

The following are some of the issues concerning the proposed art work for the roundabout;

1.) Joint approval by both Atlantic Beach and Neptune Beach:

Atlantic Beach City Manager is concerned that it may be passed by us before Atlantic Beach looks at it. We may want to have a joint workshop.

2.) Protection from traffic accident:

This was an issue brought up at our Council discussion. No plans for this issue have been included. In addition, the structure encourages people to sit under and without traffic protection an accident could cause damage to people as well.

3.) Reflectivity of radar screen:

Could cause glare for motorist and pedestrians or shine into adjacent properties

4.) Structural Integrity:

Proposal needs to be reviewed by structural engineer for safety and wind load.

5.) Maintenance:

Cost given low considering the moving parts and salt air. In addition, this is a one-of-a-kind piece and maintenance has never been done before, therefore it is difficult to predict. If maintenance is not done correctly and the moving parts start to rust or fail, the structure could cause squeaking or whistling. Also, this was a concern as to who would do this, Town Center or the cities.

6.) Atlantic Beach still wants to place the Christmas tree in the roundabout:

This question needs to be addressed by Town Center.

7.) Art project partially blocks ocean view:

This location is one of the only few areas you can see the ocean from a heavy traffic street and our downtown. It may spoil the natural beauty of Town Center.

8.) Public Input:

Public input has been limited. Could be done at joint workshop with Atlantic Beach.

9.) Insurance:

Who provides?

**Lisa Volpe**

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**From:** James Jarboe [jjarboe@neptune-beach.com]  
**Sent:** Tuesday, November 25, 2008 7:58 AM  
**To:** 'Lisa Volpe'  
**Subject:** FW: Rotary Review Memo

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**From:** Jim French [mailto:jfrench@neptune-beach.com]  
**Sent:** Monday, November 24, 2008 3:12 PM  
**To:** Amanda Askew  
**Cc:** jjarboe@neptune-beach.com  
**Subject:** Rotary Review Memo

Amanda:

I forgot to mention the need for a lift in the memo I dropped off earlier. I have revised the memo and attached a PDF. Please replace the one I dropped off earlier.

Thank you,

--

**Jim French, P.E.**  
**City Engineer**  
*The City of Neptune Beach*  
2010 Forest Ave.  
Neptune Beach, FL 32266  
Phone: (904) 270-2423  
Fax: (904) 270-2418  
Email: jfrench@neptune-beach.com



**PUBLIC WORKS OFFICE  
2010 FOREST AVENUE  
NEPTUNE BEACH, FLORIDA 32266**

**MEMORANDUM**

Date: 10/24/2008

To: Ms. Amanda Askew

From: Jim French, P.E.

CC: Mr. James Jarboe

Reference: Rotary at east end of Atlantic Blvd (in the traffic circle)

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Based on the review of the 10-13-08 submittal package I have the following comments:

- Who will own the structure once in place? If it will be given to the City it will require dedication paper work. If it will be owned by someone else then access agreements and hold harmless agreements will be required.
- Who will install it? All workers in the City R-O-W will have to have general liability and workers compensation insurance meeting the City's minimum requirements. Work in the R-O-W will require a City R-O-W permit. And associated bonds
- Maintenance:
  1. With the corrosive environment of the salt air even epoxy coated, 316, stainless steel will corrode.
  2. The stainless steel fasteners and bearing will not be epoxy coated and will corrode at a faster rate.
  3. How much will it cost to periodically reapply the epoxy coating?
  4. Is it practical to consider that the City will go and lock down the moving parts during an emergency such as a hurricane?
  5. The City does not have equipment to allow personnel to access the top of the structure. Maintenance of the moving parts would require a lift. Each time we need to access the moving parts at the top we would need to rent a lift.
  6. Should we add a non-essential maintenance cost to our City budget during these economic times?
  7. If the City will not be responsible for the maintenance then require a maintenance bond.
- Safety:
  1. I feel the large concrete base and lower portion of the structure has the potential to block traffic clear sight.
  2. The height of the concrete base will need to be kept below 18" from surrounding grade.
  3. The radius of the structure above 18" to 10 feet above grade should be reduced to 25% of the traffic circle radius to maximize clear sight around the circle.
  4. If the structure will be owned by someone other than the City, a hold harmless agreement will be required. The owner will be required to have the general liability and workers compensation insurance complying with the City's insurance minimums.
- The structural design, when submitted, shall be signed and sealed by a structural engineer and will need to comply with Florida Building codes including wind loads.

RESOLUTION NO. 08-05

**A RESOLUTION OF THE CITY OF ATLANTIC BEACH, FLORIDA, ENDORSING A PROJECT TO PLACE PUBLIC ART AT THE EASTERN MOST END OF ATLANTIC BOULEVARD**

**WHEREAS**, representatives of the Town Center Agency have requested approval to place public art in the roundabout located on the eastern most end of Atlantic Boulevard; and

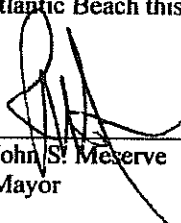
**WHEREAS**, Public art can enhance the beauty of the Town Center area and strengthen the public's sense of place and identity; and

**WHEREAS**, the City Commission wants to encourage the Town Center Agency to proceed with the project that will result in the placement of art that will become a cherished symbol of the Town Center and the beaches communities.

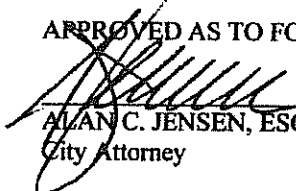
**NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COMMISSION OF THE CITY OF ATLANTIC BEACH, THAT:**

1. The City Commission hereby endorses the proposal by the Town Center Agency to purchase and install art at the eastern most end of Atlantic Boulevard, and
2. That final approval for this project must be obtained prior to any construction being commenced at that location, and that approval will be considered after a final proposal for a specific artwork is presented by the Town Center Agency and after consultation with representatives from the City Council of Neptune Beach, and
3. That any final plan approved shall include an acceptable solution as to where to place the annual Christmas tree and holding associated lighting ceremony, and
4. That the final project plan shall also include provisions to protect the artwork from vehicular damage including, but not limited to bolsters or a strong wall.

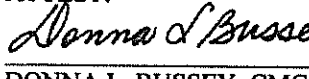
Passage adopted by the City Commission of the City of Atlantic Beach this 24<sup>th</sup> day of March, 2008.

  
\_\_\_\_\_  
John S. Meserve  
Mayor

APPROVED AS TO FORM:

  
\_\_\_\_\_  
ALAN C. JENSEN, ESQUIRE  
City Attorney

ATTEST:

  
\_\_\_\_\_  
DONNA L. BUSSEY, CMC  
City Clerk



Introduced by Mayor Brown

**SUBSTITUTE  
RESOLUTION NO. 2008-03**

**A RESOLUTION OF THE CITY OF NEPTUNE BEACH,  
FLORIDA SUPPORTING THE CONCEPT OF PLACING ART IN  
THE ROUNDABOUT LOCATED AT THE ENTRANCE RAMP TO  
THE OCEAN ON ATLANTIC BLVD.**

**Whereas**, the City Council of the City of Neptune Beach, Florida feels that public art enhances the commercial district; and

**Whereas**, the Town Center Agency has plans to place public art in the roundabout in Town Center; and

**Whereas**, the current proposal is conceptual at this time; and

**Whereas**, a number of details must be finalized before the City Council of the City of Neptune Beach will be able to approve a specific proposal,

**Now, therefore be it resolved that:**

The City Council of Neptune Beach endorses the concept of public art in the Town Center roundabout and respectfully requests that the Town Center Agency move forward with the steps necessary (proposals, judging, funding, maintenance recommendations, etc.) in order for the City Council to make a final decision under Chapter 27, Section 576 and 596 of the Ordinance Code.

Richard A. Brown  
Mayor

ATTEST:

Lisa Volpe, CMC  
City Clerk



MINUTES  
PLANNING DEVELOPMENT REVIEW BOARD  
NOVEMBER 18, 2008 AT 6:00 P.M.  
CITY HALL, 116 FIRST STREET  
NEPTUNE BEACH, FLORIDA

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Pursuant to proper notice a meeting of the Planning and Development Review Board for the City of Neptune Beach was held November 18, 2008 at 6:00 p.m. in the Neptune Beach Council Chamber 116 First Street Neptune Beach, Florida.

The following Board members were in attendance:

Kerry Chin, Chairperson  
Fred Cattar, Member  
Todd Bosco, Member  
Joanne Doherty, Member  
James Niss, Member  
Amy Cole, Alternate Member  
Paulette Adler, Alternate Member (arrived at 6:03)

Staff members in attendance:

Amanda Askew, Community Development Director  
Piper Turner, Administrator Assistant to the Building Official

Call to Order Chairperson Chin called the meeting to order at 6:00 p.m.

Approval of Minutes Motion: **TO APPROVE THE OCTOBER 21, 2008 MINUTES, AS SUBMITTED.**

Moved by Cattar, seconded by Doherty.

**APPROVED BY CONSENSUS**

Proposed  
Ordinance 2008-14  
Dogs and outdoor  
dining

**A PROPOSED ORDINANCE ADDING SECTION 27-339 TO ALLOW DOGS IN OUTSIDE DINING AREAS UNDER CERTAIN CONDITIONS.**

Board to discuss proposed ordinance to add section 27-339 to the Unified Land Development Regulations.

Amanda Askew explained that at the November 10<sup>th</sup> City Council meeting there was discussion about adding an additional requirement concerning dangerous dogs. The Board discussed how and who would determine if a dog was dangerous. They also discussed who would be liable if someone was harmed by a dog if the incident occurred on City leased property? The City Council may have to amend the current sidewalk leases to protect the City.

**MOTION: TO APPROVE PROPOSED ORDINANCE 2008-14 AS SUBMITTED.**

Moved by Adler, seconded by Cole.

Roll Call

Ayes 4- Bosco, Cole, Adler, Chin  
Noes 3- Cattar, Niss, Doherty

**APPROVED**

Art Project  
Town Center  
Agency  
Atlantic Blvd  
Roundabout

**APPLICATION FOR ART PROJECT FOR TOWN CENTER AGENCY: PRBD08-09  
ROUNDBOUT AT EASTERLY POINT OF ATLANTIC BLVD.**

Greg Kupperman, 200 First St, representing the Town Center Agency made the presentation to the Board. This is the final phase of the Town Center renovation. The Town Center Agency sent out proposal for art projects to be placed in the roundabout. Jay Shoots was chosen as the artist for his project named "Pathfinder". The Town Center's budget for the art is \$250,000 and will come from private funding. Preliminary engineering has been done but the final engineering can not be done until all approvals have been secured. This project requires approval from both Neptune and Atlantic Beach. The structure is stainless steel that is coated with epoxy. The coating has a 15 year warranty. The base of the structure is concrete and 14 feet wide and 3 feet tall. The structure itself is 26' 3 1/8" tall for a total high of 29' 3 1/8". The centerpiece is radar screen salvaged from a submarine.

The maintenance is estimated at \$500 per year for the first 15 years and then \$2500 per year once the warranty expires. The Town Center is asking the two Cities to bear this expense.

Amanda Askew, Community Development Director, explained the City's current budget restraints and asked if the Town Center Agency had a plan to pay for the maintenance fees if necessary? Mr. Kupperman stated the Agency was made up of a jury and that he would have to take that back to them for decision. Also is the Agency going to have insurance policy which will excluded the City from liability? The Agency would also have to vote on this.

Where will the annual Christmas tree be place?

Questions from the board:

Member Cole: Is the centerpiece reflective? The reflection could be regarded as hazard to car and air traffic or cause heat and glare to the hotels. Mr. Kupperman did not know if it is reflective.

Chairperson Chin: Due to the kinetics of the structure, will it produce sound when the wind passes through it? Also as the bolts and turning mechanisms age will they make noise? Mr. Kupperman would have to find this out from the artist.

Chairperson Chin expressed his concern about the mass of the structure.

Member Cole also stated that it is hard to tell the true impact of the scale and that the maintenance cost to the city could be a burden.

The Board advised Mr. Kupperman to bring an artist rendering show the structure in relationship to the ocean and both hotels to the City Council meeting.

**MOTION: TO APPROVE THE ART PROJECT WITH THE FOLLOWING  
CONDITIONS:**

1. RADAR SCREEN SHALL BE NON-REFLECTIVE
2. THE CITY IS NOT RESPONSIBLE FOR MAINTENANCE
3. THE TOWN CENTER AGENCY SHALL CARRY  
LIABILITY INSURANCE IN THE AMOUNT DEEMED  
NECESSARY BY THE CITY ATTORNEY
4. ATLANTIC BEACH MUST ALSO APPROVE THE  
PROJECT.

Moved by Niss, seconded by Doherty.

Roll Call

Ayes 6-Cattar, Bosco, Niss, Doherty, Cole, Adler

Noes 1- Chin

**APPROVED**

Mr. Kupperman was informed the application would be forwarded to the City Council for final review and that the meeting would be Tuesday December 2<sup>nd</sup> at 8:00 p.m. Someone from the Town Center Agency must attend this meeting.

Evaluation and  
Appraisal Report

Mrs. Askew stated this was the accumulation of all the proposed changes from the board's numerous meetings. Pictures will be added to the final draft before it is submitted to Council.

**MOTION: TO FORWARD THE FINAL DRAFT OF THE EVALUATION AND APPRAISAL REPORT TO CITY COUNCIL. EACH BOARD MEMBER IS TO REVIEW THE DOCUMENT AND SUBMIT ANY TYPOS, OMMISIONS OR CHANGES THAT NEED TO BE ADDRESSED TO THE COMMUNITY DEVELOPMENT DIRECTOR BY DECEMBER 8, 2008.**

Moved by Niss, seconded by Doherty.

Roll Call

Ayes 7-Cattar, Bosco, Niss, Doherty, Cole, Adler, Chin  
Noes 0

**APPROVED**

Next Meeting

January 20, 2009 at 6:00 p.m.

Adjournment

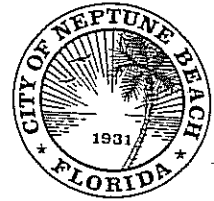
There being no further business, the meeting adjourned at 7:02 p.m.

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Kerry Chin, Chairperson

City of  
**Neptune Beach**

116 First Street • Neptune Beach, Florida 32266-6140  
(904) 270-2400 • FAX (904) 270-2432 • Suncom 852-2400



## MEMORANDUM

**TO:** Planning and Development Review Board

**FROM:** Amanda L. Askew, Community Development Director

**DATE:** November 7, 2008

**SUBJECT:** PDRB 08-09 / Atlantic Blvd roundabout/ Art project

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### Background

The subject property is located at roundabout at the eastern terminating point of Atlantic Blvd. on public property, in the CBD zoning district. The applicant, Town Center Agency, is proposing an art project in the roundabout. Actually, the subject property is in the southern half in City of Neptune Beach right-of-way and northern half in the City of Atlantic Beach right-of-way. Approval from the City of Atlantic Beach will be necessary as well.

The Town Center Agency approached City Council on February 25, 2008 about the placement of art in town center. City Council discussed the proposed art at this meeting and also at March 3<sup>rd</sup> and March 17<sup>th</sup> meetings. On April 7<sup>th</sup> City council passed a resolution that endorsed the concept of the art in the roundabout. The resolution requires the details of the art be finalized by City Council. (See attached meeting minutes and resolution.)

### Analysis

In 2007 City Council passed an amendment to Article 15 in Chapter 27 of the Code of Ordinances (Section 27-596). It was created to set parameters for art projects in the commercial districts. As required by the code the PDRB will make a recommendation to City Council regarding the proposed art project. Section 27-596 list several items that the Board shall use to make this determination. At the time this code was written, Council was discussing art on private property. This project is unique because it is the placement of privately funded art on public property for the benefit of the entire community.

The proposed art project is 26' 3<sup>1/8</sup>" in height and is on top of a 3 foot base. The total height is under the 35 foot height limit in the CBD. If approved, the structural engineering plans will be required at time of building permit, this includes documentation that the project will meet our 120 mph wind load requirements.

According to the application the Town Center Agency will be responsible for the cost of the art and the installation however; they are requesting both Atlantic Beach and Neptune Beach be responsible for maintenance cost. The cost of maintenance and liability was raised several times by various members of City Council. Vice Mayor Pruette even stated for the record on April 7<sup>th</sup> that "she advised the Town Center Agency to purchase an insurance policy".

Mr. Bullock stated the \$25,000 was going to be paid through Wal-Mart per the terms and provisions of their lease agreement.

Councilor Weldon stated he could not support the request for the extension of the development order because of the issue of favoritism and the \$25,000 was not guaranteed.

Vice Mayor Pruette stated she would not support the extension due to the legal liability and she felt the third party should also be involved in any changes to the settlement agreement.

Mayor Brown stated he would support a 30 day extension and allow Lakeshore Village to gather more information.

Councilor Pardee supported a 30 day extension and suggested waiting until the March 3<sup>rd</sup> meeting to hear from City Attorney White.

Consensus: **FORWARD TO THE MARCH 3<sup>RD</sup> REGULAR MEETING.**

Surf Camp

**SURF CAMP PROPOSAL – NICOLE DE VENOGUE AND JULIE GEISSMANN:** Nicole de Venoge and Julie Geissmann explained their proposal. They would like to hold a small neighborhood surf camp during the summer months for the next five years. The two preferred sites were at the end of Florida Boulevard or Atlantic Boulevard.

Discussion ensued regarding the surf camp being run independently or under the Senior Centers 501C3 with the Director of Senior Center coordinating.

Councilor Weldon stated if they wanted to operate the surf camp as independent contractors the city would have to ask for bid proposals.

City Manager Jarboe stated there were a number of new issues brought up that he needed to discuss with Ms. de Venoge and Ms. Geissmann. He asked to forward the surf camp to the March workshop meeting.

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

Town Center



**PLACEMENT OF ART IN TOWN CENTER – TOWN CENTER AGENCY:** Michael Dunlap, representative for Town Center explained the Town Center Board would like to hold a competition for artists to compete on the development of an art sculpture to be placed in the Town Center roundabout. The competition would be judged by a jury committee.

Vice Mayor Pruette stated Neptune Beach did not have funds to donate towards the sculpture. She also felt a statue or sculpture in the roundabout would block the scenic view of the ocean and she suggested placing the sculpture in a different location.

Mayor Brown voiced concern about other annual events that were held in the roundabout area.

Mr. Dunlap explained they would like to reveal the sculpture at the Dancin' in the Streets festival May 17<sup>th</sup>.

Councilor Lee stated he would like more information. He added the city did not have funds to donate toward the sculpture but he may be interested in a personal donation.

Councilor Weldon felt the roundabout was an ideal site for a statue or sculpture.

Councilor Lee asked Mr. Dunlap if Atlantic Beach had approved proposal. Mr. Dunlap replied this would be an item on the Atlantic Beach meeting agenda March 10<sup>th</sup>.

Consensus: HAVE THE CITY MANAGER DRAFT A RESOLUTION AND FORWARD TO THE MARCH REGULAR MEETING

Ed Jones, 200 First Street, clarified the only site Town Center was interested in placing the art was in the Town Center roundabout. He added he was embarrassed that Council did not obtain legal advice from the City Attorney on Lakeshore Village's request to extend the Wal-Mart development order.

Adjournment

There being no further business, the meeting adjourned at 8:08 pm.

Attest:

\_\_\_\_\_  
Richard A. Brown, Mayor

\_\_\_\_\_  
Lisa Volpe, CMC, City Clerk

Approved: \_\_\_\_\_

Ord. No. 2008-03

ORDINANCE NO. 2008-03, AMENDING CHAPTER 11, GARBAGE, TRASH AND INDUSTRIAL WASTE, SECOND READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 11, GARBAGE, TRASH AND INDUSTRIAL WASTE, ARTICLE II GARBAGE AND TRASH, DIVISION 4 COLLECTION AND DISPOSAL SECTION 11-84 SAME – BAGGING; CUTTING TREES AND TREE LIMBS REQUIRED AND PROVIDING AN EFFECTIVE DATE.

Mayor Brown read Ordinance No. 2008-03 by title only and opened the public hearing.

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

Vice Mayor Pruette proposed amending the ordinance to add "development debris" as follows:

(a) All garden trash, including trees and tree limbs, sand and dirt and development debris, shall not be blown, swept, washed or placed onto public or private roadways or alleys or onto adjacent properties.

Moved by Pardee, seconded by Weldon.

Motion: TO ADOPT ORDINANCE NO. 2008-03 ON SECOND READ AND PUBLIC HEARING AS AMENDED.

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

#### OLD BUSINESS

Res. No. 2008-03



RESOLUTION NO. 2008-03: A RESOLUTION OF THE CITY NEPTUNE BEACH, FLORIDA SUPPORTING THE CONCEPT OF PLACING ART IN THE ROUNDABOUT LOCATED AT THE ENTRANCE RAMP TO THE OCEAN ON ATLANTIC BOULEVARD.

City Manager Jarboe stated Ordinance No. 2007-16 pertained to all art projects in commercial districts.

Michael Dunlap, representative for the Town Center Agency, handed out copies of a Resolution prepared by the Town Center Agency. He felt Resolution 2008-03, drafted by the City Manager was unacceptable to the Town Center Agency, because it required approval from the Planning & Development Review Board and it did not limit the art to non representational.

Councilor Weldon was concerned traditional sculptures would be excluded from the competition by limiting the submittals to abstracts. Mr. Dunlap stated the design committee felt that non-representational art would add more creativity to the competition and was a better solution for the site.

Councilor Weldon agreed the Council should maintain a simple veto on the project without the need for recommendation through the Planning & Development Review Board.

Vice Mayor Pruette asked City Attorney White if art work on public property would need a recommendation from the Planning & Development Review Board. City Attorney White replied the City had the absolute authority to govern whatever would be placed on public property.

City Manager Jarboe explained the Planning & Development Review Board was a recommendation board which only made recommendations to the Council and Council had the ability to deny or approve the board's recommendation.

Mayor Brown was concerned about approving an art project that would be placed on public property before seeing it. He felt the art work should be revealed to the Council before approval or Council should be allowed to veto the decision of the Design Committee.

Councilor Pardee was not comfortable with the Town Center Agency being in complete control over the project when an Ordinance governing art work was adopted in November. He suggested there were other property within the Town Center where the art could be placed.

City Manager Jarboe suggested forwarding the art project to the March workshop meeting.

Councilor Lee asked Mr. Dunlap to consider allowing the Council to have veto power.

Consensus: FORWARD TO MARCH WORKSHOP.

Res. No. 2008-04

RESOLUTION 2008-04: A RESOLUTION REAPPOINTING MEMBERS TO THE BOARD OF APPEALS. ;

Council asked Board Member Bryan McDonald if he would be able to attend the board meetings without as many absents. He stated he did shift work but he would attend all meeting he was able to.

Moved by Weldon, seconded by Pruette.

Motion: TO APPROVE RESOLUTION NO. 2008-04.

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

Lakeshore Village / Wal-Mart

TO DETERMINE IF ACTION IS APPROPRIATE ON THE REQUEST TO EXTEND THE LAKESHORE VILLAGE SHOPPING CENTER DEVELOPMENT ORDER FOR WAL-MART:

City Attorney White stated he received a telephone call from the Lakeshore Village Counsel informing him no deal was reached with Wal-Mart at the meeting but they still wanted a development extension.

For the Record

City Attorney White stated for the record that by agreeing to a consensus the council was in fact denying the request for the extension. The Code said that Council may grant an extension which implies the Council as taking action.

Vice Mayor Pruette stated she did not support the request for an extension because of the tri-party settlement agreement between the City, Lakeshore Village and Wal-Mart. She felt if any changes were made to the tri-party agreement Wal-Mart would also have to agree with the terms.

Moved by Pardee, seconded by Lee.

Motion: TO DENY THE REQUEST FOR THE EXTENSION IN LIGHT OF THE EXISTING DEVELOPMENT SETTLEMENT AGREEMENT THAT IS ALREADY IN PLACE.

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

changed.

Councilor Weldon stated he did not support an additional traffic signal on Third Street but felt every effort should be made to protect pedestrians crossing Third Street/ A1A. He also felt First Street and Second Street should be protected from allowing through traffic at all cost.

Consensus: REMOVE NUMBER FOUR FROM THE PROPOSED PEDESTRIAN SAFETY CORRIDOR PLAN AND FORWARD TO THE APRIL CONSENT AGENDA.

Town Center Art



TOWN CENTER ROUNDABOUT ART PROJECT: Mayor Brown stated the City adopted an Ordinance in November regarding procedures for public art.

City Manager Jarboe stated he spoke with City of Atlantic Beach City Manager Jim Hanson. Mr. Hanson indicated the Atlantic Beach City Commission was also concerned about not having the final approval for the type of art project proposed for the Town Center roundabout. He also indicated Mayor Meserve was interested in the possibility of conducting a joint meeting with the Neptune Beach City Council in an effort to coordinate the art project. The Atlantic Beach City Commission was also in the process of adopting a Resolution for the art project, which would reflect their Ordinance Code. Mr. Hanson felt the Atlantic Beach City Commission would support the art project if the Commission had final veto power over the art.

Mayor Brown asked the Council if they would be interested in a joint meeting with Atlantic Beach City Commission.

Councilor Weldon felt there was not enough information on the art project to set up a joint meeting with the Atlantic Beach City Commission. He stated both Neptune Beach and Atlantic Beach elected officials were not comfortable allowing an appointed committee to make a final decision regarding a piece of artwork to be placed on public property without public input and final approval. Both cities were also not sure they wanted an art project placed in the roundabout. He was also concerned traditional sculptures would be excluded from the competition by limiting the submittals to abstracts.

Michael Dunlap, Town Center Agency, explained they were willing to eliminate the abstract art requirement and go through the Planning & Development Review Board process. However, the agency felt Neptune Beach and Atlantic Beach should share the maintenance of the sculpture.

Councilor Weldon questioned the issue of the final approval. Mr. Dunlap stated the Resolution should provide that both the City of Neptune Beach and the City of Atlantic Beach would have final approval of the artwork.

Councilor Weldon suggested that the jury select several art pieces from the submissions. Mr. Elwood explained the process of the jury was to select three pieces of artwork initially, and make a final selection from those three.

Mr. Elwood stated most city elected officials did not make decisions on public art work. They usually established a committee knowledgeable in the field and versed in the subject to make the best decision.

Councilor Pardee felt a joint meeting with the Atlantic Beach Commission would not be successful because Neptune Beach needed to abide by the Art Work Ordinance that was adopted in November.

Councilor Weldon agreed the procedures in the Art Work Ordinance needed to be followed. However, he felt the problem was who or what body would be responsible for the final decision on which piece of art would be selected.

Councilor Pardee asked Vice Mayor Pruette, because she was a member of the Town Center Agency Board, if she would be voting as a Neptune Beach Council Member on the project. Vice Mayor Pruette stated City Attorney White had advised her that it was not a conflict of interest and that she must vote.

Vice Mayor Pruette added that she would rather the art work be placed in an alternate location other than the roundabout and clarified the artwork would be of no cost to taxpayers.

Mr. Dunlap stated they would agree to rewrite the requests for proposals to exclude the non-representational language and give both cities veto power.

Vice Mayor Pruette added going through the Planning & Development Review Board would allow the cities public input and feedback.

City Manager Jarboe suggested the committee submit three options for review by the Planning & Development Review Board to consider for recommendation to the council. The jury could give a presentation to the Board recommending strengths and weaknesses for each object.

City Manager Jarboe stated the maintenance of the artwork was a major issue and could be a major financial undertaking. He was concerned about the decreasing tax revenue and the issue of having to cut employees and services than having to deal with the maintenance of the Town Center Art Work.

Mr. Dunlap stated that the Town Center Agency did not want to be responsible for the maintenance of the artwork.

Councilor Weldon replied if the art was crafted with future maintenance in mind he did not see an issue with the city maintaining it. Mr. Elwood responded that good public artwork was designed from high quality materials like granite, stainless steel, copper, bronze, etc. with the salt and wind environment in mind and should be a low maintenance project.

Councilor Pardee was concerned about the location in the roundabout and questioned why the art could not be placed on Town Center property instead of on city property. Mr. Elwood responded the roundabout was the logical place for the art to be placed because it could be seen.

Councilor Weldon recommended changing number five of the Resolution to read "Receive final design approval from the Neptune Beach City Council" and postponing the maintenance question.

Therefore, the five conditions of the Resolution would be to 1) receive approval from Atlantic Beach City Commission, 2) following requirements of the City Ordinance Chapter 27 Section 576 and 596, 3) have a firm commitment for funding, 4) not limit the art to abstract, and 5) receive final design approval from the Neptune Beach City Council.

Mr. Dunlap stated on behalf of the Town Center Agency he would agree to those terms.

Mayor Brown stated he was still concerned about the maintenance issue.

Councilor Weldon stated the Neptune Beach City Council would have final design approval which would include maintenance of the design materials.

Vice Mayor Pruette suggested Town Center take the responsibility to repair or replace the art if it were hit by a vehicle.

City Manager Jarboe suggested that it be clarified in the Resolution that the city would not be responsible for the future maintenance of the artwork.

Councilor Weldon stated not including the issue of maintenance in the Resolution would allow Town Center to move forward with the project. This did not mean the city would be responsible for the maintenance. He also asked that the committee be asked to consider that the design should enhance not diminish the view of the ocean.

Consensus: POSTPONE THE MAINTENANCE ISSUE AND FORWARD RESOLUTION TO THE APRIL REGULAR MEETING.

Playground Equip.

APPROVAL OF PLAYGROUND EQUIPMENT GRANT: City Manager Jarboe explained initially grant money was available to improve the landscaping on Florida Boulevard. Now that the money was no longer available for landscaping, he was requesting the money be used for new playground equipment for Jarboe Park and Futch Park.

Consensus: TO FORWARD TO THE APRIL REGULAR MEETING CONSENT AGENDA.

Record Management Software

APPROVAL OF POLICE DEPARTMENT RECORDS MANAGEMENT SYSTEM SOFTWARE GRANT: City Manager Jarboe explained the Police Department was able to receive a grant to upgrade their records management system. He recommended approval of the proposal from Detective Information Services.

Councilor Pardee asked to include a date of completion for the software conversion to be completed and charge a penalty if it is not completed by the date.

Consensus: FORWARD TO THE APRIL REGULAR MEETING CONSENT AGENDA.

Forfeiture Funds

EXPENDITURE OF POLICE FORFEITURE FUNDS: City Manager Jarboe explained the forfeiture funds would be used for police training equipment, tasers, and emergency lights for unmarked police vehicles.

Consensus: FORWARD TO THE APRIL REGULAR MEETING CONSENT AGENDA.

Goal Setting

DISCUSSION OF GOAL SETTING SESSION: City Manager Jarboe stated he would like to hold a goal setting session to discuss the property rate cutbacks and the upcoming budget.

Consensus: CITY MANAGER JARBOE CALL COUNCIL MEMBERS AND TRY TO SET A DATE THAT WAS CONVENIENT FOR EVERYONE.

Adjournment

There being no further business, the meeting adjourned at 8:10 pm.

Attest:

\_\_\_\_\_  
Richard A. Brown, Mayor

\_\_\_\_\_  
Lisa Volpe, CMC, City Clerk

Councilor Weldon questioned what would happen if one of the neighbors objected to the location. City Manager Jarboe stated if one neighbor objected he would bring the issue back to the Council for consideration.

Roll Call Vote:

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

MOTION CARRIED

Town Center  
Art Project



RESOLUTION FOR TOWN CENTER ROUNDABOUT ART PROJECT: Mayor Brown asked Council if they were comfortable with the substitute resolution he drafted. He felt the resolution clearly stated the city's position and would allow the Town Center Agency to move forward with the artwork selection process.

Moved by Weldon, and Pruette.

Motion: TO APPROVE THE SUBSTITUTE RESOLUTION DRAFTED BY MAYOR BROWN REGARDING ART IN THE ROUND ABOUT.

Councilor Pardee stated he supported the idea of allowing Town Center to go through the process of request for proposals to obtain the artwork. But he did not necessarily support placing art in the Town Center round about.

Councilor Weldon asked Michael Dunlap to approach the podium and address the Council.

Michael Dunlap stated the request for proposals for the artwork had been rewritten to include the concerns and the items discussed at the previous council meeting. He added their request was approved by the City of Atlantic Beach.

Councilor Lee was concerned because the resolution did not address the maintenance of the art structure. He stated he would not approve a high maintenance art structure. Councilor Lee also voiced concern about a vehicle running into the art structure.



For the Record

Vice Mayor Pruette stated for the record that she advised the Town Center Agency to purchase an insurance policy.

Roll Call Vote:

Ayes: 4 – Lee, Pruette, Weldon, Brown  
Noes: 1 – Pardee

MOTION CARRIED

Green Market

Vice Mayor Pruette advised the Green Market in Jacksonville Beach was interested in moving to Jarboe Park.

New Development

Councilor Pardee asked staff to review the Code regarding landscaping and non-pervious surface non-conformities for new developments.

NEW BUSINESS / NONE

Adjournment

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



Introduced by Mayor Brown

**SUBSTITUTE  
RESOLUTION NO. 2008-03**

**A RESOLUTION OF THE CITY OF NEPTUNE BEACH,  
FLORIDA SUPPORTING THE CONCEPT OF PLACING ART IN  
THE ROUNDABOUT LOCATED AT THE ENTRANCE RAMP TO  
THE OCEAN ON ATLANTIC BLVD.**

**Whereas**, the City Council of the City of Neptune Beach, Florida feels that public art enhances the commercial district; and

**Whereas**, the Town Center Agency has plans to place public art in the roundabout in Town Center; and

**Whereas**, the current proposal is conceptual at this time; and

**Whereas**, a number of details must be finalized before the City Council of the City of Neptune Beach will be able to approve a specific proposal,

**Now, therefore be it resolved that:**

The City Council of Neptune Beach endorses the concept of public art in the Town Center roundabout and respectfully requests that the Town Center Agency move forward with the steps necessary (proposals, judging, funding, maintenance recommendations, etc.) in order for the City Council to make a final decision under Chapter 27, Section 576 and 596 of the Ordinance Code.

Richard A. Brown  
Mayor

ATTEST:

  
\_\_\_\_\_  
Lisa Volpe, CMC  
City Clerk

**Sec. 27-596. Art project.**

(a) Any proposed art project in the commercial districts that in the opinion of a majority of the planning and 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 permitted as long as it is maintained in good condition. The city council may place conditions for approval on the proposed project. Any such art project which deteriorates over time shall be removed by the applicant at the sole discretion of the city council. Proposed art projects must make application with the building department on the forms provided by the city before being placed on the planning and development review board agenda. The building official will determine if the application is complete before setting a date for the planning and development review board to consider the application.

(b) In making their decisions, both the planning development review board and city council shall determine:

- (1) That the proposed art project will enhance the aesthetic beauty of the area of its proposed location;
- (2) That the artist is capable of completing the work in accordance with the plan submitted as part of the application;
- (3) That the information in the application regarding the durability and expected maintenance of the proposed art project is correct; and,
- (4) That the materials to be used and the manner of application will not require excessive maintenance by its owner.

(c) In making their determinations, the planning and development review board and city council may consider evidence of property values, the opinions of the owners and occupants of surrounding properties and the public.

(d) If final approval is given for the project by the city council, the building official will issue a permit. The project will be inspected by the building official to ensure that the project is being completed as approved by the council.

(Ord. No. 2007-16, § 2, 11-5-07)

MICHAEL DUNLAP ARCHITECT P.A.

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118 WEST ADAMS STREET SUITE 200  
JACKSONVILLE, FLORIDA 32202  
(904) 358-1002 (FAX) 358-3708

PDRB 08-09

October 13, 2008

Amanda Askew  
Planning Director  
City of Neptune Beach  
116 First Street  
Neptune Beach, Florida 32266

Dear Amanda,

Please find attached the application for the placement of public art in Neptune Beach. As a representative of the Towncenter Agency I will follow the process through the various boards and workshops. Since it is a public right-of-way placement I do not believe the owner/agent criteria applies.

Please advise if you need further information to process the application.

Sincerely,



Michael Dunlap

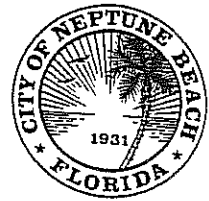
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ARCHITECTURE & PLANNING

FLORIDA REGISTRATION #AR-9200  
[www.michaeldunlap.com](http://www.michaeldunlap.com)

City of  
**Neptune Beach**

116 First Street • Neptune Beach, Florida 32266-6140  
(904) 270-2400 • FAX (904) 270-2432



**Art Project Application**

Applicant or authorized representative must be present in order for the Planning Development Review Board to make a recommendation to the City Council. The undersigned hereby applies for an art project review as follows:

Date Filed: 10-13-08 Zoning Classification: RIGHT OF WAY

Note: if the applicant is other than all the legal owners of the property, notarized written consent signed by all the legal owners of the property shall be attached. In the case of corporate ownership, the authorized signature shall be accompanied by a notation of the signer's office in the corporation, and the embossed with the corporate seal.

Street Address: ROTARY AT EAST END OF ATLANTIC BOULEVARD (RIGHT OF WAY)

Legal description property: Lot N/A Block          Subdivision         

Plat Book          Page          Real Estate No.         

Name of Owner: <u>CITY OF NEPTUNE BEACH</u>	Name of Agent, If Any: <u>MICHAEL DUNLAP, TOWNCENTER AGENCY</u>
Address of Owner: <u>116 FIRST STREET NEPTUNE BEACH, FLORIDA 32266</u>	Address of Agent: <u>118 WEST ADAMS STREET, SUITE 200 JACKSONVILLE, FLORIDA 32202</u>
Phone #: <u>270-2400</u>	Phone #: <u>358-1002</u>
E-mail: <u>jjarboe@neptune-beach.com</u>	E-mail: <u>architect@alltel.net</u>

Describe Request being made: SCULPTURE ADDITION TO ROTARY

PLEASE BE ADVISED THE PLANNING DEVELOPMENT REVIEW BOARD CONDUCTS A PUBLIC HEARING TO CONSIDER CERTAIN FACTORS IN ORDER TO MAKE A RECOMMENDATION TO THE CITY COUNCIL FOR APPROVAL OR DISAPPROVAL OF THE ART PROJECT.

STATE OF FLORIDA  
COUNTY OF DUVAL

Signature of Owner \_\_\_\_\_

Subscribed and sworn to before me on this \_\_\_\_\_ day of \_\_\_\_\_.

\_\_\_\_\_ who is personally known to me or has presented \_\_\_\_\_, as identification.

\_\_\_\_\_  
Notary Public

Answer the following regarding the proposed art project (attach additional sheets if necessary):

1. Where will the proposed art project be located (i.e. north side of building wall):

CENTER OF ROTARY, EAST END OF ATLANTIC BOULEVARD.

2. Give the dimensions of the proposed art project (also attach a scaled drawing of proposed art project):

29' HT X 14' DIA, SEE DRAWINGS: SITE PLAN  
PATHFINDER ELEVATIONS  
FOUNDATION PLAN

3. How will the proposed art project enhance the aesthetic beauty of the surrounding area in its proposed location:

THE PLACEMENT OF THE SCULPTURE CAPS 18 YEARS OF STREET IMPROVEMENTS AND SERVES AS A TERMINATION OF THE STREET END AND AN EXTENSION OF THE EXISTING POCKET PARK.

4. Provide evidence that the artist is capable of completing the work in accordance with the plan submitted:

THE SELECTED ARTIST HAS RETAINED A STRUCTURAL ENGINEER TO FULLY DETAIL THE WORK AND ENSURE THAT THE WORK MEETS ALL APPLICABLE CODES. THE ARTIST WAS SELECTED BY A LOCAL JURY FROM 17 SUBMITTALS.

5. Explain the durability of the materials used to create the proposed art project (i.e. manufactures specs on the materials, etc.):

THE WORK CONSISTS OF EXPOXY COATED 316 STAINLESS STEEL WHICH OFFERS THE HIGHEST CORROSION RESISTANCE AVAILABLE.

6. What is the maintenance schedule?

THE RESPECTIVE CITIES OF NEPTUNE AND ATLANTIC BEACH ARE RESPONSIBLE FOR MAINTENANCE

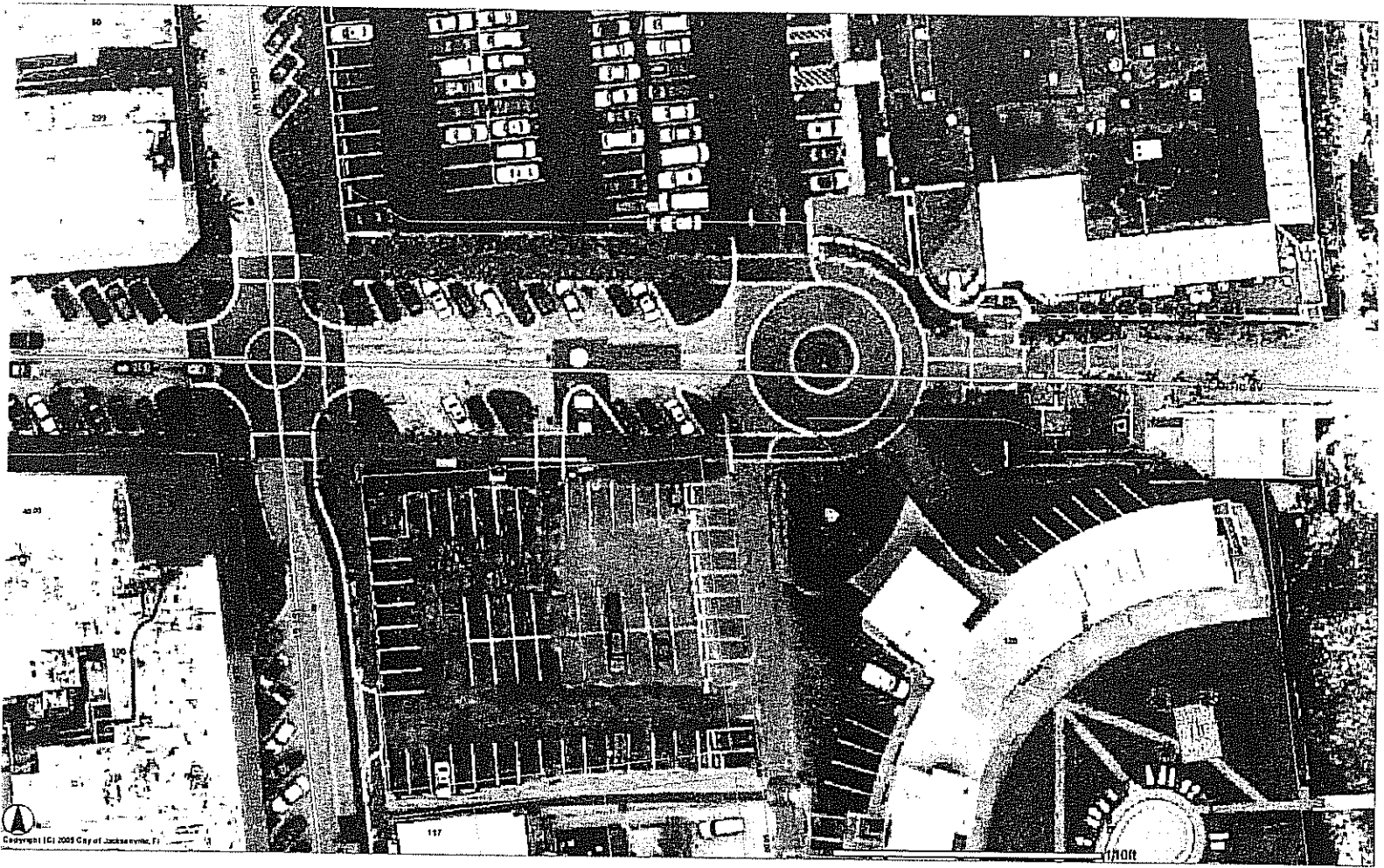
7. How long will it take to complete the proposed art project:

THE TOWNCENTER AGENCY WILL RAISE PUBLIC AND PRIVATE FUNDS WHICH WE EXPECT WILL TAKE 12 TO 18 MONTHS

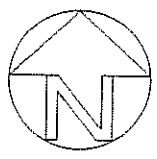
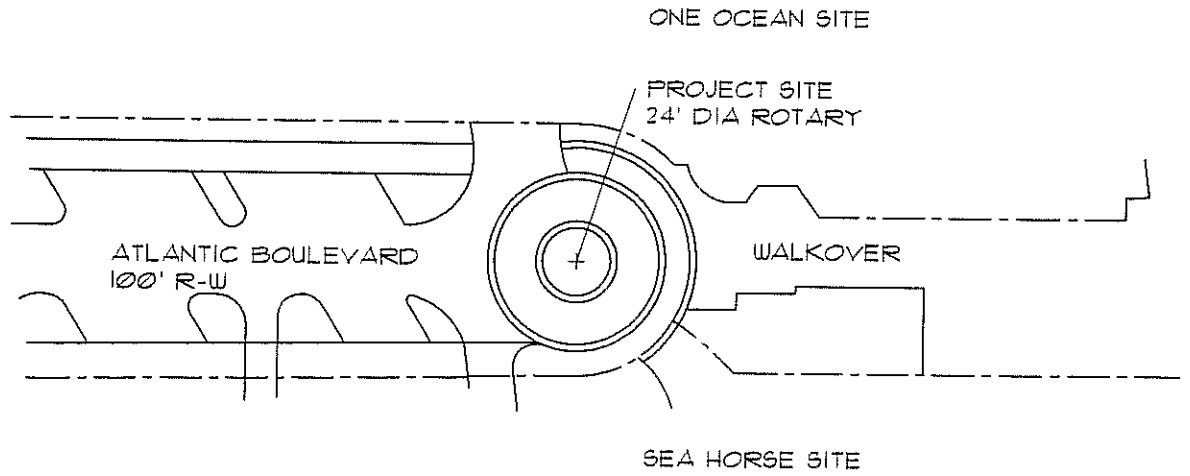
Twelve (12) copies of following documents and application will need to be submitted by 5:00 p.m. on the submitted deadline in order to be placed on the Planning Board's next agenda.

- Current legal survey (no older than one year) with proposed location marked
- Site plan showing proposed location
- Color elevation showing proposed art project drawn to scale
- List of materials to be used

Disclaimer: This helpful guide is not intended to replace any or all of the Unified Land Development Regulations of the City of Neptune Beach, requirements for application and review procedures required for development orders and certain types of permits. The guide is meant to assist in the facilitation of the review process only. For a complete description of requirements, refer to Chapter 27 of the Unified Land Development Regulations.



## AERIAL SITE PLAN

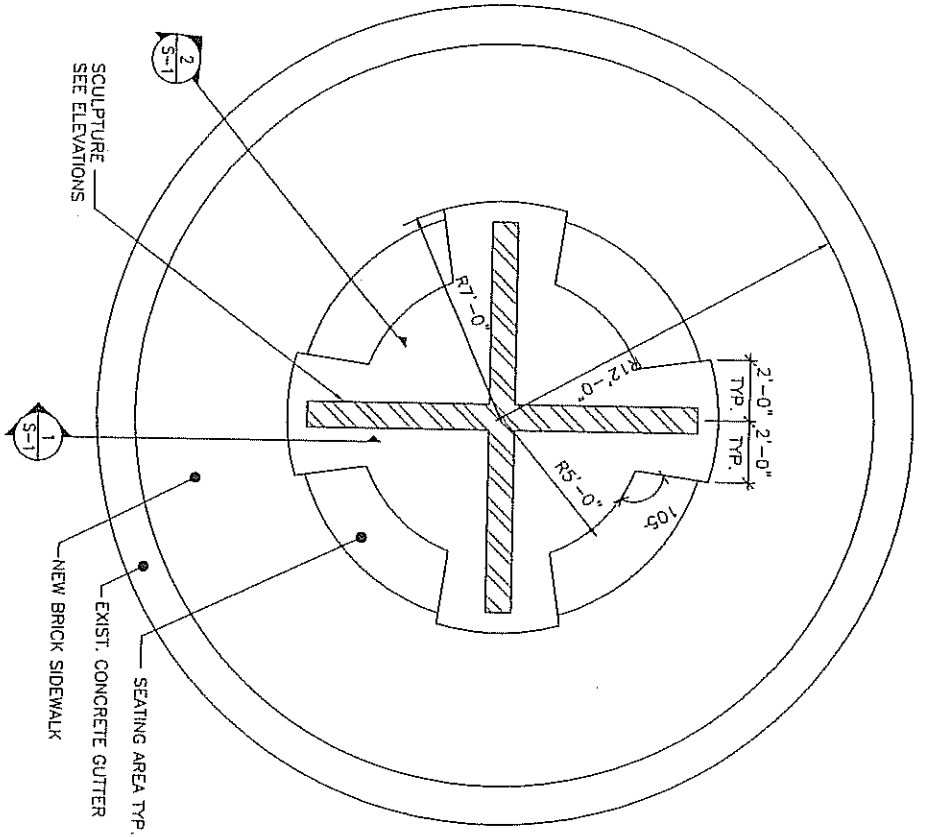


## PARTIAL SITE PLAN

GRAPHIC SCALE





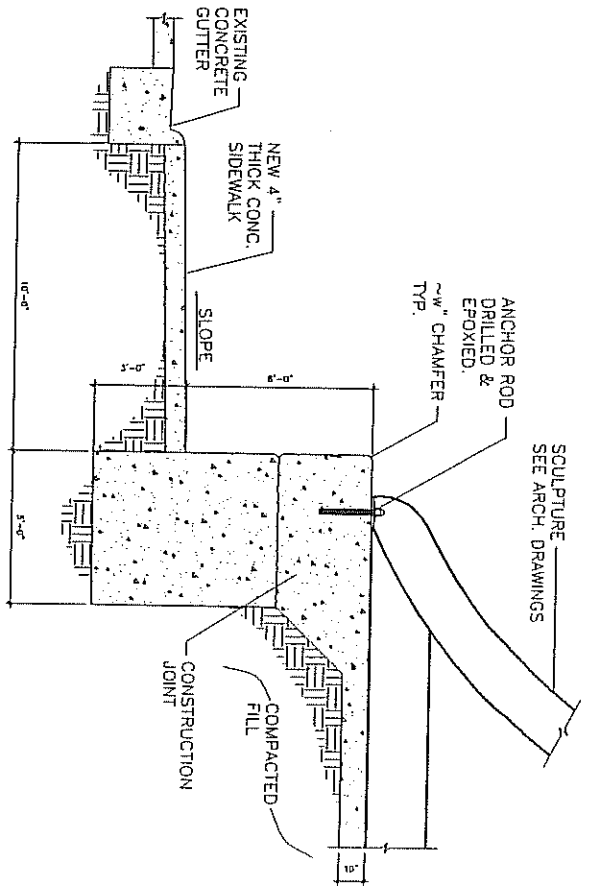


# FOUNDATION PLAN

SCALE 1/4" = 1'-0"

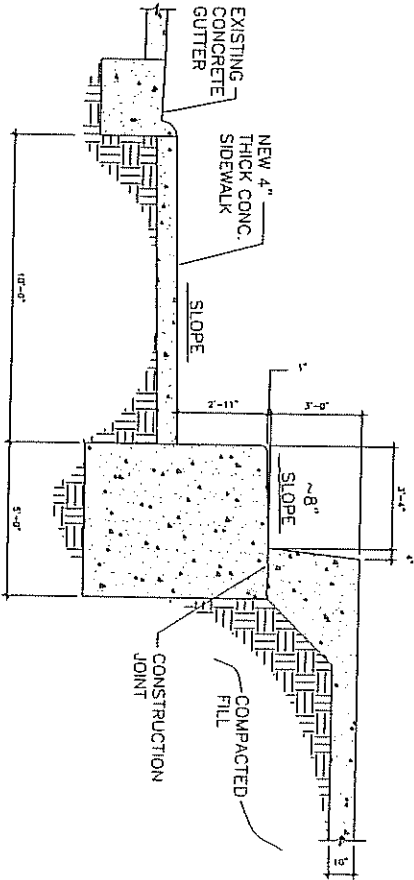
NOTES:

1. ALL CONCRETE TO BE 3000 PSI @ 28 DAYS.



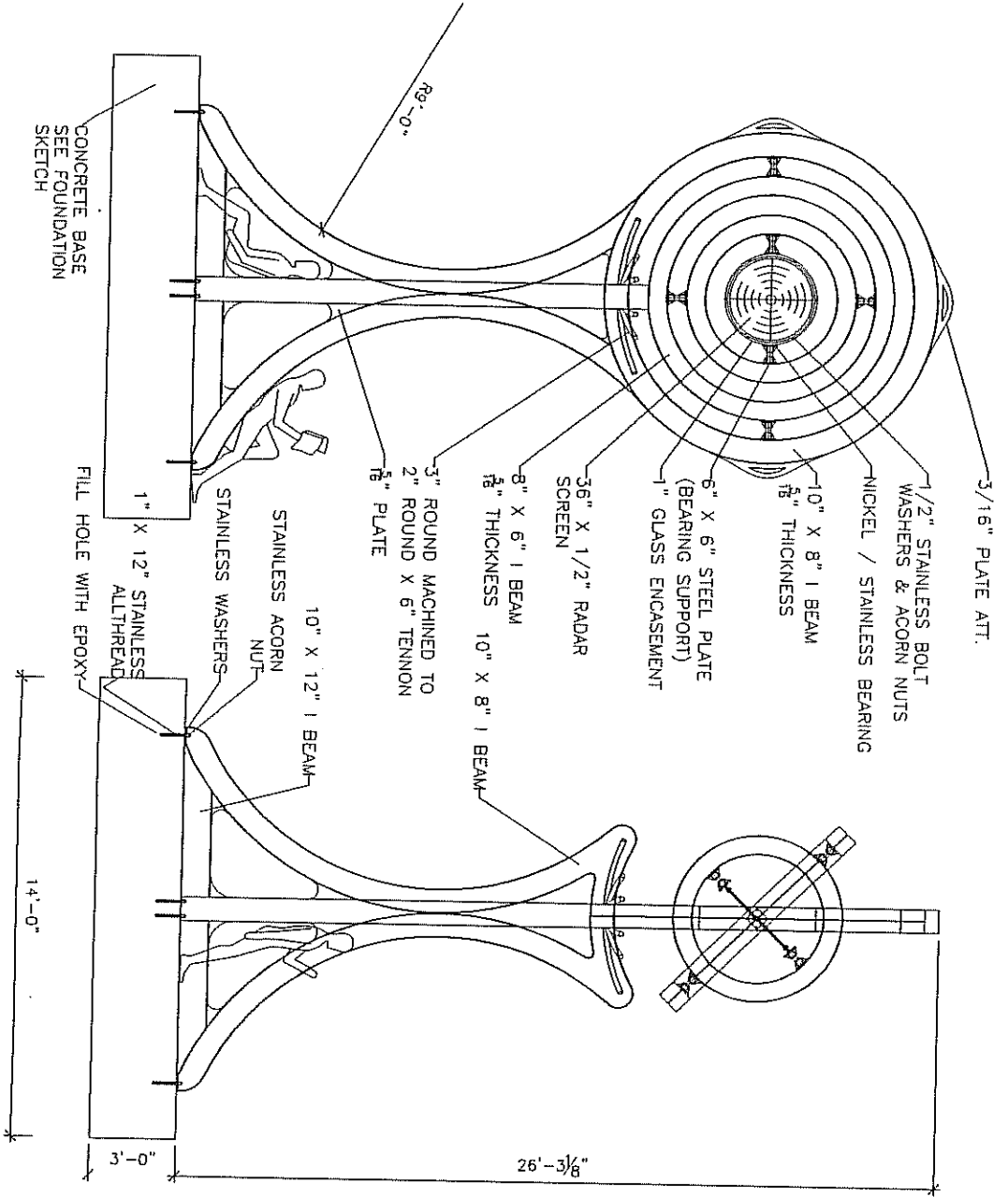
## SECTION

1  
S-1



## SECTION

2  
S-1



PATHFINDER ELEVATIONS 1/4" = 1'-0" 10-13-08