



**MINUTES
REGULAR CITY COUNCIL MEETING
NOVEMBER 5, 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 November 5, 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
Senior Activities Center Director Leslie Lyne
Director of Finance Steve Ramsey
Director of Public Safety Chief Sembach
Director of Public Services Leon Smith

Order Call/Pledge

Mayor Brown called the meeting to order at 6:00 p.m. and led 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:**

OCTOBER 1, 2007, REGULAR CITY COUNCIL MEETING
OCTOBER 15, 2007, WORKSHOP CITY COUNCIL MEETING

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

COMMUNICATIONS AND CORRESPONDENCE

Vice Mayor Pruette introduced the following Resolution:

RESOLUTION NO. 2007-14: A RESOLUTION OF THE CITY OF NEPTUNE BEACH, FLORIDA RECOGNIZING AND HONORING ATLANTIC BEACH COMMISSIONER DESMOND WATERS, III, FOR HIS OUTSTANDING AND DEDICATED SERVICE TO

DUVAL COUNTY AND THE CITY OF ATLANTIC BEACH.

Vice Mayor Pruette added that she would like to present the Resolution at the November 6th Atlantic Beach City Commission meeting.

Moved by Pruette, seconded by Lee.

Motion: **TO APPROVE RESOLUTION NO. 2007-14.**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

Senior Activities Center Director Leslie Lyne extended an invitation for everyone to attend "Christmas in the Park" on November 30, 2007.

City Clerk Volpe stated the November workshop meeting would be on the week of Thanksgiving and asked the Council if there would be a quorum.

Consensus: **TO HOLD THE WORKSHOP MEETING AS SCHEDULED ON THE WEEK OF THANKSGIVING.**

CITY MANAGER REPORT

City Manager Jarboe received an e-mail from the City of Hawthorne City Manager asking us for assistance helping them acquire a fire truck.

Moved by Weldon, seconded by Pruette.

Motion: **TO AUTHORIZE THE CITY MANAGER TO PROCEED IN COORDINATING THE PURCHASE AND RESALE OF A USED FIRE ENGINE FROM THE CITY OF JACKSONVILLE FOR DELIVERY TO THE CITY OF HAWTHORNE, AT NO COST TO THE CITY OF NEPTUNE BEACH.**

Roll Call Vote:

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

Noes: 0

MOITON CARRIED

City Manager Jarboe reported on the following:

- The Finance Department is working on the September 31, 2007 year end close out.
- The engineer for the Kings Road Bridge has sent information to the State and the City of Jacksonville to receive approval from the Department of Transportation. We are awaiting those reviews before bidding the project.
- Public Services continues to work on the nitrogen testing.

Councilor Pardee questioned why Resolution No. 2007-14 was placed before the Council tonight while it was not on the present agenda and had not been on a previous workshop agenda. Councilor Pruette responded the Resolution needed to be approved and signed so that it could be presented at the Atlantic Beach Commission on November 6, 2007.

Councilor Lee requested that the City Manager provide him information regarding the future of Third Street / A1A. City Manager Jarboe explained the State planned to repave Third Street and change the timing on traffic signals at major intersections this coming year.

Agenda
Amendment

Mayor Brown requested Resolution 2007-13 be forwarded to after the public comments.

PUBLIC COMMENTS

The following residents spoke in favor of Resolution No. 2007-13:

- Nancy Jensen, 1303 Trailwood Drive
- Michael Aston, 1523 Summer Sands Drive
- Warren Anderson, 207 Walnut Street
- Barbara Jackson, 2001 Cherokee Drive
- Mary Lahr-David, 2035 Cherokee Drive
- John Henry David, 2035 Cherokee Drive
- James Jackson, 4560 Glen Kernan Parkway

Res. No. 2007-13

RESOLUTION NO. 2007-13: A RESOLUTION OF THE CITY OF NEPTUNE BEACH, FLORIDA CALLING ON THE ST. JOHNS RIVER WATER MANAGEMENT DISTRICT TO PROTECT AND PRESERVE THE WATER RESOURCE OF THE ST. JOHNS RIVER BY NOT ALLOWING THE USE OF MILLIONS OF GALLONS OF RIVER WATER TO BE USED TO CONTINUE UNCHECKED GROWTH IN CENTRAL AND SOUTH FLORIDA.

Moved by Pruette, seconded by Weldon.

Motion: **TO APPROVE RESOLUTION NO. 2007-13.**

Neil Armingeon, St. Johns River Keeper, 2800 University Boulevard, explained River Keeper was a group of citizens working to protect, restore, and preserve the St. Johns River. He added that rivers throughout the state were also being considered for the growth of central and south Florida. He stated the River Keeper group supported Resolution No. 2007-13 and he encouraged the Council to support it.

Geoffrey Sample, 7775 Baymeadows Way, Suite 102, Intergovernmental Coordinator for the St. Johns Water Management District, offered to have the Executive Director make a presentation to the Council to explain the proposal.

Mayor Brown suggested the presentation be made at a workshop meeting. He felt more information needed to be provided.

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

CONSENT AGENDA / NONE

VARIANCES / NONE

ORDINANCES

Ord. No. 2007-16 ORDINANCE NO. 2007-16, ART PROJECTS, SECOND READ AND PUBLIC HEARING: 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.

Mayor Brown read Ordinance No. 2007-16 by title only and opened the public hearing.

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

Moved by Pruette, seconded by Weldon.

Motion: **TO ADOPT ORDINANCE NO. 2007-16 ON SECOND READ AND PUBLIC HEARING.**

Vice Mayor Pruette stated the Planning & Development Review Board recommended approval with the following change:

Any such art project which deteriorates over time shall be ~~removed by the applicant at the sole discretion of the city council~~ repaired by the property owner.

City Attorney White stated if the Council ordered the art project to be removed and the property owner did not remove the project, it would become a code enforcement issue. The question would be whether it goes to code enforcement or to the city council.

Councilor Weldon stated the purpose of the ordinance was to allow Council to have final decisions regarding art projects. He felt the amendment was not necessary.

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

Ord. No. 2007-17 ORDINANCE NO. 2007-17, ALCOHOLIC BEVERAGES, EMERGENCY READ: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 4, ALCOHOLIC BEVERAGES SECTION 4-5 CONSUMPTION ON ATLANTIC OCEAN BEACH, OTHER PUBLIC PLACES PROVIDING AN EFFECTIVE DATE.

City Manager Jarboe stated the existing ordinance only allowed beer and wine to be served at city approved special events. This ordinance would allow all alcoholic beverages to be served at city approved special events.

Mayor Brown agreed to sponsor the ordinance.

Mayor Brown read Ordinance No. 2007-17 by title only and opened the public hearing.

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

Moved by Pruette, seconded by Weldon.

Motion: **TO ADOPT ORDINANCE NO. 2007-17 ON EMERGENCY READ.**

Councilor Weldon was concerned about crowd control at Pete's Bar and asked Mr. Whittingslow to speak.

Tom Whittingslow, 600 Valley Forge Road East, stated Pete's Bar had never advertised the Thanksgiving event. The Beaches Leader advertised the event with a front page article on their newspaper a couple of years ago and the event has since grown. He added that Pete's supplied their own staff to control the crowd but if it became necessary they would hire a police officer.

Roll Call Vote:

Ayes: 4 – Lee, Pruette, Weldon, Brown

Noes: 1 – Pardee

MOTION CARRIED

Ord. No. 2007-18

ORDINANCE NO. 2007-18, GARAGE SALES, FIRST READ: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING THE EXISTING CHAPTER 17 SALES, ARTICLE II GARAGE SALES, SECTION 17-32 FREQUENCY AND PROVIDING AN EFFECTIVE DATE.

City Attorney White stated the new ordinance should not take effect until January 1, 2008.

Consensus: **TO MAKE ORDINANCE NO. 2007-18 EFFECTIVE AS OF JANUARY 1, 2008.**

Moved by Pruette, seconded by Pardee.

Motion: **TO PASS ORDINANCE NO. 2007-18 ON FIRST READ.**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

Ord. No. 2007-19

ORDINANCE NO. 2007-19, OUTDOOR DINING, FIRST READ: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING THE EXISTING CHAPTER 27, SECTION 27-479 SIDEWALKS AND BIKEWAYS, AND PROVIDING AN EFFECTIVE DATE.

This ordinance changes outdoor dining hours from 11:00 p.m. to 12:00 a.m.

Moved by Pruette, seconded by Lee.

Motion: **TO PASS ORDINANCE NO. 2007-19 ON FIRST READ.**

Moved by Weldon, seconded by Pruette.

Friendly Amendment **AMEND THE MOTION TO ALSO AUTHORIZE THE CITY MANAGER TO CHANGE BOTH EXISTING SIDEWALK LEASES.**

Vice Mayor Pruette agreed to sponsor the ordinance.

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

OLD BUSINESS / NONE

NEW BUSINESS

Solantic

SOLANTIC SETTLEMENT AGREEMENT: City Attorney White stated the final judgment order was for attorney's fees and cost in the amount of \$126,753.21. The actual amount including per diem interest from the date of the entry of the final judgment came to 127,416.07. He asked the Council to approve the settlement of the case and the satisfaction of the judgment.

Moved by Pruette, seconded by Lee.

Motion: **TO APPROVE THE SOLANTIC SETTLEMENT IN THE AMOUNT OF \$127,416.07.**

Councilor Pardee stated according to the shade meeting verbatim it was not a unanimous decision of the Council to move forward the lawsuit.

City Attorney White stated once the litigation was resolved and the satisfaction of judgment was executed the transcriptions of the shade meetings would become public record.

City Manager Jarboe stated the original estimated cost of the settlement was approximately \$300,000.

Roll Call Vote:

Ayes: 4 – Lee, Pardee, Pruette, Brown

Noes: 1 – Weldon

MOTION CARRIED

PDRB 07-13

PDRB 07-13, PLAT 215, 217, 219 MIDWAY AND 112 ORANGE STREET – APPLICATION FOR REPLAT: The property was currently one lot with two structures. The applicant wished to divide the property into two lots thereby creating a lot for each structure.

Councilor Weldon was concerned about creating a residential non-conforming lot in the Central Business District.

Community Development Director Askew advised the lot would be conforming because it is in the Central Business District. However, the structure itself would be non-conforming due to the side yard setback.

Moved by Pardee, seconded by Pruette.

Motion: **TO APPROVE THE MINOR REPLAT FOR 215, 217, 219 MIDWAY AND 112 ORANGE STREET.**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

Penman Plaza Councilor Pardee questioned the status of the Penman Plaza development.

 Community Development Director Askew explained the development order should be on the November Planning & Development Review Board meeting if they submit the plans in time.

Adjournment There being no further business, the meeting adjourned at 8:00 p.m.

Richard A. Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____