



MINUTES
WORKSHOP CITY COUNCIL MEETING
APRIL 17, 2006 AT 7:00 P.M.
CITY HALL, 116 FIRST STREET
NEPTUNE BEACH, FLORIDA

Pursuant to proper notice a Workshop Meeting of the City Council of the City of Neptune Beach was held April 17, 2006 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 Fred Lee
Councilor Eric Pardee
Councilor John Weldon
City Manager Jim Jarboe
City Attorney Christopher White
City Clerk Lisa Volpe, CMC

STAFF:

Community Development Director Jason Cleghorn
Senior Center Activities Director Leslie Lyne
Director of Finance Steve Ramsey
Director of Public Safety David Sembach
Director of Public Services Leon Smith
Deputy City Clerk Karla Strait, CMC

Call to Order/Roll Call Mayor Brown called the meeting to order at 7:00 p.m.

PRESENTATIONS

Mayor Brown publicly thanked City of Jacksonville Councilman Art Graham for having the City of Jacksonville provide the labor and material for mending the fence and resurfacing the tennis courts in Jarboe Park.

Jeff Sheffield, Director of Planning, First Coast Metropolitan Planning Organization, made a brief presentation explaining the planned future projects for highway improvements in our area through the year 2011.

Mayor Brown presented a plaque resolution to John Delaney, Former Mayor of the City of Jacksonville, for obtaining funding, in the amount of \$250,000, from the City of Jacksonville during his term as Mayor for landscaping of the medians on A1A / Third Street.

COMMITTEE REPORTS / NONE

CITY MANAGERS ACTION LIST

City Manager Jarboe reported the following:

- A maintenance plan for the Third Street / A1A Landscaping was in the process.
- Wal-Mart submitted plans to the Community Development Director for a small super center to be constructed on Atlantic Boulevard at the old Food Lion site.
- The sewer nitrogen project had been started.

Councilor Weldon asked if the Wal-Mart representatives were aware of the proposed ordinance limiting floor space to 60,000 square feet. City Manager Jarboe replied the representatives had stated they read the information in the newspaper.

PUBLIC COMMENTS

James Gilbert, 1546 Emma Lane, felt big box stores did not fit into the character of Neptune Beach and made suggestions to attract small businesses.

Vita Hope, 324 Driftwood Road, opposed the development of a Wal-Mart on Atlantic Boulevard.

Steven Kuti, 1132 Linkside Drive, Atlantic Beach, opposed the development of a Wal-Mart on Atlantic Boulevard voicing concerns regarding traffic congestion.

Jo Anne Waddill, 115 Oleander Street, felt Joe Quest, owner of Day and Night Moves, Inc. on Atlantic Boulevard should be allowed to park his moving trucks on his property.

Mary Ann Padrta, 1030 Second Street, also supported allowing Joe Quest to park moving trucks on his property on Atlantic Boulevard.

PROPOSED ORDINANCES

Ord. No. 2006-04

ORDINANCE NO. 2006-04, AMENDING ELECTION DATES: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 9 ELECTIONS SECTION 9-2 SCHEDULE FOR ELECTIONS AND PROVIDING AN EFFECTIVE DATE.

Councilor Weldon suggested the following changes: Sec 9-2 Schedule of Elections. (a) The regular election ~~by the electors of the city to elect for the choice of~~ all municipal officers ~~to be elected and to determine~~ issues by referendum ~~by the electors of the city~~ shall be held once every two years on the first Tuesday following the First Monday in November. (b) Following a tie vote, or in the event that no candidate or issue by referendum receives a clear majority of all votes cast in any ~~municipal~~ regular election, a ~~special~~ runoff election will be held on the first Tuesday following the first Monday in December.

Councilor Weldon also suggested the winner in a tie vote of a runoff election be selected by a majority vote of the current city council in lieu of drawing lots to determine who shall be elected.

City Attorney White stated most cities drew lots in an effort to keep politics out of the decision.

After Council discussion, Councilor Weldon stated he would go along with the majority and leave the language in to draw lots to determine who would be elected in case of a tie vote in a runoff election.

Consensus: **FORWARD TO THE MAY REGULAR MEETING FOR SECOND READ WITH THE AGREED UPON AMENDMENTS.**

Ord. No. 2006-07

ORDINANCE NO. 2006-07: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 22 TRAFFIC AND MOTOR VEHICLES BY ADDING SECTION 22 CERTAIN MOTOR VEHICLES PROHIBITED FROM PARKING IN COMMERCIAL DISTRICTS AND PROVIDING AN EFFECTIVE DATE.

City Manager Jarboe stated this Ordinance dealt with parking of tractor trailers and recreational vehicles in shopping center parking lots.

Vice Mayor Pruette asked City Attorney White to provide a definition of "parking" and a definition of "storage" and have those definitions added to the ordinance. She also submitted a draft of changes to the ordinance that she and City Manager Jarboe had worked on.

Consensus: **TO LOOK AT THE NEW DRAFT AND THE DEFINITIONS OF PARKING AND STORAGE AND FORWARD TO THE MAY WORKSHOP MEETING FOR DISCUSSION.**

Ord. No. 2006-XX
Zoning

ORDINANCE NO. 2006-XX: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING SECTION 27-222(2)(C) PURPOSE AND INTENT OF ZONING DISTRICTS; AMENDING SECTION 27-238 MAXIMUM LOT COVERAGE AND ADDING FOOTNOTE (6) TO TABLE 27-229-1 IN THE CODE OF ORDINANCES LIMITING FLOOR SPACE IN C-1, C-2 AND C-3 ZONING DISTRICTS TO 60,000 SQUARE FEET AND PROVIDING AN EFFECTIVE DATE.

City Attorney White stated these types of ordinances limiting floor space in commercial districts were rising in cities throughout the country. He had some questions regarding the language and the Bert Harris Act. He added that the existing businesses in commercial districts would be grandfathered.

Councilor Lee questioned if the ordinance would have an affect on the plans submitted by Wal-Mart representatives.

City Attorney White explained that Wal-Mart representatives were aware and put on notice that the ordinance was pending. The city was also aware of Wal-mart's interest so both the City and Wal-Mart would have arguments in a court of law.

Councilor Pardee stated the Ordinance was proposed in reaction to the interest shown by Wal-Mart. He voiced concern regarding a potential lawsuit while referencing the U.S. Constitution and the Bert Harris Act.

Councilor Weldon suggested the following change: Table 27-229-1 (6) No retail store, wholesale warehouse, or other permitted use's building shall exceed 60,000 square feet in total gross floor area, as defined in Section 27-15 of this Code, and further, any retail store, wholesale warehouse, or other permitted use's building located within 1000 feet of each other ~~that are engaged in the selling of similar goods, wares, or merchandise and~~ or operate under common ownership or management, share a warehouse or distribution facility, or otherwise operate as an associated, integrated or cooperative business shall not combine to exceed 60,000 square feet of total gross floor area in aggregate.

Councilor Weldon stated that the 1000 feet verbiage was to stop large retailers from opening a 60,000 square foot store and then a garden center right next door. This has happened in other parts of the country.

Vice Mayor Pruette stated the community was speaking out against Wal-Mart and she was

elected to serve the public. She asked City Attorney White to review the Ordinance to make sure it protected the city against a lawsuit.

Councilor Lee referred to the Comprehensive Plan statement that “the City of Neptune Beach was a residential community” and therefore the citizens did not feel a large Wal-Mart fit the character of the city.

Mayor Brown suggested moving forward with the ordinance while City Attorney White looked at the language and the council was continuing to gather information.

Consensus: **FORWARD TO THE MAY REGULAR MEETING FOR FIRST READ WITH THE CHANGE REQUESTED BY COUNCILOR WELDON AND COMMENTS BY CITY ATTORNEY WHITE.**

CONTRACTS / AGREEMENTS

Utility Service Co. **CANCELATION OF SERVICE WITH UTILITY SERVICE CO., INC. FOR MAINTENANCE SERVICE OF THE WATER TOWER:** City Manager Jarboe explained the contract with Utility Service Co, Inc. to maintain the water tower expires in June of 2007. The contract could not be terminated without a 120 day notice and the signatures of three council members. He asked the Council to go ahead and give him the authority to give notice in February if at that time he felt it was necessary to terminate the contract.

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

Recess/Reconvene Mayor Brown called a recess at 8:25 p.m. and reconvened the meeting at 8:35

ISSUE DEVELOPMENT

C-3 Zoning District **MIXED USE IN THE C-3 ZONING DISTRICT:** Vice Mayor Pruette felt allowing mixed use, as a special exception in commercial districts, would give developers more options.

Michael Dunlap gave a slide presentation on the definition of mixed use which provided a combination of residential, retail, and office space, thereby offering developers a mixture of alternatives.

City Manager Jarboe stated he had spoken with two shopping center owners who found the concept interesting. Council discussed how this could be a positive change in the cities code and would help developers have more options than just big box stores.

Consensus: **TO HAVE STAFF BRING A DRAFT OF THE ORDINANCE DEFINING MIXED USE AND ADDING IT AS A SPECIAL EXCEPTION IN C-1, C-2, AND C-3 ZONING DISTRICTS TO THE MAY WORKSHOP.**

F.A.C.E. Children Programs **REQUEST FUNDING FOR F.A.C.E. CHILDREN PROGRAMS – KIRK FARBER:** Mr. Kirk Farber, The Working Warrior, Inc. explained the Fitness and Character Education (F.A.C.E.) and “Don’t be a Bully - Be a Buddy” program. The program helps build self esteem and confidence in troubled children by teaching leadership qualities. The program also focused on fitness and character education. Mr. Farber requested a contribution of \$1,775.00 from the city to provide a program this fall at Neptune Beach Elementary.

Consensus: **TO CONSIDER THE CONTRIBUTION OF 1,775.00 FOR THE PROGRAM DURING THE UPCOMING BUDGET PROCESS.**

City Manager Jarboe asked Mr. Farber to provide a letter from the school principal endorsing the program.

Neptune Fire Engine No. 2

REQUEST TO PURCHASE NEPTUNE FIRE ENGINE NO. 2 – MILLER NORTON: Due to the absence of Miller Norton the request to purchase the fire engine will be forwarded to the May workshop meeting agenda.

Consensus: **TO DEFER TO THE MAY WORKSHOP MEETING.**

Forfeiture Funds

REQUEST FOR EXPENDITURE OF FORFEITURE FUNDS – CHIEF SEMBACH: Chief Sembach submitted a list of items he wished to purchase with the use of the forfeiture funds. Councilor Weldon felt the request was acceptable because the forfeiture fund was a special fund that could only be used for the purposes of public safety equipment.

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

Fla. Housing Trust Fund

RESOLUTION SUPPORTING THE ELIMINATION OF THE CAP OF THE FLORIDA HOUSING TRUST FUNDS: The Resolution was being adopted by Florida cities in an effort to restore funds for affordable housing.

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

USS Farragut

REQUEST FOR SUPPORT OF THE “COMMISSIONING OF USS FARRAGUT” EVENT AT NAVAL STATION MAYPORT: Councilor Lee asked the Council to consider supporting “The Commissioning of the USS Farragut” by making a small contribution for the welcoming ceremony.

Discussion ensued regarding the amount of the contribution.

Consensus: **FORWARD TO THE MAY CONSENT AGENDA – A CONTRIBUTION OF \$500.00 FOR THE COMMISSIONING.**

Vice Mayor Pruette acknowledged the artwork by Linda Olsen that was hanging on the wall in the Council Chambers.

City Manager Jarboe acknowledged Councilor Pardee, as an employee of the City of the Jacksonville, was able to have Florida Boulevard and Fifth Street restriped by the City of Jacksonville.

City Manager Jarboe stated the Council may want to consider an alternative location for the upcoming Wal-Mart hearings.

Adjournment

There being no further business, the meeting adjourned at 9:30p.m.

Richard A. Brown, Mayor

Attest:

Lisa Volpe, CMC, City Clerk

Approved: _____