



MINUTES
REGULAR CITY COUNCIL MEETING
MAY 2, 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 May 2, 2005 at 7:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

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

ABSENT:

Mayor Richard A. Brown

STAFF:

Community Development Director Jason Cleghorn
Director of Public Services Leon Smith
Deputy City Clerk Karla Strait, CMC

Order Call/Pledge

Vice Mayor Pruette called the meeting to order at 7:00 p.m. and asked City Attorney Chris White to lead the pledge of allegiance.

AWARDS / PRESENTATIONS / RECOGNITION OF GUESTS

Vice Mayor Pruette presented Christopher Aguliar with a "Key to the City". Mr. Aguliar reported for the Florida Times Union Shorelines, covering Neptune Beach, since July of 2001. He will be relocating to advance his career in public relations.

APPROVAL OF MINUTES

Moved by Weldon, seconded by Shealy.

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

APRIL 4, 2005, REGULAR COUNCIL MEETING
APRIL 18, 2005, WORKSHOP COUNCIL MEETING

Roll Call Vote:

Ayes: 4 – Pardee, Shealy, Weldon, Pruette
 Noes: 0

MOTION CARRIED**COMMUNICATIONS AND CORRESPONDENCE**

Councilor Pardee advised that the City of Jacksonville had completed the re-striping of Florida Boulevard.

City Attorney White stated the city had filed an action to foreclose on the lien on Solantic for code violations and the action was proceeding progressively.

CITY MANAGER REPORT

City Manager Jarboe reported on the following projects:

- The action list was revised so projects completed within the year would remain on the list.
- The Public Services Department was working on installing speed humps and hoped to save the city \$25,000.

For the Record Vice Mayor Pruette stated on the record she would like the replacement of the Kings Road Bridge to remain a priority.

Councilor Weldon asked City Manager Jarboe if he was working with the Florida Department of Transportation on cleaning up a overgrown segment of Hopkins Creek. City Manager Jarboe responded the item was still on the action list.

Councilor Shealy stated he would like to meet with City Manager Jarboe to discuss grant software.

PUBLIC COMMENTS / NONE**CONSENT AGENDA**

Res. 2005-03

RESOLUTION NO. 2005-03: A RESOLUTION ALLOWING THE CITY MANAGER TO EXECUTE THE AGREEMENT FOR MAINTENANCE OF SR A1A (THIRD STREET), NEPTUNE BEACH, FLORIDA.

Verizon Lease Agreement

VERIZON LEASE AGREEMENT: Approval of Verizon Wireless to lease a certain space on the Water Tower, located at 1325 Florida Boulevard, to install, maintain and operate radio communicates equipment.

Moved by Shealy, seconded by Pardee.

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

Roll Call Vote:

Ayes: 4 – Pardee, Shealy, Weldon, Pruette
 Noes: 0

MOTION CARRIED**VARIANCES / NONE**

NEW BUSINESS

Agenda Amendment Vice Mayor Pruette amended the agenda to hear the variance request of Aqua East Surf Shop, 696 Atlantic Boulevard.

696 Atlantic Blvd. VARIANCE REQUEST FOR 696 ATLANTIC BOULEVARD: Terry Simmons, Architect for the project explained Mr. George (Sandy) Forsyth started planning an expansion to the east of the Aqua East building back in 2000. The project was approved by the city back then but was placed on hold due to the owners health issues. Mr. Forsyth was now ready to proceed with the project however the building requirements had changed since the original approval thereby causing the need for the variance application.

For the Record Councilor Weldon stated for the record if the property was to be subdivided for other businesses it must be approved by the Planning & Development Review Board and the Council.

Moved by Weldon, seconded by Shealy.

Motion: **TO APPROVE THE VARIANCE REQUEST FOR AQUA EAST – 696 ATLANTIC BOULEVARD WITH THE STATEMENT FOR THE RECORD THAT NO FURTHER SUBDIVISION OF THE PREMISES WOULD BE PERMITTED WITHOUT COMPLETE DEVELOPMENT REVIEW.**

Roll Call Vote:

Ayes: 4 – Pardee, Shealy, Weldon, Pruette

Noes: 0

MOTION CARRIED

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.

Councilor Weldon suggested the following change:

Section 27-458(3) Landscaping ~~has to~~ shall be limited to a maximum of 3 feet.

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

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

Moved by Shealy, seconded by Weldon.

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

Roll Call Vote:

Ayes: 4 – Pardee, Shealy, Weldon, Pruette

Noes: 0

MOTION CARRIED

Ord. No. 2005-07 ORDINANCE NO. 2005-07, AMENDING SECTION 22-30, SECOND READ AND PUBLIC

HEARING: 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.

Vice Mayor Pruette read Ordinance No. 2005-07 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 Pardee.

Motion: **TO ADOPT ORDINANCE NO. 2005-07 ON SECOND READ AND PUBLIC HEARING AS AMENDED.**

Roll Call Vote:

Ayes: 4 – Pardee, Shealy, Weldon, Pruette

Noes: 0

MOTION CARRIED

Ord. No. 2005-08

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

City Manager Jarboe recommended the following needed to changes:

Section 4-4(a). No license shall be granted or issued to any vendor selling alcoholic beverages at retail which derives 51% or more of its annual gross revenue from the sale of alcoholic beverages to operate a place of business selling alcoholic beverages at retail within ~~three thousand~~ eight hundred (800) feet of the location of any business for which an existing license has been issued to a vendor selling alcoholic beverages at retail or within ~~three hundred~~ eight hundred (800) feet of any established school or church.

Section 4-9(2). Business located within the commercial zoning districts C2, C3, and CBD only and subject to zoning codes of this city code.

Vice Mayor Pruette read Ordinance No. 2005-08 by title only and opened the public hearing.

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

Moved by Pardee, seconded by Weldon.

Motion: **TO ADOPT ORDINANCE NO. 2005-08 ON SECOND READ AND PUBLIC HEARING AS AMENDED.**

Roll Call Vote:

Ayes: 4 – Pardee, Shealy, Weldon, Pruette

Noes: 0

MOTION CARRIED

Ord. No. 2005-09

ORDINANCE NO. 2005-09, ANIMALS, FIRST READ: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 6 SEC. 6-1 DEFINITIONS, SEC. 6-2 BIRD SANCTUARY; EXCEPTION, SEC. 6-4 NUISANCES CAUSED BY ANIMALS AND SEC. 6-32 DOGS ON THE BEACH; ADDING SEC. 6-10 INTERFERENCE WITH AUTHORIZED PERSONNEL IN PERFORMANCE OF DUTIES; BREAKING INTO OFFICIAL PROPERTY, ETC., SEC. 6-11 LEGISLATIVE FINDINGS, SEC. 6-12 INJURIES CAUSED BY ANIMALS, SEC. 6-13 DANGEROUS DOGS, SEC. 6-14 CLASSIFICATION OF DOGS AS DANGEROUS; CERTIFICATION OF REGISTRATION; NOTICE AND HEARING

REQUIREMENTS; CONFINEMENT OF ANIMAL EXEMPTION; APPEALS; UNLAWFUL ACTS, SEC. 6-15 ATTACK OR BITE BY DANGEROUS DOG; PENALTIES; CONFISCATION; DESTRUCTION AND SEC. 6-16 BITE BY A POLICE OR SERVICE DOG; EXEMPTION FROM QUARANTINE AND PROVIDING AN EFFECTIVE DATE.

Moved by Weldon, seconded by Pardee.

Motion: **TO PASS ORDINANCE NO. 2005-09 ON FIRST READ AND FORWARD TO THE MAY WORKSHOP MEETING.**

Roll Call Vote:

Ayes: 4 – Pardee, Shealy, Weldon, Pruette

Noes: 0

MOTION CARRIED

Ord. No. 2005-10

ORDINANCE NO. 2005-10, FENCES, FIRST READ: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 27 UNIFIED LAND DEVELOPMENT REGULATIONS SECTION 27-330 FENCES, WALLS AND HEDGES AND PROVIDING AN EFFECTIVE DATE.

Moved by Shealy, seconded by Pardee.

Motion: **TO PASS ORDINANCE NO. 2005-10 ON FIRST READ.**

Councilor Weldon stated he was concerned about the detriment to the beautification of SR A1A (Third Street).

Vice Mayor Pruette agreed to sponsor the ordinance.

Roll Call Vote:

Ayes: 4 – Pardee, Shealy, Weldon, Pruette

Noes: 0

MOTION CARRIED

Ord. No. 2005-11

ORDINANCE NO. 2005-11, SIGNS, FIRST READ: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 27 UNIFIED LAND DEVELOPMENT REGULATIONS SECTION 27-573 APPLICABILITY AND SECTION 27-592 NONCONFORMING SIGNS AND PROVIDING AN EFFECTIVE DATE.

Councilor Weldon suggested the following changes: Section. 27-592(3)d. Any change, which alters ~~the material used for~~ the display area or face area by more than twenty-five (25) percent.

Vice Mayor Pruette read Ordinance No. 2005-11 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 DECLARE ORDINANCE NO. 2005-11 AN EMERGENCY.**

Roll Call Vote:

Ayes: 4 – Pardee, Shealy, Weldon, Pruette

Noes: 0

MOTION CARRIED

Moved by Weldon, seconded by Shealy.

Motion: **TO PASS ORDINANCE NO. 2005-11 ON FIRST READ AS AMENDED AND FORWARD TO JUNE FOR A PUBLIC HEARING.**

Roll Call Vote:

Ayes: 4 – Pardee, Shealy, Weldon, Pruette

Noes: 0

MOTION CARRIED

OLD BUSINESS / NONE

NEW BUSINESS

Res. No. 2005-04

RESOLUTION NO. 2005-04, APPOINTING BOARD MEMBERS: A RESOLUTION APPOINTING BOARD MEMBERS TO THE CODE ENFORCEMENT BOARD.

Moved by Weldon, seconded by Shealy.

Motion: **TO APPROVE RESOLUTION NO. 2005-04.**

Roll Call Vote:

Ayes: 4 – Pardee, Shealy, Weldon, Pruette

Noes: 0

MOTION CARRIED

Adjournment

There being no further business, the meeting adjourned at 7:38 p.m.

Richard A. Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____