



MINUTES
WORKSHOP CITY COUNCIL MEETING
SEPTEMBER 24, 2007 AT 6:00 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 September 24, 2007 at 6:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

STAFF:

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

Community Development Director Amanda Askew
Director of Public Safety David Sembach

Call to Order/Roll Call Mayor Brown called the meeting to order at 6:00 p.m. stating he felt it was necessary for Council to review the sign ordinance as it related to artwork.

Vice Mayor Pruette introduced the following proposed ordinance for discussion.

Ord. No. 2007-16

ORDINANCE NO. 2007- 16, ART PROJECT: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, AMENDING CHAPTER 27, ARTICLE XV ADVERTISING, AMENDING SECTION 27-576 DEFINITIONS, AND ADDING SECTION 27-596 ART PROJECT AND PROVIDING AN EFFECTIVE DATE.

City Manager Jarboe stated the *Shorelines* and the *Beaches Leader* newspapers wrongly reported the mural of the sun and moon painted on the building of the Day or Night Moves business was artwork and not a sign. He added that in this particular case the artwork was considered a sign because the sun and moon represented the business of Day or Night Moves.

Councilor Weldon stated he supported and agreed with the proposed ordinance because it helped clarify the issue of artwork verses signs.

Councilor Pardee agreed with City Manager Jarboe that the way the current sign ordinance was written the mural of the sun and moon painted on the exterior of the building for Day or Night Moves should be considered a sign.

City Attorney White stated Joe Quest, owner of Day or Night Moves, has requested a variance for the artwork of the sun and moon painted on his building. However, because the variance request was not before the Council at the present meeting he asked Council not to make specific comments relating to Day or Night Moves.

Vice Mayor Pruette felt allowing the Council final approval of public art displays would also eliminate any offensive artwork.

Councilor Weldon stated he supported the ordinance because it did not change the definition of a sign and it provided the Council a procedure for making decisions regarding public art.

Councilor Pardee stated he was concerned about the following underlined language in Section 27-596 because it defined an art project as a sign:

Any proposed art project in a commercial district that in the opinion of the Planning & Development Review board is found to be public art that enhances the commercial district may be recommended to the City Council for its approval. If approved by the City Council, such an art project will be considered a conforming sign as long as it is maintained in good condition.

Councilor Weldon also questioned why the ordinance determined the art project a conforming sign.

City Manager Jarboe indicated the artwork would be considered a conforming sign if it represented the business. However if the artwork was of a scenery that did not represent a business it would not be considered a sign.

City Attorney White stated he would review the language. He added the intent of the proposed ordinance was for paintings, artwork, murals, etc. to have an approval monitoring process that would allow them, but not to be counted against the businesses sign limitations if the artwork did not draw attention to the particular business.

Councilor Weldon suggested changing the language in the proposed ordinance as follows:

If approved by the City Council such an art project will be ~~considered a conforming sign~~ permitted as long as it is maintained in good condition.

Vice Mayor Pruette indicated the artwork of a boat painted on the boat house business on Florida Boulevard had been there for many years. City Manager Jarboe replied he did not receive any complaints regarding the boat house artwork until recently.

Councilor Pardee was concerned about existing businesses with exterior artwork having been cited by Code Enforcement. City Manager Jarboe responded the Code Enforcement action would be delayed on those businesses until Council acted on this proposed ordinance. If the proposed ordinance was adopted those businesses would be able to go through the Planning & Development Review Board process and Council would have final approval.

Councilor Lee recognized the effort of the Council to willingly work with citizens and business owners to resolve conflicts. He also recognized in this particular instance that the staff was enforcing the Code as it was written. He felt artwork should have an approval process to help eliminate inappropriate artwork from being displayed.

Councilor Weldon acknowledged this proposed ordinance only affected the commercial district and was not applicable to private property.

Consensus: **TO FORWARD THE PROPOSED ORDINANCE TO THE FOLLOWING SPECIAL MEETING FOR FIRST READ.**

Adjournment

There being no further business, the meeting adjourned at 6:40 pm.

Attest:

Richard A. Brown, Mayor

Lisa Volpe, CMC, City Clerk

Approved: _____