



MINUTES
REGULAR CITY COUNCIL MEETING
NOVEMBER 1, 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 November 1, 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
Community Development Director Jason Cleghorn
Building Official Tony Perez-Guerra
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 lead the pledge of allegiance.

AWARDS / PRESENTATIONS / RECOGNITION OF GUESTS

Mayor Brown presented a plaque to resigned Public Safety Officer Lisa VanNelson for her outstanding services as a School Resource Officer at Neptune Beach Elementary School.

Mayor Brown presented "Employee of the Year" plaques to Senior Citizen Center Director Leslie Lyon and Assistant to the City Manager Terry Klein.

APPROVAL OF MINUTES

Moved by Weldon, seconded by Pruette.

Motion: **TO APPROVE THE FOLLOWING MINUTES:**
SEPTEMBER 20, 2004, WORKSHOP COUNCIL MEETING
SEPTEMBER 27, 2004, LAND DEVELOPMENT MEETING
OCTOBER 4, 2004, REGULAR COUNCIL MEETING

OCTOBER 18, 2004, SPECIAL COUNCIL MEETING
OCTOBER 18, 2004, WORKSHOP COUNCIL MEETING

Roll Call Vote:

Ayes: 5 – Gilbert, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

COMMUNICATIONS AND CORRESPONDENCE

Councilor Pruette stated she was glad to see that the beach access right-of-ways were being surveyed and marked.

City Clerk Lisa Volpe reminded Council of the special meeting to be held, Wednesday, November 3, 2004 at 6:00 p.m. to certify the election results and declare the winners of the election. She added if a runoff election were necessary for Seat 2 it would be held on November 23, 2004, and the results would be certified that evening.

City Clerk Lisa Volpe introduced Richard Arthur to the Council as the newly appointed alternate member of the Planning & Development Review Board.

CITY MANAGER REPORTS

City Manager Jarboe reported the Menzi Muck, all terrain vehicle, had been delivered to the Public Services Facility. A demonstration would be held November 2, 2004, at 11:30 a.m. on the corner of Florida Boulevard and Fifth Street for all interested parties.

City Manager Jarboe reported the repaving of the streets had been recently held up due to the need to obtain proper equipment for the narrower streets and lack of materials.

City Manager Jarboe reported the beach access public rights-of-way were in the process of being surveyed and marked but the surveyors.

PUBLIC COMMENTS

Tim Slater, 573 Magnolia Street, was concerned that the redevelopment of the Beaches Chapel would create additional stormwater runoff in his neighborhood.

CONSENT AGENDA / NONE

VARIANCES / NONE

ORDINANCES

Ord. No. 2004-14

ORDINANCE NO. 2004-14, AMENDING CHAPTER 2, POLICE OFFICERS RETIREMENT SYSTEM, SECOND READ AND PUBLIC HEARING: 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 2-349.23, PRIOR POLICE OFFICER SERVICE; 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.

There being no comments from the public, the public hearing was closed.

Moved by Gilbert, seconded by Weldon.

Motion: **TO ADOPT ORDINANCE NO. 2004-14 ON SECOND AND FINAL READ.**

City Clerk Lisa Volpe asked for a Council Member to sponsor the Ordinance before the roll call vote. Vice Mayor Gilbert agreed to sponsor the Ordinance.

Roll Call Vote:

Ayes: 5 – Gilbert, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

Ord. No. 2004-17

ORDINANCE NO. 2004-17, AMENDING CHAPTER 27, TABLE 27-229-1, SECOND READ AND PUBLIC HEARING: 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 read Ordinance No. 2004-17 by title only and opened the public hearing.

Leslie Karlin, 1506 Spindrift Circle West, asked if the Ordinance conflicted with the addendum that would be on the ballot. Mayor Brown replied it would not.

There being no further comments from the public, the public hearing was closed.

Moved by Gilbert, seconded by Pruette.

Motion: **TO ADOPT ORDINANCE NO. 2004-17 AS AMENDED.**

Vice Mayor Gilbert felt the 100 feet in lot width requirement should be measured from the lot frontage. As currently written the 100 feet could be measured from the middle or the rear of the lot.

Amendment: **TO ADD “AS MEASURED AT THE FRONT PORTION OF THE LOT THAT FRONTS ON THE STREET THAT DESIGNATES THE ADDRESS OF THE LOT”.**

Moved by Pruette, seconded by Shealy.

Motion: **TO ADOPT ORDINANCE NO. 2004-17 AS AMENDED.**

Roll Call Vote:

Ayes: 5 – Gilbert, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

Ord. No. 2004-18

ORDINANCE NO. 2004-18, AMENDING CHAPTER 27, SECTION 27-15, FIRST READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 27, SECTION 27-15 DEFINITIONS AND TABLE 27-226-1, PERMISSIBLE USES TO ALLOW FOR LIGHT MANUFACTURING AND PROVIDING AN EFFECTIVE DATE.

Mayor Brown read Ordinance No. 2004-18 by title only and opened the public hearing.

Leslie Karlin, 1506 Spindrift Circle West, asked if the details of the Ordinance had been worked out since the previous Workshop Meeting. City Clerk Lisa Volpe handed Ms. Karlin an updated version of the Ordinance with the changes from the previous Workshop Meeting.

There being no further comments from the public, the public hearing was closed.

Moved by Shealy, seconded by Gilbert.

Motion: **TO PASS ORDINANCE NO. 2004-18 ON FIRST READ AND PUBLIC HEARING.**

Councilor Weldon stated Once the Ordinance was adopted all the property owners in the C-2 zoning district would be entitled to use the property for light manufacturing. He suggested defining a lot size requirement.

Councilor Shealy suggested placing the Ordinance on the November workshop meeting for further discussion.

Motion: **TO PLACE ORDINANCE NO. 2004-18 ON THE NOVEMBER WORKSHOP MEETING.**

Roll Call Vote:

Ayes: 5 – Gilbert, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

OLD BUSINESS / NONE

NEW BUSINESS

Beaches Chapel

SPECIAL EXCEPTION & DEVELOPMENT ORDER FOR BEACHES CHAPEL, 610 FLORIDA BOULEVARD, PUBLIC HEARING: City Manager Jarboe addressed the stormwater runoff concern explaining that the development first had to be approved by the city and then permitted by the St. Johns River Water Management District. The development required a special exception because it was defined as a commercial use in a residential district. Mr. Jarboe added the Planning & Development Review Board recommended approval of the special exception.

Councilor Weldon stated because there were no plans included with the request Council did not have enough information to approve the final development order. He added he was in favor of approving the concept but not the development order until plans and drawings were submitted.

City Attorney White advised Council could go ahead and approve the concept only and defer action on the development order. He added the Planning & Development Review Board should review the preliminary package with the additional information and make a recommendation to the Council.

Consensus: **COUNCIL FAVORED THE CONCEPT ONLY AND TO DEFER ACTION ON THE DEVELOPMENT ORDER UNTIL FURTHER INFORMATION IS RECEIVED FROM THE APPLICANT.**

Moved by Weldon, seconded by Shealy.

Motion: **TO SEND THE SPECIAL EXCEPTION AND DEVELOPMENT ORDER FOR**

BEACHES CHAPEL BACK TO THE PLANNING & DEVELOPMENT REVIEW BOARD AND ENCOURGAGE THE APPLICANT TO MOVE FORWARD.

Roll Call Vote:

Ayes: 5 – Gilbert, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

Neptune Realty

DEVELOPMENT ORDER, NEPTUNE REALTY, 580 ATLANTIC BOULEVARD: City Manager Jarboe explained Neptune Realty, owner of the property located at 580 Atlantic Boulevard, known as the old A&P grocery store, had submitted preliminary plans to develop the property in order to bring the building up to code and attract a new business.

Moved by Gilbert, seconded by Weldon.

Motion: **TO APPROVE THE RECOMMENDATION OF THE PLANNING & DEVELOPMENT REVIEW BOARD FOR NEPTUNE REALTY, 580 ATLANTIC BOULEVARD.**

Robert Wilburn, architect for Neptune Realty, explained the plan was to convert the old A&P grocery store to attract new business. They would be removing the old refrigeration and cash registers and bringing the building into compliance with the Code.

Councilor Weldon questioned if they planned to increase the size, re-roof or update the air conditioning equipment. Mr. Wilburn replied they did not plan to increase the size, the roof was in good shape and they would not know about the air conditioning until the electricity was turned on. Councilor Weldon was concerned about the noise from the exterior equipment interfering with the residential quality of life behind the store.

Roll Call Vote:

Ayes: 5 – Gilbert, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

Res. No. 2004-21

RESOLUTION NO. 2004-21: A RESOLUTION OF THE CITY OF NEPTUNE BEACH AUTHORIZING THE MAYOR TO SIGN DISASTER RELIEF FINDING AGREEMENT FOR FEDERAL AND STATE ASSISTANCE FOR HURRICANE JEANNE.

Moved by Gilbert, seconded by Pruette.

Motion: **TO APPROVE RESOLUTION NO. 2004-21.**

Roll Call Vote:

Ayes: 5 – Gilbert, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

Res. No. 2004-22

RESOLUTION NO. 2004-22, APPOINTING BOARD MEMBERS: A RESOLUTION REAPPOINTING MEMBERS TO THE CODE ENFORCEMENT BOARD AND APPOINTING A NEW MEMBER TO THE PLANNING & DEVELOPMENT REVIEW BOARD.

Mayor Brown introduced Richard Arthur, new alternate for the Planning and Development Review Board.

Moved by Shealy, seconded by Pruette.

Motion: **TO APPROVE RESOLUTION NO. 2004-22.**

Roll Call Vote:

Ayes: 5 – Gilbert, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

Surplus Equip.

APPROVAL FOR SURPLUS OF CITY EQUIPMENT: Surplus of a 4 x 4 Ford Backhoe and a Jacobson Turf Cat Mower from the Public Services Department.

Moved by Weldon, seconded by Gilbert.

Motion: **TO APPROVE THE SURPLUS OF CITY EQUIPMENT.**

Roll Call Vote:

Ayes: 5 – Gilbert, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

Councilor Pruette stated she had spoken with City Manager Jarboe regarding the blue signs currently used to notify residents of a change in Planning & Development. She was concerned that the signs, being a light blue color, would not be noticed. City Manager Jarboe informed her he would change all the signs to a bright orange color.

Councilor Pruette asked City Manager Jarboe to investigate the pine trees behind the school that were trimmed all the way up.

Councilor Weldon asked to place "Actions for Dealing with Beach Access Encroachments" and "Street Lighting Intensity" on the November workshop agenda.

Councilor Pruette asked to place "Rocks and Impervious Surface" on the November workshop agenda.

City Manager Jarboe stated Christmas Day fell on Saturday and he would prefer the city to observe the Christmas Eve holiday on Friday and the Christmas Day holiday on Monday.

Consensus: **TO OBSERVE THE CHRISTMAS HOLIDAY'S ON THE FRIDAY BEFORE CHRISTMAS AND THE MONDAY FOLLOWING.**

Vice Mayor Gilbert inquired about the landscape design report from Brett Goddard. City Manager Jarboe stated Mr. Goddard would present the design at the November workshop meeting.

City Manager Jarboe stated the city received \$250,000 for the beautification of A1A and plans were underway.

City Clerk Lisa Volpe informed an extra meeting would be held the Tuesday after the first regular meeting in December to swear in the newly elected officials.

Adjournment

There being no further business, the meeting adjourned at 8:23 p.m.

Richard A. Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____