



**MINUTES
REGULAR CITY COUNCIL MEETING
SEPTEMBER 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 September 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 Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

Community Development Director Amanda Askew
Assistant Chief Anthony Carrillo
Senior Activities Center Director Leslie Lyne
Director of Finance Steve Ramsey
Director of Public Services Leon Smith

ABSENT:

City Attorney Christopher White

Order Call/Pledge

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

AWARDS / PRESENTATIONS / RECOGNITION OF GUESTS / NONE

APPROVAL OF MINUTES

Moved by Pruette, seconded by Lee.

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

AUGUST 6, 2007, REGULAR CITY COUNCIL MEETING
AUGUST 20, 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 he had met with Joe Quest, owner of Day and Night Moves, regarding the mural of the sun and moon that was painted on the outside of his building.

Councilor Pardee disclosed he had also met with Joe Quest regarding the mural.

Councilor Weldon stated he spoke to Joe Quest on the telephone.

Mayor Brown stated he had not spoken to Mr. Quest but he had heard several comments regarding the mural.

T-Mobile Contract

T-MOBILE CONTRACT: City Manager Jarboe stated T-Mobile made changes to their contract after it had been signed by the Mayor. He asked Council to approve the following changes:

- Page 4, # 16. RIGHTS UPON SALE: Should the lessor, at any time during the term of this Agreement, decide to sell all or any part of the Property to a purchaser other than LESSEE, such sale shall be under and subject to this Agreement and LESSEE's rights hereunder. ~~And any sale by the LESSOR of the portion of this property underlying the right-of-way herein granted shall be under and subject to the right of the LESSEE in and to such right or way.~~
- Page 5, #22. ASSIGNMENT. As to other parties, this Agreement may not be sold, assigned or transferred without the written consent of the LESSOR which such consent will not be unreasonably withheld or delayed. This Agreement may not be sold, assigned or transferred by the LESSEE to any party convicted of a felony ~~or to any foreign owned entity~~ without the express written consent of LESSOR.

Moved by Weldon, seconded by Pruette.

Motion: **TO APPROVE THE AMENDMENTS TO THE T-MOBILE CONTRACT.**

Roll Call Vote:

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

Noes: 0

MOTION CARREID

CITY MANAGER REPORT

City Manager Jarboe reported on the following:

- Vandalism was reported Sunday night when several vehicles had all four of their tires slashed.
- Public Services was working to resolve the problem at the beach access on Seagate Avenue.

Amended Agenda

Mayor Brown amended the agenda to vote on the millage rate and the budget.

Ord. No. 2007-13

ORDINANCE NO. 2007- 13, MILLAGE RATE FY 2008, FIRST READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, ADOPTING FINAL MILLAGE RATES AND LEVYING AD VALOREM TAXES FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2007, AND ENDING SEPTEMBER 30, 2008; SETTING FORTH CERTAIN INFORMATION REGARDING "ROLLED-BACK RATES"; DIRECTING THE CITY MANAGER TO ADJUST THE ADOPTED MILLAGE RATES IN THE EVENT OF CHANGES IN THE ASSESSMENT ROLL AND TAXABLE VALUE; PROVIDING AN EFFECTIVE DATE.

Mayor Brown read Ordinance No. 2007-13 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 PASS ORDINANCE NO. 2007-13 ON FIRST READ AND PUBLIC HEARING.**

Roll Call Vote:

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

MOTION CARRIED.

Ord. No. 2007-14

ORDINANCE NO. 2007-14, BUDGET FY 2008 FIRST READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, ADOPTING A FINAL BUDGET AND APPROPRIATING FUNDS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2007, AND ENDING SEPTMEBER 30, 2008; PROVIDING AN EFFECTIVE DATE.

Mayor Brown read Ordinance No. 2007-14 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 Lee.

Motion: **TO PASS ORDINANCE NO. 2007-14 ON FIRST READ AND PUBLIC HEARING.**

Roll Call Vote:

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

MOTION CARRIED

PUBLIC COMMENTS

Leslie Lyne, Senior Activities Center Director stated she did not hear any complaints this year regarding property taxes but she did hear complaints regarding property insurance rates. She thanked staff for preparing the budget.

CONSENT AGENDA / NONE

VARIANCES / NONE

ORDINANCES

Ord. No. 2007-10

ORDINANCE NO. 2007-10, AMENDING CHAPTER 27- AMENDING ARTICLE III, PROCEDURES FOR APPLYING FOR AND ISSUING A VARIANCE, SECOND READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 27 UNIFIED LAND DEVELOPMENT REGULATIONS ARTICLE III ADMINISTRATIVE AND ENFORCEMENT PROCEDURES SECTION 27-145.2 PROCEDURES FOR APPLYING FOR AND ISSUING A VARIANCE FOR PROPERTY LOCATED WITHIN THE C-1, C-2, C-3, CBD AND CONSERVATIONS ZONING DISTRICTS, AMENDING SECTION 27-147 REQUIRED FINDINGS NEEDED TO ISSUE A VARIANCE, AND PROVIDING AN EFFECTIVE DATE.

Moved by Pruette, seconded by Lee.

Motion: **TO ADOPT ORDINANCE NO. 2007-10 ON SECOND READ AND PUBLIC HEARING**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

Ord. No. 2007-11

ORDINANCE NO. 2007-11, AMENDING CHAPTER 27, AMENDING ARTICLE III, PROCEDURES FOR APPLYING AN ISSUING A SPECIAL EXCEPTION, SECOND READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 27 UNIFIED LAND DEVELOPMENT REGULATIONS ARTICLE III ADMINISTRATIVE AND ENFORCEMENT PROCEDURES SECTION 27-159(D) PROCEDURES FOR APPLYING FOR AND ISSUING A SPECIAL EXCEPTION AND SECTION 27-160 REQUIRED FINDINGS NEEDED TO ISSUE A SPECIAL EXCEPTION AND PROVIDING AN EFFECTIVE DATE.

Moved by Lee, seconded by Pruette.

Motion: **TO ADOPT ORDINANCE NO. 2007-11 ON SECOND READ AND PUBLIC HEARING.**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

Ord. No. 2007-12

ORDINANCE NO. 2007-12, AMENDING BUILDING SIGNS, SECOND READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 27 UNIFIED LAND DEVELOPMENT CODE ARTICLE XV ADVERTISING SECTION 27-585 A BUILDING SIGNS AND PROVIDING AN EFFECTIVE DATE.

Moved by Weldon, seconded by Pruette.

Motion: **TO ADOPT ORDINANCE NO. 2007-12 ON SECOND READ AND PUBLIC HEARING.**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

Ord. No. 2007-15

ORDINANCE NO. 2007-15, NONCONFORMING SIGNS, FIRST READ: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 27 ARTICLE XVIII. NONCONFORMING LOTS, STRUCTURES, USES AND SIGNS, SECTION 27-702 NONCONFORMING SIGNS AND PROVIDING AN EFFECTIVE DATE.

Moved by Weldon, seconded by Pruette.

Motion: **TO PASS ORDINANCE NO. 2007-15 ON FIRST READ.**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

OLD BUSINESS

Kings Rd. Bridge

KINGS ROAD BRIDGE REHABILITATION OPTIONS: The following three rehabilitation options for the Kings Road Bridge were presented at the August workshop meeting.

Option A - \$50,000

- Repair Girders with Fiber Wrap
- Jacket Piles with 30% or Greater Loss
- Expected Life 5 to 10 years
- Maintenance and remediation required over remaining life

Option B - \$200,000

- Repair Girders with Fiber Wrap
- Inject girder cracks with epoxy
- Jacket Piles with 30% or Greater Loss
- Tape Seal all other Piles
- Repair abutment backwalls and wingwalls
- Expected life 20 to 30 years
- Maintenance and remediation required over remaining life

Option C - \$300,000

- Repair Girders with Fiber Wrap
- Inject girder cracks with epoxy
- Jacket ALL piles in waterway
- Replace abutment backwalls and wingwalls
- Overlay deck to minimize water intrusion to girders
- Expected life 30 to 40 years
- Maintenance and remediation required over remaining life

Moved by Weldon, seconded by Pruette.

Motion: **TO DIRECT STAFF TO SOLICIT BIDS FOR KINGS ROAD BRIDGE REHABILITATION PROJECT OPTION C.**

Roll Call Vote:

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

MOTION CARRIED

Sea & Sky Show

SEA AND SKY SPECTACULAR INTERLOCAL AGREEMENT – DONATION OF \$2,000: Vice Mayor Pruette stated the Interlocal agreement requested that the city donate \$3,500. She explained if Neptune Beach donated \$2,000 in cash and paid our police officers and public services workers overtime to assist with the management of the crowd and the clean up, the city would end up exceeding the \$3,500 requested amount.

Moved by Pruette, seconded by Pardee.

Motion: **TO APPROVE A \$2,000 CASH DONATION FOR THE SEA & SKY SPECTACULAR.**

Roll Call Vote:

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

MOTION CARRIED.

Speed Hump Policy AMENDMENT TO THE SPEED HUMP POLICY: Due to budget restraints, Councilor Lee suggested amending the Speed Hump Policy to allow residents to pay the full cost for speed humps if they so desired.

Moved by Pruette, seconded by Lee.

Motion: **TO APPROVE THE AMENDMENT TO THE SPEED HUMP POLICY.**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

NEW BUSINESS

Res. No. 2007-11 RESOLUTION NO. 2007-11: A RESOLUTION OF THE CITY OF NEPTUNE BEACH, FLORIDA TENTATIVELY ADOPTING A PUBLIC SCHOOL FACILITIES ELEMENT FOR INCLUSION INTO THE NEPTUNE BEACH 2010 COMPREHENSIVE PLAN, AND AUTHORIZING TRANSMITTAL OF SAID ELEMENT TO THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS.

City Manager Jarboe stated the Resolution was required by the state in order to comply with school concurrency.

Mayor Brown opened the public hearing.

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

Moved by Pruette, seconded by Lee

Motion: **TO APPROVE RESOLUTION NO. 2007-11.**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

Public Safety Union NEPTUNE BEACH PUBLIC SAFETY DEPARTMENT LABOR COUNCIL UNION CONTRACT: City Manager Jarboe stated he had met with the Public Safety Labor Union and negotiated a new contract. Due to budget restraints the contract was only for 1 year and included a 3% cost of living raise.

Moved by Pruette, seconded by Lee.

Motion: **TO APPROVE THE PUBLIC SAFETY DEPARTMENT LABOR CONTRACT.**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

Local 630

LOCAL 630 LABOR UNION CONTRACT: City Manager Jarboe stated he had met with the Local 630 Labor Union and negotiated a new contract. Due to budget restraints the contract was only for 1 year and included a 3% cost of living raise.

Moved by Weldon, seconded by Pruette.

Motion: **TO APPROVE THE LOCAL 630 LABOR UNION CONTRACT.**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

Res. 2007-12

RESOLUTION NO. 2007-12: A RESOLUTION REAPPOINTING MEMBERS TO THE CODE ENFORCEMENT BOARD, PLANNING AND DEVELOPMENT REVIEW BOARD AND THE BOARD OF APPEALS.

Consensus: **TO VOTE ON EACH REAPPOINTMENT SEPARATELY.**

Moved by Pruette, seconded by Pardee.

Motion: **TO REAPPOINT ROGER BENNETT AS A REGULAR MEMBER TO THE CODE ENFORCEMENT BOARD.**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

Moved by Pruette, seconded by Weldon.

Motion: **TO REAPPOINT KEITH BAKER AS AN ALTERNATE MEMBER TO THE BOARD OF APPEALS.**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

Moved by Weldon, seconded by Lee.

Motion: **TO APPOINT JAMES LEE AS A REGULAR MEMBER TO THE PLANNING & DEVELOPMENT REVIEW BOARD.**

Mayor Brown suggested deferring Mr. Lee's appointment until Council could be sure that Mr. Lee had the time to serve on the Planning & Development Review Board.

Councilor Weldon stated Mr. Lee's past attendance record, as an alternate member, was not acceptable. However, he felt that Mr. Lee served the community well and as a regular member his attendance record would improve. He recommended appointing him as a regular member, stating if his attendance record did not improve that he could be replaced.

Vice Mayor Pruette stated due to Mr. Lee's attendance record she could not support him as a regular member on the board. She suggested reappointing him as an alternate to see if his attendance record improved before considering him for a

regular member.

Councilor Lee stated he spoke with Mr. Lee regarding his appointment and Mr. Lee assured him that he did want to continue serving on the Planning & Development Review Board as a regular member. He did have some issues during his year as an alternate and those issues have been resolved. He felt Mr. Lee deserved a chance.

Councilor Pardee stated Mr. Lee had been absent nine times out of fourteen meetings, which was a 64% absentee rate. He also had a problem supporting him as a regular member.

Roll Call Vote:

Ayes: 3 – Lee, Weldon, Brown

Noes: 2 – Pardee, Pruette

MOTION CARRIED

OPEN DISCUSSION

Councilor Pardee stated there was an updated edition of Adobe Acrobat software with the capability to type information onto blank online forms. He felt the software would be a benefit to the city by allowing citizens and contractors to complete building permit applications, and other various forms online.

Councilor Pardee stated the City of Jacksonville planned on repaving and re-striping Penman Road.

Councilor Lee questioned the plans for the overpass at the intersection of Atlantic Boulevard and Kernan Road.

Mayor Brown stated the overpass was an original part of the Better Jacksonville Plan. The Better Jacksonville Plan for the overpass was amended and replaced by a interchange that included a Michigan U-Turn.

Councilor Lee asked if the Council could draft a Resolution in support of the original overpass.

City Clerk Lisa Volpe advised that the City of Jacksonville would be voting on the amendment next week and Council did not have the time to adopt a resolution before the vote.

Consensus: **TO HAVE THE MAYOR WRITE A LETTER TO THE CITY OF JACKSONVILLE COUNCIL, ON BEHALF OF THE NEPTUNE BEACH CITY COUNCIL, SUPPORTING THE ORIGINAL OVERPASS AT ATLANTIC BOULEVARD AND KERNAN ROAD.**

Adjournment

There being no further business, the meeting adjourned at 7:04 p.m.

Richard A. Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____