



MINUTES
SPECIAL CITY COUNCIL MEETING
MAY 10, 2004 AT 6:00 P.M.
CITY HALL, 116 FIRST STREET
NEPTUNE BEACH, FLORIDA

Pursuant to proper notice a Special Meeting of the City Council of the City of Neptune Beach was held May 10, 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 Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

ABSENT:

City Attorney Christopher White

STAFF:

Community Development Director Jason Cleghorn
Director of Finance Steve Ramsey
Deputy City Clerk Karla Strait, CMC

Order Call

Mayor Brown called the special meeting to order at 6:00 p.m. and announced the purpose of the meeting was the second read and public hearing for Ordinance No. 2004-02 and the first read and public hearing for Ordinance No. 2004-10.

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

Hays Bishop, 1443 Spindrifft Circle East, opposed Ordinance No. 2004-02 allowing sidewalk dining on public property.

Joanne Hoffman, 130 Sandcastle Way, opposed Ordinance No. 2004-02. She turned in a petition signed by other citizens that also opposed.

Mary Ann Padrta, 1030 Second Street, opposed Ordinance No. 2004-02 and asked the Council to vote "no".

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

Moved by Weldon, seconded by Gilbert.

For the Record Councilor Pruette stated for the record that she enjoyed outdoor dining, but not on public property.

Councilor Shealy felt allowing sidewalk dining on the right-of-way would not benefit Town Center.

Motion: **TO ADOPT ORDINANCE NO. 2004-02 ON SECOND READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 3 – Gilbert, Weldon, Brown

Noes: 2 – Pruette, Shealy

MOTION CARRIED

Councilor Pruette quoted Section 4.5 of the Code of Ordinances. "It shall be unlawful for any person to consume any alcoholic beverage or to possess any alcoholic beverage in an open container while upon the Atlantic Ocean beach, public property such as streets and highways and other rights-of-ways." She felt this section of the code needed to be addressed.

Councilor Gilbert requested placing the subject on the workshop agenda to address and obtain a legal opinion from City Attorney White.

Ord. No. 2004-10

ORDINANCE NO. 2004-10, AMENDING THE OPERATING BUDGET, FIRST READ AND PUBLIC HEARING: AN ORDINANCE AMENDING THE OPERATING BUDGET FOR THE CITY OF NEPTUNE BEACH, FLORIDA FOR FISCAL YEAR 2004 BEGINNING OCTOBER 1, 2003 AND ENDING SEPTEMBER 30, 2004.

City Manager Jarboe explained the ordinance would amend the budget to allow expenditures for the menzi muck, regular salaries due to changes in city managers, and contributions to the Police Pension Fund.

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.

Moved by Weldon, seconded by Shealy.

Motion: **TO PASS ORDINANCE NO. 2004-10 ON FIRST READ AND PUBLIC HEARING.**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

Ord. No. 2004-02

Councilor Weldon questioned the need to address the issue of Section 4.5 of the Code when City Attorney White had already reviewed and approved of the ordinance. He felt the process had been held up long enough.

City Manager Jarboe stated he would speak with the City Attorney the next day and provide the Council his opinion.

Vice Mayor Gilbert stated he would be satisfied with a letter or memo from the City Attorney.

City Clerk Volpe reminded the Council the development order for Sunny Caribbee still required approval. It was postponed until the ordinance was adopted.

Council Members questioned why the development order was not placed on this agenda.

Community Development Director Cleghorn stated the ordinance was not solely for Sunny Caribbee. This was only the beginning of the process to allow outdoor seating on the public right-of-way.

Councilor Weldon clarified the council was not working solely on behalf of Mr. Brocato. He asked City Manager Jarboe to tie up all the loose ends before the June regular meeting.

Mayor Brown questioned why the issue of the development order and the resolution had not been discussed in previous meetings.

City Manager Jarboe explained the development order could not be approved concurrently. The first step was to adopt the ordinance and the next step was to approve the development order. He added anytime there was a change to an original development order a new order was required.

Adjournment

There being no further business, the meeting adjourned at 6:36 p.m.

Richard Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____