



MINUTES
REGULAR CITY COUNCIL MEETING
APRIL 4, 2005 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 4, 2005 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 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:

Lieutenant Anthony Carrillo
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 7:00 p.m. and asked Councilor Weldon to lead the pledge of allegiance.

AWARDS / PRESENTATIONS / RECOGNITION OF GUESTS / NONE

APPROVAL OF MINUTES

Moved by Pardee, seconded by Shealy.

Councilor Weldon asked to revise page 4 of the February 28, 2005 workshop council meeting minutes: "Councilor Weldon suggested Council direct staff to implement a city wide policy to replace those streetlights currently shaded ~~and~~ with flush mount cobra head fixtures and ~~the remaining~~ to replace the others by request, where necessary, in the future."

Vice Mayor Pruette asked to add to the minutes of the March 21, 2005, workshop council meeting page 4: "City Manager Jarboe stated he would work on adding language to Ordinance No. 2005-06 that would restrict landscaping from blocking ocean views."

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

FEBRUARY 7, 2005, SPECIAL WORKSHOP COUNCIL MEETING
FEBRUARY 28, 2005, WORKSHOP COUNCIL MEETING
MARCH 7, 2005, REGULAR COUNCIL MEETING
MARCH 14, 2005, GOAL SETTING WORKSHOP MEETING
MARCH 21, 2005, WORKSHOP COUNCIL MEETING

Roll Call Vote:

Ayes: 5 – Pardee, Pruette, Shealy, Weldon, Brown
 Noes: 0

MOTION CARRIED

COMMUNICATIONS AND CORRESPONDENCE / NONE

CITY MANAGER REPORT

The storm water improvements proved to work well as there were no long term flooding during the recent storms.

The Public Services Department continued to work on correcting the drainage problem on Orange Street and Cherry Street.

If the paving on Midway was not completed by the end of the week it would be added to the bid for speed humps that went out on March 30, 2005 to be received and opened at 2:00 p.m. April 13, 2005.

Complaints came in today regarding transients setting up tents and camping out in the marsh and they were asked to relocate. Councilor Weldon asked City Manager Jarboe if there was an ordinance against camping. Mr. Jarboe responded there was indeed such an ordinance.

PUBLIC COMMENTS

Keith Baker, 628 Second Street, expressed his appreciation to the City Manager and employees of the Public Services Department employees for installing a curb in front of his house.

Mary Ann Padrta, 1030 Second Street, requested that a curb be placed in front of her house.

CONSENT AGENDA

Tennis Camp

Approval of contract for Sandra Phillips to hold a Tennis Camp using the tennis courts in Jarboe Park for two weeks for rent in the amount of \$200.00.

Moved by Pruette, seconded by Shealy.

Motion: **TO APPROVE THE CONSENT AGENDA.**

Roll Call Vote:

Ayes: 5 – Pardee, Pruette, Shealy, Weldon, Brown
 Noes: 0

MOTION CARRIED

VARIANCES / NONE**ORDINANCES**

Ord. No. 2005-06

ORDINANCE NO. 2005-06, AMENDING CHAPTER 27 UNIFIED LAND DEVELOPMENT REGULATIONS, SECOND READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 27 UNIFIED LAND DEVELOPMENT REGULATIONS AMENDING SECTION 27-458 RESIDENTIAL LANDSCAPE REQUIREMENTS AND AMENDING SECTION 27-476 STREET DESIGN STANDARDS AND PROVIDING AN EFFECTIVE DATE.

Mayor Brown read Ordinance No. 2005-06 by title only and opened the public hearing.

Joann Waddill, 115 Oleander Street, thanked Council for introducing the Ordinance thereby protecting and preserving the beach accesses for future generations.

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

Moved by Pruette, seconded by Weldon.

Motion: **TO ADOPT ORDINANCE NO. 2005-06 ON SECOND READ AND PUBLIC HEARING WITH DISCUSSION.**

Vice Mayor Pruette explained she felt it was important to add language that in no case landscaping shall block ocean views through the street end right of ways.

Friendly Amendment: **TO ADD LANGUAGE "IN NO CASE THAT LANDSCAPING SHALL BLOCK OCEAN VIEWS THROUGH THE STREET END RIGHTS OF WAYS."**

Councilor Weldon was concerned adding the language would limit the landscaping to just grass. He felt if the language was to be added a maximum height would need to be specified. He suggested added the following language: "In no case shall landscaping within the street ends rights of way exceed 4 feet in height."

Discussion continued regarding ocean views.

Councilor Shealy called a point of order and suggested forwarding the ordinance to the April workshop meeting for further discussion.

Vice Mayor Pruette withdrew her motion.

Consensus: **TO FORWARD ORDINANCE NO. 2005-06 TO THE APRIL WORKSHOP FOR FURTHER DISCUSSION.**

Ord. No. 2005-07

ORDINANCE NO. 2005-07, AMENDING SECTION 22-30, FIRST READ: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING SECTION 22-30 REMOVAL OF VEHICLES, TO INCLUDE 22-30(D) AND TO PROVIDE AN EFFECTIVE DATE.

City Attorney White recommended the following change to the ordinance: Section 22-30. Removal of Vehicles. (d)(3) When any vehicle is left unattended and parked illegally upon a street. ~~and is so parked illegally.~~

Moved by Shealy, seconded by Weldon.

Motion: **TO PASS ORDINANCE NO. 2005-07 AS AMENDED ON FIRST READ.**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

Ord. No. 2005-08

ORDINANCE NO. 2005-08, AMENDING CHAPTER 4, ALCOHOLIC BEVERAGES, FIRST READ: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 4 ALCOHOLIC BEVERAGES AND PROVIDING AN EFFECTIVE DATE.

City Attorney White recommended the following change to the ordinance: Section 4-2 Hours of Sale.(b) No person shall be permitted on the premises of such business during such hours, except to clean up the premises, to perform necessary functions for closing the establishment, or to perform necessary maintenance- and security.

Councilor Weldon stated there was a question regarding whether or not the 3,000 foot separation of establishments selling alcohol was being eliminated. Councilor Shealy commented that the city was currently out of compliance with the 3,000 feet separation. City Manager Jarboe replied the 3,000 foot separation was being eliminated but felt some distance and separation was still necessary. Councilor Weldon added establishments selling or serving alcohol should also be separated from schools and churches.

Moved by Weldon, seconded by Pruette.

Motion: **TO PASS ORDINANCE NO. 2005-08 ON FIRST READ WITH THE CITY ATTORNEYS RECOMMENED CHANGES AND FORWARD TO THE WORKSHOP FOR FURTHER DISCUSSION.**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

OLD BUSINESS / NONE

NEW BUSINESS

Dev. Order
Seagate Shores

FINAL DEVELOPMENT ORDER FOR PROPOSED SEAGATE SHORES SUBDIVISION – STEVE JARRETT: Mayor Brown stated the Planning & Development Review Board recommended Council approval for the proposed subdivision.

Councilor Shealy stated a conflict of interest because he was working on a project with Mr. Jarrett, and recused himself from the discussion and the vote.

Moved by Weldon, seconded by Pardee.

Motion: **TO APPROVE THE FINAL DEVELOPMENT ORDER FOR SEAGATE SHORES SUBDIVISION.**

Mr. Jarrett stated the developer would install the original sprinkler system and the Homeowners Association would be responsible for the maintenance and upkeep of

the grass public right-of-way.

For the Record Vice Mayor Pruette stated for the record that the public right-of-way was in no way to appear as private property and would be open to the public.

Mr. Jarrett stated the maximum road width in the neighborhood was 18 feet and he would like to build it 16 feet. It would be better for the developer to build the driveway as an extension of the road. He ensured the public road would in no way appear to the public as private property.

For the Record Councilor Weldon questioned what type of material would be used for the paving. He felt it would be better to have a 16 foot wide driveway paved with pervious pavers in lieu of asphalt. He also stated for the record that Mr. Jarrett would ensure that the road would clearly appear as a public road and not private property.

Moved by Weldon, seconded by Pruette.

Amended Motion: **TO APPROVE THE FINAL DEVELOPMENT ORDER FOR SEAGATE SHORES SUBDIVISION WITH THE AMENDMENT THAT THE ROADWAY EXTENSION INTO THE STREET END RIGHT OF WAY BEYOND THE ROUND ABOUT BE REDUCED IN WIDTH TO 16 FEET AND PAVED WITH PERVIOUS PAVERS OF THE DEVELOPERS CHOOSING.**

Councilor Weldon also wanted to clarify that by covenants the Home Owners Association would be required to maintain the right of way landscape.

Councilor Pardee asked Mr. Jarrett if the entire 75' driveway was in Neptune Beach or was part in Jacksonville Beach. Mr. Jarrett replied that Neptune Beach owned the right of way on both sides of the road. The homeowner on that particular lot in Jacksonville Beach would need a Neptune Beach right of way permit in order to do work on the area.

Roll Call Vote:

Ayes: 4 – Pardee, Pruette, Weldon, Brown

Noes: 0

Abstain: 1 – Shealy

MOTION CARRIED

Sea & Sky
Spectacular

CONTRIBUTION TO THE CITY OF JACKSONVILLE FOR THE SEA & SKY SPECTACULAR: Mayor Brown stated the Council agreed at the previous workshop meeting that a blanket amount of \$10,000 for each city was unfair to Neptune Beach but an amount was not determined.

Councilor Shealy suggested a per capita approach; because we were 1/6 the size of Jacksonville Beach our contribution amount should be 1/6th of the \$10,000. He added the first year this was approached we were told the \$10,000 would be a one time contribution.

For the Record Mayor Brown stated for the record he believed corporate support had increased but the event still needed some symbolic support by all three beach cities.

Councilor Pardee stated he would support rounding the \$1,600 amount up to \$2,000.

Councilor Weldon stated he would also support \$2,000.

Vice Mayor Pruette stated she would agree to the \$2,000 contribution but would

really prefer \$1,600.

Moved by Weldon, seconded by Pardee.

Motion: **TO APPROPRIATE \$2,000 FOR THE CITY OF JACKSONVILLE SEA AND SKY SPECTACULAR.**

Roll Call Vote:

Ayes: 3 – Pardee, Weldon, Brown

Noes: 2 – Pruette, Shealy

MOTION CARRIED

For the Record City Manager Jarboe for the record asked the Council for permission to allow the finance director to use funds from whatever account was available.

Consensus: **TO ALLOW THE FINANCE DIRECTOR TO FIND THE FUNDS FROM AN APPROPRIATE ACCOUNT.**

Fireworks

CONTRIBUTION TO THE CITY OF JACKSONVILLE BEACH FOR THE FOURTH OF JULY FIREWORKS DISPLAY. City Manager Jarboe stated the City of Jacksonville Beach was contributing \$15,000 for the 4th of July fireworks display. They requested a contribution of \$5,000 from Atlantic Beach and Neptune Beach. There was some discussion among council.

Moved by Shealy, seconded by Pruette.

Motion: **TO APPROVE A \$5,000 CONTRIBUTION TO THE CITY OF JACKSONVILLE BEACH FOR THE JULY 4TH FIREWORKS DISPLAY.**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

Adjournment

There being no further business, the meeting adjourned at 7:50 p.m.

Richard A. Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____