



**MINUTES
REGULAR CITY COUNCIL MEETING
JUNE 4, 2007 AT 6:00 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 4, 2007 at 6:00 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 Amanda Askew
Assistant Chief Anthony Carrillo
Director of Finance Steve Ramsey
Director of Public Safety David Sembach
Director of Public Services Leon Smith

Order Call/Pledge

Mayor Brown called the meeting to order at 6:00 p.m. and asked Vice Mayor Pruette to lead the pledge of allegiance.

AWARDS / PRESENTATIONS / RECOGNITION OF GUESTS / NONE

APPROVAL OF MINUTES

Moved by Weldon, seconded by Pruette.

Vice Mayor Pruette asked to add on page two of the May 7th minutes, under disclosures, that she had also spoken to Michael Aston regarding the Aamco special exception.

Councilor Lee asked to amend the May 7th minutes to reflect that he spoken to Daryl Grubbs regarding Ordinance 2007-02, instead of Connie Grubbs.

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

MAY 7, 2007, WORKSHOP CITY COUNCIL MEETING
MAY 7, 2007, REGULAR CITY COUNCIL MEETING
MAY 21, 2007, WORKSHOP CITY COUNCIL MEETING

Roll Call Vote:

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

MOTION CARRIED

COMMUNICATIONS AND CORRESPONDENCE

Councilor Lee disclosed that he had spoken with Steven Carter and Steve Jarrett regarding the environmentally sensitive land ordinance.

Councilor Pardee stated he had spoken with Steven Carter regarding the environmentally sensitive land ordinance.

Vice Mayor Pruette stated she also spoke with Steven Carter.

Councilor Weldon stated he spoke with Steve Jarrett.

Mayor Brown disclosed he also spoke with Steve Jarrett regarding the environmentally sensitive land ordinance.

City Clerk Lisa Volpe stated the July regular meeting fell on Monday July 2nd. Due to the July 4th holiday, she asked if that would be convenient for Council. Councilor Weldon stated he would be out of town that week. Mayor Brown suggested changing the regular meeting to July 9, 2007.

Consensus: **TO HOLD THE JULY REGULAR MEETING ON JULY 9TH IN LIEU OF JULY 2ND.**

CITY MANAGER REPORT

City Manager Jarboe reported on the following:

- The sump pump in Town Center did not work properly during the weekend storms and Town Center was flooded..
- There was also flooding on First Street due to the storm during high tide.
- Several development orders were being processed.
- The annual budget was also in process.

Councilor Lee asked City Manager Jarboe about the condition of the sod that was being replaced on the Third Street right-of-ways. City Manager Jarboe responded the Florida Department of Transportation (FDOT) was working on a drainage project on Third Street and had to remove the grass in the right-of-ways. Several complaints from citizens were received regarding the condition of the replacement sod. Director of Public Services Leon Smith met with a representative of FDOT regarding the condition of the replacement sod. However, the city had no control over the right-of-ways. FDOT also removed some irrigation systems that were placed in the right-of-way without their permission which they did not intend to replace.

PUBLIC COMMENTS / NONE

Mayor Brown recognized the boy scouts in the assembly and asked them each to come forward and introduce their selves. They were in attendance because they were learning communication skills.

CONSENT AGENDA

FLORIDA BOULEVARD LANDSCAPE PROJECT: Rejection of bid from Royal Construction for the Florida Boulevard Landscape Project.

Moved by Weldon, seconded by Pruette.

Motion: **TO APPROVE THE CONSENT AGENDA REJECTING THE BID FROM ROYAL CONSTRUCTION FOR THE FLORIDA BOULEVARD LANDSCAPE PROJECT.**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

VARIANCES / NONE

ORDINANCES

Ord. No. 2007-02

ORDINANCE NO. 2007-02, AMENDING CHAPTER 27, ARTICLE IV, LAND USE, SECOND READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 27, ARTICLE IV, LAND USE, ADDING SECTION 27-243, PROTECTION OF ENVIRONMENTALLY SENSITIVE LANDS AND PROVIDING AN EFFECTIVE DATE.

Mayor Brown read Ordinance No. 2007-02 by title only and opened the public hearing.

John Henry David, 2035 Cherokee Drive, brought up some concerns regarding specific language and typographical errors within the ordinance.

Barbara Jackson, 2001 Cherokee Drive, favored Ordinance No. 2007-02 in order to protect Hopkins Creek.

Van Nostrand, 1641 Landing Lane, was concerned about dredging in Hopkins Creek.

Vice Mayor Pruette pointed out two typographical errors, which City Clerk Volpe corrected.

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

Councilor Weldon stated that upon adoption of the ordinance he would like for the moratorium to be canceled.

Councilor Lee asked Councilor Weldon when the ordinance would take effect. He suggested the ordinance take effect on Thursday, June 7, 2007.

City Manager Jarboe stated the ordinance would be effective upon the signature of the Mayor.

Councilor Pardee stated he opposed the ordinance because he felt it served no purpose.

Moved by Weldon, seconded by Pruette.

Motion: **TO ADOPT ORDINANCE 2007-02 ON SECOND READ AND PUBLIC HEARING INCLUDING CANCELING THE 90 DAY MORTATORIUM ON DOCK CONSTRUCTION TO BE EFFECTIVE AS OF TONIGHT AND THE ORDINANCE ITSELF TO BECOME EFFECTIVE UPON THE SIGNATURE OF THE MAYOR.**

Roll Call Vote:

Ayes: 4 – Lee, Pruette, Weldon, Brown

Noes: 1 – Pardee

MOTION CARRIED

Ord. No. 2007-04

ORDINANCE NO. 2007-04, CONCURRENCY, SECOND READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 27 UNIFIED LAND DEVELOPMENT REGULATIONS, SECTION 27-350, PROCEDURE

FOR APPLYING FOR AND ISSUING A CONCURRENCY CERTIFICATE AND PROVIDING AN EFFECTIVE DATE.

Mayor Brown read Ordinance No. 2007-04 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. 2007-04 ON SECOND READ AND PUBLIC HEARING.**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

Ord. No. 2007-06

ORDINANCE NO. 2007-06, AMENDING TABLE 27-229-1, SECOND READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, AMENDING TABLE 27-229-1 CHANGING SIDE YARD SETBACK IN R-1 AND THE LOT SIZE FOR 35 FEET BUILDING HEIGHT AND PROVIDING AN EFFECTIVE DATE.

Mayor Brown read Ordinance No. 2007-06 by title only and opened the public hearing.

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

Vice Mayor Pruette agreed to sponsor the ordinance.

Moved by Lee, seconded by Pruette.

Motion: **TO ADOPT ORDINANCE NO. 2007-06 ON SECOND READ AND PUBLIC HEARING.**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

Ord. No. 2007-07

ORDINANCE NO. 2007-07, SHORT TERM RENTALS, SECOND READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 27 ARTICLE I, SECTION 27-15 DEFINITIONS, ADDING THE DEFINITION OF SHORT TERM RENTALS, AND AMENDING ARTICLE IV, LAND USE, SECTION 27-225(1) AND PROVIDING AN EFFECTIVE DATE.

Mayor Brown read Ordinance No. 2007-07 by title only and opened the public hearing.

Steve Hould, 111 Walnut Street, favored the ordinance.

Dick Joyce, 1998 Strand, supported the ordinance.

Jeanell Wilson, 3090 South Third Street, All South Realty, opposed the ordinance because she felt that it infringed on the rights of private property owners.

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

For the Record City Manager Jarboe stated for the record that short term rentals were currently against the Neptune Beach Code of Ordinances because they were considered a commercial operation.

Councilor Pardee stated according to the minutes it had been two weeks since he had asked City Attorney White to define "short term rentals" in writing.

City Attorney White stated there was not a state definition of short term rentals. However, there were definitions for different types of facilities. What is in the ordinance would be considered as a "resort dwelling" which was defined as anything rented for periods of less than thirty days at least three times per year.

Moved by Weldon, seconded by Pruette.

Motion: **TO ADOPT ORDINANCE NO. 2007-07 ON SECOND READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 4 – Lee, Pruette, Weldon, Brown

Noes: 1 – Pardee

MOTION CARRIED

OLD BUSINESS NONE

NEW BUSINESS

Res. No. 2007-05 **RESOLUTION NO. 2007-05: A RESOLUTION APPOINTING MEMBERS TO THE CODE ENFORCEMENT BOARD, AND THE BOARD OF APPEALS.**

Vice Mayor Pruette suggested forwarding Resolution No. 2007-05 to the June workshop meeting in order to review information provided in the agenda packet regarding board member absences.

Councilor Lee pointed out that several months ago Councilor Pardee suggested that the council spend more time reviewing the applications for board members.

Consensus: **TO FORWARD TO THE JUNE WORKSHOP MEETING.**

Surplus Equipment **SURPLUS EQUIPMENT:** Surplus of Public Services, Ford F-150, 4x4, serial number 1FTZF18W0WNB36824, estimated value of \$1,500.00.

Moved by Weldon, seconded by Lee.

Motion: **TO APPROVE THE SURPLUS OF THE VEHICLE.**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

Councilor Pardee publicly recognized Mr. John Mitchell, who recently passed away due to a heart attack. He had been a mechanical inspector for the City of Jacksonville for over twenty- four years.

Vice Mayor Pruette publicly thanked Community Development Director Amanda Askew for all of her efforts in providing information to the Council in the agenda packets.

City Manager Jarboe stated Community Development Director Amanda Askew would soon begin working on the Comprehensive Plan and the Evaluation Appraisal Report. This would

save the city money by not having to hire an outside professional.

Adjournment

There being no further business, the meeting adjourned at 6:50 p.m.

Richard A. Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____