



MINUTES
REGULAR CITY COUNCIL MEETING
APRIL 5, 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 April 5, 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
 City Attorney Christopher White
 City Manager Jim Jarboe
 City Clerk Lisa Volpe, CMC

ABSENT:

Councilor John Weldon

STAFF:

Detective Master Sergeant Tony Carrillo
 Director of Community Development Jason Cleghorn
 Assistant to the City Manager Terry Klein
 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 led the pledge of allegiance.

AWARDS / PRESENTATIONS / RECOGNITION OF GUESTS

Paul Dawson, representative for Risk Management, presented a plaque to the City in recognition of outstanding safety performance related to workers compensation insurance.

Mayor Brown presented a certificate to City Clerk Lisa Volpe in recognition of her advancement into the first level of the Master Municipal Clerk Academy.

APPROVAL OF MINUTES

Motion: **TO APPROVE THE FOLLOWING MINUTES:**
FEBRUARY 23, 2004, WORKSHOP CITY COUNCIL MEETING
MARCH 1, 2004, REGULAR CITY COUNCIL MEETING
MARCH 8, 2004, LAND DEVELOPMENT CITY COUNCIL MEETING
MARCH 22, 2004, SPECIAL CITY COUNCIL MEETING
MARCH 22, 2004, WORKSHOP CITY COUNCIL MEETING

MARCH 29, 2004, LAND DEVELOPMENT CITY COUNCIL MEETING

Moved by Gilbert, seconded by Pruette.

Roll Call Vote:

Ayes: 4 – Gilbert, Pruette, Shealy, Brown

Noes: 0

MOTION CARRIED

Res. No. 2004-07

RESOLUTION NO. 2004-07: A RESOLUTION APPOINTING BOARD MEMBERS TO THE CODE ENFORCEMENT BOARD.

Moved by Gilbert, seconded by Pruette.

Motion: **TO APPROVE RESOLUTION NO. 2004-07.**

Roll Call Vote:

Ayes: 4 – Gilbert, Pruette, Shealy, Brown

Noes: 0

MOTION CARRIED**COMMUNICATIONS AND CORRESPONDENCE**

Mayor Brown thanked the volunteers for their efforts in the success of "Sunday in the Park".

Councilor Pruette thanked the volunteers for their efforts in "Sunday in the Park" and thanked staff for their involvement in the Goal Setting Workshop.

Vice Mayor Gilbert introduced local artist Gary Mack and thanked him for his donation of artwork as a door prize at the Northeast Florida League of Cities monthly dinner meeting.

City Manager Jarboe thanked council members and staff for attending the goal setting workshop meeting.

CITY MANAGER REPORTS

City Manager Jarboe gave each council member a copy of his project status report. The report included sixteen projects, the responsible department, and the status of each project.

MENZI MUCK DEMONSTRATION: A demonstration of the Menzi Muck would be conducted April 6, 2004 at 1:30 p.m. at the corner of Third Street and Bay Street.

LIFT STATION ON FIRST STREET: The landscaping of the lift station on First Street had been completed and a tap was to be installed.

SUMMER SANDS ENTRANCE: A turn lane for the Summer Sands entrance on Ish Brant Boulevard was to begin construction on April 7, 2004.

City Manager Jarboe asked if there were any questions from the council regarding the project report.

TOWN CENTER PARKING SPOT PAVING: Councilor Pruette asked if the parking spot paving of Town Center would include an area for motorcycles. Mr. Jarboe replied motorcycle parking was not included in the plan but he would look into it.

PUBLIC SERVICES FACILITY: City Manager Jarboe added there would be a ribbon cutting ceremony for the new Public Services Facility in approximately eight weeks.

PUBLIC COMMENTS / NONE

CONSENT AGENDA / NONE

VARIANCES / NONE

ORDINANCES

Ord. No. 2004-01

ORDINANCE NO. 2004-01 – AMENDING CHAPTER 27, ARTICLE XV, ADVERTISING, SECOND READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING THE EXISTING CHAPTER 27, ARTICLE XV ADVERTISING, AMENDING SEC. 27-575 PURPOSE AND INTENT, SEC. 27-576 DEFINITIONS, SEC. 27-577 MAINTENANCE OF SIGNS, SEC. 27-580 EXEMPTIONS, SEC. 27-581 PROHIBITED SIGNS, SEC. 27-582 SIGN AREA COMPUTATION, SEC. 27-583 PERMITTED TEMPORARY SIGNS, SEC. 27-584 GROUND SIGNS, SEC. 27-586 ENTRANCE SIGNS FOR SUBDIVISIONS AND MULTIFAMILY DEVELOPMENTS, SEC. 27-589 PLACEMENT STANDARDS, SEC. 27-591 DESIGN STANDARDS, SEC. 27-592 NONCONFORMING SIGNS, SEC. 27-593 VIOLATION CONSTITUTE NUISANCE; ABATEMENT, DELETING SEC. 27-585 BUILDING SIGNS AND ADDING SEC. 27-585A BUILDING SIGNS, SEC. 27-585B UNIFIED SIGNS PLAN, SEC. 27-585C SIGNS WITHIN PLANNED UNIT DEVELOPMENT (PUD) ZONING DISTRICTS, SEC. 27-585D SIGNS WITHIN CONSERVATIONS (CON) ZONING DISTRICTS AND PROVIDING AN EFFECTIVE DATE.

Mayor Brown read Ordinance No. 2004-01 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 Shealy.

Motion: **TO ADOPT ORDINANCE NO. 2004-01 ON SECOND READ AND PUBLIC HEARING AS AMENDED.**

Roll Call Vote:

Ayes: 4 – Gilbert, Pruette, Shealy, Brown

Noes: 0

MOTION CARRIED

Ord. No. 2004-02

ORDINANCE NO. 2004-02 – AMENDING CHAPTER 27, SECTION 27-479, SIDEWALKS AND BIKEWAYS, SECOND READ AND PUBLIC HEARING: 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.

Mayor Brown requested action be deferred on Ordinance No. 2004-02 until a full Council was present.

Vice Mayor Gilbert stated Atlantic Beach Commissioners had contacted him regarding conditions of the ordinance. They were concerned as to how the ordinance would impact Atlantic Beach. He asked to forward the ordinance to the workshop meeting for further discussion.

City Attorney White stated the public hearing was advertised for the ordinance and should not be dismissed. He advised the Council to listen to the public comments and then decide what action they wanted to take.

Mayor Brown read Ordinance No. 2004-02 by title only and opened the public hearing.

Joanne Hoffman, 130 Sand Castle Way, opposed Ordinance No. 2004-02. She was concerned about smoking, drinking, and bad language.

Gary Mack, 315 Plaza, Atlantic Beach, supported Ordinance No. 2004-02. He felt outdoor seating would be an asset to the community.

Steven Orr, 371 Fourth Street, supported Ordinance No. 2004-02.

Jay Starr, 683 Sturdivant Avenue, supported Ordinance No. 2004-02.

Bill Darush, 304 Sunrise Circle, opposed the Ordinance. He felt public property should not be leased for the purpose of serving food and alcoholic beverages. He was also concerned about sidewalk congestion.

David Baker, 1102 First Street, opposed the Ordinance. He questioned how many other restaurants would qualify under the conditions. He was also concerned there would be problems with parking and drinking.

Mary Ann Padrta, 1030 Second Street, opposed the Ordinance. She suggested a referendum to allow the citizens to vote on whether or not public property should be leased to restaurants for outdoor seating. She was concerned about smoking, drinking and parking.

Christine Chin, 227 Margaret Street, favored the Ordinance with the condition that the city would monitor the area and withdraw the lease agreement if there were persistent problems.

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

Moved by Pruette, seconded by Gilbert.

Motion: **TO DEFER ORDINANCE NO. 2004-02 FOR ACTION TO THE MAY REGULAR CITY COUNCIL MEETING AND TO PUT IT ON THE NEXT WORKSHOP AGENDA.**

Roll Call Vote:

Ayes: 4 – Gilbert, Pruette, Shealy, Brown

Noes: 0

MOTION CARRIED

Ord. No. 2004-03

ORDINANCE NO. 2004-03, AMENDING AND REWORDING SECTION 27-377, SECOND READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING AND REWORDING SECTION 2-377 AND ADDING NEW SUBSECTIONS AND PROVIDING AN EFFECTIVE DATE.

City Manager Jarboe explained this Ordinance would formalize purchasing procedures and allow the city to piggyback on existing government contracts.

Mayor Brown read Ordinance No. 2004-03 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. 2004-03 ON SECOND READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 4 – Gilbert, Pruette, Shealy, Brown

Noes: 0

MOTION CARRIED

Ord. No. 2004-04

ORDINANCE NO. 2004-04, AMENDING CHAPTER 27, SECTION 27-330, FENCES, WALLS AND HEDGES, SECOND READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING THE EXISTING CHAPTER 27, SECTION 27-330 FENCES, WALLS AND HEDGES AND PROVIDING AN EFFECTIVE DATE.

City Manager Jarboe explained this Ordinance would allow the city to install safety fences around public facilities.

Mayor Brown read Ordinance No. 2004-04 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 ADOPT ORDINANCE NO. 2004-04 ON SECOND READ AND PUBLIC HEARING AS AMENDED.**

Roll Call Vote:

Ayes: 4 – Gilbert, Pruette, Shealy, Brown

Noes: 0

MOTION CARRIED

Ord. No. 2004-05

ORDINANCE NO. 2004-05, AMENDING CHAPTER 2, ADDING SECTION 2-363, FIRST READ: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING THE EXISTING CHAPTER 2, ADDING SECTION 2-363 TRANSFER OF APPROPRIATIONS AND PROVIDING AN EFFECTIVE DATE.

City Manager Jarboe explained transfers of appropriations have traditionally been done and this would put those transfers in Ordinance form.

Vice Mayor Gilbert agreed to sponsor Ordinance No. 2004-05.

Moved by Gilbert, seconded by Pruette.

Motion: **TO PASS ORDINANCE NO. 2004-05 ON FIRST READ.**

Roll Call Vote:

Ayes: 4 – Gilbert, Pruette, Shealy, Brown

Noes: 0

MOTION CARRIED

OLD BUSINESS / NONE

NEW BUSINESS

Verizon

VERIZON WIRELESS CONTRACT: City Attorney Chris White stated he was still waiting for additional documents for the contract. He recommended deferring approval of the contract until the additional documentation was received.

PBS&J

PBS&J CONTRACT APPROVAL FOR DRAINAGE DESIGN: City Manager Jarboe explained approval of the PBS&J contract for professional engineering services would allow the drainage design of First Street to move forward.

Moved by Gilbert, seconded by Pruette.

Motion: **TO APPROVE THE PBS&J CONTRACT FOR DRAINAGE DESIGN.**

Roll Call Vote:

Ayes: 4 – Gilbert, Pruette, Shealy, Brown

Noes: 0

MOTION CARRIED

Street Paving

APPROVAL OF CONTRACT FOR ATLANTIC COAST ASPHALT COMPANY FOR STREET PAVING: City Manager Jarboe explained the contract was a piggyback off the City of Jacksonville's contract for asphalt paving. The contract was 50% less than market and would allow the city to pave more streets than originally planned. The estimated cost to pave the whole city was \$450,000 and included the speed humps.

Moved by Gilbert, seconded by Shealy.

Motion: **TO APPROVE THE CONTRACT FOR ATLANTIC COAST ASPHALT COMPANY.**

Roll Call Vote:

Ayes: 4 – Gilbert, Pruette, Shealy, Brown

Noes: 0

MOTION CARRIED

Hickory Marsh

APPROVAL OF PLATTING HICKORY MARSH SUBDIVISION: Community Development Director Jason Cleghorn explained Hickory Marsh was a five-lot subdivision in a cul-de-sac off of Forest Avenue. The developer would be required to install either a fence or a wall along the Penman Road portion. The plat met all Code requirements.

Moved by Shealy, seconded by Gilbert.

Motion: **TO APPROVE THE PLATTING OF HICKORY MARSH SUBDIVISION.**

Roll Call Vote:

Ayes: 4 – Gilbert, Pruette, Shealy, Brown

Noes: 0

MOTION CARRIED

Adjournment

There being no further business, the meeting adjourned at 9:20 p.m.

Richard A. Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____