE FORWARD WITH THE FACILITIES PLANS AND CAPITAL FINANCE PLAN TO BE INCLUDED IN THE STATE REVOLVING LOAN FUND.**

Town Center Update

TOWN CENTER UPDATE AS OF OCTOBER 18, 1999: City Manager Linn reported that he had received certification from the State. They would begin tomorrow to make the connection from the new line to the individual property owners and disconnect the old lines. This should take about two days.

Mayor Vaughn stated that the Town Center Project was running behind. The Project Oversight Committee made a motion that passed, that a letter would be written to ABBA Construction stating that they would not exceed the November 15, 1999 deadline. If they were not finished they would have to clean up, move their equipment and if necessary come back after the first of the year to finish the job.

Public Comments

PUBLIC COMMENTS ON AGENDA ITEMS ONLY: There were no comments from the public.

Adjournment

There being no further business, the meeting adjourned at 7:55 p.m.

George F. Vaughn, Jr., Mayor

ATTEST:

Lisa Volpe, Acting City Clerk

Approved: _____



**TOWN HALL MEETING
OCTOBER 18, 1999
CITY HALL, 116 FIRST STREET,
NEPTUNE BEACH, FLORIDA**

Pursuant to proper notice a Town Hall Meeting of the City Council of the City of Neptune Beach was held October 18, 1999, immediately following the Workshop Meeting, in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

The following Council members and staff were in attendance:

Mayor George F. Vaughn, Jr.
Vice Mayor Edward S. Jones
Councilor Thomas A. Tankersley
Councilor Robert D. Shimp
City Manager Richard A. Linn
Deputy City Clerk Karla Strait

Absent:
Councilor Ronald D. Patronik
Acting City Clerk Lisa Volpe

Order Call

The Mayor called the meeting to order at 8:00 p.m.

Public Comments

Harriet Pruette, 217 1/2 Magnolia Street, reported that the port-o-let located at the Lifeguard Station on the beach had been turned over, and stated her concern regarding the chemicals leaking onto the beach.

Adjournment

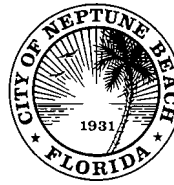
There being no further business, the meeting adjourned at 8:15 p.m.

George F. Vaughn, Jr., Mayor

ATTEST:

Lisa Volpe, Acting City Clerk

Approved: _____



MINUTES
REGULAR CITY COUNCIL MEETING
NOVEMBER 1, 1999 AT 7:00 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 November 1, 1999, at 7:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

Mayor George F. Vaughn, Jr.
Vice Mayor Edward S. Jones
Councilor Robert D. Shimp
Councilor Thomas A. Tankersley
Councilor Ronald D. Patronik
City Manager Richard A. Linn
Acting City Clerk Lisa Volpe

Director of Finance John Herbst
Building Official Dan Arlington
Administrative Assistant Piper Turner
Assistant to the City Manager Laura Raccina
Deputy City Clerk Karla Strait

Absent:
City Attorney Christopher White

Order Call/Pledge

The Mayor called the meeting to order at 7:00 p.m. and led the Pledge of Allegiance.

AWARDS / PRESENTATIONS / RECOGNITION OF GUEST

Councilor Shimp introduced Eagle Scout Chris Nottingham who was in the audience to observe.

APPROVAL OF MINUTES

Motion:

TO APPROVE THE FOLLOWING MEETING MINUTES:

OCTOBER 4, 1999, REGULAR
OCTOBER 12, 1999, SPECIAL, ELECTION RESULTS
OCTOBER 13, 1999, SPECIAL, INDUCTION CEREMONY
OCTOBER 18, 1999, WORKSHOP
OCTOBER 18, 1999, TOWN HALL

Moved by Patronik, seconded by Shimp

Roll Call Vote:

Ayes: 5 – Jones, Patronik, Shimp, Tankersley, Vaughn
Noes: 0

MOTION CARRIED

COMMUNICATIONS AND CORRESPONDENCE

Planning & Development Councilor Shimp stated he had received a few phone calls related to Planning & Development using the term non-conformity.

For the Record Councilor Shimp stated on the record that he believed once a property was given a variance that the term non-conformity should not be used, because if given a variance it would be conforming and lawful. The statement "non-conforming" is stating that it is in violation of the law.

King Neptune Festival Councilor Shimp asked if there would be a King Neptune Festival this year. Mayor Vaughn answered no that there would not be a King Neptune Festival this year.

City Attorney White's Absence City Manager Linn announced that he received a phone call from City Attorney White stating that he had a family emergency and would not be present tonight.

CITY MANAGER REPORTS

Preservation 2000 Program Report PRESERVATION 2000 PROGRAM REPORT UPDATE: City Manager Linn reported that the city was on a list for funding of the project. Building Official Dan Arlington had mailed out letters to the owners of the two parcels off Kings Road, indicating if they were willing to sell or not. Negotiations have been started.

Town Center Water & Sewer Project Update TOWN CENTER WATER & SEWER PROJECT UPDATE: City Manager Linn announced that the Town Center Water & Sewer Project was 100% complete.

Hurricane Floyd Update HURRICANE FLOYD UPDATE / REIMBURSEMENT FROM FEMA: City Manager Linn reported that the City was requesting \$20,207 to be refunded under debris removal, protective measures and mitigation.

Veterans Plaque VETERANS' PLAQUE DEDICATION: City Manager Linn announced that each council member would receive an invitation to the Veterans Plaque Dedication at the City Hall Building on November 11, 1999, at 9:15 a.m.

IBBC Public Forum ISH BRANT BEAUTIFICATION COMMITTEE: City Manager Linn announced that the Ish Brant Beautification Committee would hold a Public Forum to receive recommendations from the public on November 8, 1999, at 7:30 in the Council Chambers.

COMMENTS FROM THE PUBLIC

Buddy Crout, 1074 Kings Road, spoke about the Proposed Finance Plan for the Wastewater Treatment and stated that when he purchased his home that the price of the infrastructure was included in the price of the home, and that he has paid. Mr. Crout also expressed concern that the 6.9 million dollar loan would place the city 11 million dollars in debt.

Jim Meyers, 1001 Florida Boulevard, expressed concern about sidewalk appearances relating to graffiti.

Leslie Karlin 1506 Spindrift Circle West, requested an amendment to the Speaker Request Form in Section 2-39, Decorum by the Public, adding Decorum by Council Members.

Lena Castro, 209 Bowles Street, asked Council to conduct an inquiry into some of its members. Ms. Castro read the following, and asked for a response.

1. Were preferential considerations given to the Little Red School House, in exchange for political favors?
2. Is it acceptable behavior for a council member, running for re-election, to have their alleged misconduct disposition hearing re-set until after the election?
3. Is it acceptable behavior for a council member to be physically removed from his place of employment by law enforcement officials, and if the words "gun" or "weapon" were used, would this not raise some concerns about the mental stability of the Councilor.
4. Did Council approve and have prior knowledge of the hiring of a Drug Enforcement Officer? Why has this been a secret event, even to the point that the Mayor asks questions and Mr. Shimp tells him it's a secret? There should not be secrets unless it's illegal. We the people are entitled to know what goes on in our community by our appointed and elected officials. To say it's a secret, blows my mind, and infuriates me. Chief Brant, by his own admission, says we have no crime element, is he hiding something more from us?

Harriet Pruette, 217 ½ Magnolia Street, stated that she agreed with Buddy Crout and respected the members of the council.

Elaine Kenny, 1301 Neptune Grove Drive West, thanked Buddy Crout for his comments, and stated that she also agreed with him.

CONSENT AGENDA / NONE

VARIANCES / NONE

ORDINANCES

Ordinance No.
1999-15

ORDINANCE NO. 1999-15, FIRST READ: AN ORDINANCE AMENDING CHAPTER 23 SECTIONS 23-86 AND 23-89, BILLS AND NOTICE OF PROPOSED TERMINATION OF SERVICE; ADMINISTRATIVE HEARING; DISCONNECTING SERVICE FOR FAILURE TO PAY CHARGES; RECONNECTING FEE. CODE OF ORDINANCES OF THE CITY OF NEPTUNE BEACH; AND PROVIDING AN EFFECTIVE DATE.

The Mayor read Ordinance No. 1999-15 by title only.

Moved by Jones, seconded by Patronik.

Motion: **TO PASS ORDINANCE NO. 1999-15, AS STATED.**

Roll Call Vote:

Ayes: 5 – Jones, Patronik, Shimp, Tankersley, Vaughn

Noes: 0

MOTION CARRIED

OLD BUSINESS

City Clerk
Appointment

CITY CLERK APPOINTMENT: Council discussed a salary range and an advertisement for the City Clerk position, presented by City Manager Linn. A lengthy discussion ensued.

Moved by Jones, seconded by Tankersley.

Motion: **TO ADVERTISE THE CITY CLERK'S POSITION WITH A SALARY RANGE FROM \$28,000 TO \$35,500.**

Roll Call Vote:

Ayes: 5 – Jones, Patronik, Shimp, Tankersley, Vaughn

Noes: 0

MOTION CARRIED

Moved by Tankersley, seconded by Shimp.

Motion: **TO ACCEPT THE CITY CLERK ADVERTISEMENT PRESENTED BY THE CITY MANAGER.**

Roll Call Vote:

Ayes: 4 - Jones, Patronik, Shimp, Tankersley

Noes: 1 - Vaughn

MOTION CARRIED

Moved by Tankersley, seconded by Jones.

Motion: **TO INCLUDE A CLOSING DATE, IN THE ADVERTISEMENT FOR ACCEPTING APPLICATIONS ON DECEMBER 31, 1999.**

Roll Call Vote:

Ayes: 5 – Jones, Patronik, Shimp, Tankersley, Vaughn

Noes: 0

MOTION CARRIED

Amended Agenda **AMENDED AGENDA** : City Manager Linn requested that the agenda be amended to add the following:

12G: Resolution 99-22

12H: Purchase of Equipment from Forfeiture Fund for Public Safety

Moved by Jones, seconded by Patronik

Motion: **TO AMEND THE AGENDA AS REQUESTED.**

Roll Call Vote:

Ayes: 5 – Jones, Patronik, Shimp, Tankersley, Vaughn

Noes: 0

MOTION CARRIED

NEW BUSINESS

Land Development Regulations **SET DATE FOR PUBLIC MEETING FOR PUBLIC INPUT FOR LAND DEVELOPMENT REGULATIONS REVISIONS:** The meeting was set for November 22, 1999 at 7:00 p.m. Councilor Shimp suggested that a copy of the revision be placed in the library for the public.

Food Lion **APPROVAL OF PRELIMINARY DEVELOPMENT ORDER FOOD LION EXPANSION:** Discussion ensued about the noise issue from the air conditioning equipment located on

the roof of the building and the lighting in the rear of the building. Council also discussed the curb cut by the Automatic Teller Machine at the traffic light between Blockbuster Video and Aqua East Surf Shop.

Moved by Jones, seconded by Patronik.

Motion: **TO APPROVE THE PLAN AS PRESENTED WITH THE FOLLOWING EXCEPTIONS, THAT WE CORRECT THE TRAFFIC PROBLEM THAT EXISTS BEHIND BLOCKBUSTER VIDEO WITHOUT REDUCING THE AMOUNT OF PARKING FOR FOOD LION.**

Friendly Amendment **TO REQUIRE TESTING FOR NOISE PROBLEM AND LIGHTING PROBLEMS IN THE REAR OF THE BUILDING.**

Roll Call Vote:

Ayes: 5- Jones, Patronik, Shimp, Tankersley, Vaughn

Noes: 0

MOTION CARRIED

Mezza Luna

APPROVAL OF PRELIMINARY DEVELOPMENT ORDER MEZZA LUNA EXPANSION: Building Official Dan Arlington presented the development plan. Council discussed the idea of Mezza Luna and City Hall becoming attached and decided to move the issue to the next workshop meeting.

Moved by Tankersley, seconded by Vaughn.

Motion: **TO APPROVE THE FACILITIES PLAN PRELIMINARY DEVELOPMENT ORDER OF MEZZA LUNA AS STATED.**

Roll Call Vote:

Ayes: 5- Jones, Patronik, Shimp, Tankersley, Vaughn

Noes: 0

MOTION CARRIED

Recess/Reconvene
9:00 p.m. to 9:15 p.m.

RECESS AND RECONVENE: The Mayor called for a recess at 9:00 p.m. and the meeting was reconvened at 9:15.

Water and
Wastewater Facilities
Plan

APPROVAL OF FACILITIES PLAN AND CAPITAL FINANCE PLAN FOR WATER AND WASTEWATER SYSTEM IMPROVEMENT: City Manager Linn explained the features of the water and wastewater facilities plan. He covered the present state of the water and wastewater system and the necessity to upgrade the system to meet the needs of the community. He discussed the conditions (both present and future) in the planning area and about improvements to service through implementing the project. He reminded Council that they had previously adopted the Water and Wastewater System Master Plan and explained that in order for the City to apply for State Revolving Fund (SRF) financing, it was necessary to adapt the Master Plan into the format of the facilities plan being presented. He also reminded Council that they have already considered several alternatives to accomplish the objective and approved Design Alternative #2. He then asked Director of Finance, John C. Herbst, to discuss the financial implications of the project.

Mr. Herbst started by explaining the Capital Financing Plan. He mentioned the project was to be financed by the SRF loan at 3.5 percent interest rate. The loan is to be repaid in 20 years and the dedicated revenue for loan payment is water and sewer user charges. He discussed the advantage of going for SRF loan instead of a conventional loan. He also

detailed the capital and operation and maintenance costs of the selected alternative. He reviewed the average user charge and the additional charge that a user has to pay due to the project.

Consensus: **TO COMBINE THE APPROVAL OF THE WATER FACILITIES PLAN AND THE WASTEWATER FACILITIES PLAN.**

Moved by Jones, seconded by Shimp.

Motion: **TO APPROVE THE WATER AND WASTEWATER FACILITIES PLAN AND CAPITAL FINANCE PLAN**

Roll Call Vote:

Ayes: 5- Jones, Patronik, Shimp, Tankersley, Vaughn

Noes: 0

MOTION CARRIED

Resolution No. 99-21 **RESOLUTION 99-21, APPOINTING JOSEPH SASSER TO THE PLANNING & DEVELOPMENT REVIEW BOARD:**

RESOLUTION NO. 99-21

RESOLUTION APPOINTING JOSEPH SASSER
AS AN ALTERNATE MEMBER OF THE PLANNING & DEVELOPMENT REVIEW BOARD

RESOLVED, the City Council of the City of Neptune Beach, Florida hereby confirms the appointment of Joseph Sasser of 1020 Florida Boulevard, to the Planning & Development Review Board as an alternate member.

This Resolution adopted by the City Council of Neptune Beach, Florida, at the Regular Council Meeting held November 1, 1999.

Moved by Patronik, seconded by Vaughn.

Motion: **TO ADOPT RESOLUTION 99-21, TO APPROVE JOSEPH SASSER TO BE PLACED ON THE PLANNING AND DEVELOPMENT REVIEW BOARD.**

Roll Call Vote:

Ayes: 5- Jones, Patronik, Shimp, Tankersley, Vaughn

Noes: 0

MOTION CARRIED

Resolution No. 99-22 **RESOLUTION NO. 99-22, SUPPORTING IMPROVEMENTS AT JARBOE PARK AND AMENDING THE CAPITAL IMPROVEMENT PLAN.**

RESOLUTION NO. 99-22

RESOLUTION SUPPORTING IMPROVEMENTS AT JARBOE PARK
AND AMENDING THE CAPITAL IMPROVEMENT PLAN

WHEREAS, there is a present and growing need for outdoor recreation opportunities among persons of all ages both within the City of Neptune Beach, in the surrounding areas, and among those visiting this area; and

WHEREAS, the City of Neptune Beach recognizes this need for additional recreational opportunities; and

WHEREAS, meeting the increasing demand for recreation opportunities can best be met with improvements and additions to Jarboe Park; and

WHEREAS, the City of Neptune Beach is a duly constituted municipality qualified to meet the needs of its citizens, its neighbors, and its visitors; and

WHEREAS, the City of Neptune Beach has previously demonstrated its commitment to complying with All State laws, rules, and regulations.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NEPTUNE BEACH, FLORIDA, that the City of Neptune Beach shall include an improvement and addition project at Jarboe Park and pledges support in the amount of \$37,500 for the current Fiscal Year.

BE IT FURTHER RESOLVED that the five-year Capital Improvement Plan of the City's Comprehensive Plan is hereby amended to include the improvements to Jarboe Park as listed in the grant application to the Florida Department of Environmental Protection, providing State and/or Federal grants to fund such additions and improvements are received.

This Resolution adopted this 1st day of November 1999, by the City Council of Neptune Beach, Florida.

Moved by Jones, seconded by Patronik.

Motion: **TO ADOPT RESOLUTION 99-22.**

Roll Call Vote:

Ayes: 5- Jones, Patronik, Shimp, Tankersley, Vaughn

Noes: 0

MOTION CARRIED

Police Purchase

PURCHASE OF TACTICAL VESTS AND HELMETS FOR EMERGENCY RESPONSE TEAM FROM FORFEITURE FUND FOR THE PUBLIC SAFETY DEPARTMENT.

Moved by Shimp, seconded by Patronik.

Motion: **TO APPROVE THE PURCHASE OF EQUIPMENT FROM THE FORFEITURE FUND.**

Roll Call Vote:

Ayes: 5- Jones, Patronik, Shimp, Tankersley, Vaughn

Noes: 0

MOTION CARRIED

Adjournment

There being no further business, the meeting adjourned at 10:15 p.m.

ATTEST:

George F. Vaughn, Jr., Mayor

Lisa Volpe, Acting City Clerk

Approved: _____



MINUTES
WORKSHOP CITY COUNCIL MEETING
NOVEMBER 15, 1999 AT 7:00 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 November 15, 1999, at 7:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

Mayor George F. Vaughn, Jr.
Vice Mayor Edward S. Jones
Councilor Thomas A. Tankersley
City Attorney Christopher A. White
City Manager Richard A. Linn
Acting City Clerk Lisa Volpe

Dir. of Public Safety William Brandt
Dir. of Public Services John Galen

ABSENT:

Councilor Ronald Patronik
Councilor Robert D. Shimp

Call to Order/Roll Call The Mayor called the meeting to order at 7:00 p.m.

For the Record City Manager Linn read into the record a letter from Ronald Patronik:
"I will not be able to attend the workshop of 15, Nov, 1999 due to the death of my father.
Please excuse my absence. Please read this into the record."

City Manager Linn stated that Councilor Shimp was not able to attend due to a previous engagement.

COMMITTEE REPORTS

Traffic Safety TRAFFIC SAFETY COMMITTEE: Laura Schultz, Chairman of the Traffic Safety Committee, spoke on recommendations for the future of the committee, which has completed what it set out to do. She submitted the committee's final report.

IBBC ISH BRANT BEAUTIFICATION COMMITTEE: City Manager Linn announced that the Ish Brant Beautification Committee public forum had very poor attendance. The committee is concerned they are taking on too many projects that they can not keep up with. Laurie Anderson has found 2000 wax myrtles to donate to Jarboe Park. The Third Street median is on their agenda. Mr. Linn is looking to PBS&J for an estimate on a watering system for the medians.

Christmas events Mayor Vaughn announced that Christmas in the Park would be held on December 10, 1999 from 6:30 to 9:00 p.m. December 17, 1999 is the rain date. The Santa Parade will be held on Saturday, December 18, 1999 beginning at 9:30 a.m.

CITY MANAGERS PUNCH LIST

Local Mitigation City Manager Linn reported that the work is completed by that Local Mitigation committee

and when the final report is submitted a copy will be available. Some of the information was used in the Jarboe Park Grant Application.

Roadway between the Kmart and Scotty's shopping centers	John Weldon, Chairman of the Planning and Development Review board is attempting to negotiate a compromise.
Bike Path Penman Road	Councilman Holland wrote a letter as to where the project is on the list. Mr. Linn will double check on the Florida Blvd. portion.
Shuttle Bus Stop	Kmart: has already started landscaping to incorporate the shuttle bus stop.
Graffiti	The Mayor asked that Jim Meyer's complaint of sidewalk graffiti be added to the punchlist.

PROPOSED ORDINANCES: NONE

CONTRACT/AGREEMENTS - NONE

Lease of Fire Trucks	<u>LEASE OF FIRE TRUCKS:</u> City Manager Linn asked for direction on what to do with the fire trucks.
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For the Record	Mayor Vaughn read the following editorial from the Beaches Leader newspaper, November 12, 1999 edition:
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Surprise. Surprise. Surprise. Only an innocent like TV's Gomer Pyle could have been surprised by the recent developments in Atlantic Beach fire fighting.

A house burned pretty badly a couple of weeks ago. There were several reasons why the inferno was so bad.

It did not help that it took a little longer than usual to get firefighters on the scene, though.

Seems the Jacksonville dispatcher wasn't sure that the Beach Avenue address was at the Beaches. It was just a minor confusion and quickly solved Jax fire officials promise. Maybe.

But that is hard to swallow since the first thing all children learn about fires is that every second counts every second.

Atlantic Beach city officials decided last summer to ask the county to provide fire protection services. They turned over their equipment and personnel to the county.

In exchange for an annual stipend to the county, the city was promised advanced life saving services and better paid, better trained fire fighters.

Too bad, that no one thought to make sure the arrangement included maps and training for the dispatchers--a critical link in fire fighting.

In what promises to soon be called the good old days, Atlantic Beach firefighters used to work directly for the citizens of Atlantic Beach. They responded to dispatches from local personnel well trained and familiar with Beach addresses.

It may not have been a perfect system. And, yes, the increased life support services are certainly a good idea. And, sure, the city's fire fighters are all getting paid more.

But, all of this would still have been possible if Atlantic Beach retained control of the fire department.

Public safety- and that means police and fire protection - is a primary duty of a municipality. When it abdicates its responsibility, it is reasonable to ask the question why does the municipality exist?

Is anyone really surprised that a county dispatcher does not know the Beaches area all that well?

It's nice to see an Atlantic Beach commissioner push for an answer to the question of how often Jacksonville fire trucks stationed at Seminole Road go west of the Intracoastal

Waterway to answer calls for service. It's a fair question.

During the course of a recent conversation, a fireman told me that the department brass have directed firefighters to make sure Atlantic Beach gets "great service" during the first year of this arrangement. That begs the question of what about the following years?

If a dispatcher can't locate a Beach home during this "honeymoon" period, as decreed by the brass, can we really expect to get better?

Questions that need answers. That seems to be the motto of the county run Atlantic Beach Fire Department, uh substation.

The questions come as no surprise to those of us who questioned the whole transfer in the first place.

After Council discussion Mr. Linn was asked to research options and find if there was any prior consensus by council to lease the fire trucks.

ISSUE DEVELOPMENT

K-mart Vehicles for Sale

K-MART VEHICLES FOR SALE: Mayor Vaughn voiced his concern of all the different vehicles for sale in the parking lot. Mr. Linn stated that our police can enforce the state law and that Dan Arlington has ticketed and towed some vehicles although it has been decided that it is a police matter not a code violation. Mayor Vaughn asked City Attorney Chris White to draft an ordinance for him to sponsor to end this problem. Vice Mayor Jones pointed out that the new landscaping at the shopping center should end the problem.

Town Center

TOWN CENTER MAINTENANCE AGREEMENT UPDATE: City Manager Linn stated that Jacksonville will draw up the three party agreement based on a contracting out of landscaping maintenance. The water costs will be shared. Jacksonville may add a ten year buy out clause.

Tony Young

TONY YOUNG: Mr. Linn reiterated, as written in his memo, that animal control had taken every action possible and it is now up to Mr. Young to fill out a complaint affidavit. Mayor Vaughn asked the city manager to contact Mr. Young.

Incidence of Community Significance

INCIDENCE OF COMMUNITY SIGNIFICANCE: City Manager Linn stated he has informed the Director of Public Safety and Public Service to notify him as soon as they are notified about any incidents of community significance.

Hurricane Floyd

HURRICANE FLOYD-BOIL WATER ADVISORY: Mayor Vaughn stated his concern that Dr. Goldhagen from the Duval County Health Department had told him that the advisory had been lifted over the weekend. He played following tape:

Verbatim:

The following message is a message that was recorded on Mayor George Vaughn's home telephone answering machine, ah at approximately 2:30 p.m. Wednesday, September 22, by Dr. Jeff Goldhagen of the Duval County Health Department relative to the boil water advisory that was issued in Neptune Beach following Hurricane Floyd. -

George, this is Jeff Goldhagen. Can you give me a call you can reach me at 750-1707 my office number is 630-3320. The facts are not quite the way they were presented in the newspaper. Um we had actually spoken with Jack Russell on Thursday and given Jack the ok to lift the advisory if the laboratory results that came back on Saturday was fine and then all we requested was for him to fax the results back to us so it was available on Monday. So we had talked to him on Thursday to give him the ok to lift the advisory ah based on normal biological levels on Saturday ah I don't want to get into a who said who to who when and so on I will come out and talk with the city council. But apparently, we had worked that option out. If you give me a call again 750-1707 work number is 750-

1707. I look forward to it thanks byebye.

City Manager Linn stated that the city took every reasonable action possible to lift the boil water command earlier but the Health Department would not cooperate until Monday. Mayor Vaughn requested that better communication be set up incase this type of incident occurs again.

City Clerk

CITY CLERK VACANCY UPDATE: City Manager Linn reported that the ad was placed in the two local papers, the Shorelines and Beaches Leader, and in the Florida League of Cities Datagram and so far only three resumes have been submitted.

Landscape Plan-
Mayport Flyover

LANDSCAPE PLAN- MAYPORT FLYOVER: The council discussed the Florida Department of Transportation's landscape plan. Mayor Vaughn will let FDOT know the council's comments.

Public Comments

PUBLIC COMMENTS ON AGENDA ITEMS ONLY:

Ralph LaPerna, 2507 Watersedge, asked the council to consider landscaping that would act as a noise barrier along the Mayport Flyover.

Adjournment

There being no further business, the meeting adjourned at 8:45 p.m.

George F. Vaughn, Jr., Mayor

ATTEST:

Lisa Volpe, Acting City Clerk

Approved: _____



**TOWN HALL MEETING
NOVEMBER 15, 1999
CITY HALL, 116 FIRST STREET,
NEPTUNE BEACH, FLORIDA**

Pursuant to proper notice a Town Hall Meeting of the City Council of the City of Neptune Beach was held November 15, 1999, immediately following the Workshop Meeting, in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

The following Council members and staff were in attendance:

Mayor George F. Vaughn, Jr.
Councilor Thomas A. Tankersley
City Manager Richard A. Linn
Acting City Clerk Lisa Volpe

Absent:
Vice Mayor Edward S. Jones
Councilor Ronald D. Patronik
Councilor Robert D. Shimp

Call to Order

The Mayor called the meeting to order at 8:53 p.m.

Public Comments

Linda Padrta, 1113 First Street, felt the city council should talk about city business not dog poop and did not appreciate the constant attempt to badger the city manager.

Harriet Pruette, 217 1/2 Magnolia Street, stated that the council should legislate laws that would make it easier for the police officers to ticket violators of the animal ordinance.

Adjournment

There being no further business, the meeting adjourned at 8:58 p.m.

George F. Vaughn, Jr., Mayor

ATTEST:

Lisa Volpe, Acting City Clerk

Approved: _____



MINUTES
WORKSHOP CITY COUNCIL MEETING
LAND DEVELOPMENT REGULATIONS
NOVEMBER 22, 1999 AT 7:00 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 November 22, 1999, at 7:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

Mayor George F. Vaughn, Jr.
Vice Mayor Edward S. Jones
Councilor Thomas A. Tankersley
Councilor Robert D. Shimp
City Manager Richard A. Linn
Acting City Clerk Lisa Volpe

Building Official Dan Arlington
Assistant to Building Official Piper Turner

ABSENT:

Councilor Ronald Patronik
City Attorney Christopher A. White

Call to Order/Roll Call The Mayor called the meeting to order at 7:00 p.m.

For the Record City Manager Linn read the following letter from Councilor Patronik into the record.

Dear Mr. Linn,

Please read this into the record. I am unable to attend tonight's meeting because I will be out of town due to my full time job.

I am requesting a copy of all tapes of this meeting so that I can listen to all of the comments that are made concerning the land use development regulations. Let it be known that I am also concerned with some of the proposed changes. This appears to have gone beyond the intent of the original scope of work.

Sincerely,
Ronald D. Patronik, Councilor

**Land Development
Regulations**

LAND DEVELOPMENT REGULATIONS: Amy Skinner McClure with Ivey, Harris and Walls, Inc. gave a presentation on the proposed land development regulations.

Public Comments

COMMENTS FROM THE PUBLIC:

John Weldon, Chairman of the Planning and Development Review Board, 108 Oak Street, stated that the Board had been working hard for the last year. The Board decided to hire a consultant and out of eight potential companies, Ivy, Harris and Walls won the

contract. Mr. Weldon further stated that everyone involved in the process was trying to make Neptune Beach a better place to live. Mr. Weldon also stated that the current code does not protect the city from what was going in south Florida and other places where the density had dramatically increased.

Buddy Crout, 1074 Kings Road, complemented the Council for tackling the problem. He disagreed with some changes and stated that somewhere along the line something could be worked out. He also thanked John Weldon and the Planning and Development Board for their long hours. He suggested Council go over each Article with the public. He then stated his concern for certain Articles.

Robert West, 106 Hall Place, did not like the whole concept, didn't think that residents fully understood it. What concerned him most was restaurants serving alcohol with open air seating. He had concerns with subjective wording, no set hours, and no reasonable limits. He suggested that the whole section be deleted.

Bee Jay Lester, 907 Second Street, stated that she had seen a letter to the editor stating something about animals, and that was why she was present. Commented that she hoped that whatever decisions were made that they were not so prohibited to make life in Neptune Beach unbearable.

Kirk Cobb, 112 Orange Street, owns 219, 217, and 215 Midway, 125 Yucca, and 114 Cherry, stated his concern over proposed new roof pitches, current parking and taxes.

Judy Bost, 115 Walnut Street, thanked council for paying close attention to the subject, and felt council was doing an excellent job dealing with these issues. Her concerns were the word "Platted" and how to reduce density in R4.

Pat Lynch, 700 Valley Forge Road North, was concerned about a particular corner property with an abundance of commercial vehicles and a huge recreational vehicle in the driveway on the side lot. Ms. Lynch also stated concern about parking in general.

Mary Truta, 701 Valley Forge Road North, had the same concerns as Ms. Lynch, and asked the following question about "Section 27.332" Home Occupations. On a corner property, if there is a home occupation, what is the distance from the corner that the vehicles can legally park?

Lynwood Heath, 616 Penman Road, stated concern about accessory buildings, restrictions on parking, storage and use of major recreational equipment. Mr. Heath felt that if a resident had room in the driveway they should be able to park their recreational vehicles in it.

Jose Hixon, 212 Oceanfront, felt that something needed to be done.

Stan Christovich, 110 Seagate Avenue, questioned if the modifications of the code represent guidelines or if they would be concrete, with citizens having no recourse?

William (Bill) Geruais, 740 Penman Road, was concerned about off street parking.

Recess / Reconvene Mayor Vaughn called for a recess at 9:30 p.m., the Public Hearing reconvened at 9:50.

Mayor Vaughn asked Gary Dickens of Ivey, Harris and Walls to inform the public of how much longer the meeting may last.

Gary Dickens of Ivey, Harris and Walls reported that there were three more articles left to be discussed: accessories structures and uses, off street parking and loading, and non-conforming lot structure uses. The Council decided to allow the public hearing to continue.

Fred DeSapio, 114 North Nineteenth Avenue, Jacksonville Beach, stated that he owned two properties east of Third Street in Neptune Beach, and two vacant lots west of Third Street. Mr. DeSapio thanked the Planning and Review for their efforts. He stated he felt that the Building Official and Consultants had come at this as if they were drafting subdivision rules for virgin land and that trying to adopt rules that would apply to virgin lands would raise issues. Mr. DeSapio stated that he would like to see some documentation entailing problems caused by density and non-conformities, listing properties involved rather than relying on the survey. Felt that some of the revisions being discussed on lot size might create a conflict between the new land use code and the existing comprehensive plan. He proposed that council leave alone the grandfather provisions that are the current city code.

Rae Brady, 223 and 225 Lora Street, stated she had heard that some landlords did not receive a survey because their tenants paid the water bill, and that the city should not rely on a survey that many landlords had never seen. She was concerned that if a hurricane hit that people may not be able to rebuild in a 24 month period and the language on the non-conformity issue.

Jo Anne Waddill, 115 Oleander Street, asked about Section 27.237 and requested council to strike out everything in non-conforming because it was ambiguous and rewrite it.

Carol Inman, 115 Orange Street, thanked council for allowing the public to speak. Ms. Inman was concerned with the use of word "urban", and stated there was no urban area in Neptune Beach. She also stated that she did not receive a copy of the survey. Ms. Inman read a statement concerning her opposition about outdoor dining.

Harriet Pruette, 217 ½ Magnolia Street, thanked Mr. Weldon and the Board for their hard work. Ms. Pruette thought that there were some good things to the changes and some of them were needed. She was concerned with people on the east side of Third Street being able to rebuild to the footprint of what they have. She didn't like the limitation on household pets. Asked Council to please consider every word in the new plan regulations. Ms. Pruette stated her disappointment that several citizens that had showed up to speak had left.

Jean Marie Powers, 1309 West Neptune Grove Drive, stated that the demographic statistics showed that 32% of the population in Neptune Beach were retirees, 6% were at poverty level, and 50 % made up the labor force, the average income was 18,000, and if one can only afford to have a flat roof then they should be entitled to have a flat roof. Ms. Powers was also concerned with some of the language and pet restrictions.

Kelley Elwer, 404 McCullom Circle, commented he had close to ¾ of an acre of property and had wanted to build a 16 x 16 building better than what his house was and went to City Hall to get a permit and was told that he could not build a 16 x 16 without a variance.

John Kennedy, 2010 Acacia Road, asked about number 27.335, recreational vehicles not exceeding 28 feet and was curious as to how they came up with the 28 feet limit. Mr. Kennedy was also concerned about number 27.336, defining heavy commercial vehicles as any truck, bus, tractor, trailer or semi trailer having a weight rating in excess

of 12,000 pounds, he owns a F-350 pick up truck that weighs 12,500 pounds and according to this code he would not be able to park it in his yard. Mr. Kennedy suggested adding the language "used for business purposes."

Claire Zaiser, 109 Davis Street, asked what was meant by Section 27.231, front yard set back requirements. Ms. Zaiser also stated concern about density. Suggested that the City Attorney define in writing the definition of lawful and non conforming.

Lynda Padrta, 1113 First Street, had to leave, Acting City Clerk read the following for Ms. Padrta. I have to leave but raising population density is a real mistake consider South Florida where used to live, it's not a neighborhood. Garage apartments are a mistake.

John Kowkabany, 110 Palm Place, asked council to give the audience as to how they were thinking along the lines of what the citizens were complaining about particularly on the footprint issue.

The council all gave their ideas that they were not opposed to the footprint bill but did not think the rewrite took any rights away from the citizens.

The Council discussed the purpose of the meeting was to have public comments. They decided to forego any more presentations by the consultants at this meeting due to the late hour. City Manager Linn stressed that staff had no hidden agenda by staff concerning these regulations.

Harriet Pruette, 217 1/2 Magnolia Street, restated that ten people left and more opportunity should be given to the public to speak.

Adjournment

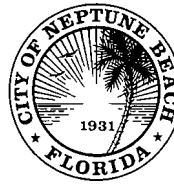
There being no further business, the meeting adjourned at 11:30 p.m.

George F. Vaughn, Jr., Mayor

ATTEST:

Lisa Volpe, Acting City Clerk

Approved: _____



MINUTES
REGULAR CITY COUNCIL MEETING
DECEMBER 6, 1999 AT 7:00 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 December 6, 1999, at 7:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

Mayor George F. Vaughn, Jr.
Vice Mayor Edward S. Jones
Councilor Ronald D. Patronik
Councilor Robert D. Shimp
Councilor Thomas A. Tankersley
City Manager Richard A. Linn

City Attorney Christopher White
Acting City Clerk Lisa Volpe
Director of Finance John Herbst
Building Official Dan Arlington
Director of Public Safety William Brant

Order Call/Pledge

The Mayor called the meeting to order at 7:00 p.m. and led the Pledge of Allegiance.

AWARDS / PRESENTATIONS / RECOGNITION OF GUEST

City Manager Linn presented Director of Finance John Herbst with a Certificate of Achievement from the Government Finance Office Association of the United States and Canada for Financial Reporting.

City Manager Linn presented a Certificate of Accreditation, from the Commission on Accreditation for Law Enforcement Agencies, Inc. to Director of Public Safety William Brant.

APPROVAL OF MINUTES

Motion:

TO APPROVE THE FOLLOWING MEETING MINUTES:

NOVEMBER 1, 1999, REGULAR
NOVEMBER 15, 1999, WORKSHOP
NOVEMBER 15, 1999, TOWN HALL
NOVEMBER 22, 1999, WORKSHOP

Moved by Patronik, seconded by Shimp.

Roll Call Vote:

Ayes: 5 – Jones, Patronik, Shimp, Tankersley, Vaughn
Noes: 0

MOTION CARRIED**COMMUNICATIONS AND CORRESPONDENCE**

Congratulations Councilor Patronik congratulated John Herbst and Chief Brant for the outstanding job they had done. Seconded by Councilor Shimp.

December Workshop Meeting Due to upcoming holidays, Acting City Clerk Lisa Volpe asked Council when the December Workshop Meeting would be held, so that she could give proper notice to the public.

Consensus: **TO HOLD THE DECEMBER COUNCIL WORKSHOP MEETING ON THURSDAY DECEMBER 16, 1999 AT 7:00 P.M.**

Holiday Decorations Mayor Vaughn congratulated Acting City Clerk Lisa Volpe for decorating the Council Chambers and stated that it looked very festive.

CITY MANAGER REPORTS

Fire Equipment **FIRE EQUIPMENT DISPOSITION:** City Manager Linn stated that he had been directed by Council at the November Workshop Meeting to research the minutes to review what actions Council had taken in regards to the leasing of the fire equipment, and stated that Council had no such consensus. City Manger Linn proposed the following four options to the Council:

1. Do nothing and keep the equipment.
2. Lease the equipment to other agencies.
3. Lease the equipment with a purchase option.
4. Sell the equipment.

Councilor Tankersley requested a report from the City Manager with input from the Public Safety Director on how they felt about the status of the city in case of fire and if it was decided to give up our equipment council would have the concurrence of the City Manager and Police Chief.

Councilor Patronik suggested a method describing the fire protection that would be received though Jacksonville and Atlantic Beach. Would the Fire Station on Seminole Road respond to calls in Neptune Beach? Councilor Patronik also asked what would happen if the fire equipment just sits there and was not maintained.

Vice Mayor Jones stated that the City Council is charged with providing the residents of Neptune Beach with the very best fire protection and safety that we could possibly have and he felt that we had accomplished that by entering into the agreement with the Duval County Fire Department. He felt that the citizens were safe, secure and protected and believed that this was better than having our own fire department because they were very well trained, had a lot of money, and had the very latest in fire equipment. Vice Mayor Jones also stated that he felt the Council was responsible for the spending of the tax money that we received from our citizens wisely and since we were protected by a very fine fire department he thought the only responsible thing to do would be to sell the equipment.

Councilor Shimp asked that City Manager Linn look into leasing the fire equipment and have the leasee maintain the upkeep and insurance.

Councilor Patronik asked what the equipment was worth, and what a lease payment would be per month or year.

City Manager Linn responded that during the budget preparation, this issue was discussed

and the Director of Finance had prepared a spreadsheet describing what the cost of maintaining a fire department would be and they could refer back to that. City Manager Linn further stated that there was no budget for a fire department this year. To keep the equipment here we would have a repair cost coming up on the 85 for leaky sills and a budget adjustment would be necessary if we were to keep it functioning. If we decide to not participate in various agreements, we would have to desolve some agreements that Council had already agreed to. City Manager Linn stated that he had received a letter from Crescent City and they were in need of the equipment.

Mayor Vaughn asked City Manager Linn what agreements he was referring to that the Council would have to address.

City Manager Linn responded that Council had approved entering into a memorandum of understanding with Atlantic Beach in response to the interlocal agreement that the City of Jacksonville enacted with Atlantic Beach whereby Atlantic Beach received funds to provide us fire protection. The memorandum had been presented to Council and was voted on and approved. City Manager Linn urged Council to consider long and hard the expense it would take to form our own fire department independent of the City of Jacksonville in the cost of equipment, insurance and man power. In training, equipment, experience, he felt that our residents would be better served by the City of Jacksonville.

Mayor Vaughn stated that he had a problem with the manner in which the City of Neptune Beach wound up without our own fire protection system in place. How our equipment was allowed to run down, the maintenance was held on that equipment allowing the pumps to become leaky, the fire services policy in this city was changed six months before the council was ever advised about it. He had serious doubts as to how binding the memo of understanding that was signed in November of 1998 was since there was a subsequent agreement between Atlantic Beach and the City of Jacksonville, when he walked the city campaigning to run for Mayor he can't count the number of people that told him we like our city being independent from Jacksonville. We like having our own police department, we like having our own fire department, and for those people he now has to tell them you no longer have a fire service provided by the municipality of the City of Neptune Beach and guess what, I didn't know anything about it until the battle was already gone and over. He was embarrassed to tell the people of our city that something of that magnitude got by this Council. That is why it continues to be on the agenda, because when this is over with he wants the people of this City to know that Council exhausted every attempt to provide our people with the very safest and most economical service we can possibly give them.

City Manager Linn stated that he felt that was what the agreement did was to provide the citizens with the most economical and safest service.

Vice Mayor Jones asked Mayor Vaughn if he wanted the taxpayers to continue to pay for equipment that we don't need.

Mayor Vaughn stated that he would not be ready to move forward on this issue until he was convinced that the system in place was in the best interest of our community.

Councilor Shimp stated a point of order that this was just a presentation by the City Manager and that the issue was supposed to go to a workshop, and requested to move on.

COMMENTS FROM THE PUBLIC

Harriet Pruette, 217 ½ Magnolia Street, commented that as a resident she was not concerned about the fire equipment, she was concerned about the lack of water pressure.

James Jamiel, 14408 Rum Keg Court, addressed the Council about Mayport Flyover buffer and stated that he owned several properties on Marsh Point Road. Mr. Jamiel suggested six-foot trees for visual relief as well as noise relief.

Judy Bost, 115 Walnut Street, spoke about the history of the Fire Department and stated that if no one wanted to take care of the fire equipment then it was time to let it go.

CONSENT AGENDA / NONE

VARIANCES / NONE

ORDINANCES

Ordinance No.
1999-15

ORDINANCE NO. 1999-15, SECOND READ AND PUBLIC HEARING: AN ORDINANCE AMENDING CHAPTER 23 SECTIONS 23-86 AND 23-89, BILLS AND NOTICE OF PROPOSED TERMINATION OF SERVICE; ADMINISTRATIVE HEARING; DISCONNECTING SERVICE FOR FAILURE TO PAY CHARGES; RECONNECTING FEE. CODE OF ORDINANCES OF THE CITY OF NEPTUNE BEACH; AND PROVIDING AN EFFECTIVE DATE.

The Mayor read Ordinance No. 1999-15 by title only and opened the public hearing.

There being no public comments the public hearing was closed.

Moved by Jones, seconded by Shimp.

Motion: **TO ADOPT ORDINANCE NO. 1999-15, AS STATED.**

Roll Call Vote:

Ayes: 5 – Jones, Patronik, Shimp, Tankersley, Vaughn

Noes: 0

MOTION CARRIED

Ordinance No.
1999-16

ORDINANCE NO. 1999-16, FIRST READ: AN ORDINANCE AMENDING BY ADDING A NEW SECTION 22-25 TO CHAPTER 22, TRAFFIC AND MOTOR VEHICLES, PARKING FOR CERTAIN PURPOSES PROHIBITED, AND PROVIDING AN EFFECTIVE DATE.

The Mayor read Ordinance No. 1999-16 by title only. Sponsored by Mayor Vaughn.

Moved by Jones, seconded by Vaughn.

Motion: **TO PASS ORDINANCE NO. 1999 –16, AS STATED.**

Roll Call Vote:

Ayes: 1 – Vaughn

Noes: 4 – Jones, Patronik, Shimp, Tankersley

MOTION NOT CARRIED

Ordinance No.
1999-17

ORDINANCE NO. 1999-17, FIRST READ: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, AMENDING ARTICLE III, SECTION 8-46, BUILDING AND BUILDING REGULATION, CODE OF ORDINANCES; TO ADOPT THE NATIONAL ELECTRIC CODE, 1999 EDITION AND ESTABLISHING AN EFFECTIVE DATE.

The Mayor read Ordinance No. 1999-17 by title only. Sponsored by Mayor Vaughn.

Moved by Patronik, seconded by Shimp.

Motion: TO PASS ORDINANCE NO. 1999-17, AS STATED.

Roll Call Vote:

Ayes: 5 – Jones, Patronik, Shimp, Tankersley, Vaughn

Noes: 0

MOTION CARRIED

OLD BUSINESS

Appointment date
Acting City Clerk

EXTENSION OF THE APPOINTMENT DATE FOR THE ACTING CITY CLERK: City Council had appointed Lisa Volpe as Acting City Clerk until December 31, 1999. City Council had also advertised for a City Clerk with a deadline of December 31, 1999 for applications, thus the need to extend the appointment of Lisa Volpe.

Moved by Jones, seconded by Patronik.

Motion: **TO EXTEND THE APPOINTMENT OF ACTING CITY CLERK LISA VOLPE UNTIL A SUCCESSOR IS APPOINTED CITY CLERK.**

Roll Call Vote:

Ayes: 5 – Jones, Patronik, Shimp, Tankersley, Vaughn

Noes: 0

MOTION CARRIED

NEW BUSINESS

Appointment of
Henry E. Baltar, Jr.

RESOLUTION NO. 1999-23 APPOINTING HENRY E. BALTAR, JR. TO THE PLANNING AND DEVELOPMENT REVIEW BOARD:

Moved by Shimp, seconded by Patronik.

Motion: TO APPOINT HENRY E. BALTAR, JR. TO THE PLANNING AND DEVELOPMENT REVIEW BOARD AS AN ALTERNATE MEMBER.

Roll Call Vote:

Ayes: 5 – Jones, Patronik, Shimp, Tankersley, Vaughn

Noes: 0

MOTION CARRIED

Street Sweeping
Contract

STREET SWEEPING CONTRACT: City Manager Linn stated that bids were opened on October 29, 1999, for the street sweeping contract for the upcoming year and one bid was received from Surface Management Corporation in the amount of 1850.00 per month. Public Service Director John Galen recommended approval.

Moved by Shimp, seconded by Patronik.

Motion: **TO APPROVE THE STREET SWEEPING CONTRACT FOR SURFACE MANAGEMENT CORPORATION.**

Roll Call Vote:

Ayes: 5- Jones, Patronik, Shimp, Tankersley, Vaughn

Noes: 0

MOTION CARRIED

Bell South Easement
Expansion

APPROVAL OF BELL SOUTH EASEMENT EXPANSION: City Manager Linn stated that he had been approached by Bell South to expand the easement. He felt that it was premature to make a decision for the following reasons: 1. Why was the original easement granted and why wasn't a lease worked out because this is not a right of way issue the city owns the land and has the right to lease it to them. 2. Why are we just giving them the use of public land without requiring something in return? City Manager Linn suggested to Council to table this issue until the workshop meeting and invite Bell South to the meeting.

Consensus: **FORWARD TO THE DECEMBER WORKSHOP MEETING.**

Conceptual
Agreement

APPROVAL OF CONCEPTUAL AGREEMENT: FLORIDA COMMUNITY TRUST, HOPKINS CREEK PRESERVE: City Manager Linn stated that the city had been selected for funding to establish a preserve on Hopkins Creek and in order to move forward with the process the conceptual agreement put forth by the Department of Environmental Protection needed to be signed.

Moved by Tankersley, seconded by Patronik.

Motion: **TO APPROVE CONCEPTUAL ORDER AS STATED AND PERMIT THE CITY MANAGER TO SIGN THE AGREEMENT AND MOVE FORWARD.**

On the Record Vice Mayor Ed Jones stated on the record that his understanding from the City Manager and the Building Official was that the only cost of going forward with the conceptual agreement was 50% of the appraisal fee which is estimated to be a total of \$2,000.

On the Record Councilor Patronik stated on the record he would go along with it however provided the city is not encumbered or required to build a canoe launch at some time in the future if the citizens do not want it.

Friendly
Amendment: **CHANGE LANGUAGE ON PAGE 13 PARAGRAPH NUMBER 1 TO READ OUTDOOR RECREATIONAL FACILITIES "MAY INCLUDE" NATURE TRAILS, A PICNIC AREA, CANOE LAUNCH, AND UNPAVED PARKING AREA AND INTERPRETIVE DISPLAYS SHALL BE PROVIDED.**

On the Record Mayor Vaughn asked that City Manager Linn's opening comments be included verbatim in the minutes.

MR. LINN: You have in your packet the conceptual agreement that was put forth by the Department of Environmental Protection grant for the Florida Protection Preservation Act where we were added to the list for funding for the Hopkins Creek Preserve. This is a step that is necessary to carry forth with that grant. I want to make Council aware that there is no condemnation or any other available to this city the sales have to be by agreement by the seller we are just another possible buyer in this. There are other people that are interested in this property. But to carry forth, we need to sign or permit me to sign this conceptual agreement to carry forth and see if we can't get a preserve out there on that property. If Dan wants to add anything to that. Dan was the one who did an excellent job of applying for this and has received high praise from them for the quality of that application. They have seen grant applications come in of lesser quality paid for by consultants. We are very pleased with our application.

Roll Call Vote:

Ayes: 5- Jones, Patronik, Shimp, Tankersley, Vaughn

Noes: 0

MOTION CARRIED

Preliminary
Development Order
K – Mart Garden
Shop

APPROVAL OF PRELIMINARY DEVELOPMENT ORDER – K - MART GARDEN SHOP EXPANSION AND RENOVATION: K – Mart has introduced plans to renovate and expand the existing garden shop at its store. The Planning and Development Review Board held a public hearing on September 16, 1999. Following public comment, the Board moved to recommend approval conditioned to not permit the installation of an internally illuminated sign on the east side.

Moved by Jones, seconded by Patronik.

Motion: **TO APPROVE PRELIMINARY DEVELOPMENT ORDER FOR K – MART GARDEN SHOP.**

Roll Call Vote:

Ayes: 5- Jones, Patronik, Shimp, Tankersley, Vaughn

Noes: 0

MOTION CARRIED

Adjournment

There being no further business, the meeting adjourned at 9:05 p.m.

George F. Vaughn, Jr., Mayor

ATTEST:

Lisa Volpe, Acting City Clerk

Approved: _____



MINUTES
WORKSHOP CITY COUNCIL MEETING
DECEMBER 16, 1999 AT 7:00 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 December 16, 1999, at 7:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

Mayor George F. Vaughn, Jr.
Vice Mayor Edward S. Jones
Councilor Ronald Patronik
Councilor Robert D. Shimp
Councilor Thomas A. Tankersley
City Manager Richard A. Linn

City Attorney Christopher A. White
Acting City Clerk Lisa Volpe
Dir. of Public Safety William Brandt
Supervisor of Water Leon Smith
Director of Finance John Herbst
Deputy City Clerk Karla Strait

Call to Order/Roll Call

The Mayor called the meeting to order at 7:00 p.m.

Mayor Vaughn thanked everyone for coming to the meeting and wished everyone the happiest of holidays.

COMMITTEE REPORTS

Traffic Safety

TRAFFIC SAFETY COMMITTEE: City Manager Linn stated that there was a report in the agenda packets from Laura Schulz Chairman of the Traffic Safety Committee. The report stated that the committee would not meet again as the Ad Hoc Traffic Safety Committee. Laura Schulz recommended that the committee convene as Volunteer Advisory Group to the public safety office. The report also stated that Laura Schulz would continue her efforts with councilors from the City of Jacksonville on issues that were still pending.

IBBC

ISH BRANT BEAUTIFICATION COMMITTEE: City Manager Linn reported that the Ish Brant Beautification continued to meet and work on projects including the irrigation and landscaping of the medians on Third Street. The committee was working on a grant for funding.

CITY MANAGERS PUNCH LIST

**Local Mitigation
Funding**

LOCAL MITIGATION FUNDING: City Manager Linn reported that a check for \$15,000 had been received and was in the bank.

**Roadway Between
Shopping Centers**

ROADWAY BETWEEN SHOPPING CENTER: City Manager Linn reported that an opinion from the City Attorney Mr. White to Mayor Vaughn was received addressing the concern of negotiations between John Weldon and owners of the shopping centers.

Graffiti - Sidewalks SIDEWALK GRAFFITI: City Manager Linn announced that the graffiti had been removed from the sidewalk.

Taxi Cab Stands TAXI CAB STANDS FOR TOWN CENTER: City Manager Linn stated that Director of Public Works John Galen had ordered three taxi stand signs to be installed on the south side of Atlantic Boulevard in the three spots closest to Sun Dog Diner. Mayor Vaughn asked City Manager Linn to speak with the merchants and get their opinion on the issues and report back to council any negative feedback received.

Consensus: **TO SUPPORT THREE TAXICAB STANDS PROVIDED THERE WERE NO COMPLAINTS FROM THE MERCHANTS.**

Traffic Counters USE OF TRAFFIC COUNTERS: Mayor Vaughn asked City Manager Linn if the traffic counters were still being relocated periodically. City Manager Linn answered "no" that they had not been put out for several months because Lisa Volpe operated the computer program and had left the City Managers office to become Acting City Clerk. Lisa Volpe stated that the program needed to be reloaded in the computer because of the new computer. Councilor Tankersley suggested that council recognize the fact that City Manager Linn did not have a full time administrative assistant and to make a decision by January to either appoint Lisa Volpe as City Clerk or allow her to go back to being Administrative Assistant to the City Manager.

PROPOSED ORDINANCES: NONE

CONTRACT/AGREEMENTS - NONE

ISSUE DEVELOPMENT

Fire Department FIRE DEPARTMENT. 1. RELATIONSHIP WITH THE CITY OF JACKSONVILLE FIRE AND RESCUE. 2. ISO RATING: City Manager Linn stated that there was a report in the agenda packets that was requested by Mayor Vaughn from City Attorney White. City Manager Linn invited Fire Chief Ray Alfred with the City of Jacksonville to the meeting to answer any questions that council might have had.

Mayor Vaughn invited Fire Chief Ray Alfred with the City of Jacksonville to address the council. Mr. Alfred stated that he had asked Operations Chief Lorin Mick to come down and bring the agreement between Atlantic Beach and the City of Jacksonville and the mutual aid agreement that existed and was taken over in June. Mr. Alfred further stated that they intended to hold true to that agreement and continue to render fire protection as always for the City of Neptune Beach.

Mr. Alfred and Mr. Mick answered questions from council members.

On the Record Mayor Vaughn asked that everything from this point forward be read into the record and have a verbatim included in the minutes.

My letter to City Attorney White was dated November 22; Mr. White's response to me was dated December 10, 1999. It concerned what I consider to be the dissolution of the City of Neptune Beach Fire Department. Mr. White writes me back saying:

Dear Mayor Vaughn:

This letter is in response to your inquiry of November 22, 1999 relating to the fire department in Neptune Beach, Florida. In that memorandum, you asked for my opinion on the following points:

And then he lists the five questions that I sent him verbatim. And please include those Ms. Volpe.

1. Does the City Charter dictate that the City Council set policy;
2. Was the fire department dissolved by administrative action of city staff;
3. Is the action by city staff that merged our fire department operations with that of Atlantic Beach (according to the recent police accreditation report) legal and binding;
4. Does the dissolution of the fire department without City Council action constitute a violation of the City Charter; and
5. Are public hearings warranted or required when making substantive changes in municipal service.

After question five he says:

I will address the questions in the order in which you presented them.

It is somewhat unclear in your memorandum as to your intended definition of "policy." The City Charter does not specifically state that the City Council shall set policy. The City Charter states in Section 1.01 that the City shall continue as a municipal corporation with a mayor - council form of government. In Section 1.03 of the Charter, the city is afforded all governmental, corporate and proprietary powers to enable it to conduct municipal government. However, Section 2-81 of the Code of Ordinances establishes the position of City Manager and clearly establishes the city manager form of government for Neptune Beach.

As has previously been presented to this Council, under this form of government, the City Manager's duty is to supervise and control the conduct and operation of all officers and employees of the city, and the City Manager is expected to manage the municipal affairs efficiently and economically. As Section 2-81 of our Code of Ordinances states:

The City Manager shall be the chief executive officer of the city government, shall enforce the laws of the city and require the faithful performance of all administrative duties.

The City Council, under this form of government, constitutes the governing body, has the power to pass ordinances, adopt regulations, make annual appropriations and determine questions of municipal policy [see McQuillin Municipal Corporations, Section 9.21 (3rd edition)]. Under the city manager form of government, it has been stated that interference of the council with the exclusive functions of the city manager is a violation of the very essence of that system of government [see Ware v. Board of Commissioners of Cape May, 197 A 726]. In reviewing the role of the City Council, an analogy is that the city is a miniature state, the City Council is its legislature and the City Charter is its constitution. In other words, the City Council exists as a legislative arm of the city. It also has the authority to implement municipal policy through legislative enactments. Therefore, in answering your first question, it is not so much that the City Charter dictates that the City Council set policy. I think it is better stated that the City Charter of Neptune Beach permits the City Council to implement municipal policy through legislative enactment to the extent that it does not interfere with the historical intent of the city manager form of government. If you have a specific policy in mind, please let me know and I would be happy to address my answer to that issue.

In response to your second question, I cannot say that the fire department was dissolved by administrative action of city staff. However, it is my opinion that the City

Council, through its budgetary process and the public hearings associated with that process, decided by either consensus or majority to not appropriate funds for the 1999-2000 fiscal year to operate the fire department in the fashion that it had been operated in prior years. As you are aware, neither the Charter nor the City Code has ever formally established a fire department and, therefore, there is no mandate under either the Charter or the Code that a fire department be maintained. There is no legislative duty on the part of a municipality to maintain a fire department. In July, 1998, pursuant to council approval, Neptune Beach entered into a memorandum of understanding for a service-sharing program between the fire departments of Atlantic Beach and Neptune Beach. Section 1 of that agreement stated, *inter alia*, that:

This document formalizes the commitment of the City of Atlantic Beach to provide fire suppression response service to the residents of Neptune Beach as stated in an agreement between Atlantic Beach and the City of Jacksonville known as the 1995 Amendment to the 1982 Inter-Local Agreement dated 9-28-95.

Mayor Delaney, in November, 1998, forwarded to you, the Vice Mayor and Council members, his correspondence with a proposed contract between Jacksonville and Atlantic Beach relating to the provision of fire department services to Atlantic Beach and Neptune Beach. This was subsequent to the agreement between the City of Jacksonville and Atlantic Beach entered into in September, 1995, in which Jacksonville agreed to pay the City of Atlantic Beach \$150,000 per year to provide fire suppression response service to the residents of Neptune Beach. Although that agreement was entered into by Jacksonville and Atlantic Beach, it was clear that one of the intentions was to benefit Neptune Beach. It is clear that Neptune Beach is an intended third party beneficiary of the June 2, 1999 agreement and, therefore, can enforce it as such. It is also significant that in the service sharing program memorandum of understanding between Atlantic Beach and Neptune Beach, the above quoted language from Section 1 clearly indicates that it was the intention of that memorandum of understanding to memorialize the obligations of Atlantic Beach to provide fire suppression services for the residents of Neptune Beach, as established in the 1995 agreement. The actual agreement between Jacksonville and Atlantic Beach is dated June 2, 1999. The agreement specifically states that it is the intent of that agreement to provide an effective, efficient means of delivering advanced life support and fire services to Atlantic Beach and Neptune Beach, with said services being provided to Neptune Beach as a result of Atlantic Beach's continued obligation under the Inter-Local Agreement with Neptune Beach.

This historical perspective presents to this writer that the City Council, over the past few years, has consented to the transformation of the manner in which fire suppression services were to be provided by the Neptune Beach Volunteer Fire Department. The City Council, through its expressed ratification or its consent as a third party beneficiary to these agreements, decided to utilize the services of Atlantic Beach, and then the City of Jacksonville for the provision of fire suppression services in Neptune Beach. The Council was well within its legal authority in doing so. The Council's action relating to its appropriation for the fire department in fiscal year 1999-2000 appears to complete this transition, although, it has not per se dissolved the Neptune Beach Fire Department.

So, in specific response to your second question, it is my opinion that the duties and responsibilities of the fire department have been assigned, with Council approval, to Atlantic Beach and now the City of Jacksonville. In light of that assignment, the annual budget for Neptune Beach was addressed accordingly.

As to your third inquiry, I have not seen the recent police accreditation report and

so I cannot respond to what specific portion thereof to which you refer. However, it is my opinion that it was the action of the City Council that effected the transition of the Neptune Beach Fire Department as set forth above. As such, that action taken by the City Council is legal and binding. The agreement between Atlantic Beach and Jacksonville is legal and binding and enforceable by Neptune Beach. However, that does not mean that the City of Neptune Beach, with council approval, would be prohibited from establishing its own independent fire department. However, this would require amendments to the inter-local agreements that have been executed between Atlantic Beach and Neptune Beach; and Atlantic Beach and Jacksonville.

As to your fourth inquiry, I do direct you to the responses to your first, second and third inquiries. However, it is my opinion that the action taken by the City Council referenced in the above paragraphs does not constitute a violation of the City Charter.

As to your fifth inquiry, it is my opinion that the issue is not whether public hearings are warranted or required when making substantive changes in municipal service. Public hearings are required under the Sunshine Law when there is a meeting of two or more officials of a public body to conduct official business. The subject of those meetings is irrelevant in light of the fact that it is mandatory that any hearings on any subjects by two or more members of the same body be conducted in a public forum. As to whether these are workshop meetings, special meetings or regular meetings, and as to how often these meetings should be held, is for the council to determine. Although I was not present when the 1995 agreement between Jacksonville and Atlantic Beach was reached, I would assume there was discussion by the Council regarding its contents. As to the 1998 Service Sharing Program Memorandum of Understanding between Atlantic Beach and Neptune Beach, that document was, of course, addressed and discussed at Council meetings. The 1999 agreement between the City of Atlantic Beach and the City of Jacksonville was presented for discussion at the December, 1998 workshop when Mayor Delaney was present. Without reviewing the minutes of other meetings, I do not know the extent to which these agreements were discussed any further by the Council. However, they were, at one time or another, presented for public hearing.

Therefore, in response to your fifth inquiry, public hearings are required on any subject, if the Sunshine Law is applicable. It appears as though there were various public meetings over the last four years in which the issue of the provision of fire suppression services for Neptune Beach was discussed.

If you require any further information regarding this letter, please do not hesitate to call upon me.

Very truly yours,
Christopher A. White

MAYOR VAUGHN: Now I have prepared a response to Mr. White's letter now I'm going to share that with you. The letter was dated today and it was handed to you at your desk tonight. I'm reading it into the record for the first time. It's addressed to Chris White City Attorney about the dissolution of the City of Neptune Beach Fire Department.

Thank you for your response to my letter of inquiry dated November 22, 1999 relative to your opinion on several questions relative to the Neptune Beach Fire Department.

As to your response to my first question,... "Does the City Charter dictate that the City Council set policy?" I am somewhat unclear myself as to your statement that you are unclear as to my intended definition of "policy" as posed in my first question. However, I am not surprised based on past history of events of City Council attempts to continue to

erode the power of this City Council and the influence through leadership of the position of Mayor. Not having a legal background as you do, as a layman I have to rely greatly on personal experience and reliable documentation to develop opinions of my own, especially as it relates to city government. Your opinion, in addition to contributing to the erosion of the power and authority of this City Council is also a continuation of the erosion of influence to the leadership position of mayor that has been practiced by this City Council ever since I have been in office.

As to my intended definition of "policy", I say to you that the intent would be identical to the intent as has been referenced innumerable times by this City Council, by each Council member, on record, when there has been discussion and comment relative to City Council setting policy. In my opinion Council "policy" includes but is not limited to ordinances, regulations, projects, programs, agreements etc. Webster's Dictionary defines policy as "a principal, a plan, or course of action, as pursued by a government."

The **Florida League of Cities** distributes the attached pamphlet entitled "***The Council-Manager Plan***"

MAYOR VAUGHN: I picked it up at one the conferences I attended.

MR. WHITE: I have one thank you.

which answers numerous commonly asked questions relative to the council-manager relationship in city government. It **clearly states that "the council** is the community's legislative body. It **sets policy**,

MAYOR VAUGHN: it doesn't provide a definition

it approves the budget, and determines the tax rate....."

MAYOR VAUGHN: According to the pamphlet

It further states that "almost all council-manager communities also have a mayor who is a leader in developing community policies." This document confirms that the City Council is the legislative body, that it sets "**policy**" and that the City Manager is the chief executive officer charged with the administration of the day-to-day functions of city government.

Your statement that "...the Code of Ordinances....clearly establishes the City Manager form of government for Neptune Beach" contradicts the City Charter. Article I, Sec. 1.01 states "The City of Neptune Beach in Duval County, Florida, which was created by the Legislature, shall continue as a municipal corporation with a mayor-council form of government and with the document as the charter for the city."

I agree that the Code of Ordinances **Section 2-81** then continues by establishing, through appointment by the City Council, the position of City Manager as Chief Executive Officer of the city government responsible for enforcing the laws of the City and requiring the faithful performance of all administrative duties. However, neither Section 1.01 nor Section 2-81 establishes a City Manager form of government as you have ardently stated in your memo. This is a very important point in the structure of the government of our City.

As to your response to my second question...."Was the Fire Department dissolved by administrative action of City staff?" I am puzzled about your "opinion" that since there were no appropriations for the Fire Department for fiscal year 1999-2000 it simply ceased to exist and that you cannot say that the Fire Department was dissolved by administrative action. First, such a simplistic and ill-conceived conclusion is beyond reason. It is also

illogical to make reference to the historical perspective regarding this issue and then conclude that this City Council has somehow consented to the transformation of the manner in which fire suppression services were provided by the Fire Department. Second, if you have read the memo and letter from Public Safety Director William Brandt dated December 9, 1998 and June 24, 1999 respectively, that notified City Manager Linn that he had directed the Neptune Beach police officers to discontinue responding to fires as fire fighters and that police officers have been phased out as fire fighters and then recommending that the City surplus our fire equipment, I do not understand why you cannot say the Fire Department was dissolved by administrative action. The memo and letter were administrative actions by every definition. This was not a policy decision of City Council. Let me make myself perfectly clear, there has been no "transformation" of our Fire Department and this type of misinformation should not be disseminated to an unsuspecting public.

The City of Neptune Beach had a Fire Department under former Mayor Ish Brant. The City of Neptune Beach had a Fire Department under former Mayor John Kowkabany. The City of Neptune Beach had a Fire Department when I was elected mayor in October 1997. I was not made aware that any change had been made in the Fire Department until the City Manager recommended surplus the City's fire equipment at the July 1999 Council meeting, six months after the administrative action of the City Manager and the Public Safety Director. This I consider to be a breach of the City Charter as it relates to the separation of duties between the City Council and City Staff.

Again, there has been no "transformation" of the Neptune Beach Fire Department. What there has been is a total disregard of dealing with an issue by this City Council that involves a very real and very basic municipal service. There is also the issue of inappropriate actions by the City Manager and the Public Safety Director relative to their administrative handling and subsequent dissolution of the Fire Department. Such actions were not under their authority and violate provisions of our City Charter and Code of Ordinances. To somehow retroactively justify inappropriate actions by City Staff that resulted in significant change to a municipal service, without Council approval, is asinine and I do not believe the public can be fooled. To take such a position insults the intelligence of the people in our community. I am sure people are asking, is this really the way they (the City Council) lets our government operate?

As to your response to my third question.....Is the action by city staff that merged our fire department operations with that of Atlantic Beach (according to the recent police accreditation report) legal and binding? You state that you have not seen the recent police accreditation report and so you cannot respond to that which I am referring to. A copy of that report is filed in the City Managers office and quite accessible, however, for your edification I am enclosing a copy. The part specifically referenced is on Page 2, paragraph 6 of the Assessment Team Final Report and reads as follows: **"The city merged its fire department operations with the City of Atlantic Beach."** Again, looks like more misinformation. This is the first time I have seen the term "merged" used. What, where, when and how did we "merge"? Can you explain this terminology and why it is contained in an official report that was submitted to City Council? Now back to my original question, Is the action by City Staff that merged our Fire Department operations with that of Atlantic Beach (according to the recent police accreditation report) legal and binding?

In your response to my third question, you further stated that the City Council of Neptune Beach, with Council approval, could establish its own independent fire department but would require amendments to the inter-local agreements that have been executed. My position is this, our Fire Department was in existence when all the referenced agreements were executed. None were executed predicated upon the dissolution of the Neptune Beach Fire Department. No where was it ever stipulated or discussed that the

Neptune Beach Fire Department would be dissolved. The discussions that I recall, all made reference to another Fire Department being designated as the first responder. All the discussions that I recall were based on the City of Neptune Beach Fire Department activating upon request and sharing services. It was never agreed to or discussed that the Neptune Beach Fire Department would be abolished when we agreed to let the City of Atlantic Beach provide our City with fire suppression services.

As to your response to my fourth question, your statement that in your opinion the action taken by the City Council does not constitute a violation of the City Charter does not respond to the question. My question was, Does the dissolution of the Fire Department, without City Council action, constitute a violation of the City Charter? You state there is no Charter or Code mandate that a Fire Department be maintained and that there is no legislative duty on the part of the municipality to maintain a fire department. You made reference to agreements and to meetings and discussions of which I was in attendance, however, at no time was it ever decided to dissolve the Neptune Beach Fire Department.

I consider your answer to be rather ambiguous and evasive and ask that you consider the following: The **Code** of Ordinances, Section 2-96. Director of Public Safety **states** "The city manager, or another qualified person as provided by ordinance, shall be the director of public safety, under whose supervision **there shall be** a police department and **a fire department.**" **And** further, Section 2-112 **states** "Subject to the authority and instruction of **the city council** and under the supervision of the city manager, the director of public safety **shall have and exercise control over** the police department and **the fire department.** In my opinion, this clearly establishes the requirement of a fire department in our City.

As to your response to my fifth question..."Are public hearings warranted or required when making substantive changes in municipal service?" I believe a layman's answer to that question would be a simple and resounding "yes". However, having found nothing in the City Charter or Code that specifically addresses this issue I will concur with your reference to the applicability of the Sunshine Law. I also concur that there were many public meetings and discussions relative to the Fire Department. However, to my knowledge, there were no public meetings or public hearings held by this Council for the specific purpose to discuss the dissolution of the Neptune Beach Fire Department.

To reiterate, to simply not appropriate funds in the budget process is not sufficient action by this Council to dissolve the Neptune Beach Fire Department. The main reason for the existence of a municipality is for the purpose of providing the community with basic municipal services. The less services a municipality provides the less reason for its existence.

I was elected to represent the interests of the residents of this community. My primary objective as Mayor is to provide our residents with responsive, safe and cost effective fire services without eroding the city's autonomy. If the majority of the citizens indicate their desire to abolish the Neptune Beach Fire Department and receive that service from another community then I will support the citizen's desires. But, due process must prevail and as Mayor of this City I refuse to allow City Staff or employees to violate the City's Charter or Codes and will take whatever measures are necessary to expose anyone who is disrespectful of the laws of our City.

Because I do not have sufficient confidence in your opinion, believing it to be seriously flawed, I will seek the advice and opinion of the Attorney Generals Office in Tallahassee as it relates to this matter.

Sincerely,

George F. Vaughn, Jr.
Mayor

MAYOR VAUGHN: Now in my opinion fire departments are really the essence of what a community is all about and when you take away what this community has had for many many years you need to make sure that it is what the people want and not what a city staff person would ask you to do. It's no secret that there has been a constant attempt for many years to do away with the volunteer fire department, however, when I walked this city door to door people were adamant talking to me about keeping autonomy of their community. They enjoyed having their police department their fire department and their water department, public works. And with that being said I will hush.

City Attorney White responded that he did not think the city code had ever formally established a fire department. Mr. White further stated regarding the statement on the first page of the letter " your opinion in addition to contributing to the erosion of the power and authority of this city council" if this council felt that he had done anything to erode its power or authority or in any way had contributed to that then the council needed to find another city attorney.

Mayor Vaughn stated that that was his opinion and he had his and there was definitely a difference.

Councilor Patronik stated that the City of Neptune Beach was not incurring any expenses for outstanding fire protection services and it would cost the city 1.2 million dollars in order to provide protection that would be substandard to what we have now. That did not make sense.

Vice Mayor Jones asked Mayor Vaughn what the issue was.

Mayor Vaughn stated that the issue was that the council had not considered all options available. Mayor Vaughn referred to a document that itemized the cost of establishing a call fire department, and further stated that the City of Atlantic Beach was paying the City of Jacksonville about \$600,000 a year to pay for fire services and if we were to pay for services it would probably cost somewhere around \$350,000 to \$400,000 a year. Mayor Vaughn asked how could there be a free service.

Vice Mayor Jones stated that in his opinion the power to regulate and zone property was the essence of what a community was all about. The autonomy of the City of Neptune Beach was very important and this city would only survive if we took advantage of opportunities like this one, where the county government agreed to help us. The city council the city manager and the chief of police have the responsibility to provide our residents with the best and most well trained professional fire and rescue personnel that could be afforded. His main concern was that the City of Neptune Beach provide the safest and most cost effective fire service for the residents of the community while holding down homeowners insurance rates. This had been accomplished and it is time to move on.

Councilor Shimp apologized to Mr. White and gave him a vote of confidence for his hard work. He felt that when the council voted not to put any money in the fire department budget that it was a consensus that the fire department was gone. Mr. Shimp also stated that the issue needed to be put on January's agenda, voted on and put to rest.

Councilor Tankersley stated that this issue had been going on for a long time and enough was enough and council needed to work together as a group.

Mayor Vaughn stated that he was not elected to turn his head when it came to the way our city government was run, he was discouraged that council would condone and encourage an arrogant and disrespectful manner from your city manager and public safety director.

City Manager Linn stated that he took great offense to what Mayor Vaughn had just said and some statements made in the letter to City Attorney Chris White and asked the council if that was their opinion then he should be dismissed immediately.

Councilor Patronik gave City Manager Linn his vote of confidence stating that Mr. Linn had done exactly what the council had instructed him to do. Councilor Patronik asked Director of Finance John Herbst to state for the record how much it cost Neptune Beach to receive its fire suppression service from the City of Jacksonville.

On the Record John Herbst answered that it did not cost the City of Neptune Beach anything at all to receive fire suppression services from the City of Jacksonville. We do not as a city pay anything for that service.

Councilor Patronik gave Mr. White a vote of confidence for the hard work and effort that he had put forth. And asked Mr. White if there could be any unilateral change made to the agreement by the City of Jacksonville or Atlantic Beach where the fire suppression services of Neptune Beach would be eliminated. Mr. White answered "no". Councilor Patronik also felt that the council had done outstanding job with providing citizens with the best fire suppression services we could.

Councilor Shimp gave his vote of confidence to the City Manager and also apologized to him for what was going on. Councilor Shimp asked City Attorney White if someone on the council was deliberately rude, spiteful and hateful if there was way council could sanction it.

City Attorney White answered that if something like happened a point of order is taken and presented to council.

Councilor Shimp added that next time this happened he would call a point of order.

Councilor Jones gave his vote of confidence to the City Manager, Police Chief and City Attorney.

Councilor Tankersley added that the City Manager, Police Chief, City Attorney and Director of Finance also had his vote of confidence and called a point of order to move forward with the agenda.

Chief Brant stated they were in contact with the inspector from ISO and he had advised that he would recommend a rating of three which would be down from a six.

Recess / Reconvene RECESS - RECONVENE: The meeting was recessed at 9:00 and reconvened at 9:10 p.m.

Bell South Easement BELL SOUTH EASEMENT REQUEST REPORT ON NEGOTIATIONS: City Manager Linn stated that at the last meeting Bell South requested an expansion of the easement that they have on the property adjacent to the water tank. Council had asked Mr. Linn to negotiate with Bell South and Mayor Vaughn had written a letter to Mr. Linn stating his concerns on the issue.

Mr. Linn added that he had met with Teresa Graham, an employee with Bell South and William Starett, a contractor with Bell South. Bell South would be presenting the city with a new proposal which would include a payment of a one time fee, cancel the existing easement with the city, language in the easement would modify the terms of perpetuity and a clause would be added that should they cease operations on that site the easement would reverse back to the city. Council discussed options and asked Mr. Linn to keep them updated.

- Freedom Shrine FREEDOM SHRINE – EXCHANGE CLUB OF THE BEACHES: City Manager Linn stated that several months ago the Beaches Exchange Club showed the council photographs of a freedom shrine and asked to have a freedom shrine located in the City Hall Building. Mr. Linn asked council if this could be on the consent agenda in January.
- Consensus: **TO MOVE TO THE CONSENT AGENDA IN JANUARY.**
- Vacating Portion of Right – of - Way VACATING A PORTION OF RIGHT – OF WAY ON FIRST STREET BETWEEN NORTH AND SOUTH STREET: Councilor Shimp stated that four homeowners had asked him that ten feet be vacated to take six non conforming homes and make them conforming. The homeowners had been taking care of the property since they bought their homes and they would like to own the property.
- On the record Mayor Vaughn asked that the record show that Ordinance No. 1999-18 would be moved to the regular council meeting in January for first read.
- Update on FCT UPDATE ON FCT – HOPKINS CREEK PRESERVE: City Manager Linn stated that he had asked Building Official Dan Arlington to look into the issues that were addressed at the last council meeting, and referred to a memo from Mr. Arlington stating that he had spoken with Keith McCarron from the FCT. Mr. McCarron answered 1. That the canoe launch did not have to be a structure, we already have a canoe launch by the simple fact that open water laps up against the property. 2. The document you are signing now is only the conceptual approval agreement. We can give notice with the CAA that we intend to make the canoe launch optional on the final management plan.
- Quality on Tap Report QUALITY ON TAP REPORT: City Manager Linn stated that as a requirement to maintain our water permit that an annual report had to be issued to the public. There were some questions about the report. Mr. Linn introduced Leon Smith who was present to address the problems.
- Leon Smith stated that he had understood there were problems with the cadmium and cyanide that violated water quality standards and that samples were used from 1996 and 1998 that were not current and that since that time these problems had been corrected.
- Census Report CENSUS REPORT: City Manager Linn stated that the three beach communities and Baldwin would not be included in the census report. Mr. Linn suggested that Council write a resolution supporting Mayor Delaney's effort to attach legislation to Community Development Block Grant appropriations at the federal level recognizing Neptune Beach as an urban county.
- Director of Finance John Herbst added that he had spoke with the Mayor's office and the Bureau of Planning and was told the Census Bureau had declined to view Neptune Beach as a consolidated county. HUD relies on census data to develop their allegations for Community Development Block Grant Funding. We would not be eligible to apply under the consolidated form of government that we have. The City of Jacksonville is talking with our congressional delegation regarding the issue. Mr. Herbst further stated that this did not effect us for the current year funding in place now. We had been advised to go ahead and apply for next year with the assumption that nothing would change.
- Media One Sponsored Events MEDIA ONE SPONSORED EVENTS: City Manager Linn stated that Director of Finance John Herbst had put together a list of events that required council's approval for use of Media One funds for the upcoming year. The list included an Easter Egg Hunt, Sunday in the park, King Neptune Festival, Christmas in the Park, Santa Claus Parade, and Town Center Christmas.

Consensus: **MOVE FORWARD TO THE JANUARY CONSENT AGENDA AND HAVE THE CITY MANAGER'S OFFICE HANDLE THE EVENTS.**

Public Comments

PUBLIC COMMENTS ON AGENDA ITEMS ONLY:

Buddy Crout, 1079 Kings Road, gave a vote of confidence to the City Manager and City Attorney. Mr. Crout felt that the agreement for fire services was good, and that the Chief had done nothing wrong. Mr. Crout also felt that the reason the Mayor voted against the budget was because he did not get the 950,000 dollars that he wanted.

Russ Linkwell, Jacksonville Beach, representing the exchange club, thanked the council for taking a look at what they wanted to do and hoped that they would be able to do it.

Roy Deese, 1720 Lighty Lane, felt that the agreement with Jacksonville was one of the best things that could have happened to Neptune Beach and would save the residents money. Mr. Deese felt that Chris White was an outstanding attorney and suggested that the Mayor to listen to him.

Harriet Pruette, 217 ½ Magnolia Street, expressed her disappointment in Mayor Vaughn for running down the City Attorney and the City Manager. She felt that Chris White was one of the best attorneys that the city had ever had and should be appreciated.

Johnnie Epley, 208 Driftwood, felt that it was a natural thing that Jacksonville became the fire department for Neptune Beach.

Chris Oakey, 620 Camellia Terrace Drive, backed up what Mr. Crout stated earlier and felt that to be a leader you had to earn it and that Mayor Vaughn had been in this job for two and half years and in his opinion Mayor Vaughn hadn't earned it.

Adjournment

There being no further business, the meeting adjourned at 10:20 p.m.

George F. Vaughn, Jr., Mayor

ATTEST:

Lisa Volpe, Acting City Clerk

Approved: _____



**TOWN HALL MEETING
DECEMBER 16, 1999
CITY HALL, 116 FIRST STREET,
NEPTUNE BEACH, FLORIDA**

Pursuant to proper notice a Town Hall Meeting of the City Council of the City of Neptune Beach was held December 16, 1999, immediately following the Workshop Meeting, in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

The following Council members and staff were in attendance:

Mayor George F. Vaughn, Jr.
Acting City Clerk Lisa Volpe

Absent:
Vice Mayor Edward S. Jones
Councilor Ronald D. Patronik
Councilor Robert D. Shimp
Councilor Thomas A. Tankersley
City Manager Richard A. Linn

Call to Order

The Mayor called the meeting to order at 10:20 p.m.

Public Comments

There being no comments the Mayor closed the meeting

Adjournment

There being no further business, the meeting adjourned at 10:21 p.m.

George F. Vaughn, Jr., Mayor

ATTEST:

Lisa Volpe, Acting City Clerk

Approved: _____