



**MINUTES**  
**REGULAR CITY COUNCIL MEETING**  
**JUNE 7, 2004, 7:20 P.M.**  
**CITY HALL, 116 FIRST STREET**  
**NEPTUNE BEACH, FLORIDA**

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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 CARRIED**COMMUNICATIONS 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 client. 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 vendors.

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 4<sup>th</sup> 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.

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Richard A. Brown, Mayor

ATTEST:

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Lisa Volpe, CMC, City Clerk

Approved: \_\_\_\_\_