



MINUTES
REGULAR CITY COUNCIL MEETING
FEBRUARY 7, 2005 6:43 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 February 7, 2005 at 6:43 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

Mayor Richard A. Brown
Vice Mayor Harriet Pruette
Councilor Eric Pardee
Councilor Larry Shealy
Councilor John Weldon
City Attorney Christopher White
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

STAFF:

Community Development Director Jason Cleghorn
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 6:43 p.m. and led the pledge of allegiance.

AWARDS / PRESENTATIONS / RECOGNITION OF GUESTS / NONE

APPROVAL OF MINUTES

Moved by Pruette, seconded by Pardee.

Councilor Weldon asked to amend page 5 of the January 10, 2005, Workshop Council Meeting minutes to reflect that he stated "he would like to ~~replace all~~ consider replacing the disputed fixtures as soon as possible and replace the remaining streetlights as needed."

Motion: **TO APPROVE THE FOLLOWING MINUTES AS AMENDED:**

JANUARY 3, 2005, REGULAR CITY COUNCIL MEETING
JANUARY 10, 2005, WORKSHOP CITY COUNCIL MEETING

Roll Call Vote:

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

Noes: 0

MOTION CARRIED**COMMUNICATIONS AND CORRESPONDENCE**

Mayor Brown recognized Finance Director Steve Ramsey for receiving an award from the Government Finance Officers Association of the United States and Canada for the Comprehensive Annual Financial Report.

Mayor Brown reminded the Council that the City Manager's annual salary adjustment was approaching.

Mayor Brown asked Council on behalf of City Manager Jarboe to authorize the city manager to reside outside the city limits.

Moved by Weldon, seconded by Shealy.

Motion: **TO AUTHORIZE THE CITY MANAGER IN THIS ONE CASE TO RESIDE OUTSIDE THE NEPTUNE BEACH CITY LIMITS BUT WITHIN THE COUNTY LIMITS.**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

Vice Mayor Pruette requested all agenda items be discussed at a workshop prior to the regular meeting.

Councilor Pardee informed everyone that former Tax Collector Lynwood Roberts had passed away on Sunday, February 6, 2005. The funeral would be held Thursday, February 10, 2005.

Councilor Shealy reported he had received positive feedback from residents regarding the repaving of the streets.

City Clerk Volpe asked the Council to reschedule the February 21, 2005, workshop meeting because it would fall on Presidents Day and City Hall would be closed.

Consensus: **TO RESCHEDULE THE FEBRUARY WORKSHOP MEETING FOR MONDAY, FEBRUARY 28, 2005.**

Councilor Pruette asked when the new Land Development Regulations would be distributed to board members. City Clerk Volpe advised the new Code was just received and would be distributed as soon as possible.

CITY MANAGER REPORT / NONE**PUBLIC COMMENTS**

Christine Chin, 227A Margaret Street, opposed reducing the number of board members from seven (7) to five (5). She was concerned that a five (5) member board would only require a three (3) member quorum allowing only two (2) members to determine the outcome of issues.

Kerry Chin, 227A Margaret Street, also opposed reducing the number board members from seven (7) to five (5).

Hank Wilkinson, 203 North Street, voiced concern regarded traffic safety issues and lack of police patrol.

CONSENT AGENDA / NONE

VARIANCES

V05-06 TM Neptune Realty VARIANCE REQUEST V05-06, TM NEPTUNE REALTY, 580 ATLANTIC BOULEVARD:
A variance request to erect a 196 square foot sign in lieu of the minimum 41 square foot sign as governed by Section 27-585A(2)(a) of the ULDC.

Moved by Pruette, seconded by Shealy.

Motion: **TO APPROVE VARIANCE V05-06, 580 ATLANTIC BOULEVARD, TM NEPTUNE REALTY.**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

ORDINANCES

Ord. No. 2005-02 ORDINANCE NO. 2005-02, AMENDING THE 2010 FUTURE LAND USE MAP, SECOND READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING THE 2010 FUTURE LAND USE MAP, AS ADOPTED BY ORDINANCE 90-6-9, AS AMENDED, SAID ORDINANCE NUMBER 2005-02, WHICH SHALL CHANGE THE LAND USE DESIGNATION AS ESTABLISHED ON THE 2010 FUTURE LAND USE MAP (FLUM) FOR LANDS AS DESCRIBED HEREIN FROM CHURCH TO RESIDENTIAL, LOW DENSITY, PROVIDING FOR INTENT; AUTHORITY; FINDINGS OF CONSISTENCY; FINDINGS OF FACT; SEVERABILITY; RECORDATION AND AN EFFECTIVE DATE.

Moved by Weldon, seconded by Pruette.

Motion **TO ADOPT ORDINANCE NO. 2005-02 ON SECOND READ AND PUBLIC HEARING.**

Mayor Brown read Ordinance No. 2005-02 by title only and opened the public hearing.

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

For the Record Councilor Pruette stated she would not support the property being subdivided into more than seven (7) lots.

For the Record Councilor Weldon stated six (6) lots would be the maximum amount he would consider.

Roll Call Vote:

Ayes: 5 – Pardee, Pruette, Shealy, Weldon.

Noes: 0

MOTION CARRIED

Ord. No. 2005-03

ORDINANCE NO. 2005-03, AMENDING CHAPTER 27-15 DEFINITIONS, AND ADDING SECTION 27-31, FIRST READ: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 27-15 DEFINITIONS AND ADDING CHAPTER 27-31 TEMPORARY STRUCTURES AND PROVIDING AN EFFECTIVE DATE.

Councilor Pruette agreed to sponsor Ordinance No. 2005-03.

Councilor Pruette suggested changing the time period for temporary storage structures to remain on a property from four (4) days to five (5) days.

Moved by Shealy, seconded by Pardee.

Motion **TO PASS ORDINANCE NO. 2005-03 ON FIRST READ WITH AN AMENDMENT TO CHANGE THE TIME PERIOD FOR TEMPORARY STRUCTURES FROM FOUR (4) DAYS TO FIVE (5) DAYS.**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

Ord. No. 2005-04

ORDINANCE NO. 2005-04, AMENDING CHAPTER 27, UNIFIED LAND DEVELOPMENT REGULATIONS, ARTICLE II AND ARTICLE VII, FIRST READ: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 27 UNIFIED LAND DEVELOPMENT REGULATION, ARTICLE II. ADMINISTRATIVE AND ENFORCEMENT BODIES, DIVISION 2. PLANNING AND DEVELOPMENT REVIEW BOARD, SECTION 27-38(A) APPOINTMENTS AND 27-38(L) ALTERNATE MEMBERS, ADDING SECTION 27-38(N) TRAINING; AMENDING SECTION 27-41 VOTING AND QUORUM, AMENDING DIVISION 3. BOARD OF APPEALS, SECTION 27-47(A) APPOINTMENTS, SECTION 27-47(I) [ALTERNATE MEMBERS], ADDING SECTION 27-47(J) TRAINING, AMENDING SECTION 27-50(A) VOTING AND QUORUM, AMENDING CHAPTER 2 ADMINISTRATION, ARTICLE VII. BOARDS AND COMMISSIONS, DIVISION 2. CODE ENFORCEMENT BOARD AMENDING SECTION 20439(E) ADDING SECTION 2-439 (F) TRAINING AND PROVIDING AN EFFECTIVE DATE.

Councilor Pardee agreed to sponsor Ordinance No. 2005-04.

Vice Mayor Pruette stated she was not comfortable reducing the number of board members from seven (7) to five (5).

Councilor Shealy stated five (5) members was sufficient for the Council requiring a quorum of three (3). He questioned how the number of board members making decisions differed from the number of council members.

Councilor Weldon stated if the board members were reduced to five (5) with two (2) alternates the city could stipulate a requirement that it would take four (4) members to be considered a quorum. He felt five (5) people were more than adequate to conduct the meeting. It would also be easier for the Clerk's office to manage the boards and would alleviate pressure on staff.

Moved by Weldon, seconded by Pruette.

Motion **TO PASS ORDINANCE NO. 2005-04 ON FIRST READ AND PLACE ON THE FEBRUARY WORKSHOP MEETING FOR FUTHER DISCUSSION.**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

Ord. No. 2005-05

ORDINANCE NO. 2005-05, AMENDING CHAPTER 4 ALCOHOLIC BEVERAGES, SECTION 4-4(B), FIRST READ: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 4 ALCOHOLIC BEVERAGES SECTION 4-4(B) LOCATION OF ESTABLISHMENTS AND PROVIDING AN EFFECTIVE DATE.

City Manager Jarboe stated he would research any legal issues with the City Attorney.

Moved by Weldon, seconded by Shealy.

Motion: **TO PASS ORDINANCE NO. 2005-05 OF FIRST READ AND TO PLACE ON THE WORKSHOP.**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED**OLD BUSINESS**

First St. Right of Way

FIRST STREET RIGHT OF WAY: Forwarded from the Special Workshop Meeting for approval of the acceptance of a quit claim deed from Mr. Steve Robertson for the return of the portion of the 40' right of way on First Street from the sidewalk to the road.

Moved by Weldon, seconded by Shealy.

Motion: **TO APPROVE THE CITY MANAGER TO MOVE FORWARD WITH ACCEPTING PROPERTY BEING RETURNED TO THE CITY BY MR. ROBERTSON.**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

Recess/ Reconvene

Mayor Brown recessed the meeting at 7:55 p.m. and reconvened the meeting at 8:05 p.m.

NEW BUSINESSDevelopment Order
Neptune Realty, LLC
580 Atlantic Blvd.

DEVELOPMENT ORDER FOR NEPTUNE REALTY, LLC, 580 ATLANTIC BOULEVARD: A commercial development order to add a greenhouse to the side of the existing building located at 580 Atlantic Boulevard.

Moved by Shealy, seconded by Pruette.

Motion: **TO APPROVE THE DEVELOPMENT ORDER FOR NEPTUNE REALTY, LLC, 580 ATLANTIC BOULEVARD.**

Councilor Weldon asked to hear a clear guarantee from Proctor Ace Hardware that the

fire lane would be kept.

Steve Proctor, Proctor Ace Hardware advised loading would not block the fire lane and the lane would be wide enough to allow 2 vehicles to pass.

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

Beaches Resource
Center

BEACHES RESOURCE CENTER: Mr. John Moreland, Beaches Resource Center Foundation requested a monetary contribution of \$4,000 from the city.

City Manager Jarboe stated last year Neptune Beach contributed \$4,000. Atlantic Beach and Jacksonville Beach contributed \$2,000. He felt the contribution should be consistent with the sister cities.

Councilor Weldon stated the Resource Center provided excellent service for at risk children and felt the \$4,000 contribution should be continued.

Discussion ensued regarding the services provided by the Resource Center.

Mayor Brown agreed to the \$2,000 contribution and felt it should be an annual contribution. He requested the \$2,000 contribution to be included in future budgets.

Moved by Pruette, seconded by Pardee.

Motion: **TO CONTRIBUTE \$2,000 TO THE BEACHES RESOURCE CENTER FOUNDATION AND TO USE THE FUNDS FROM THE CONTINGENCY FUND.**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

911 Dispatch
Reimbursement

911 DISPATCH SALARY REIMBURSEMENT: Action to accept and execute the 9-1-1 Inter-Local Agreement – FY 2004-2005.

Moved by Pruette, seconded by Weldon

Motion: **TO ACCEPT THE 911 DISPATCH REIMBURSEMENT.**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

Ocean Accesces
Moratorium

MORATORIUM - BUILDING ON STREET ENDS: Review of Ordinance 2003-11, placing a moratorium on development of ocean accesces which expired November 20, 2004. City Manager Jarboe stated he was beginning to receive requests for permits and needed a clear direction from the Council.

Councilor Weldon asked staff to prepare a set of rules regarding property access,

impervious surface, and landscaping encroachments for discussion at the February workshop meeting.

Mayor Brown stated he had recently walked all the beach accesses and found many were landscaped by the adjacent property owners and looked as though the property was private.

Councilor Weldon stated he was in favor of the landscaping if it was a benefit to the entire community not only for the benefit of the adjacent property owner.

Consensus: **TO FORWARD TO THE FEBRUARY WORKSHOP MEETING FOR FURTHER DISCUSSION.**

General Employee
Retirement

VESTMENT CHANGE AND PENSION PLAN FOR GENERAL EMPLOYEES: To approve changes to the general employees retirement account including, reducing the vestment period from seven years to five years, allowing employee contribution to go into a 457 account in lieu of the 401(a) to avoid a 10% penalty upon withdrawal, and reducing the mandatory employee contribution from 6% to 3%. He also asked Council to consider increasing the matching contribution to 8% or 9% for employees with over ten years service at the beginning of the budget process..

Moved by Weldon, seconded by Pardee.

Motion: **AUTHORIZE THE CITY MANAGER TO TAKE THE NECESSARY ACTIONS TO MAKE ALL OF THE CHANGES IN THE CURRENT PENSION PLAN FOR GENERAL EMPLOYEES AS SOON AS POSSIBLE.**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED.

Fuel Tank

PURCHASE OF FUEL TANK: City Manager Jarboe asked Council to approve the contract and proposal from Con Vault for the amount of \$14,894.78 for the purchase of a fuel tank. Fuel cost comparisons indicated the fuel tank would pay for itself in little over two years. The city would also be better prepared in emergency situations by having fuel on hand.

Moved by Weldon, seconded by Pruette.

Motion: **AURTHORIZE THE CITY MANAGER TO PURCHASE A FUEL TANK IN ACCORDANCE WITH FIGURES PROVIDED.**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

For the Record

Councilor Shealy stated for the record he would like all agenda items to be placed on a workshop agenda before being brought to a regular meeting for a vote. He added he would rather be informed beforehand.

Vice Mayor Pruette suggested informing Council Members via memorandum regarding agenda items if there was not enough time to take the issue to a workshop meeting.

Adjournment

There being no further business, the meeting adjourned at 8:55 p.m.

Richard A. Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____