



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: _____