



**MINUTES
REGULAR CITY COUNCIL MEETING
JUNE 5, 2006 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 June 5, 2006 at 7:00 p.m., in the City Hall Council Chambers, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

STAFF:

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

Community Development Director Jason Cleghorn
Director of Finance Steve Ramsey
Director of Public Safety David Sembach
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 led the pledge of allegiance.

AWARDS / PRESENTATIONS / RECOGNITION OF GUESTS / NONE

APPROVAL OF MINUTES

Moved by Lee, seconded by Weldon.

Minutes

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

**MAY 1, 2006, REGULAR COUNCIL MEETING, AS AMENDED
MAY 15, 2006, WORKSHOP COUNCIL MEETING**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

COMMUNICATIONS AND CORRESPONDENCE

Councilor Lee stated he met with attorney Mr. Karl Sanders on May 12, 2006 from 3:00 p.m. to 4:00 p.m. to discuss the proposed Wal-Mart development.

Councilor Pardee announced he attended the Florida Government Conference in Orlando and made a presentation for a story board competition in which he won first place in the state.

Councilor Pruette stated she was working with the post office to reinstall at least one of several mailboxes they removed from the city. She will consider bringing a resolution to council if necessary.

City Clerk Volpe announced the Florida League of Cities Conference was in Jacksonville this year and asked council members to contact the city clerk's office if they would like to attend.

CITY MANAGER REPORT

City Manager Jarboe reported the following:

- The city would like to upgrade the emergency notification equipment with a Code Red phone dialing system.
- The new garbage contract with Waste Pro has started and they were now picking up trash and recycling throughout the city. The city hopes to resolve any problems that may arise before penalties are charged. Waste Pro was kind enough to start their contract a couple of days early since the old contractor could not live up to their agreement.

PUBLIC COMMENTS

Paul Nicholson, 222 Oleander Street, stated the speed bump on Oleander Street had not been replaced with a speed hump and felt it was necessary.

Jo Anne Waddill, 115 Oleander Street, agreed the speed hump was needed on Oleander Street.

CONSENT AGENDA / NONE

VARIANCES / NONE

ORDINANCES

Ord. No. 2006-07

ORDINANCE NO. 2006-07, TRAFFIC & MOTOR VEHICLES, SECOND READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 22 TRAFFIC AND MOTOR VEHICLES BY ADDING SECTION 22-3 CERTAIN MOTOR VEHICLES PROHIBITED FROM PARKING IN COMMERCIAL DISTRICTS AND PROVIDING AN EFFECTIVE DATE.

Mayor Brown read Ordinance No. 2006-07 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 Pruette.

Motion: **TO ADOPT ORDINANCE NO. 2006-07 ON SECOND READ AND PUBLIC HEARING.**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

Ord. No. 2006-08

ORDINANCE NO. 2006-08, ZONING DISTRICTS, SECOND READ AND PUBLIC HEARING: 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.

Mayor Brown read Ordinance No. 2006-08 by title only and opened the public hearing.

Karl Sanders, 6 East Bay Street, stated his client had a legal objection to the ordinance and requested council defer taking action.

Chris Matson, 540 Hopkins Street, asked what to expect at the Planning & Development Review Board meeting on June 20, 2006.

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

Councilor Pardee was concerned the ordinance would discourage businesses from moving to Neptune Beach. He questioned how the 60,000 square feet number was arrived at.

Councilor Weldon responded the 60,000 square foot number was arrived at through staff recommendation.

Councilor Weldon asked City Attorney White if the ordinance was properly noticed. Mr. White replied he would double check to see that the ordinance had been noticed correctly.

Moved by Weldon, seconded by Pruette.

Motion: **TO ADOPT ORDINANCE NO. 2006-08 ON SECOND READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 4– Lee, Pruette, Weldon, Brown

Noes: 1 – Pardee

MOTION CARRIED

Ord. No. 2006-09

ORDINANCE NO. 2006-09, ANIMALS, FIRST READ: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 6, ANIMALS, ARTICLE II DOGS AND CATS, ADDING SECTION 6-33 SUPPLEMENTAL ENFORCEMENT PROCEDURES AND PROVIDING AN EFFECTIVE DATE.

Moved by Pardee, seconded by Pruette.

Motion: **TO PASS ORDINANCE NO. 2006-09 ON FIRST READ.**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

Ord. No. 2006-10

ORDINANCE NO. 2006-10, AMENDING CHAPTER 27, USES IN ZONING DISTRICTS, FIRST READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 27 UNIFIED LAND DEVELOPMENT REGULATIONS, AMENDING SEC. 27-227, SPECIAL RESTRICTIONS AND CONDITIONS ON ALLOWABLE USES WITHIN ZONING DISTRICTS, AND AMENDING TABLE 27-226-1 PERMISSIBLE USES AND PROVIDING AN EFFECTIVE DATE.

Mayor Brown read Ordinance No. 2006-10 by title only and opened the public hearing.

Mr. Joe Quest thanked the Council for considering the ordinance.

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

Councilor Weldon recommended the following changes:

Section 27-227(b)(14) Moving business by exception only. No more than three (3) trucks shall be stored on site and no storage of items to be moved shall be permitted.

Table 27-226-1, add moving business by exception only in the C-3 district as well as the C-2 district.

Discussion ensued regarding the size of moving trucks to be allowed.

Moved by Pruette, seconded by Lee.

Motion: **TO PASS ORDINANCE NO. 2006-10 AS AMENDED ON FIRST READ AND PUBLIC HEARING AND FORWARD TO THE JUNE WORKSHOP FOR DISCUSSION ON THE SIZE OF THE MOVING TRUCKS.**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

Ord. No. 2006-11 **ORDINANCE NO. 2006-11, AMENDING CHAPTER 27, USES IN ZONING DISTRICTS, FIRST READ: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 27 UNIFIED LAND DEVELOPMENT REGULATIONS SEC. 27-227 SPECIAL RESTRICTIONS AND CONDITIONS ON ALLOWABLE USES WITHIN ZONING DISTRICTS (B)(5) RETAIL, GENERAL AND PROVIDING AN EFFECTIVE DATE.**

Moved by Weldon, seconded by Pruette.

Motion: **TO PASS ORDINANCE NO. 2006-11 ON FIRST READ.**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

Ord. No. 2006-12 **ORDINANCE NO. 2006-12, AMENDING ARTICLE IX, SECTION 27-445, TREE REMOVAL, FIRST READ: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING ARTICLE IX, SECTION 27-445, PERMIT REQUIRED FOR TREE REMOVAL OR RELOCATION, AND PROVIDING AN EFFECTIVE DATE.**

City Clerk Volpe assured the council that no changes were being made to the ordinance. It was simply a correction in numbering.

Councilor Pardee agreed to sponsor the ordinance.

Moved by Weldon, seconded by Pruette.

Motion: **TO PASS ORDINANCE NO. 2006-12 ON FIRST READ.**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

OLD BUSINESS

Land Use Atty.

HIRING OF A LAND USE ATTORNEY: City Manager Jarboe stated he had contacted the law firm of Lewis, Longman & Walker and agreed on the fee for services not to exceed \$10,000. The city has hired the firm in the past and they were familiar with the Code.

Moved by Weldon, seconded by Pruette.

Motion: **TO DIRECT THE CITY ATTORNEY TO EMPLOY THE LAW FIRM OF LEWIS, LONGMAN & WALKER**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

Wal-Mart
Traffic Study

TRAFFIC STUDY FOR WAL-MART DEVELOPMENT: City Manager Jarboe advised the Council that the cost of an independent traffic study for the proposed Wal-Mart development would be \$75.00 per hour not to exceed \$6,000.

Moved by Weldon, seconded by Lee.

Motion: **TO DIRECT STAFF TO HIRE MARTHA MOORE TO CONDUCT A TRAFFIC STUDY.**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

Oleander St.
Speed Hump

OLEANDER STREET SPEED HUMP: The speed bump located on Oleander Street was not replaced with a speed hump after the street was repaved. The council discussed if it was necessary.

Moved by Weldon, seconded by Pruette.

Motion: **TO REPLACE THE REMOVED SPEED BUMP WITH A SPEED HUMP ON OLEANDER STREET.**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

NEW BUSINESS

Res. No. 2006-12

RESOLUTION NO. 2006-12: A RESOLUTION ALLOWING THE CITY MANAGER TO EXECUTE AND DELIVER THE ATLANTIC BOULEVARD MAINTENANCE AGREEMENT TO THE FLORIDA DEPARTMENT OF TRANSPORTATION.

Moved by Pruette, seconded by Lee.

Motion: **TO APPROVE RESOLUTION NO. 2006-12.**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

PDRB06-04
912 Ocean Front
Mr. Haycook

DEVELOPMENT ORDER PDRB06-04, 912 OCEAN FRONT, MR. WILLIAM HAYCOOK: Approval for Mr. William Haycook to subdivide the existing property and create a second lot. The council discussed the need for a driveway to be placed on the street end right-of-way. Staff assured council a right-of way permit would be needed and more review would be made at that point.

Moved by Pardee, seconded by Lee.

Motion: **TO APPROVE THE DEVELOPMENT ORDER FOR 912 OCEAN FRONT , MR. WILLIAM HAYCOOK.**

Roll Call Vote:

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

MOTION CARRIED

PDRB06-05
Sunset Point
Mr. May

DEVELOPMENT ORDER PDRB06-05, SUNSET POINT SUBDIVISION, TARA COURT, MR. PHILLIP MAY: Approval for Mr. Phillip May and the Sunset Point Homeowners Association to construct a community dock. Community Development Director Jason Cleghorn stated it is a floating platform dock and the owners did have the necessary permits from DEP and the Army Corp of Engineers.

Council asked Mr. May who would use and have access to the dock. Mr. May stated it would be only used by the subdivision with a locked gate entrance and the homeowner’s association would maintain it.

City Manager Jarboe asked for the name of the construction company who would be building it. Mr. May stated he pulled the permit but Beck Marine Construction would be building it. Mr. Jarboe stated this was the company whose barge hit the Kings Road Bridge over the weekend. Mr. Steve Jarrett stated he would give more information about the company to Mr. Jarboe if necessary.

Moved by Pardee, seconded by Lee.

Motion: **TO APPROVE THE DEVELOPMENT ORDER FOR SUNSET POINT SUBDIVISION TO CONSTRUCT A COMMUNITY DOCK.**

Roll Call Vote:

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

MOTION CARRIED

Res. 2006-13

RESOLUTION NO. 2006 -13: A RESOLUTION AUTHORIZING THE SETTLEMENT OF THE UTILX CORPORATION vs. CITY OF NEPTUNE BEACH, FLORIDA AND POST, BUCKLEY, SCHUH & JERNIGAN LITIGATION IN THE AMOUNT OF \$60,000.

City Attorney Chris White stated this was a settlement to the Utilx lawsuit. It was to the advantage of the city to settle for \$60,000 and not be open to a larger amount at the end of lengthy litigation. The original bid had been \$740,000 less than the closest bid.

Moved by Pruette, seconded by Lee.

Roll Call Vote:

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

MOTION CARRIED

Adjournment

There being no further business, the meeting adjourned at 8:45 p.m.

Richard A. Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____