



MINUTES
REGULAR CITY COUNCIL MEETING
MAY 3, 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 May 3, 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
Councilor Harriet Pruette
Councilor Larry Shealy
Councilor John Weldon
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

ABSENT:

Vice Mayor James Gilbert
City Attorney Christopher White

STAFF:

Director of Public Safety Chief William Brandt
Director of Community Development Jason Cleghorn
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 asked Councilor Weldon to lead the pledge of allegiance.

AWARDS / PRESENTATIONS / RECOGNITION OF GUESTS

Mayor Brown recognized and presented plaques to Steven Davie, Jerry Dredge, Mike Todd, and Harry Mullins, for their assistance in the transportation of the Easter Bunny to the "City of Neptune Beach Easter in the Park Event 2004".

Mayor Brown recognized Elaine Kenny and Rebecca Miller for volunteering and organizing the "Sunday in the Park" event.

Ron Hoogle, Project Manager for G.A.I. Consultants, gave a presentation of the proposed design of the Kings Road Bridge. He explained the structure of the bridge and construction materials.

Discussion ensued regarding different design options and materials.

City Manager Jarboe stated he would obtain additional pricing for suggested options and forward the information to the workshop meeting for discussion.

Consensus: **FORWARD TO THE MAY WORKSHOP AGENDA.**

APPROVAL OF MINUTES

Motion: **TO APPROVE THE FOLLOWING MINUTES:**
APRIL 3, 2004, GOAL SETTING MEETING
APRIL 5, 2004, REGULAR CITY COUNCIL MEETING
APRIL 19, 2004, WORKSHOP CITY COUNCIL MEETING

Moved by Pruette, seconded by Shealy.

Roll Call Vote:

Ayes: 4 –Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

COMMUNICATIONS AND CORRESPONDENCE

Councilor Pruette stated the residents on Margaret Street were once again having problems with noise, and parking. City Manager Jarboe responded he was aware of the situation and was taking action. Councilor Pruette also commented that she received a letter from Jacksonville City Councilman Art Graham denying the city's request to put a light on Florida Blvd by the elementary school. She asked the city to keep up this effort.

City Clerk Volpe introduced Cynthia Baines and John Reeves to the Council. They were both to be appointed to the Board of Appeals by Resolution 2004-09, which was later on the agenda.

CITY MANAGER REPORTS

SEWER IMPROVEMENT PROJECT: The Sewer Improvement Project was complete with the exception of a few odds and ends.

PUBLIC SERVICES FACILITY PROJECT: The Public Services Facility Project was estimated to be complete in six weeks. A ribbon cutting ceremony and hot dog social would be planned once the project was complete.

Councilor Weldon questioned if the area on the north side of the fence would be landscaped. City Manager Jarboe replied once the asphalt was completed they would work with the neighbors on landscaping the area on south side of Forest Avenue from the fence to the road.

Councilor Pruette asked if new furniture would be purchased for the new offices. City Manager Jarboe stated new furniture would be purchased for Director of Public Services Leon Smith's office and for the entrance lobby. For the time being the old furniture would be used in the remaining offices.

PUBLIC COMMENTS

Steve Jarrett, 36 Seawood Drive, Jacksonville Beach, asked the Council to consider allowing extra height limits for commercial structures to hide air conditioning units, elevator shafts, and other equipment generally placed on the roofs.

Marsha Coker, 206 Margaret Street, asked for increased police patrol on Margaret Street to control the noise, late night partying, and illegally parked cars.

Christine Chin, 227A Margaret Street, stated Margaret Street residents were once again having problems with noise, late night partying and illegally parked cars.

Dennis Joyce, 1998 Strand, stated the parked cars on Margaret Street sometimes prevented other cars from driving down the road. He questioned if it was legal for cars to be parked in the street. City Manager Jarboe stated parking on the street was legal, as long it did not block the road. He explained a letter would be sent to all the residents on Margaret Street informing them of city ordinances and the penalties for violations.

David Cole, 1500 Penman Road, asked Council to forward Ordinance No. 2004-06, to the next workshop to consider allowing extra height for commercial buildings.

CONSENT AGENDA

Res. No. 2004-08

RESOLUTION NO. 2004-08: A RESOLUTION ESTABLISHING THE ATLANTIC BOULEVARD REVITALIZATION COMMITTEE AND APPOINTING MEMBERS.

ATLANTIC COAST ASPHALT COMPANY CONTRACT: Approval of a purchase order with Atlantic Coast Asphalt to pave streets and install speed humps.

AQUA EAST SURF CAMP: Approval to allow Scott Holmes to conduct surf camps on the beach.

Councilor Pruette requested removing Resolution No. 2004-08 from the consent agenda for further discussion.

Moved by Pruette, seconded by Weldon.

Motion: **TO REMOVE RESOLUTION NO. 2004-08 FROM THE CONSENT AGENDA AND VOTE ON ITEMS B & C.**

Roll Call Vote:

Ayes: 4 – Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

Councilor Pruette suggested striking the words “in a row” from Section 5 which read: Any committee member missing more than three (3) called meetings in a row will no longer remain a member of the committee.

The remaining Council Members disagreed and felt “in a row” should not be stricken.

Moved by Pruette, seconded by Weldon.

Motion: **TO APPROVE RESOLUTION 2004-08.**

Roll Call Vote:

Ayes: 4 – Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

VARIANCES

Variance V04-10
Stang
122 Margaret St.

APPEAL OF VARIANCE REQUEST FOR – V04-10– STANG – 122 MARGARET STREET: The purpose of the appeal was for a balcony to extend 12 feet into the 25-foot front setback. The Board of Appeals approved the request to extend the deck only six feet.

Moved by Weldon, seconded by Pruette.

Motion: **TO REAFFIRM THE DECISION OF THE BOARD.**

Roll Call Vote:

Ayes: 4 – Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

ORDINANCES

Ord. No. 2004-05

ORDINANCE NO. 2004-05 – AMENDING CHAPTER 2, ADDING SECTION 2-363, SECOND READ AND PUBLIC HEARING: 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.

Mayor Brown read Ordinance No. 2004-05 by title only and opened the public hearing.

Leslie Karlin, 1506 Spindrift Circle West, favored approval of Ordinance No. 2004-05.

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

Moved by Pruette, seconded by Weldon.

Motion: **TO ADOPT ORDINANCE NO. 2004-05 ON SECOND READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 4 – Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

Ord. No. 2004-06

ORDINANCE NO. 2004-06 – BUILDING HEIGHT – FIRST READ: 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.

Councilor Shealy suggested the ordinance read, “no residential building structure in the city shall be allowed to exceed 35 feet.” This would leave commercial building structures height limitations as they now stood.

Councilor Weldon felt commercial buildings should have a special exception to mount utilities on the roof.

Discussion ensued regarding the current height limitations on commercial buildings.

Steve Jarrett suggested amending the ordinance to include the 41 feet for commercial buildings.

For the Record Councilor Weldon stated for the record the code did not allow an automatic extra 6 feet or 41 feet for commercial buildings.

City Clerk Volpe stated in order for the referendum to be placed on the ballot the

ordinance had to be in the Supervisor of Elections Office by July 19, 2004.

Councilor Weldon suggested passing Ordinance No. 2004-06 on first read and working out the details at the workshop meeting.

Councilor Pruette suggested the ordinance read as follows: "no residential building structure in the city shall be allowed to exceed 35 feet and no commercial building shall not exceed 41 feet."

Moved by Weldon, seconded by Pruette.

Motion: **TO PASS ORDINANCE NO. 2004-06 ON FIRST READ CALLING FOR A REFERENDUM ELECTION AMENDING THE CHARTER REGARDING BUILDING HEIGHT LIMITATION AND THAT THE COUNCIL AGREE TO REVISE THE LANGUAGE IN THE ORDINANCE TO ADDRESS THE ISSUE OF ROOF TOP UTILITIES AND PARAPET WALLS TO SCREEN UTILITIES.**

Roll Call Vote:

Ayes: 4 – Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

Ord. No. 2004-07

ORDINANCE NO. 2004-07, SPECIAL EVENTS POLICY – FIRST READ: 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.

Councilor Shealy agreed to sponsor the ordinance.

Moved by Pruette, seconded by Shealy.

Motion: **TO PASS ORDINANCE NO. 2004-07 ON FIRST READ.**

Roll Call Vote:

Ayes: 4 – Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

Ord. No. 2004-08

ORDINANCE NO. 2004-08 – FIREWORKS – FIRST READ: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING THE EXISTING CHAPTER 14, OFFENSES; BY CREATING A NEW SECTION 14-9, "REGULATION OF FIREWORKS;" SETTING FORTH REGULATIONS FOR THE POSSESSION OF FIREWORKS; PROVIDING PENALTIES; PROVIDING FOR CONFLICTING ORDINANCES; SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Director of Public Safety William Brandt explained the ordinance would give police officers the authority to confiscate illegal fireworks. Atlantic Beach and Jacksonville Beach were both adopting similar ordinances before July 4, 2004.

Councilor Pruette questioned how the ordinance would be enforced. Chief Brandt replied officers would issue "Notices to Appear."

Moved by Pruette, seconded by Shealy.

Motion: **TO PASS ORDINANCE NO. 2004-08 ON FIRST READ.**

Roll Call Vote:

Ayes: 4 – Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIEDOLD BUSINESS

Fencing Water Plant

PRECAST TECHNOLOGIES, INC. – PROPOSAL FOR FENCING OF WATER PLANT: City Manager Jarboe explained because of an increase in steel pricing we could no longer piggyback off of Jacksonville's contract as planned. The project was advertised for bids. Precast Technologies was the sole bidder. He asked Council to approve the bid and allow him to make a decision depending on funds available. He advised he would ask Council for further direction if funds were not available.

Moved by Pruette, seconded by Weldon.

Motion: **TO APPROVE THE BID CONTINGENT UPON THE CITY MANAGER ASSURING THE FUNDS ARE AVAILABLE.**

Roll Call Vote:

Ayes: 4 – Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIEDNEW BUSINESS

Res. No. 2004-09

RESOLUTION NO. 2004-09: A RESOLUTION APPOINTING BOARD MEMBERS TO THE BOARD OF APPEALS.

Appointees Cynthia Baines and John Reeves introduced themselves to Council Members.

Moved by Pruette, seconded by Shealy.

Motion: **TO APPROVE RESOLUTION NO. 2004-09.**

Roll Call Vote:

Ayes: 4 – Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

Duval County

DUVAL COUNTY PUBLIC SCHOOL JOINT VENTURE: City Manager Jarboe explained in order to have a cooperative venture with another governmental body an agreement was required between the two bodies spelling out each party's responsibilities.

Moved by Weldon, seconded by Pruette.

Motion: **TO DIRECT THE CITY MANAGER TO EXECUTE THE AGREEMENT WITH DUVAL COUNTY PUBLIC SCHOOLS.**

Roll Call Vote:

Ayes: 4 – Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

Ditch Maint.

DITCH MAINTENANCE PLAN – PURCHASE OF MENZI MUCK: City Manager Jarboe explained the Menzi Muck could be purchased by piggybacking off of the City of Jacksonville for a cost of \$175,000 saving an estimated \$30,000. The Menzi Muck would enable the city to have the equipment in house to maintain ditches. The company would also train city employees to operate and maintain the equipment.

Councilor Weldon was concerned because the money was not budgeted and asked if it could be incorporated into the coming years budget. City Manager Jarboe stated he would inquire as to when the City of Jacksonville's contract expired.

City Manager Jarboe explained Finance Director Steve Ramsey suggested borrowing the money from the general fund and paying it back over four years. He added he would institute a Capital Outlay Plan for the upcoming budget.

Moved by Pruette, seconded by Shealy.

Motion: **TO APPROVE THE PURCHASE OF THE MENZI MUCK.**

Roll Call Vote:

Ayes: 4 – Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIEDDevelopment Order
450 Atlantic Blvd.

DEVELOPMENT ORDER – WILLIAM NEWBERN – 450 ATLANTIC BOULEVARD: Director of Community Development Jason Cleghorn explained the Planning & Review Board recommended approval of the order for Mr. Newbern to lease a portion of Sportsplex to operate a tanning and massage parlor.

Moved by Weldon, seconded by Pruette.

Motion: **TO APPROVE THE FINAL DEVELOPMENT ORDER FOR MR. WILLIAM NEWBERN TO OPERATE A TANNING AND MASSAGE AT 450 ATLANTIC BOULEVARD.**

Roll Call Vote:

Ayes: 4 – Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

Surplus

SURPLUS ITEMS: City Clerk Volpe stated there was a list of surplus items from the Public Services Department in the agenda packet.

Mayor Brown questioned how the surplus items would be sold. City Clerk Volpe stated the pickup trucks would be auctioned on the "govdeals.com" website.

Moved by Pruette, seconded by Shealy.

Motion: **TO APPROVE THE SURPLUS OF THE ITEMS.**

Moved by Pruette, seconded by Shealy.

Roll Call Vote:

Ayes: 4 – Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

Res. No. 2004-10

RESOLUTION 2004-10: A RESOLUTION OF THE CITY OF NEPTUNE BEACH, FLORIDA AUTHORIZING THE CITY ATTORNEY CHRISTOPHER WHITE TO DEFEND AND PROSECUTE HOWEVER APPROPRIATELY IN RESPONSE TO THE LAWSUIT OF UTILX CORP. VS. CITY OF NEPTUNE BEACH, FLORIDA AND POST BUCKLEY SHUS & JERNIGAN.

Moved by Weldon, seconded by Pruette.

Motion: **TO APPROVE RESOLUTION NO. 2004-10.**

Roll Call Vote:

Ayes: 4 – Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

Councilor Pruette stated bricks were being sold for \$100.00 to raise funds for the track improvements at Neptune Beach Elementary School. The project was scheduled to begin the first of June and be completed by the middle of July.

Councilor Weldon stated the current code allowed exceptions to accommodate elevator shafts and utilities and did not specifically allow 41 feet. He asked council members to consider that while thinking about how to word the referendum.

City Manager Jarboe read Section 27-239 of the Code. Building height limitations. (b) Exceptions. The following features are exempt from the height limitation: 1) Church steeples, chimneys and similar structures not intended as places of occupancy or storage, 2) Flag poles and similar devices, and 3) Heating and air conditioning equipment, solar collectors, elevator shafts, and similar equipment, fixtures, and devices provided that: (a) They are set back from the edge of the roof a minimum distance of one foot for every foot by which such feature extend above the roof surface of the principle building to which they are attached, (b) No more than one-third of the total roof area may be occupied by such features, and (c) Parapet walls are constructed up to a height not to exceed the height of such features.

Adjournment

There being no further business, the meeting adjourned at 9:03 p.m.

Richard A. Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____