



MINUTES
REGULAR CITY COUNCIL MEETING
JULY 10, 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 July 10, 2006 at 7:00 p.m., in the City Hall Council Chambers, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

Mayor Richard A. Brown
 Vice Mayor Harriet Pruette
 Councilor Eric Pardee
 Councilor John Weldon
 City Attorney Christopher White
 City Manager Jim Jarboe
 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

ABSENT:

Councilor Fred Lee

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

Mayor Brown presented the Employee of the Year Award to Police Officer Camille Burban.

APPROVAL OF MINUTES

Moved by Pruette, seconded by Weldon.

Minutes

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

JUNE 5, 2006, BUDGET WORKSHOP MEETING
JUNE 5, 2006, REGULAR COUNCIL MEETING
JUNE 19, 2006, WORKSHOP COUNCIL MEETING
JUNE 22, 2006, SPECIAL COUNCIL MEETING

Roll Call Vote:

Ayes: 4 – Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

COMMUNICATIONS AND CORRESPONDENCE

Councilor Pardee disclosed he had spoken with Karl Sanders regarding the Wal-Mart traffic study. He had also previously spoken with the property owners for the proposed Wal-Mart site.

City Clerk Volpe reminded the Council that the deadline to register for the Florida League of Cities Conference was Friday, July 21, 2006.

CITY MANAGER REPORT

City Manager Jarboe reported the following:

- A meeting to review and discuss the General Fund Budget would be held before the July workshop.
- No flooding was reported during the previous rains.
- The resurfacing of the tennis courts in Jarboe Park was completed. He would like to thank City of Jacksonville Councilman Art Graham in writing.
- Construction of the headwall would soon begin at Fifth Street and Florida Boulevard.
- Testing of the nitrogen level for the wastewater plant was still in process.

PUBLIC COMMENTS

Sandy Leidy, 1810 Strand Street, opposed the proposed Wal-Mart development on Atlantic Boulevard.

Mark Hall, 1424 Bucknoll Cove, favored the Wal-Mart development adding that as a taxpayer he did not want to pay legal fees.

Rose Marie Campbell, 1412 Strand Street, was concerned because she had to stop the band from playing at her 4th of July party due to one complaint. She asked if there was a way she could prevent this from happening at future 4th of July parties.

JoAnne Hofmann, 130 Sand Castle Way, opposed the Wal-Mart development proposal. She also suggested that lifeguards have trash bags available for people to use to clean up the beach.

CONSENT AGENDA / NONE**VARIANCES / NONE****ORDINANCES**

Ord. No. 2006-09

ORDINANCE NO. 2006-09, ANIMALS, SECOND READ AND PUBLIC HEARING: 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.

Mayor Brown read Ordinance No. 2006-09 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. 2006-09 ON SECOND READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 4 – Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

Ord. No. 2006-11 ORDINANCE NO. 2006-11, AMENDING CHAPTER 27, USES IN ZONING DISTRICTS, PUBLIC HEARING: 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.

Mayor Brown read Ordinance No. 2006-11 by title only and opened the public hearing.

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

Ord. No. 2006-12 ORDINANCE NO. 2006-12, AMENDING ARTICLE IX, SECTION 27-445, TREE REMOVAL, SECOND READ AND PUBLIC HEARING: 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.

Mayor Brown read Ordinance No. 2006-12 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.

Councilor Pardee stated he was pleased to sponsor this ordinance because it eased the restrictions of tree removal.

Motion: **TO ADOPT ORDINANCE NO. 2006-12 ON SECOND READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 4 – Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

Ord. No. 2006-13 ORDINANCE NO. 2006-13, REPEALING ORDINANCE NO. 2006-08, SECOND READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA REPEALING ORDINANCE NO. 2006-08 AND 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 FLOORSPACE 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- 13 by title only and opened the public hearing.

Mark Hall, 1424 Bucknoll Cove, favored the Wal-Mart proposal. He felt the city was in for a large legal situation if the Wal-Mart is denied. He added he did not want his tax dollars foolishly spent on legal fees.

Michael Aston, 1523 Summer Sands Drive, opposed the Wal-Mart proposal. He asked to see the difference in tax revenue if development was or was not approved.

Sandy Leidy, 1810 Strand Street, stated the majority of citizens opposed the Wal-Mart development.

Kathy Landgon, 110 Cherry Street, did not oppose the Wal-Mart development, but did oppose any 24 hour business operation.

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

Moved by Weldon, seconded by Pruette.

Motion: **TO ADOPT ORDINANCE NO. 2006-13, ON SECOND READ AND PUBLIC HEARING.**

Mayor Brown disclosed he had spoken with the property owners of the proposed Wal-Mart site regarding the agenda and procedures.

For the Record Councilor Pardee stated the following for the record:

With this 60,000 square foot ordinance and the additional notes, what's very important on that, nobody ever brings up the additional notes about the 1,000 feet between common businesses. The extent of the staff study that I asked for, I had to do a public records request just to get information on something I'm voting for, was an anti-Wal-Mart website called newrules.org. Which states on its website, "why new rules, because we don't like the old ones anymore." In fact staff had no recommendation to the planning board about the 60,000 square foot ordinance. I don't think we can completely understand the impact this will have on our existing and future property owners and retailers. There are currently about a dozen available empty retail spaces in Neptune Beach right now that are less than 60,000 square feet. Why do we want to make more of what people don't want. This Council voted to pay taxpayer money on a study of this proposed ordinance. We have no results yet. To vote for this final approval before getting what we used taxpayers' money for is in my opinion a blatant misuse of public funds. In fact if any of the time spent by this law firm studying this ordinance is used to build a case to prevent any retailer from coming to Neptune Beach would in my opinion also be a misuse of public funds. This council never voted to spend money on anything other than this particular ordinance and how it relates to our comprehensive plan and existing ordinances. When I sit back and watch you use public funds to fight your personal agenda I want to publicly separate myself from any approval of this ordinance and the legal ramifications against the city. In Section 2-44 council members have the right to add the reasons for his dissent from or protest against any action of the city council entered into minutes. And I am requesting that now.

Roll Call Vote:

Ayes: 3 – Pruette, Weldon, Brown

Noes: 1 – Pardee

MOTION CARRIED

Ord. No. 2006-14

ORDINANCE NO. 2006-14, AMENDING CHAPTER 22, TRAFFIC AND MOTOR VEHICLES, FIRST READ: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 22, TRAFFIC AND MOTOR VEHICLES, SECTION 22-3 CERTAIN MOTOR VEHICLES PROHIBITED FROM PARKING IN COMMERCIAL DISTRICTS AND PROVIDING AN EFFECTIVE DATE.

Moved by Weldon, seconded by Pruette.

Motion: **TO PASS ORDINANCE NO. 2006-14 ON FIRST READ.**

Roll Call Vote:

Ayes: 4 – Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

Ord. No. 2006-15

ORDINANCE NO. 2006-15, AMENDING SECTION 21, OCCUPATIONAL LICENSE TAXES.

FIRST READ: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING SECTION 21, ARTICLE II, OCCUPATIONAL LICENSE TAXES AND PROVIDING AN EFFECTIVE DATE.

Moved by Weldon, seconded by Pruette.

Motion: **TO PASS ORDINANCE NO. 2006-15 ON FIRST READ.**

Roll Call Vote:

Ayes: 4 – Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

Ord. No. 2006-16

ORDINANCE NO. 2006-16, AMENDING CHAPTER 2, ADMINISTRATION, ARTICLE V, EMPLOYEE BENEFITS, DIVISION 4, POLICE OFFICERS' RETIREMENT SYSTEM, FIRST READ: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH AMENDING CHAPTER 2, ADMINISTRATION, ARTICLE V, EMPLOYEE BENEFITS, DIVISION 4, POLICE OFFICERS RETIREMENT SYSTEM, OF THE CODE OF ORDINANCES OF THE CITY OF NEPTUNE, BEACH; AMENDING SECTION 2-345, DEFINITIONS, BY AMENDING THE DEFINITION OF "CREDITED SERVICE", AMENDING SECTION 2-249.5, OPTIONAL FORMS OF BENEFITS; AMENDING SECTION 2-349.19 DIRECT TRANSFERS OF ELIGIBLE ROLLOVER DISTRIBUTIONS; AMENDING SECTION 2-349.24, DEFERRED RETIREMENT OPTION PLAN; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING AN EFFECTIVE DATE.

Moved by Pardee, seconded by Pruette.

Motion: **TO PASS ORDINANCE NO. 2006-16 ON FIRST READ.**

Roll Call Vote:

Ayes: 4 – Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

OLD BUSINESS / NONE

NEW BUSINESS

PDRB06-07
220 First St.
Goelz

DEVELOPMENT ORDER PDRB06-07, 220 FIRST STREET – GOELZ: Approval of development order for Mr. and Mrs. Thomas Goelz for an addition and remodel of Cobalt Moon located at 220 First Street.

Consensus: **TO DEFER APPROVAL OF THE DEVELOPMENT ORDER TO THE AUGUST REGULAR MEETING AGENDA DUE TO THE ABSENCE OF THE APPLICANT.**

Adjournment

There being no further business, the meeting adjourned at 7:55 p.m.

Richard A. Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____