



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 CARRIEDVARIANCES / NONEORDINANCES

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, Pruetto, 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 Pruetto.

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, Pruetto, 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: _____