



**MINUTES**  
**REGULAR CITY COUNCIL MEETING**  
**OCTOBER 4, 2004, 7:00 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 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 7<sup>th</sup> 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.

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Richard A. Brown, Mayor

ATTEST:

\_\_\_\_\_  
Lisa Volpe, CMC, City Clerk

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