



**MINUTES**  
**WORKSHOP CITY COUNCIL MEETING**  
**APRIL 19, 2004, AT 7:00 P.M.**  
**CITY HALL, 116 FIRST STREET**  
**NEPTUNE BEACH, FLORIDA**

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Pursuant to proper notice a Workshop Meeting of the City Council of the City of Neptune Beach was held April 19, 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:

Public Safety Director William Brandt  
Community Development Director Jason Cleghorn  
Director of Finance Steve Ramsey  
Director of Public Services Leon Smith  
Assistant to the Building Official Piper Turner  
Deputy City Clerk Karla Strait, CMC

Call to Order/Roll Call Mayor Brown called the meeting to order at 7:00 p.m.

**GUEST SPEAKERS**

Mayor Brown opened the floor to Atlantic Beach Mayor John Meserve and Former Atlantic Beach Commissioner Mike Borno so the Council could hear their concerns regarding Ordinance 2004-02.

Atlantic Beach Mayor John Meserve asked Council to consider the precedence the ordinance would set for Town Center. He asked Council to delay taking action on the ordinance until staff from both Neptune Beach and Atlantic Beach could set common rules for Town Center. Mayor Meserve also asked for support for the beach cities to join in with the City of Jacksonville to establish events to be held at the beach during the week of the Super Bowl.

Mayor Brown stated Ordinance 2004-02 would allow Sunny Caribbee a lease for a one-year trial period for outdoor seating. If there were persisting problems the lease could be revoked. He felt it would be beneficial to Town Center as a whole.

Councilor Weldon questioned the need for special events at the beach during the Super Bowl period. He felt the beach itself would attract people.

Mayor Brown added the Super Bowl Host Committee was working to insure a good time for all and he looked forward to working with Mayor Meserve.

Former Atlantic Beach Commissioner Mike Borno asked Council to consider coordinating and establishing issues and perimeters of Town Center such as overlay zones. He added they were looking for sponsorships to fund the Super Bowl events.

### **PRESENTATIONS**

Leon Smith

**DIRECTOR OF PUBLIC SERVICES LEON SMITH – APPRECIATION PLAQUE:** Mayor Brown recognized Public Services Director Leon Smith and presented a plaque for 28 years of service to the city. A proclamation was previously presented to Mr. Smith on his 28<sup>th</sup> anniversary naming April 13<sup>th</sup>, 2004 “Leon Smith Day.”

### **COMMITTEE REPORTS**

IBBC

**ISH BRANT BEAUTIFICATION COMMITTEE:** City Manager Jarboe reported he was working with the Ish Brant Beautification Committee to develop a team concept with city staff. The committee was setting up a budget for potential projects and would seek approval of the Council for those projects. The committee would also be involved with the landscaping of the Water Plant.

### **CITY MANAGERS ACTION LIST**

City Manager Jarboe asked if there were any questions regarding the 28 items on the “Action List”. There were no questions from the Council.

### **PUBLIC COMMENTS**

Lynda Padrta, 1113 First Street, opposed outdoor seating for Sunny Caribbee, opposed the height increase referendum, and was concerned about code enforcement.

Michael Dunlap, 212 Lora Street, supported the sidewalk café but opposed the height referendum.

Rhonda McDonald, 515 Third Street, supported the outdoor seating.

Kara Tucker, opposed the sidewalk seating. She felt people like herself with a disability would not have enough space to walk on the sidewalk.

Virginia Smith, 553 Davis Street, requested the city have a representative at the public hearing for the testing of explosives at Mayport.

Sandy Golding, 1203 18<sup>th</sup> Avenue North, Jacksonville Beach, applauded the efforts of letting the citizens vote on the height limitation. She wished Jacksonville Beach had done the same.

Kelly Elmoore, 1650 Beach Avenue, Atlantic Beach, supported the sidewalk seating.

Neil Falone, 108 First Street, owner of Hibernia and President of the Town Center Agency, favored the outdoor seating.

Steve Jarrett, asked Council to consider rezoning the R-4 District to allow the 35' height limit before the November election.

Steve Hould, 111 Walnut Street, felt the 28' height limit should remain east of Third Street.

David Cole, 1500 Penman Road, owner of the Sea Horse Oceanfront Inn, asked Council to consider leaving latitude for exceptions on the 35' height limit.

### **PROPOSED ORDINANCES**

Ord. No. 2004-02

**ORDINANCE NO. 2004-02, SIDEWALKS & BIKEWAYS:** AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING THE EXISTING CHAPTER 27, SECTION 27-479 SIDEWALKS AND BIKEWAYS AND PROVIDING AN EFFECTIVE DATE.

Vice Mayor Gilbert stated he would not be present for the May regular meeting and suggested Ordinance No. 2004-02 be deferred to June for a full Council vote. He added he was in favor of the ordinance.

Mayor Brown stated without calling a special meeting it would go into June and he felt Mr. Brocato deserved an answer sooner.

Councilor Weldon felt the issue had been debated long enough and it was a little late for Atlantic Beach to get involved. He felt it should be left up to the restaurant owner to determine if food should be served with alcohol. He agreed the Council should vote on the Ordinance in May.

Mayor Brown stated the one-year trial period would allow the Town Center organization to observe and make recommendations. He added there would still be room on the sidewalk for pedestrians.

Councilor Pruette stated other businesses would be harmed because of the parking situation. She would vote against it.

Councilor Shealy was concerned about functional abandonment and parking problems. He would not support it at this time.

Mayor Brown suggested setting a date for a special meeting to vote on Ordinance 2004-02.

Councilor Gilbert asked for a consensus to table it to the June meeting when all council members would be present.

Councilor Weldon stated he would not be present for the June meeting. He was willing to support a special meeting.

City Clerk Volpe stated the special meeting had to be advertised 10 days in advance. She suggested holding the meeting on May 10<sup>th</sup> or before the workshop meeting on May 17<sup>th</sup>.

Councilor Pruette stated one agenda item should not be different from another and the vote should be done at the May regular meeting as long as there was a quorum.

Mayor Brown asked for a consensus to hold a special meeting Monday the 10<sup>th</sup> of May.

Councilor Pruette was not in favor of the special meeting.

Councilor Shealy stated out of respect and fairness for fellow council members he would support a special meeting.

Consensus: **TO HOLD A SPECIAL MEETING FOR THE SECOND AND FINAL READING OF ORDINANCE 2004-02 ON MAY 10, 2004 AT 6:00 P.M.**

Councilor Weldon stated there were several "should's" that still needed to be changed to "shall's" and asked Community Development Director Jason Cleghorn to make those changes.

Councilor Pruette asked about the condition that food must be served with orders for alcohol.

Consensus: **TO ADD THE CONDITION THAT FOOD MUST BE PURCHASED WITH THE PURCHASE OF ALCOHOLIC BEVERAGES.**

Councilor Pruette asked about the condition that personalized bricks be removed and replaced at the request of the owner. Mr. Brocato stated he would either move the bricks to another location or have new ones made to be placed in a different location.

Ord. No. 2004-XX

**ORDINANCE NO. 2004-XX, SPECIAL EVENTS: 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.**

City Manager Jarboe stated this ordinance set rules and guidelines for special event permits. In the past each event was taken as it came without set rules for protection of the citizens and the city.

Councilor Weldon asked if the City Attorney had approved the ordinance.

City Attorney White stated he was satisfied with the ordinance.

Councilor Weldon suggested adding Item I to the ordinance to read "no sales or rentals of any kind."

Consensus: **FORWARD TO THE MAY REGULAR MEETING FOR FIRST READ.**

Ord. No. 2004-XX

**ORDINANCE NO. 2004-XX, BUILDING HEIGHT: 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.**

City Clerk Lisa Volpe stated she spoke with the Supervisor of Elections Office and there were requirements for advertising a referendum. The ordinance would need to be adopted by mid June in order to advertise for the November election.

Councilor Weldon agreed to sponsor the ordinance. He asked the ordinance be reworded to read " Section 4.07 Building Height Limitation – No building structure in the City of Neptune Beach shall be allowed to exceed 35 feet in height without prior approval of the electors. Lower height limits may be established by the city council in individual zoning districts." The reason was so that anyone reading it on the ballot would understand that it was a height cap.

On the Record Councilor Weldon stated for the record he would strongly oppose any increase in the 28' height limit in the R-4 District. He did not object to the 35' height limit in the R-1 District where the lots were much larger if reasonable restrictions were placed on the roof pitches.

City Attorney White advised the height cap had to be on all structures.

City Clerk Volpe stated the substance of the amendment must be an explanatory statement not to exceed 75 words length and styled in a manner that a "yes" vote would indicate approval of the proposal and a "no" vote would indicate rejection. The ballot title shall consist of a caption not exceeding 15 words in length in which the measure is commonly referred to or spoken of.

Councilor Weldon was concerned about the reconstruction of the Seahorse Hotel. The City had agreed to allow him 35 feet for the building and an extra 3 or 4 feet to obscure utility equipment on the roof. He felt the City should honor the agreement.

City Attorney White advised the Council not to make exceptions in the referendum. Referendums were to be clear and concise and not subject to interpretations.

Councilor Pruette felt the entire council should sponsor the ordinance.

Consensus: **FOR ALL COUNCIL MEMBERS TO SPONSOR THE ORDINANCE.**

City Manager Jarboe stated if the referendum passed, the 28' height limit would remain until changed by the Council.

Consensus: **TO CHANGE THE ORDINANCE TO READ "NO BUILDING STRUCTURE IN THE CITY SHALL BE ALLOWED TO EXCEED 35 FEET IN HEIGHT WITHOUT PRIOR APPROVAL OF THE ELECTORS. LOWER HEIGHT LIMITS MAY BE ESTABLISHED BY THE CITY COUNCIL IN INDIVIDUAL ZONING DISTRICTS."**

Consensus: **FORWARD TO THE MAY REGULAR MEETING FOR FIRST READ.**

Recess/Reconvene Mayor Brown called a recess at 8:25 p.m. and reconvened the meeting at 8:43 p.m.

### **CONTRACTS / AGREEMENTS**

Atlantic Coast Asphalt **ATLANTIC COAST ASPHALT COMPANY CONTRACT:** City Manager Jarboe explained the contract was a piggyback off the City of Jacksonville. He was uncomfortable with the contract and suggested using a purchase order with the City Manager and the Public Services Director aligning the work schedule. He added an inspector would be hired to inspect and insure we were receiving the services we were paying for.

Councilor Weldon questioned if speed humps would be placed on all of the east west in R-4.

City Manager Jarboe replied the existing speed bumps would be replaced with speed humps.

Councilor Weldon stated the Volkert Traffic Study proposed exactly were the speed humps would be placed.

Vice Mayor Gilbert stated the speed humps should be placed according to the Volkert Traffic Study.

Councilor Pruette stated the citizens should be informed of the additional speed humps. She added there were areas west of Third Street where the speed bumps would be replaced with speed humps.

City Manager Jarboe stated he would have the speed humps placed according to the Volkert Study. He added there would be a cost increase.

Consensus: **FORWARD TO THE MAY REGULAR MEETING ADDING UNIFORM SPEED HUMPS AS RECOMMENDED BY THE VOLKERT TRAFFIC STUDY EAST OF THIRD STREET AND REPLACE THE SPEED BUMPS WEST OF THIRD STREET AS RECOMMENDED.**

### **ISSUE DEVELOPMENT**

Aqua East  
Surf Camps

**AQUA EAST REQUEST TO HOST SURF CAMPS WITHIN THE VICINITY OF NEPTUNE BEACH:** Scott Holmes, 696 Atlantic Boulevard, representative for Aqua East Surf Shop, requested permission to host a surf camp on the beach at the end of Lemon Street. He added the surf camp would provide a safe and fun environment for children to learn how to surf.

City Manager Jarboe stated background checks and fingerprints were required for anyone working with children and the surf shop would also be required to add the city to their insurance policy. He added any signs used on the beach would have to be approved and there could be no sales or orders for sales on the beach.

Consensus: **FORWARD TO THE MAY REGULAR MEETING CONSENT AGENDA.**

Ditch Maint.

**DITCH MAINTENANCE PROGRAM:** City Manager Jarboe stated he would like to improve the maintenance on the major ditches. Public Services was now capable of doing 25% a year with the available funding for ditch maintenance. The plan involved the purchase of equipment that would actually get down into the ditch. The equipment would allow Public Services to clean all the ditches within a one-year period. The demonstrator of the equipment agreed to train two employees on site while working on a project.

Vice Mayor Gilbert stated he saw the demonstration and it was a great piece of equipment. He felt it would be a good investment for the city. He asked City Manager Jarboe to inquire if FDOT would reimburse the city for cleaning their part of the ditches.

Councilor Weldon stated the reimbursement from FDOT would defray the cost of equipment.

City Manager Jarboe stated he would ask FDOT about a maintenance agreement.

City Manager Jarboe stated Director of Finance Steve Ramsey suggested borrowing the money for the equipment from the general fund with a 3.5% interest rate instead of paying the interest to an outside lender.

Consensus: **FORWARD TO THE MAY REGULAR COUNCIL MEETING.**

ABRC

**RESOLUTION ESTABLISHING THE ATLANTIC BOULEVARD REVITALIZATION COMMITTEE AND APPOINTING MEMBERS:** City Manager Jarboe explained the Resolution was to form a committee to encourage desirable tenants for the vacant commercial properties.

Councilor Pruette asked to change the resolution to allow the Town Center Agency to chose which of its members to serve on the committee.

City Manager Jarboe stated he would make any changes before the regular meeting.

Councilor Weldon recommended Lori Gaglione to serve on the committee.

City Manager Jarboe stated there were a number of qualified people who would like to serve on the committee. He would like to consider all interested applicants then bring them before the Council for consideration.

Consensus: **FORWARD TO THE MAY REGULAR COUNCIL MEETING.**

- Utilex                    City Attorney Chris White advised the city was served a lawsuit from Utilex naming both the city and PBS&J. He considered the lawsuit to be totally without merit. He asked if anyone had questions to call his office.
  
- FLC                      City Manager Jarboe recommended Council members attend the Florida League of Cities training institute.
  
- Scotty's                Councilor Pruette questioned an article in the Shorelines regarding turning Scotty's into an outlet mall. City Manager Jarboe replied the city was not aware of the changes and they had not been approved by the City or the Planning & Development Review Board. Community Development Director Jason Cleghorn stated he was in the process of working with them and would meet the CEO Wednesday.
  
- Adjournment         There being no further business, the meeting adjourned at 9:22 p.m.

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Richard A. Brown, Mayor

Attest:

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Lisa Volpe, CMC, City Clerk

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