



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	City Clerk Lisa Volpe, CMC
Vice Mayor Jimmy Gilbert	Director of Public Services Leon Smith
Councilor Harriet Pruette	Assistant to the City Manager Terry Klein
Councilor Larry Shealy	Assistant to the Building Official Piper Turner
Councilor John Weldon	Deputy City Clerk Karla Strait, CMC
City Attorney Christopher A. White	
City Manager Richard A. Linn	

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 **WATER UTILITY PROJECT:** 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.
- Sewer Project **SEWER UTILITY PROJECT:** The sewer project was on schedule. City Manager Linn was pleased with the progress.
- Kings Road Bridge **KINGS ROAD BRIDGE REPAIRS:** 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.

PUBLIC COMMENTS

- Public Comments 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.
- 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 **POLICE UNIFORM JACKETS:** Approval of expenditure of \$6,000 from the Fine and
Jackets Forfeiture Fund to purchase replacement uniform jackets for the Public Safety
Department.

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. 2003-02 **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 “FAMILY”; ADDING SECTION 27-333 RELATING
TO PROHIBITED ACTIVITIES; AND PROVIDING AN EFFECTIVE DATE.**

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 TRESTLE 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 REPLACING 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.

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____