



**MINUTES**  
**WORKSHOP CITY COUNCIL MEETING**  
**FEBRUARY 28, 2005, AT 6:30 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 February 28, 2005 at 6:30 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:

Director of Public Safety William Brandt  
Community Development Director Jason Cleghorn  
Information System Technician Rosemary Phillips  
Director of Public Services Leon Smith  
Administrative 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 6:30 p.m.

**PRESENTATIONS / NONE**

**COMMITTEE REPORTS / NONE**

**CITY MANAGERS ACTION LIST**

City Manager Jarboe asked the Council if they had any questions regarding his Action List which was provided in the Agenda Packets.

Councilor Shealy questioned the progress of the Florida Boulevard Landscaping Project. City Manager Jarboe replied he was awaiting approval from the City of Jacksonville on the landscaping plans which were submitted two weeks ago.

Mayor Brown questioned the status of the street repaving. City Manager Jarboe explained part of the delay was due to the City of Jacksonville's need to use the contractor to repair streets in preparation for the Super Bowl. The contractor now had a piece of equipment that was undergoing repairs thereby preventing the completion of paving at Midway and Strand Street.

Councilor Weldon questioned when the speed humps would be installed and where they would be placed. Director of Public Services Leon Smith responded that once the milling was completed the speed humps would be installed. He was aware of the exact locations where placement was needed.

Vice Mayor Pruette suggested placing the street repaving project on the next agenda for a full progress report from the City Manager.

City Manager Jarboe stated the menzi muck was used to clean out the ditch on Bay Street and asked Council members to visit the site and view the results. He expected all major ditches to be cleaned out by this spring. Mayor Brown asked how many employees were trained to operate the menzi muck. City Manager Jarboe replied there were currently two employees trained to operate the equipment.

### **PUBLIC COMMENTS**

Danny Thiele, 107 Azalea Place, stated Council previously adopted an Ordinance to protect sea turtles from lighting on the beach. He asked Council to consider the best interest of the sea turtles when replacing street lights.

Bryan MacDonald, 107 North Street, agreed sea turtles should be protected from the lighting. He favored replacing the existing streetlights with new cobra fixtures.

Wes Gibbs, 1501 First Street, felt the property owner should have the choice whether or not to illuminate their property. He favored the cobra streetlight fixtures.

Sybil Ansbacher, 2008 Strand Street, opposed Ordinance No. 2005-04, reducing the number of board members.

Dana Pardee, 1421 Penman Road, opposed the proposed parking permit Ordinance.

Tom Byerly, 527 South Street, opposed the proposed parking permit Ordinance. He felt it would restrict the public from access in which they had a legal right to.

Tim Ingram, 113 Pine Street, favored replacing the existing streetlights with cobra streetlight fixtures.

Michael Adams, 320 First Street, favored replacing the existing streetlights with cobra streetlight fixtures.

Chris Chin, 227A Margaret Street, stated the proposed parking permits were not intended for the removal of certain tenants. She suggested extending the parking hours on First Street. She also favored the cobra streetlight fixtures.

Lynn Sweeney, 1500 Strand Street, stated one way signs were missing on Strand Street and the traffic had increased. He asked that the signs be replaced.

David Baker, 1102 First Street, favored replacing the existing streetlights with the cobra streetlight fixtures. He opposed the parking permit ordinance and felt it was the property owners' responsibility to provide parking spaces for their tenants. He also felt animal control laws should be stricter.

Mary Ann Padrta, 1030 Second Street, suggested enforcing the regulation that property owners provide parking spaces for their tenants. She felt the animal control ordinance needed enforcement.

**PROPOSED ORDINANCES**

Ord. No. 2005-XX

**ORDINANCE NO. 2005-XX, AMENDING SECTION 22-29:** AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING SECTION 22-29 – TO ADD LANGUAGE TO EXERCISE AUTHORITY CONTROL OF VEHICULAR TRAFFIC IN CERTAIN CONGESTED AREAS.

City Manager Jarboe stated Council had asked him to suggest ideas to help reduce street parking in certain congested areas. The Code now required that each house had to have a certain number of parking spaces. He suggested issuing parking permits to residents in congested areas, for the number of spaces provided for their property. Under the current Code vehicles illegally parked could be ticketed but could not be towed without 24 hour notice.

Vice Mayor Pruette recommended more policing and code enforcement rather than permits. She requested that code enforcement and policing to be placed on the workshop agenda in March.

Councilor Shealy questioned how many vehicles were being ticketed for illegal parking and how many tickets had been issued for animal violations. City Manager Jarboe stated he would provide Council a report on the numbers.

Councilor Pardee suggested updating the existing code to allow for stricter enforcement ability. He was concerned issuing parking permits for one congested area would only cause problems in other areas. City Manager Jarboe agreed the police needed more authority to enforce illegal parking and the code could be stronger.

Councilor Weldon suggested Council direct staff to examine the towing procedures and revise the Code to tighten enforcement.

Consensus: **TO DROP THE IDEA OF PERMITS; AND LOOK INTO TIGHTENING THE EXISTING CODE.**

**CONTRACTS / AGREEMENTS / NONE**

**ISSUE DEVELOPMENT**

Dancin' in the Street

**DANCIN' IN THE STREET – APPROVAL TO CLOSE STREETS:** Approval to close the streets that perimeter Town Center on May 14<sup>th</sup> from 5:00 a.m. to 11:00 p.m. for the Town Center Event “Dancin’ in the Street” and waive the open container ordinance for the day to allow alcohol sales by the Town Center Agency only.

Consensus: **FORWARD TO THE MARCH CONSENT AGENDA.**

Dial-a-Ride

**BEACHES DIAL A RIDE – REQUEST FOR CONTRIBUTION:** Approval for a contribution of \$1,500 to the Beaches Dial-a-Ride, a senior transportation service. Previous Councils donated \$1,000 per year to Dial-a-Ride, however, Senior Activity Center Director Leslie Lyne asked to raise the contribution this year due to the high cost of oil and gasoline.

Consensus: **TO CONTRIBUTE \$1,500 TO DIAL A RIDE AND PLACE ON THE MARCH CONSENT AGENDA FOR APPROVAL.**

IT System

**INFORMATION TECHNOLOGY SYSTEM – COMPARISION OF SOFTWARE:** The Florida League of Cities conducted a Technology Study and determined the software the

city was using was outdated and ready for replacement. Department of Finance gathered information and pricing from a number of vendors that provided software packages for local governments. After comparing the software packages and features the staff recommended the Cogsdale Software Package for the amount of \$141,438.00.

City Manager Jarboe informed the software would allow residents access to their accounts and allow them to remit payments online. It would also allow contractors to complete permit applications online and remit payments online as well as a number of other features. The software was similar to all Microsoft products and very user friendly,

Consensus: **FORWARD TO THE MARCH CONSENT AGENDA FOR APPROVAL OF STAFF RECOMMENDATION.**

#### Streetlights

**STREETLIGHTS:** Councilor Weldon suggested Council direct staff to implement a city wide policy to replace those streetlights currently shaded with flush mount cobra head fixtures and to replace the others by request, where necessary, in the future.

Councilor Shealy questioned the cost of replacing the streetlights. City Manager Jarboe stated the cost would be less than \$200.00 each including installation.

Councilor Pardee was concerned if the cobra fixtures would provide enough safety and asked Director of Public Safety William Brandt to provide a ruling stating the fixtures would provide adequate safety.

Consensus: **TO HAVE THE CITY MANAGER CHANGE OUT THE DISPUTED LIGHTS AND APPROVE COUNCILOR WELDON'S RECOMMENDATION.**

City Manager Jarboe stated he would coordinate and schedule the replacements with Beaches Energy Services. He added if cost rose exceedingly high he would consult the Council for further approval.

#### Recess/Reconvene

Mayor Brown called a recess at 8:15 p.m. and reconvened the meeting at 8:25 p.m.

#### FEMA

**DUVAL COUNTY LOCAL MITIGATION STRATEGY ADOPTION – FEMA:** City Manager Jarboe explained the update of the mitigation strategy was required by the Federal Emergency Management Association. Heather Jones, Representative from Emergency Preparedness advised if the update was not adopted the City would not be eligible for funding.

Consensus: **PREPARE A RESOLUTION FOR THE ADOPTION OF THE DUVAL COUNTY LOCAL MITIGATION STRATEGY FOR THE MARCH REGULAR MEETING CONSENT AGENDA.**

#### Ord. No. 2005-01

**ORDINANCE NO. 2005-01, AMENDING SECTION 13-5(C) AND 25-5(E): AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING SECTION 13-5(C) AND SECTION 13-5(E) – PROPERTY OWNER RESPONSIBILITY FOR SWORN COMPLAINTS AND PROVIDING AN EFFECTIVE DATE.**

City Manager Jarboe explained Ordinance No. 2005-01 was revised to clarify issues for the Code Enforcement Board.

Consensus: **FORWARD TO THE MARCH REGULAR MEETING FOR SECOND READ.**

Ord. No. 2005-04

ORDINANCE NO. 2005-04, AMENDING CHAPTER 27: 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 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 2-439(E) ADDING SECTION 2-439 (F) TRAINING AND PROVIDING AN EFFECTIVE DATE.

City Attorney White advised Florida Statutes required the Code Enforcement Board to consist of 7 regular members and 2 alternate members.

Councilor Pardee suggested revising the Ordinance for the Board of Appeals and the Planning & Development Review Board to remain consisting of 7 regular members and 3 alternate members. He would like to forward the remaining revisions in the Ordinance to second read.

Discussion ensued regarding the recruitment of board members and the process of approval of applications for placement on a board. City Clerk Volpe suggested holding all completed applications until there was a vacancy on a board. Once there was a vacancy she would distribute the completed applications along with a memo listing the vacancies.

Councilor Shealy questioned if there was enough information about a persons interest and qualifications on the completed applications. He suggested adding some questions to the application.

Consensus: **AMEND THE ORDINANCE AS RECOMMENDED AND MOVE TO THE MARCH REGULAR MEETING FOR SECOND READ. PLACE BOARD APPLICATION ON THE MARCH WORKSHOP.**

Ord. No. 2005-05

ORDINANCE NO. 2005-05, AMENDING CHAPTER 4, ALCOHOLIC BEVERAGES: 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.

Councilor Weldon suggested amending Ordinance No. 2005-05, Section 1(b) to read as follows:

ALCOHOLIC BEVERAGES: Section 1(b) The provisions of subsection (a) above shall not apply to any restaurant licensed by the State of Florida Department of Business and Professional Regulation Division of Hotel and Restaurants having or applying for a 2-COP license.

Consensus: **FORWARD TO THE MARCH REGULAR MEETING FOR SECOND READ WITH THE REQUESTED CHANGES.**

Street Ends

STREET ENDS: Councilor Weldon suggested adopting a policy that would specify how and under what circumstances to allow access to privacy property on a public access.

Councilor Weldon proposed the following language for an Ordinance:

STREET END PRESERVATION: The City of Neptune Beach street ends terminating at the Atlantic Ocean and at the Intracoastal Waterway are special public rights-of-way which shall be carefully preserved for present and future public use. No construction is permitted in these rights-of-way except as necessary to access adjacent properties when no other means of access to said properties is possible. In the event that access through a street end right-of-way is deemed necessary, the design and construction of such access shall be approved or disapproved by the City Council after appropriate development review. Criteria for approval shall include maximum preservation of greenspace within the street ends and the use of pervious paving materials. In no case may access ways to adjacent properties be designed or landscaped in order to create the image of private property.

STREET END LANDSCAPING: Landscaping of the City of Neptune Beach street ends terminating at the Atlantic Ocean and at the Intracoastal Waterway that, by its location or characteristics of growth, creates the image of private property or has the effect of appropriating public property for private use shall be prohibited. Voluntary care of the street end rights-of-way to include a minimum level of landscaping and beautification for the public benefit may be approved by the City Manager upon submission of a Right-of-Way Permit application.

City Attorney White stated he would meet with the staff regarding the language and bring a proposed Ordinance back to the Council for approval.

Consensus: **FOR THE CITY ATTORNEY AND THE CITY MANAGER TO PROPOSE AN ORDINANCE.**

Council Protocol COUNCIL PROTOCOL: City Manager Jarboe suggested amending Chapter 2 Administrative Rules to clarify that agenda items must be placed on a workshop agenda for discussion before being placed on a regular agenda for action unless it is an emergency.

City Wide Landscaping CITY WIDE LANDSCAPING PLAN: City Manager Jarboe asked Council to give him direction on creating a city wide landscaping plan. He stated he would add this to the Goal Setting Session.

Public Info. Prog. PUBLIC INFORMATION PROGRAM ESTABLISHMENT: City Manager Jarboe stated the new computer system would provide better ways to communicate with the public.

City Manager Jarboe reminded the Council the Goal Setting Session would be held on Monday, March 14, 2005, at 5:30 p.m.

Councilor Pardee asked if there was a way the City Clerks Office could forward his e-mail to him. City Attorney White recommended forwarding mail via fax or placing the e-mail on the website and issuing access codes.

Adjournment There being no further business, the meeting adjourned at 9:04 p.m.

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Richard A. Brown, Mayor

Attest:

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Lisa Volpe, CMC, City Clerk

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